



**Redland**  
CITY COUNCIL

# **MINUTES**

## **SPECIAL MEETING**

**Tuesday, 29 April 2014**

**The Council Chambers  
35 Bloomfield Street  
CLEVELAND QLD**



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## 1 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 2.01pm

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

### MEMBERS PRESENT:

Cr A Beard	Chair, Deputy Mayor & Councillor Division 8
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr K Hardman	Councillor Division 3
Cr L Hewlett	Councillor Division 4
Cr M Edwards	Councillor Division 5 – left the meeting at 2.38pm
Cr J Talty	Councillor Division 6 – left the meeting at 2.38pm
Cr M Elliott	Councillor Division 7
Cr P Gleeson	Councillor Division 9
Cr P Bishop	Councillor Division 10

### EXECUTIVE LEADERSHIP GROUP:

Mr B Lyon	Chief Executive Officer
Mr N Clarke	General Manager Organisational Services
Mrs L Rusan	General Manager Community & Customer Services
Mr A Ross	General Counsel
Mr D Jeanes	Group Manager City Planning & Assessment

### APOLOGY:

Mayor Karen Williams was an apology for the meeting as she is currently out of the office on Council business. The Mayor has previously declared a conflict of interest in this item when the matter has been presented to Council for consideration.

### MINUTES:

Mrs J Parfitt Corporate Meetings & Registers Team Leader

## 3 MATERIAL PERSONAL INTEREST AND CONFLICT OF INTEREST

Nil.

**4 BUSINESS****4.1 COMMUNITY & CUSTOMER SERVICES****4.1.1 COMBINED RECONFIGURATION OF LOTS AND MATERIAL CHANGE OF USE  
315-327 CLEVELAND REDLAND BAY ROAD AND 394 AND 376-386 BOUNDARY  
ROAD THORNLANDS QLD 4164**

**Datworks Filename:** Reports to Coordination Committee - Portfolio 7  
Planning and Development - ROL005698

**Attachments:** [ATTACHMENT 1 - ROL005669 Proposed Plan](#)

[ATTACHMENT 2 - ROL005694 Approved Plan](#)

[ATTACHMENT 3 - ROL005695 Approved Plan](#)

[ATTACHMENT 4 - Proposed Plan](#)

[ATTACHMENT 5 - Location of Proposed Lots](#)

[ATTACHMENT 6 - Zoning Overlay on Aerial Photo](#)

[ATTACHMENT 7 - Tree Plot](#)

**Authorising Officer:**



**Louise Rusan**  
**General Manager Community & Customer  
Services**

**Responsible Officer:**

**David Jeanes**  
**Group Manager City Planning and Assessment**

**Author:**

**Janice Johnston**  
**Senior Planner, Planning Assessment**

**PURPOSE**

This item was adjourned at the General Meeting 23 April 2014 (Item 11.3.1 refers) and is now presented to Special Meeting 29 April 2014 for consideration.

<b>Application type:</b>	Combined MCU and ROL – Impact Assessment
<b>Proposed Use:</b>	Combined - Standard Format Reconfiguration (1 into 8 Lots) & Material Change of Use for Dwelling Houses
<b>Property description:</b>	Lot 3 as approved under ROL005694 (Part of Lot 4 RP856222 and Part of Lot 2 RP154341) and Part of Lot 1 on RP154341
<b>Location:</b>	Part of 315-327 Cleveland Redland Bay Road and 394 and 376-386 Boundary Road, Thornlands
<b>Land area:</b>	Lot 3 has an area of approximately 5570m <sup>2</sup>
<b>Zoning:</b>	CP - Community Purposes - SubArea CP7

<b>Overlays:</b>	OS - Open Space UR - Urban Residential UR - Urban Residential - SubArea UR1 Acid Sulfate Soils Overlay Bushfire Hazard Overlay Bushland Habitat Overlay Flood Storm and Drainage Constrained Land Overlay Road and Rail Noise Impact Overlay South East Thornlands Overlay Waterways Wetlands and Moreton Bay Overlay
<b>Applicant:</b> <b>Landowner:</b>	Ausbuid Pty Ltd Shaicove Pty Ltd, Rapaki Property Pty Ltd As Trustee, Linda Singh, Jaswinder Singh and Joginder Singh Kahlon
<b>Number of public submissions:</b>	43 properly made and 12 not properly made
<b>Properly made date:</b> <b>Decision start date:</b> <b>Decision due date:</b>	4 November 2013 21 February 2014 23 April 2014
<b>Assessment manager:</b> <b>Manager:</b>	Janice Johnston David Jeanes
<b>Recommendation:</b>	Development Permit subject to conditions

This Category 4, impact assessable application is referred to the Coordination Committee for determination.

The development application seeks a Development Permit for Reconfiguration of Lots by Standard Format Plan (1 into 8 Lots) & Material Change of Use (Dwelling Houses). The application has been assessed against the relevant planning instruments and the proposed development is considered to comply with these provisions, as detailed in the assessment under the issues heading of this report. It is therefore recommended that the application be approved.

## BACKGROUND

There are three related applications over the subject lots and the surrounding lots as follows:

- ROL005669 – 6 into 259 lot reconfiguration plus material change of use (dwelling houses). This was an impact assessable application which was refused by Council on 6 November 2013 (officer recommendation was an approval subject to conditions). This refusal is currently being appealed by the applicant. Refer to Attachment 1 for the proposed plan.
- ROL005694 – 3 into 3 lot boundary realignment. This was a code assessable application which separates the part of the development site fronting Boundary Road, generally in line with the open space, residential and community purpose zone boundaries. This application was approved on 8 November 2013. Refer to Attachment 2 for the approved plan.
- ROL005695 - 5 into 244 lot reconfiguration by standard format plan plus material change of use (dwelling houses). This was a code assessable application which included development of Lots 1 and 2 as approved by ROL005694 in addition to sites fronting Cleveland Redland Bay Road. Refer to Attachment 3 for the approved plan.

On 21 March 2014, the applicant changed the application in response to submissions raised during public notification. The advertised version of the application involved a 1 into 12 lot reconfiguration with a 20m wide road reserve. The change resulted in the yield being reduced to 8 lots and the road reserve being increased to 30m wide. In accordance with section 354 of the Sustainable Planning Act (SPA), the IDAS process for the application did not stop. Additionally, Council, as Assessment Manager, determined that the change would not be likely to attract a submission objecting to the thing comprising the change. Hence, in accordance with s354 of SPA, the public notification stage was not repeated.

## **ISSUES**

### **Development Proposal & Site Description**

#### **Proposal**

This application is for a 1 into 8 lot reconfiguration (see Attachment 4). Each lot will have frontage to a future public road. The application also involves an MCU component which seeks approval for building envelopes for future dwellings. Where the future dwellings comply with the envelope as set by the plan of development (POD) table, no further MCU application for a dwelling is needed. Where future dwellings do not comply with the POD, the Redlands Planning Scheme requirements will prevail (or the Queensland Development Code where the scheme does not regulate dwelling houses). The POD includes requirements for future dwelling houses including site coverage, setbacks, height, open space and car parking provision, number of bedrooms and garage setbacks. There are a variety of one and two storey house designs (Ausbuild off the plan designs) which will comply with the POD limits. Each of these Ausbuild house designs has a number of differing facades, rooflines, materials and colour schemes for future owners to choose from.

Access to the site is dependent upon the development approval ROL005695 being acted upon.

#### **Site & Locality**

The site is located within the central portion of the South East Thornlands Structure Plan Area (SETSPA). This central area is bounded by two State controlled roads; Cleveland Redland Bay Road and Boundary Road. The development site is surrounded by a 244 lot subdivision by the same developer, which has been approved by Court Order and depicted in Attachment 5.

