

19.2 PROPOSED MAJOR AMENDMENT (ENVIRONMENTAL PACKAGE)

Objective Reference:

Authorising Officer: Louise Rusan, General Manager Community & Customer Services

Responsible Officer: David Jeanes, Group Manager City Planning & Assessment

Report Author: Jodi Poulsen, Principal Environmental Strategic Planner

Attachments:

1. Proposed Environmental Significance Overlay Map - Confidential
2. Proposed Amendments - Table of Assessment - Confidential

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (h) *other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

PURPOSE

On 10 October 2018 Council resolved to:

1. Commence a major amendment to Redland City Plan (City Plan) to reflect the principles of the Wildlife Connections Plan 2017, in accordance with Chapter 2, Part 4, Clause 16.1 of the Minister's Guideline and Rules under the *Planning Act 2016*;
2. Endorse the drafting principles, as outlined in Attachment 1[to the report], to inform the proposed major amendment of City Plan;
3. Maintain the contents and attachment of this report as confidential until such time that the amendment package is released for public consultation, subject to Council and Ministerial approval.

The purpose of this report is to:

1. Seek Council approval to submit the contents of the proposed Major Amendment (Environmental Package) to the Planning Minister for the purpose of State Interest Review. This package includes consequential amendments to integrate the *Wildlife Connections Plan* (WCP) prepared in accordance with Item 19.1 of the General Meeting of Council 10 October 2018.
2. Provide advice to Council regarding the outcomes of further investigations undertaken to determine the need to elevate the level of assessment for a range of uses and other development from acceptable to accepted subject to requirements, or code assessment on land located within the Established and Regional Riparian Corridors as identified within the WCP.

BACKGROUND

The report to the General Meeting on 10 October 2018 (Item 19.1) provided a detailed overview of the history and context of the Wildlife Connections Plan (WCP), the State Regulatory Framework, the Local Regulatory Planning Framework and the proposed Integration of the WCP into the City Plan. At that meeting Council resolved to commence a major amendment to the City Plan to reflect the WCP subject to an agreed number of drafting principles.

These agreed drafting principles were set out in Attachment 1, as referenced in the General Meeting resolution and state:

1. Amend the Environmental Significance (ES) overlay to include Core Habitat and Wildlife Corridors as a Matter of Local Environmental Significance subject to the following mapping rules:
 - a) All areas identified as Core Habitat as mapped in the WCP
 - b) All Established Corridors subject to the removal of all lots less than 1000m² within the urban footprint (unless already in an open space, conservation or environment protection zone). All Regional Riparian Corridors subject to the removal of all road reserves, community facilities (in urban footprint) and where land use is for a retirement village (excluding Dinwoodie), and from lots that are zoned:
 - Character Residential
 - Tourist Accommodation
 - Principal Centre
 - Major Centre
 - District Centre
 - Local Centre
 - Neighbourhood Centre
 - Specialised Centre
 - Mixed Use
 - Road Reserves
 - Community Facilities in the Urban FootprintAlso clip all lots that are less than 1000m² and zoned:
 - Low Medium Density Residential
 - Low Density Residential
 - Low Medium Density Residential
 - Medium Density Residential
 - Low Impact Industry
 - Medium Impact Industry
 - c) Coastal Foreshore, Enhancement and Stepping Stone Corridors include only where corridor intersects with the current Environmental Significance Overlay Map.
2. Amend the Environmental Significance Overlay Table of Assessment to make all vegetation clearing assessable development within Core Habitat and Wildlife Corridors proposed to be depicted on the ES overlay map (based on mapping rules above).
3. Further investigate the need to elevate the level of assessment for a range of uses and other development from acceptable to accepted subject to requirements, or code assessment on land located within Established and Regional Riparian Corridors. In accordance with the drafting principles of City Plan, this investigation will seek to minimise the level of assessment while ensuring the potential impacts of development are appropriately managed to ensure the protection, enhancement and restoration of these higher order corridors.

ISSUES

1. Proposed Major Amendments (Environmental) Package

As set out above, Council at its General Meeting on 10 October 2018 resolved to commence a major amendment to the City Plan to reflect the principles of the WCP.