The site is part of the wider SETSPA, which has recently been rezoned to allow for accommodation of a significant portion of the expected future population growth within Redland City. As such, the site forms part of an emerging residential community. The current use of the site is for agricultural and hobby farming/rural residential living. The site adjoins the Finlandia Retirement Village.

## **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 Reconfiguration of Lots and Material Change of Use under the Redlands Planning Scheme.

### **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	The site is in the assessable area under the SEQ Koala Conservation SPRP and is within a Koala Broad-Hectare Area. The site is designated as Medium and High Value Rehabilitation. Division 3 of the SPRP applies. This division requires the development design to incorporate movement corridors and food species for koalas. There are no direct requirements for replanting under the SPRP. The subject site is surrounded by land which is intended to be used for residential housing. The site has not been included in the habitat protection overlay of Council's planning scheme indicating that it is not required for the protection of habitat values or greenspace connectivity purposes. The SPRP requirements are considered to be met over the total development site when considered in conjunction with ROL005695. This approval requires replanting (including habitat and food trees) to open space areas, in addition to movement corridors via street tree planting and the buffer planting to roadways.
SPRP (Adopted Charges)	Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.
SPP 4/10 – Healthy Waters	SPP 4/10 was the relevant instrument at the time of application (October 2013). The South-East Thornlands Structure Plan includes regional stormwater quality treatment facilities. The applicant has provided a Stormwater Management Plan to Council, as part of previous applications over the site, that includes MUSIC modelling and addresses treatment of stormwater run-off, as required by the South East Thornlands Structure Plan. The MUSIC modelling demonstrates that the proposed treatment train is effective in removing pollutants. The same MUSIC model remains a valid response under the current relevant instrument (State Planning Policy December 2013).

### **Redlands Planning Scheme**

The application has been received and assessed under the Redlands Planning Scheme version 6. The subject site has multiple zonings however the reconfiguration is over Lot 3 (as approved under ROL005694) and a small section of Lot 1 on RP154341. The proposed development site is completely zoned Community Purposes. Other parts of the site are subject to a separate approval (ROL005695).



### Community Purposes Zoning and South-East Thornlands (SET) Overlay

The site is zoned Community Purposes (CP) and is within sub area CP7 (infrastructure). The purpose of the zone sub area is for the provision of infrastructure, in this case, a collector street. Council's typical road reserve width for a collector street is 18m, however a 50m wide area has been zoned CP7. A road reserve has been proposed and approved as part of ROL005695 and will be constructed and dedicated to the State as part of that application. It is considered that this meets the intent of the zone to provide infrastructure (a collector street) through the area.

Despite this, it is noted that the proposal to establish dwellings within CP zoned land is inconsistent development. However, it is considered that the area of land zoned CP7 is greater in width than needed to provide for the intended infrastructure and that a suitable outcome for the remainder of the area is housing lots, given it is generally unconstrained land within an area earmarked to accommodate significant population growth. The proposed development of lots between 518m<sup>2</sup> and 626m<sup>2</sup> in area, improved by 1-2 storey dwelling houses, is considered to be compatible with the surrounding area and the recent development approval ROL005695.

In terms of the intent of the boulevard, submissions raised during public notification assert that the area was meant to provide a wildlife corridor, linking the northern and southern OS zoned portions of this central part of the structure plan. This is not considered to be the case given that:

- The boulevard area is not designated as environmentally significant under the habitat protection overlay;
- The OS zoned area to the south is designated as greenspace due to it being flood prone land and does not support existing significant vegetation;
- If the boulevard was meant to serve a dual purpose (road and wildlife corridor), it may have been more appropriately included in sub-area CP8 (Future Transport/Greenspace/Trail Corridor) rather than the sub-area designation it was given of CP7 (Infrastructure). It is noted that overall outcomes of the CP zone indicate that CP7 is to be used for provision of infrastructure (such as wastewater treatment plant, waste disposal facilities, pumping stations, electricity substations, local government depots, roads or the like), whereas CP8 indicates that development should limit buildings and structures to that necessary to support the future transport/greenspace/trail corridor.

In terms of the SET Overlay code, the intent of the 50m wide Boulevard is outlined in the overall and specific outcomes as a boulevard style road with substantial landscaped medians and verges providing green pedestrian linkages between Greenspace Sub-Precinct 4d and Sub-Precinct 4f. The applicant initially proposed a 20m road reserve, which was increased to 30m wide in response to submissions against the development and to provide a wider area for street tree planting. The proposed reserve will provide for the required collector street, pedestrian pathway and street tree planting. It is considered that this intent is met by the proposal. Furthermore, it is considered that the development complies with the overall and outcomes of the SET Overlay code as follows:

- The proposal will deliver a density of development that makes efficient use of scarce developable land. This part of the site is generally unconstrained and physically suitable for the proposed development outcome of residential lots.
- The proposal will deliver an efficient and affordable infrastructure network. If the land was used to establish a 50m wide substantially landscaped boulevard, the cost to maintain this area would be borne by Council (and therefore ratepayers). The planting area would directly adjoin residential lots and it is noted that it is this type of interface where the most complaints to Council occur due to overgrown vegetation needing maintenance or removal, as well as other issues such as increased bushfire risk.
- The proposal does not restrict achievement of the overall outcome of the overlay code which requires the provision of a range of recreational opportunities. The overlay code indicates the potential location of recreational facilities within the structure plan area, to meet the accessibility standards identified in the Priority Infrastructure Plan. For a local park, this is 500-800m and for a district park it is 2.5-5km. It is noted that the entire structure plan area is within 2km of the district park (land purchased by Council for future provision). In addition, three local parks are intended to be provided within the structure plan area which will ensure that all areas developed will be within 800m walking distance of a local park. The boulevard area was not intended to provide a park facility, however, has met the intention of providing a pedestrian link and collector street.

Development of residential lots within the CP zoned areas is considered acceptable as long as a collector street and pedestrian link is provided within the central area (to complete the movement network). The planning scheme does not indicate that the CP zoned area is intended to provide a park facility or a wildlife corridor. It is also noted that an overall outcome of the SETSPA is to deliver a density of development that makes efficient use of scarce developable land. Development of the CP zoned areas not physically required for road reserve is considered to assist in achieving this intended outcome.

In relation to impacts on vegetation, it is recognised that Specific Outcome S1.5 requires that buildings and other works are to be located in existing cleared areas and retain koala habitat trees as well as clusters and significant individual other trees which provide valuable landscape and environmental features. It is noted that there is vegetation within the CP zoned area which will be removed for the purpose of creating the 8 residential lots proposed. However, if lots are not supported in this area, it is noted that some of these trees would need removal anyway in order to provide the collector street (30m wide reserve) and the works involved to create the lots approved as part of ROL005695 which adjoin the CP land. Further clearing would also be required to establish a buffer to the adjoining residential lots. Therefore, minimal vegetation within the remaining 20m wide buffer area would be able to be protected and maintained, even if no lots are established. Attachment 6 shows the zoning overlaid on current aerial photography and clearly shows that the majority of the boulevard area is cleared of vegetation and that clearing to provide for a 30m wide road reserve as well as a buffer to the residential zoning, would result in minimal vegetation being retained within this area. The tree plot in Attachment 7 shows the location and number of trees within the boulevard area.

Other parts of S1.5 require koala habitat linkages to be maintained and that the location of buildings and works is to allow koalas to traverse the landscape. Given

that the planning scheme does not indicate that the intent of the boulevard is to provide a wildlife corridor, the proposed development of 8 lots is not considered to impact on the achievement of this outcome. Koala movement outcomes will be achieved through offset planting and rehabilitation within the OS zoned area, as well as street tree planting. S1.5 (1b-ix) requires that, where development unavoidably results in the loss of koala habitat trees, offset planting is carried out at the rate of one tree for every one metre of tree height removed. The applicant has indicated that offset trees will be provided on site within the parkland/OS zoned area.