In accordance with the Council's resolution, the Environmental Significance (ES) overlay Map has been amended to include Core habitat and wildlife corridors as a Matter of Local Environmental Significance (MLES). The revised overlay map is attached to this report as Attachment 1. In accordance with the agreed drafting principles endorsed at the General Meeting on 10 October 2018, no additional lots intersecting with a corridor which are less than 1000m² in size and located within the urban footprint (unless within an open space, conservation or environment protection zone) have been included within the revised ES overlay map.

The ES overlay table of assessment has also been amended in accordance with the Council resolution to make all vegetation clearing within Core Habitat and wildlife corridors, as depicted on the amended ES overlay map, assessable development. The amended ES overlay table of assessment is attached to this report as Attachment 2.

2. Further investigation on the need to elevate the level of assessment for certain uses and other development with Established and Regional Riparian Corridors

Council's resolution on the 10 October 2018 also directed officers to investigate whether or not there was a need for greater regulation of other development and uses within Established and Regional Riparian Corridors. This investigation focussed on the cleared portions of these corridors, where the regulation of vegetation clearing would not apply.

In accordance with the drafting principles of City Plan the review took a risk tolerant approach, which sought to minimise the level of assessment for a range of currently accepted uses and other development while at the same time ensuring the potential impacts of development are appropriately managed to ensure corridors were not unduly compromised. It was not considered necessary to undertake such investigations over land identified as core habitat as these areas by definition are heavily vegetated. Accordingly any proposal which involves clearing will constitute assessable development requiring an application to Council and assessment against the ES overlay code.

Ensuring that wildlife habitat networks and corridors provide functional connectivity for fauna species to move through fragmented landscapes to larger core habitat patches that contain greater resources and are more suitable for survival is a key objective outlined on page 9 of the WCP. The City Plan has an important role in protecting this functional connectivity, and the primary way Council has resolved this will be achieved is by making clearing of vegetation in mapped core habitat and corridor areas assessable development. This will necessitate an application to Council and assessment against the ES overlay code.

However, in parts of the corridor that are not vegetated, other forms of development also have the potential to impact on the mapped corridors' functional connectivity. Identified potential impacts may include:

- Fragmentation of habitat and impediments to wildlife movement;
- Physical structures impeding wildlife movement;
- Hazards to safe movement (access and vehicle movements);
- Impacts on wildlife behaviours (resulting from light, noise, vibration and odour);

- Reduction in cleared areas' ability to naturally regenerate, or be available for regeneration and enhancement activities;
- Introduction of weeds and pests;
- Soil erosion;
- Species homogeneity; and
- Reduction in quality of adjacent and surrounding habitat.

In most instances, the types of uses and developments that are likely to result in these kinds of potential impacts are already assessable development, in accordance with the relevant zone. This means that the development assessment process will consider these impacts (against the provisions of the ES overlay code) in assessing the development within these identified corridor areas. However a range of uses are made accepted or accepted subject to requirements under City Plan and where proposed to be located in cleared areas of Established and Regional Riparian Corridors may be lawfully established without a development application and no consideration of impact on the functionality of the corridor in terms of wildlife movement.

This further investigation also considered:

- Tenure and zoning for properties within Established Corridors and Regional Riparian Corridors;
- Types of development and land uses that are likely to cause the impacts summarised above; and
- Whether the opportunity to achieve a positive outcome for wildlife connectivity could be reasonably achieved through the development assessment process or whether non planning scheme measures may be more appropriate.

The analysis below considers Established Corridors and Regional Riparian Corridors in turn against the above criteria.

Established Corridors

A desktop assessment of each of the twenty four (24) mapped Established Corridors was undertaken including consideration of the current level of development, likely future development and the proportion of land in public or private ownership. The assessment also considered the existing level of protection, including the amendments already endorsed by Council to regulate all native vegetation clearing in this corridor category.