### Use Code

The proposed development has been assessed against the Dwelling House Code and is considered to generally comply. The most relevant parts of this assessment are discussed below.

Setbacks – The POD includes setback requirements including built to boundary provisions in both the POD table and associated notes. Setbacks proposed are similar to those permitted under the Queensland Development Code (QDC). All lots require stepping back of the upper floor to reduce the bulk of the building. The POD notes allow built to boundary walls to extend to 15m which is longer than that allowed under the QDC (9m), however, the POD plans include built to boundary designations on all lots so that each dwelling has a maximum of a built to boundary wall on one side and a standard setback on the other.

This will assist in assuring there is access down one side of the house for movement of bins and ventilation. The lot layout allows each allotment to have casual surveillance to the street frontage.

Site Cover and Open Space - The POD allows site coverage of 55% which is greater than the QDC allows (50%). The Dwelling House Code indicates that development is to be appropriately sized and located on the site. All housing products will provide areas for parking, servicing and recreation (open space) and the increased site coverage permitted is considered appropriate for maintaining a high quality of residential living.

Access and Parking – The RPS requires 2 spaces per dwelling. A minimum of three parking spaces (which can be in tandem) are required for each of the lots under the POD. Setbacks to garages have been specified for all lots and it is noted that house setbacks are less than garage setbacks to assist in reducing dominance of the garage.

All lots have frontages of approximately 25m, therefore are of sufficient width to allow articulation in the building to detract away from the garage door.

### Overlays

The subject site is affected by multiple overlays however, the part of the site to be subdivided as part of this application (predominantly Lot 3 under ROL005694) is only affected by the Acid Sulfate Soils and South East Thornlands Structure Plan Overlays. The overlays affecting the site are addressed as follows:

**Acid Sulfate Soils Overlay** – The development site has a minimum level of approximately 13.5m AHD. No excavation below 5 metres AHD is proposed within

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the development site, therefore complying with the self assessable criteria of the code. Any acid sulphate soil issues related to servicing the development will be addressed at the operational works stage.

**South East Thornlands Structure Plan Overlay – Addressed above.**

### Other Codes and Policies

The application has been assessed against the following codes:

Code	Assessment/Comments
Access and Parking Code	Assessment of the number of parking spaces is undertaken as part of the Dwelling House Use Code review above.
Development Near Underground Infrastructure Code	There is no existing underground utility infrastructure within the site. QDC MP1.4 applies and assessment will occur as part of building works applications for the future dwellings. Non compliance with the acceptable solutions in QDC MP1.4 will trigger a concurrence agency application.
Domestic Driveway Crossover Code	A condition will require compliance for each individual lot.
Erosion Prevention and Sediment Control Code	Detailed assessment will occur as part of operational works.
Excavation and Fill Code	Concept earthworks plans have been provided for previous applications (ROL005669 and ROL005695) to demonstrate that pad level changes between lots will be satisfactory. Operational works approval will be required.
Infrastructure Works Code	Infrastructure is to be provided in accordance with the relevant provisions and in the locations identified in the SET overlay code. Each lot will be provided with a separate connection to relevant infrastructure.
Landscape Code	No landscaping is required as the public road servicing the development will be provided and landscaped as part of ROL005695.
Stormwater Management Code	<p>As part of ROL005669 and ROL005695, it has been demonstrated that there is an acceptable stormwater solution for the site that satisfactorily deals with the full catchment. This will be constructed as part of ROL005695 allowing these additional 8 lots to connect into the existing infrastructure. In accordance with the Stormwater Management Plan approved as part of ROL005695, it is noted that the stormwater from these 8 lots is to be directed into the Catchment A detention/bio-basin which will be constructed as part of Stages 1 and 2 of ROL005695. Operational works approval will be required to ensure that the infrastructure constructed as part of ROL005695 can accommodate these 8 lots.</p> <p>Specific Outcome S4.2 of the SET overlay code requires the incorporation of measures to reduce reticulated water usage and minimise wastewater production. The current Stormwater Management Plan does not include a requirement to provide rainwater tank with re-use options. In terms of water efficiency, the State Government has recently removed the requirement to install mandatory rainwater tanks in new buildings (through amendments of the Queensland Development Code), indicating that the costs associated with mandated rainwater tanks for new houses generally outweighs the overall benefit to the community. Therefore, following the State Government regulation, it is not possible to require rainwater tank</p>

Code	Assessment/Comments
	provision for water efficiency purposes. Dwelling owners will have the ability to add rainwater tanks in the future if they wish. Further, it is noted that provision of rain water tanks is a building assessment provision, and s78A of SPA prohibits a planning scheme from further regulating such a provision. Where it does, the planning scheme has no effect. Further, S4.2 of the SET overlay code indicates that the measures which integrate water supply, wastewater and stormwater will assist in protecting waterway health by improving stormwater quality and reducing site run off. It is considered that the exclusion of rainwater tanks will not result in reduced water quality as the proposed stormwater treatment facility will be designed to meet relevant standards.
Reconfiguration Code	The minimum lot size supported by probable solutions of the reconfiguration code is 350m <sup>2</sup> . The proposal includes lots with a minimum size of 518m <sup>2</sup> . When considered in conjunction with the surrounding 244 lot approval, the mix of lot sizes proposed is considered to provide housing choice which will suit a variety of consumer needs, whilst using land efficiently. It is considered that the proposed lots and respective dwellings will present an attractive and varied streetscape in this newly developing area, maintain a quality lifestyle and meet the requirements of people with different housing needs. All lots can be adequately serviced.

### Infrastructure Charges

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provision (adopted charges). The total Redland City Council infrastructure charge applicable to this development is **\$196,000.00**.

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

8 lots x \$28,000 (charge for a 3 or more bedroom dwelling)

Minus

Credit for 1 lot (\$28,000)

= \$196,000

### State Referral Agencies

- **Queensland Department of State Development, Infrastructure and Planning (DSDIP)**

The DSDIP provided a referral agency response dated 16 January 2014. The department was notified of the change to the application (reduction from 12 down to 8 lots) in March 2014. Subsequently, an amended concurrence agency response was issued on 1 April 2014. The Department indicated no objection to the proposed development subject to referral agency conditions. The Department's referral response, including conditions, will be attached to Council's Decision Notice.

## Public Consultation

The proposed development is impact assessable and required public notification. The application was publicly notified for 15 business days from 28 January, 2014 to 19 February, 2014. A notice of compliance for public notification was received on 20 February, 2014. During this time, 43 properly made submissions and 12 not properly made submissions were received. It is noted that the public notification of the development was for the originally proposed 1 into 12 lot reconfiguration.

## **Submissions**

The matters raised within the submissions received are outlined below:

1.	<p><b>Issue</b></p> <p>The boulevard is an integral part of the structure plan and provides visual relief to the endless sea of houses/roofs. It forms a living heart to the urban area, a place for people to escape the confines of the densely developed area and provides incentive for walkers to access the open space. Social aspects of the corridor have not been given due consideration. The approved Ausbuild development imposes on the community, a sea of small lot housing that is like a rabbit warren in its design. Such poorly planned close living over such a broad area has been shown to have deleterious social consequences. This makes it all the more important to give residents an 'escape route'. The Australian government project, 'Healthy Spaces and Places: A national guide to designing places for healthy living', indicates numerous health benefits associated with access to public open space and parks, and is linked to a better perceived general health, reduced stress level, reduced depression and more walking. A wide boulevard linking the two major areas of greenspace is far more likely to encourage residents to take healthy exercise than the claustrophobic narrow suburban streets. A boulevard is an asset to the development, something for residents and the community to be proud of. The developer has not demonstrated that there is a need for more lots or that this application benefits the community (to override the planning scheme zoning).</p> <p><b>Officer's Comment</b></p> <p>The boulevard road is zoned community purposes (infrastructure) and is not covered by the habitat protection overlay. It is agreed that a 50m wide planted boulevard would provide an inviting area for both people and fauna and provide good urban amenity. However, it is noted that other overall outcomes of the SETSPA indicate that development should deliver a density that makes efficient use of scarce developable land. Significant areas of the SETSPA are constrained by overlays (such as flood prone or habitat protection) whereas the land within the boulevard zone is generally unconstrained and able to be developed. It is noted that almost 50% of the structure plan area is designated as Greenspace. Further, proposed and approved development within the structure plan area is not considered to be of a high density. Urban breaks and pocket parks and the like are of great importance where high density living is proposed. Within the structure plan area, it is noted that almost half of the total structure plan area is designated as greenspace and that all developable areas are within the required 'accessibility standards' for local and district parks. Therefore, it is not considered that the boulevard is needed to provide future residents with adequate greenspace or parkland within the structure plan area.</p>
2.	<p><b>Issue</b></p> <p>The statutory process to prepare the SET Structure Plan included extensive community consultation and State Government review and endorsement. It is therefore inappropriate to allow development outcomes that are inconsistent with the SET Structure Plan.</p>
	<p><b>Officer's Comment</b></p> <p>The SETSPA, like all codes within the Redlands Planning Scheme, has undergone State review and is a performance based code. Non compliance with probable solutions or specific outcomes does not mean that a development cannot be supported. It is considered that a performance based development solution, which meets the overall outcomes and intent of the</p>

	<p>planning scheme provisions, has been proposed by the developer. Given this, Council officers are recommending approval. It is also noted that the publicly notified version of the structure plan did not include the boulevard area.</p>
<p><b>3.</b></p>	<p><b>Issue</b></p> <p>The 50m wide multi-purpose corridor was included in the structure plan in response to many submissions concerned about the difficulties fauna (including koalas) would have traversing the developed area. The corridor is meant to provide connectivity between the two protected green areas. More houses mean many more cats and dogs. Removal of the Community Purposes corridor makes achievement of S1.5 impossible. The outcome states that measures are to allow koalas to traverse the landscape in which the development is located. The layout design is supposed to minimise the extent to which a koala that is traversing the landscape is impeded from reaching its destination, either within the development site, or on the other side of a development site. Koala habitat trees and clusters of significant other trees are meant to be retained. The boulevard runs through a plantation of koala food trees planted by a previous owner in the early 1990's. These trees are vital to the local koala population as shown by the study carried out by the University of Queensland researchers for Council in 2010. This study shows a female koala (with young) using both the significant trees and the plantation trees (koala food trees planted by a previous owner in the early 1990's). Residents were advised that the Community Purposes designation of the Boulevard was the strongest protection of the central corridor and giving it a dual purpose was the best way of ensuring it remained in perpetuity. If Council allows it to be removed it is a gross betrayal of the community and the hundreds of people who worked to soften the worst impacts of the Structure Plan. The development contravenes the Redlands City Councils policy statements in the Redlands Koala Policy and Implementation Strategy.</p>
	<p><b>Officer's Comment</b></p> <p>As indicated above, an overall outcome of the SETSPA indicates that development should deliver a density that makes efficient use of scarce developable land. It is considered that koala habitat linkages have still been maintained (the greenspace portion of the site) and development allows Koala movement through the landscape via street tree planting and planting within the open space and vegetated acoustic buffer area. It is noted that the structure plan did anticipate tree removal as Specific Outcome S1.5 (b)(ix) requires offset planting. The habitat overlay code does not indicate that the boulevard is required for the purpose of a wildlife corridor and it is also noted that the OS zoned area to the south of this central precinct is designated as greenspace due to it being flood prone land. Therefore, the boulevard is not considered to provide a wildlife corridor link between two significant areas of existing vegetation.</p>
<p><b>4.</b></p>	<p><b>Issue</b></p> <p>Offset plantings will not help the local koala population. The developer has agreed to replace the over 300 koala food trees that will be removed with thousands of offset trees. This has been exposed as fraud as there is no room in the small amount of open space to plant such numbers. In any case, planted trees will not help the existing local population survive the loss of so many of their food trees as they will not be of a size to be used for many years. The loss of so many koala food trees will cause the resident koalas a severe food shortage and lead to their death.</p> <p><b>Officer's Comment</b></p> <p>The reference to over 300 trees does not apply to this development. This was the number of trees to be removed as part of the proposal for 259 lots over the full Ausbuild landholdings, which included both the residential zoned area and the boulevard. The tree plot indicates that there are approximately 46 trees to be removed within the boulevard area. If the 8 lots are not approved and the area is maintained as a boulevard, it is noted that some of these trees would still be removed for the collector street road reserve (pavement and pathways), as well as the provision of a buffer to the adjoining residential areas and those trees unavoidably damaged during construction.</p> <p>Conditions of approval will require planting of trees (where they can be accommodated on site) or alternatively, payment of a monetary offset to Council. Council will then be able to use the funds to plant recipient sites within the SETSPA and surrounding areas. Details of the exact</p>

	<p>number of replacement trees and potential replanting location and density will be supplied as part of operational works. The parts of the site which are designated under the habitat protection overlay code and open space zoning indicate where wildlife corridors should be strengthened.</p>
5.	<p><b>Issue</b></p> <p>Small lot housing is taking away the very lifestyle that most of us moved to the Redlands for. The resulting development is going to cause congestion (Cleveland Redland Bay Road is already at or above capacity at peak times) and residents will have little access to green space, little chance of local employment and a very crowded residential area. Blocks are too small for families. The so called affordable housing will only bring to this community, demographic problems associated with a dense population (graffiti, vandalism, theft, drugs and the whole host of community costly issues). The area is fragile and a minimum of acreage developments with building envelopes and covenants to protect the native population should be provided.</p> <p><b>Officer's Comment</b></p> <p>The addition of 8 lots is not considered to have a significant impact on traffic congestion or overcrowding/overuse of public facilities, especially in an area which has been designed to accommodate significant population growth through a structure planning process. The proposal includes lots sized between 518m<sup>2</sup> and 616m<sup>2</sup> which exceeds the minimum lot size identified in the planning scheme of 350m<sup>2</sup>. When considered in conjunction with the surrounding development approval for 244 lots, the density of development over the central part of the SETSPA complies with the intended outcomes for the site.</p>
6.	<p><b>Issue</b></p> <p>In the Development Assessment Report, the applicant asserts conspiracy to circumvent the planning scheme, stating that "Subject to previous discussions with Council, it was agreed to change the classification of this road from Boulevard to a Collector Street". If this is true, it is a remarkable example of planning officers exceeding their powers and colluding with developers to undermine a fundamental aspect of the planning scheme. This document went through years of the statutory processes of community consultation and two State Government interest checks. To have important aspects dismissed at the whim of the present planning officers is completely unacceptable. At best, this shows incompetence in the failure of these officers to understand the significance of these aspects, and at worst, conspiracy to benefit the applicants by financial gain.</p> <p><b>Officer's Comment</b></p> <p>In January 2013, Council entered into a development partnership with Ausbuild, to undertake a pre-application design process under the Development Assessment Process Reform – Operational Works and Large Subdivisions (DAPR OWLS) partnering process, created by the SEQ Council of Mayors. The process aims to facilitate agreements regarding a potential development proposal through a pre-application design process, whereby issues are resolved prior to lodgement of the application. Council officers and Ausbuild undertook a number of meetings under this process, discussing issues including density and lot sizes, access, infrastructure charging, the boulevard zone and servicing. The process aims to reach agreement on issues at an officer level. The final decision on the application and conditions is to be made under the statutory process governed by the Sustainable Planning Act and by the relevant delegate (in this case, the decision will be made by the elected representatives).</p>
7.	<p><b>Issue</b></p> <p>Has the development to the south of Ausbuild (approved through the code assessable process) provided part of the boulevard? If so there are equity issues raised with the preferential treatment of one developer over another</p> <p><b>Officer's Comment</b></p> <p>The application to the south (MCU012923) was for a multiple dwelling proposal with all development proposed outside of the CP7 zoned boulevard, hence was a code assessable application. The owner of that site has lodged a separate impact assessable reconfiguration approval (ROL005681) proposing lots within the boulevard. This application is currently on hold pending the applicant's response to the information request. Once they have responded, the application will be publicly notified and assessed on its merits.</p>



<b>8.</b>	<p><b>Issue</b> The houses will be purchased by investors.</p> <hr/> <p><b>Officer's Comment</b> This is not a town planning matter.</p>
<b>9.</b>	<p><b>Issue</b> Our property is directly and negatively affected by these proposals and we believe this is being rushed through without satisfactory public consultation or notification. The process has been unsatisfactory and appears to have been designed to reduce resident's ability to object. The boulevard needs to be constructed to form a proper connection through the planned traffic lights as originally planned and agreed. No minor feeder roads or temporary intersections to maximise developer profits at the expense of existing residents, safety, wildlife and the general community should ever be considered by Council.</p> <hr/> <p><b>Officer's Comment</b> The application has undergone public notification in accordance with the Sustainable Planning Act requirements. The structure plan does not require a signalised intersection at the northern part of the structure plan (along Cleveland Redland Bay Road). Additionally, this application does not include construction of that intersection.</p>

### **Deemed Approval**

This application has not been deemed approved under Section 331 of the *Sustainable Planning Act 2009*.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

In accordance with the *Sustainable Planning Act 2009*, this development application has been assessed against the Redlands Planning Scheme and other relevant legislation. The decision is due on 23 April 2014.

#### **Risk Management**

Standard development application risks apply. In accordance with the *Sustainable Planning Act 2009* the applicant may appeal to the Planning and Environment Court against a condition of approval or against a decision to refuse. A submitter also has appeal rights.

#### **Financial**

If approved, Council will collect infrastructure contributions.

If the development is refused, there is potential that an appeal will be lodged and subsequent legal costs may apply.

#### **People**

Not applicable. There are no implications for staff.

#### **Environmental**

Environmental implications are detailed within the assessment in the "issues" section of this report.

## Social

Social implications are detailed within the assessment in the “issues” section of this report.

## Alignment with Council's Policy and Plans

The assessment and officer’s recommendation align with Council’s policies and plans as described within the “issues” section of this report.

## CONSULTATION

The assessment manager has consulted with other internal assessment teams where appropriate. Advice has been received from relevant officers and forms part of the assessment of the application.

## OPTIONS

The development application has been assessed against the Redlands Planning Scheme and relevant State planning instruments. The development is considered to comply with the instruments and it is therefore recommended that the application be approved subject to conditions.

Council’s options are to either:

1. Adopt the officer’s recommendation to approve the application subject to the proposed conditions; or
2. Approve the application subject to amended conditions; or
3. Refuse the application (grounds of refusal would need to be established).

## OFFICER’S RECOMMENDATION

That Council resolve that a Development Permit be issued subject to conditions for Reconfiguration of Lots by Standard Format Plan (1 into 8 Lots) & Material Change of Use (Dwelling Houses) on land described as Part of Lot 4 on RP856222 and Part of Lot 2 on RP154341 (being Lot 3 as approved under ROL005694) and Part of Lot 1 on RP154341, and situated at 376-386, 392 and 394 Boundary Road and 315-327 Cleveland Redland Bay Road, Thornlands.

### SECTION 1 - PERMIT TO WHICH THE FOLLOWING CONDITIONS RELATE:

#### DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOTS BY STANDARD FORMAT PLAN - 1 INTO 8 LOTS

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.	
<u>Commencement of Works</u> 2. Do not commence operational works relating to the reconfiguration of lots authorised by this Development Permit, until the Survey Plan for Stages 1 through to 3 of the related reconfiguration approval, Council reference ROL005695, have been endorsed by Council and issued with a dealing number by the Department of Natural Resources and Mines.	Prior to site works commencing.

<u>Approved Plans and Documents</u>										
3.	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.								
<table border="1"> <thead> <tr> <th>Plan/Document Title</th> <th>Reference Number</th> <th>Prepared By</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Plan of Development – Stage 4b (as amended by Council)</td> <td>ASB22-POD ST4b Rev A</td> <td>PLACE Design Group</td> <td>27.11.2013</td> </tr> </tbody> </table>			Plan/Document Title	Reference Number	Prepared By	Date	Plan of Development – Stage 4b (as amended by Council)	ASB22-POD ST4b Rev A	PLACE Design Group	27.11.2013
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Plan of Development – Stage 4b (as amended by Council)	ASB22-POD ST4b Rev A	PLACE Design Group	27.11.2013							
Table 1: Approved Plans and Documents										
4.	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.								
<u>Existing Structures</u>										
5.	Demolish or relocate/remove or obtain the relevant approvals for all existing structures on site, including all slabs and footings, in accordance with the approved plan(s) and cap all services prior to demolition commencing.	Prior to Council approval of the Survey Plan.								
6.	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.								
<u>Utility Services</u>										
7.	Relocate any services (e.g. 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.								
8.	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.								
9.	Design and install underground electricity and telecommunication conduits to service lots 145 to 152 in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works Code, South East Thornlands Structure Plan Overlay Code (S4.3 and S4.4) 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.								
<u>Land Dedication and Design</u>										
10.	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. <ul style="list-style-type: none"> <li>a) Stormwater drainage easements in favour of the upstream lots where the proposed stormwater reticulation systems serve more than 2 lots and/or the reticulation system(s) are QUDM Level III.</li> <li>b) Sewerage purposes, in favour of Redland City Council, over sewerage rising mains, any gravity sewer located on private property and for access to sewer, from a front boundary to a rear boundary, where a sewer maintenance structure is located in any private lot;</li> <li>c) Water supply purposes, in favour of Redland City Council, over water mains where located in private property or open space.</li> </ul>	As part of the request for compliance assessment of the Survey Plan.								

<p>d) Access, construction and maintenance of utility services over proposed Lots, where necessary, and identified on approved operational works detailed design drawings, in favour of Redland City Council and other utility operators and their agents; or for access purposes prior to road dedications on adjoining land.</p>	
<p>11. Dedicate all land included in the '30m wide Boulevard Road', as indicated on the approved plans, to the State with Council as trustee, for the following purposes: a) Road.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><u>Split Valuation</u></p>	
<p>12. 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><u>Access and Roadwork's</u></p>	
<p>13. Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, service and footpaths as specified in accordance with the standards in the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>14. Design the '30m wide Boulevard Road' indicated on the approved plan titled 'Plan of Development – Stage 4b', with the road pavement being centrally located within the 30m wide reserve. The road pavement must have a minimum width of 11 metres. Provide details of the road pavement, services alignment, street trees, street lighting, traffic calming and footpaths.</p>	<p>As part of the application for Operational Works.</p>
<p><u>Stormwater Management</u></p>	
<p>15. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management:</p> <ul style="list-style-type: none"> <li>• In accordance with the concept Stormwater Management Plan, prepared by Lambert &amp; Rehbein, dated 1st August 2013, Job Ref - B12431ER001REV1; and</li> <li>• To a lawful point of discharge being the detention basin for Catchment A as outlined in that concept plan.</li> </ul>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner. Ongoing condition.</p>
<p>16. 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. Ongoing condition.</p>
<p>17. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with the 'Proposed South East Thornlands (SET) Central Residential Development, Boundary Road and Cleveland Redland Bay Road, Redlands – Stormwater Management Plan', prepared by Lambert &amp; Rehbein dated 1 August 2013 (Ref: B12431ER001 Rev1), and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and the following:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the stormwater infrastructure constructed as part of ROL005695 will have sufficient capacity to accommodate stormwater discharge from the lots created as part of ROL005698 (from both a quantity and quality perspective).</li> <li>• Identify how and when the 8 lots approved will be connected to the stormwater infrastructure constructed as part of ROL005695.</li> </ul>	<p>As part of the application for Operational Works.</p>

<u>Water and Wastewater</u>	
18. 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 on maintenance or Council approval of the Survey Plan, whichever is the sooner.
<u>Excavation and Fill</u>	
19. 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. Limit all retaining walls to a maximum of one (1) metre in height.	As part of the application for Operational Works.
<u>Sediment and Erosion Control</u>	
20. 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.
<u>Survey Control Information</u>	
21. 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.
22. 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.
23. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch: <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> Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i> .	As part of the request for compliance assessment of the Survey Plan.
<u>Koala Habitat Trees</u>	
24. Confirm details of koala habitat trees to be removed and locate offset trees to be planted, in accordance with the Landscape Master Plan and Design Intent and Tree Retention Plans approved as part of application reference ROL005695. Replace all koala habitat trees to be removed at a rate of one (1) tree for every one (1) metre of tree height removed, by either: <ul style="list-style-type: none"> <li>• replanting the applicable number of koala habitat trees; or</li> <li>• paying an equivalent Koala tree off-set monetary contribution prior to plan signing to Council (as per the Council's schedule of fees and charges which is current at the time of payment, or, as agreed by Council in writing); or</li> <li>• implementing a combination of both planting and payment of the contribution that is to be equivalent to the total number of trees to be replaced.</li> </ul> Where replanting is proposed, as part of operational works: <ul style="list-style-type: none"> <li>• confirm details to Council of the recipient sites located within Lot 2</li> </ul>	As part of the application for Operational Works.

<p>RP 154341 and Lot 6 RP 14839. Replant Koala habitat trees only on approved recipient sites; and</p> <ul style="list-style-type: none"> <li>• provide details of the location, species, soil and mulch treatment with a maintenance plan for the trees to achieve non-juvenile koala habitat tree status.</li> </ul>	
<b><u>Contaminated Land Assessment</u></b>	
<p>25. Submit further investigations including a Stage 2 Detailed Site Investigation and Stage 3 Health and Environmental Assessment and Determination of Remediation Plan to Council. Provide a Stage 4 Implementation of Remediation Plan and Validation Sampling plan where remediation of the site is required.</p>	<p>As a part of the application for Operational Works.</p>
<b><u>Landscaping Works</u></b>	
<p>26. 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>

### **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.

- Building works – demolition:
  - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development. Referral Agency Assessment through Redland City Council is required to undertake the removal works.
- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Access and roadwork's;
  - Earthworks and site works;
  - Stormwater drainage and management;
  - Water supply and reticulation;
  - Sewerage supply and reticulation;
  - Sediment and erosion control;
  - Electricity reticulation;
  - Street tree planting; and
  - Koala habitat tree replanting.

### **SECTION 2 - PERMIT TO WHICH THE FOLLOWING CONDITIONS RELATE:**

#### **DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – DWELLING HOUSES**

<b><u>ASSESSMENT MANAGER CONDITIONS</u></b>	<b><u>TIMING</u></b>
<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 2, subject to the conditions of this approval and any notations by Council on the plans.</p>	<p>Prior to the use commencing and ongoing.</p>

Plan/Document Title	Reference Number	Prepared By	Date
Plan of Development – Stage 4b (as amended by Council)	ASB22-POD ST4b Rev A	PLACE Design Group	27.11.2013

Table 2: Approved Plans and Documents

<u>Commencement of Works</u>		
3.	Do not commence building and/or plumbing and drainage works for any Dwelling House, authorised by this Development Permit, until the Survey Plan for the proposed lot has been endorsed by Council and issued with a dealing number by the Department of Natural Resources and Mines.	Prior to site works commencing for each individual lot.
<u>Design</u>		
4.	Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.	Prior to the use commencing and ongoing.
5.	Undertake any required excavation and fill works in accordance with the following: <ol style="list-style-type: none"> <li>Design retaining walls/structures to have a minimum design life of 60 years and to be in accordance with Australian Standard 4678:2002 – Earth Retaining Structures (as amended).</li> <li>Undertake compaction in accordance with Australian Standard 3798:2007 – Guidelines on earthworks for commercial and residential developments (as amended) and Australian Standard 2870:2011 – Residential Slabs and Footings (as amended).</li> <li>Comply with the relevant requirements of the Building Regulations 2006 (as amended) where involving gradients or embankments.</li> </ol>	During construction.
6.	Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) Section 3.02 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works.	During construction.
7.	Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.	Prior to the use commencing.
8.	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 at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner.	At the time of works occurring.
<u>Services and Infrastructure</u>		
9.	Construct the driveway crossover in accordance with Council's Standard Drawing No. R-RSC-2 where kerb and channel exists. Locate the driveway crossover so that there is no removal or damage to existing street trees.	Prior to the use commencing.
10.	Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to: <ul style="list-style-type: none"> <li>A lawful point of discharge.</li> </ul>	Prior to the use commencing and ongoing.
11.	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 the use commencing and ongoing.

### 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.

- Building Works approval.

### SECTION 3 - REFERRAL AGENCY CONDITIONS

- Queensland Department of State Development, Infrastructure and Planning (DSDIP)  
Refer to the attached correspondence from the DSDIP dated 1 April 2014 (reference SDA-0114-007233).

### SECTION 4 - ASSESSMENT MANAGER ADVICE

- Other Approvals  
Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:
  - Plumbing and drainage works.
  - Road Opening Permit – for any works proposed within an existing road reserve.
- 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. It is recommended that contact 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.
- Bushfire Hazard  
Council's Bushfire Hazard Overlay identifies part of the site as a medium bushfire hazard. Further advice on this matter should be sought from a building certifier.
- 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.
- 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.
- 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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  - **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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  - **Queensland Development Code (QDC) MP1.4 – Building on or near relevant infrastructure**  
Future building works applications for dwellings will need to be assessed against the QDC MP1.4 and may trigger referral agency assessment under the Sustainable Planning Regulation, Schedule 7, Table 1, Item 27A.
- 

On being put to the vote the motion was **LOST** 4/6

Crs Boglary, Ogilvie, Hewlett, Elliott, Gleeson and Bishop voted against the motion.

Cr Williams was absent from the meeting.

Crs Edwards and Talty left the meeting at 2.38pm.

**COUNCIL RESOLUTION**

Moved by: Cr M Elliott  
Seconded by: Cr L Hewlett

That Council resolve that the Officer's Recommendation not be accepted and that the application be refused on the following grounds:

1. Non compliance with the overall outcomes of the Community Purposes Zone Code as follows:

1.1. 4.2.7(2)(a) Uses and Other Development (i) (g) In sub area CP7-providing infrastructure such as wastewater treatment plant, waste disposal facilities, pumping stations, electricity sub –stations, local government depots, roads or the like.

The application is for 8 lots to build dwelling houses. The application is in conflict with the overall outcomes of the zone code.

1.2. 4.2.7(2)(b) Built form and Density (ii) Uses and other development have a site layout that – (d) – minimise environmental impacts and emissions, specifically noise or odour;

The application requires the removal of all existing vegetation in the zone. The application is in conflict with the overall outcomes of the zone code.

1.3. 4.2.7(2)(c) Amenity (i) Uses and development achieve a high standard of amenity by (b) protecting and enhancing of places of cultural significance or streetscape value;

The application requires removal of all existing vegetation in the zone. The application is in conflict with the overall outcomes of the zone code.

1.4. 4.2.7(2)(c) Amenity (i) Uses and development achieve a high standard of amenity by (c) providing a landscape setting appropriate to the specific use and that complements surrounding development.

The application requires the removal of all existing vegetation in the zone. The application is in conflict with the overall outcomes of the zone code.

1.5. 4.2.7(2)(d) Environment (i)Uses and other developments minimise adverse impacts on environment and scenic values by (d) minimising the need to clear native plants.

The application requires the removal of all existing vegetation in the zone. The application is in conflict with the overall outcomes of the zone code.

2. Non Compliance with the Specific Outcomes of the Community Purposes Zone Code;

Uses and other Development

2.1. S1.1 Uses identified as inconsistent in Table 1 are not established in the zone. P1.1 No probable solution identified.

A dwelling house is an inconsistent use of the zone; the application does not address the Specific and Probable solutions of the Zone code. The application is in conflict with the Zone Code.

- 2.2. S1.2 Uses serve the community by providing a range of facilities and services, and are limited to those expected in specific sub areas - (g) A dwelling house is not a 'range of facilities or services' expected in this zoning. The application does not address the Specific and Probable solutions of the Zone Code. The application is in conflict with the Zone Code

3. Non compliance 5.14.7 Overall Outcomes of the South-east Thornlands Structure Plan Overlay Code

- (1) The overall outcomes are the purpose of the South-east Thornlands Structure Plan Overlay Code.  
 (2) The overall outcomes sought for the South-east Thornlands Structure Plan Overlay Code are described by four (4) key characteristics – one of these is

(b) Movement Network

- (i) uses and other development reinforce a safe, integrated, highly accessible and interconnected road network that:

e. incorporates boulevard style roads with substantial landscaped medians and verges providing green pedestrian linkages between:

- Greenspace Sub-Precinct 4d – Thornlands Creek Corridor and
- Greenspace Sub-Precinct 4f – Flood prone area – Central Open Space;

The application is for 8 lots for dwelling houses. This is in conflict with the overall outcomes of the South East Thornlands Structure plan.

4. Non compliance 5.14.8 Specific Outcomes and Probable Solutions applicable to Assessable Development.

The application does not address the Specific Outcomes S1.1, S2.1, S2.4, S2.5 and Probable solutions P1.1, P2.1, P 2.4 and P2.5. of the South east Thornlands Structure Plan. The application is in conflict with the structure plan.

Specific Outcomes		Probable Solutions	
S1.1	<u>Land Use Precincts</u> (1) Provide for a range of uses and other development that contribute to the creation of an integrated urban community in accordance with Map 1 – Land Use Precincts.	P1.1	(1) No probable solution identified.
S2.1	<u>Movement Network</u> (1) Principal streets that include trunk collector and collector streets are	P2.1	(1) No probable solution identified.

<b>Specific Outcomes</b>		<b>Probable Solutions</b>	
	<b>provided generally in accordance with Map 2 – Road Movement Network Plan.</b>		
<b>S2.4</b>	<b>(2) The boulevard road identified on Map 2 – Road Movement Network Plan, located between Greenspace Sub-precinct 4d Thornlands Creek Corridor and Greenspace Sub-precinct 4f – Central Open Space and Flood Prone Area shall be a minimum width of 50m.</b>	<b>P.2.4</b>	<b>(1) No probable solution identified.</b>
<b>S2.5</b>	<b>(1) All roads and streets are landscaped with native plants including koala food trees to provide shade and to assist with the movement of koalas and other fauna, and enhance visual amenity.</b>	<b>P.2.5</b>	<b>(1) No probable solution identified.</b>

**CARRIED 6/2**

Crs Hardman and Beard voted against the motion.

Crs Edwards and Talty were not present when this motion was put.

Cr Williams was absent from the meeting.

## **5 MEETING CLOSURE**

There being no further business, the Deputy Mayor declared the meeting closed at 2.43pm.

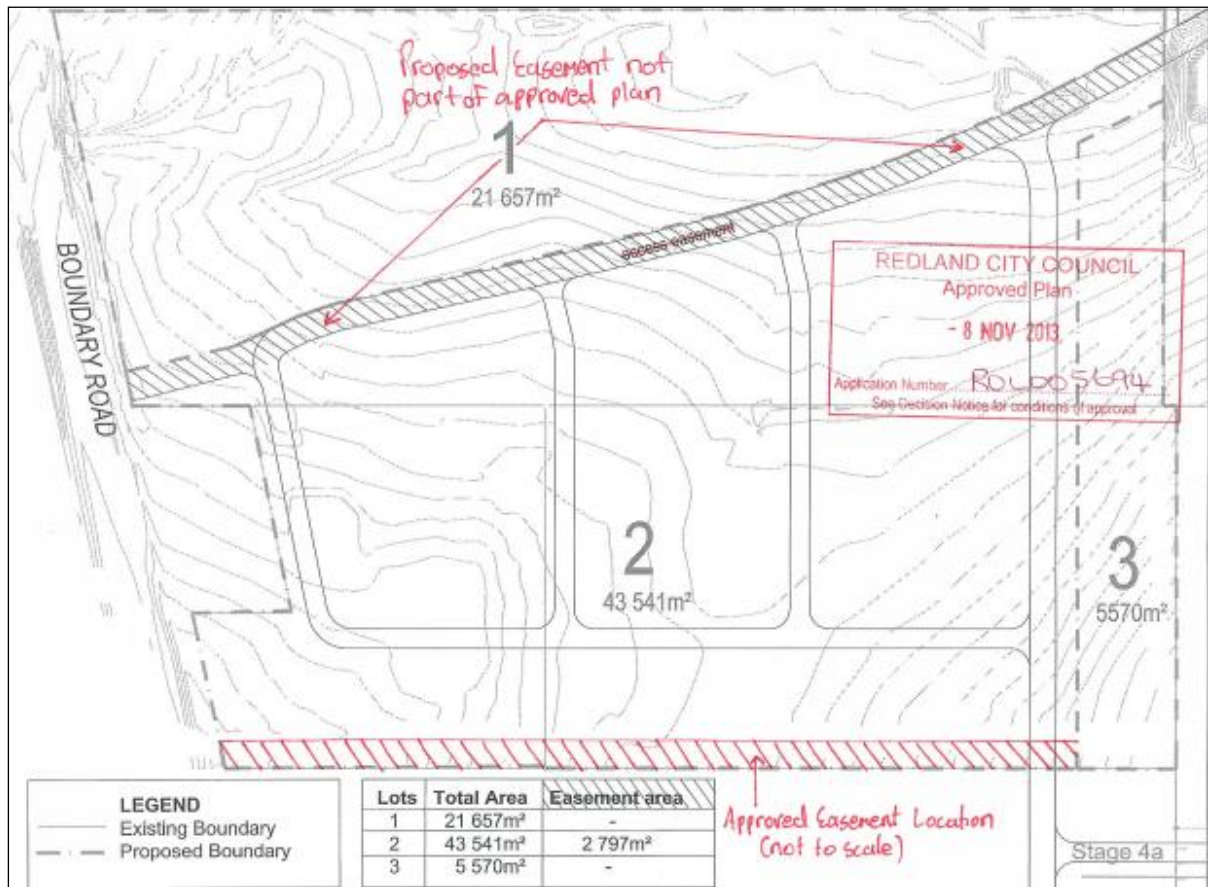
Signature of Chairperson: \_\_\_\_\_

Confirmation date: \_\_\_\_\_

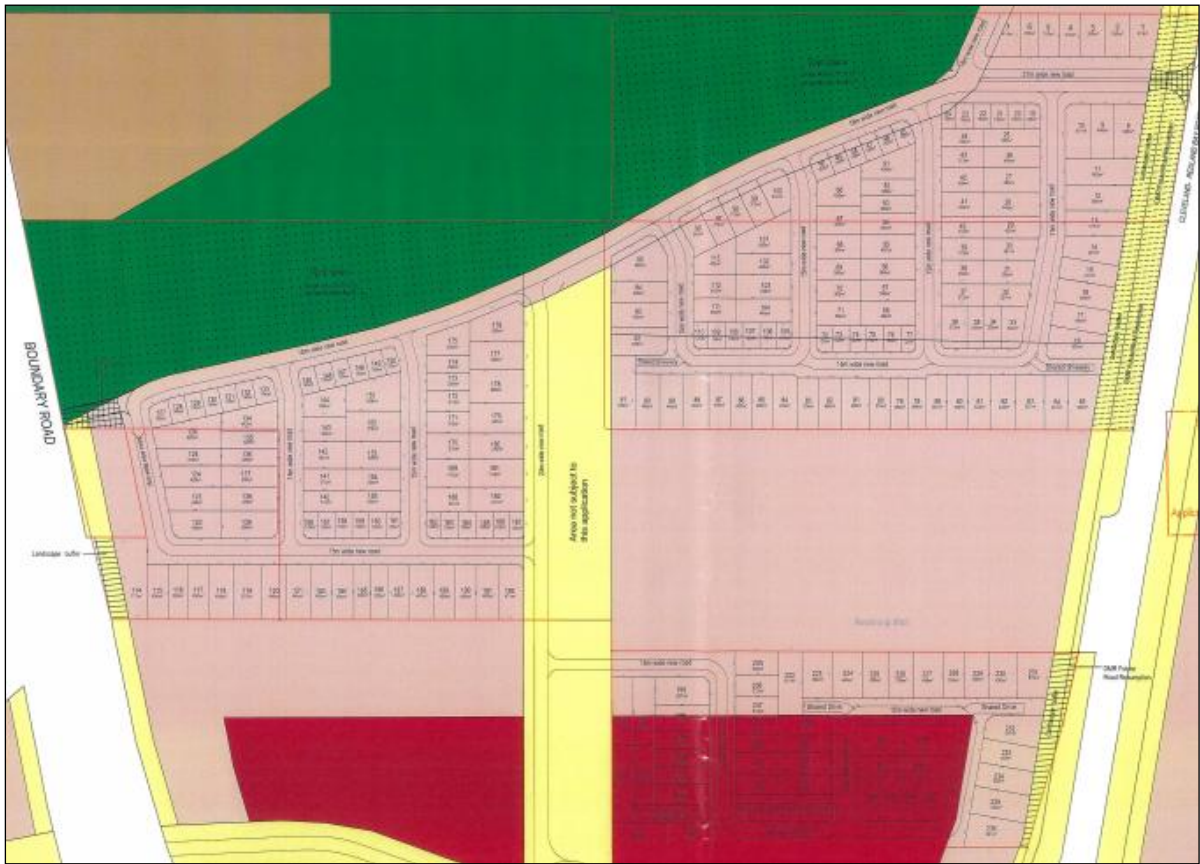
**Attachment 1 – ROL005669 proposed plan (6 into 259 lots – impact assessable)**



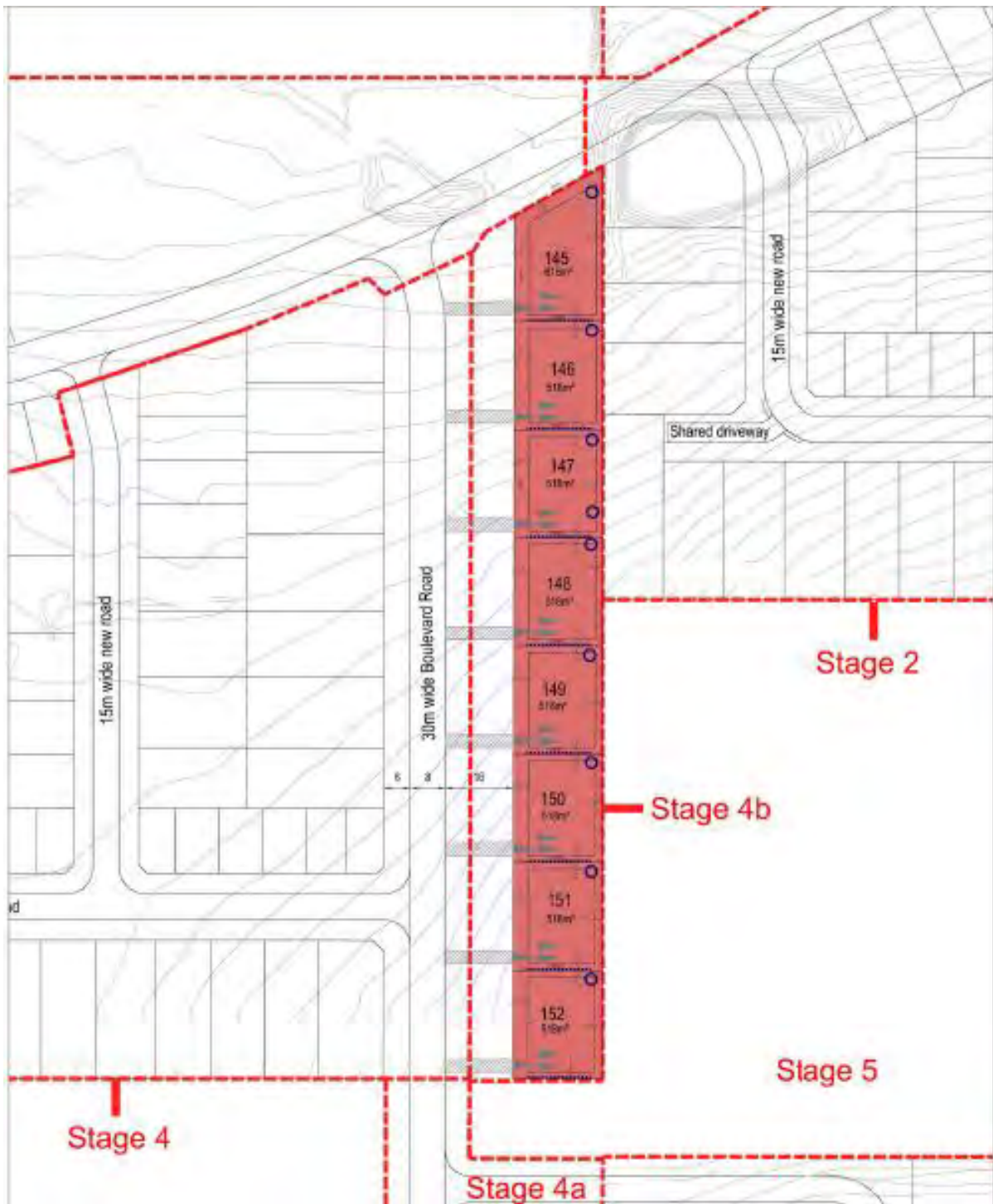
**Attachment 2 – ROL005694 approved plan (3 into 3 lot boundary re-alignment)**



**Attachment 3 – ROL005695 approved plan (5 into 244 lots – code assessable)**



Attachment 4 – Proposal plan





**Attachment 5** – Location of proposed lots in relation to ROL005695 approval



**Attachment 6 – Zoning overlaid on aerial photo**



Attachment 7 – Tree plot (boulevard on the right)