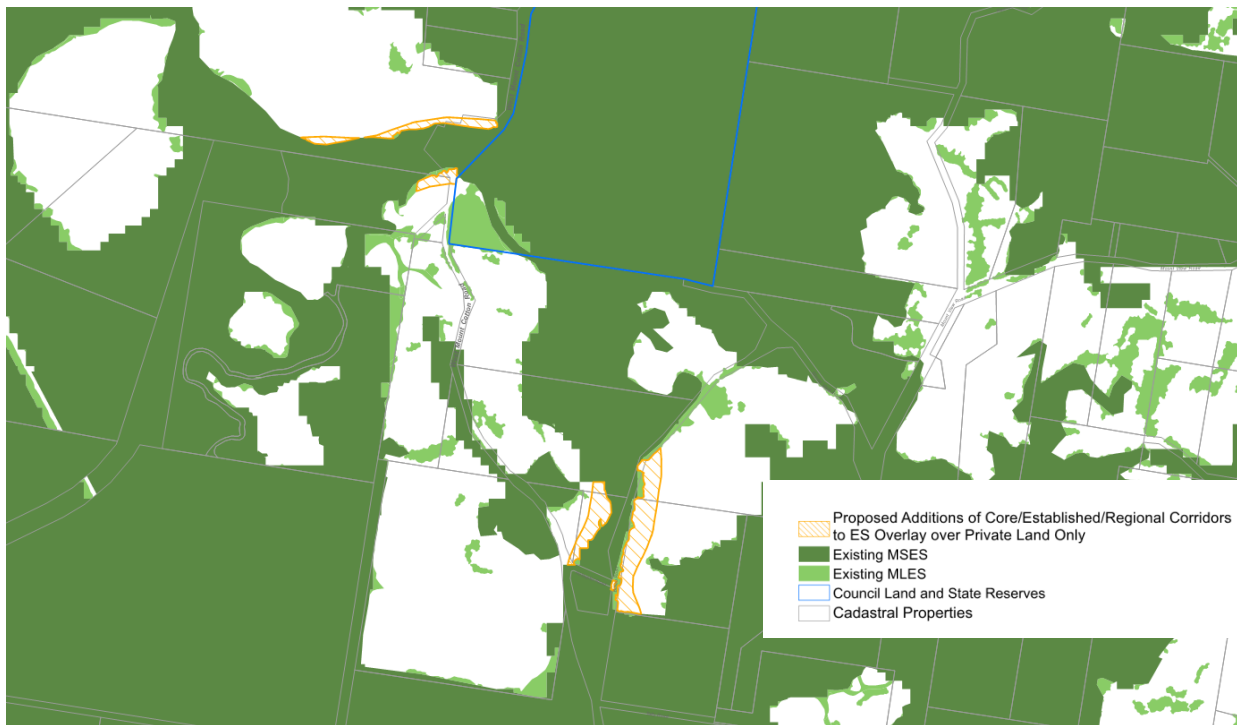
This analysis concluded that; in the urban and rural areas Established Corridors are for the most part in public ownership (56% in Council or State ownership). In addition, the analysis found that, based on the land zone, greater regulation was not likely to be able to be reasonably applied, and would not therefore be able to achieve a positive outcome through the planning process. This is outlined in more detail through the following examples:

Example 1 - Sunshine Drive, Seafarer Court and Gretel Place, Cleveland



The first example is typical of established corridors in the urban parts of the city. The map above shows the small areas located within an Established Corridor that are not vegetated (orange hatch). Lots less than 1000m² have been excluded from the overlay in accordance with the mapping rules. These properties are all zoned Low Density Residential, which means that it is reasonable to expect the construction of a dwelling house on these properties, and it is unlikely that the planning process could contribute to achieving the outcomes of the WCP by assessing and conditioning that dwelling house.

The analysis also concluded that in rural areas, the majority of Established Corridors are heavily vegetated. Accordingly, potential impacts on the corridor can be assessed by regulating all native vegetation clearing which Council has previously resolved to implement. This is illustrated in the following example.

Example 2 - Mount Cotton Road, Mount Cotton

The above map shows where the existing overlay is mapped (dark green is Matters of State Environmental Significance, light green is MLES). The orange hatched portions show the small areas where there is Established Corridor that is not vegetated. Considering all vegetation clearing is made assessable in the areas mapped within the overlay, it is concluded that also assessing development in the cleared portions would not contribute meaningfully to the achievement of the outcomes of the WCP.

Regional Riparian Corridors

The WCP prioritises the Regional Riparian Corridors equally with Established Corridors. The corridors are identified by the State through the Biodiversity Planning Assessment.

There are only two Regional Riparian Corridors in the city, one following Tingalpa Creek and one following Eprapah Creek.

Officers also undertook a desktop assessment of these two corridors. As with Established Corridors, this desktop assessment included consideration of the current level of development, likely future development, and proportion of land in public or private ownership. The assessment also considered the existing level of protection and took into consideration the amendments already agreed to by Council – that is to map additional areas within the overlay and regulate vegetation clearing in these areas.

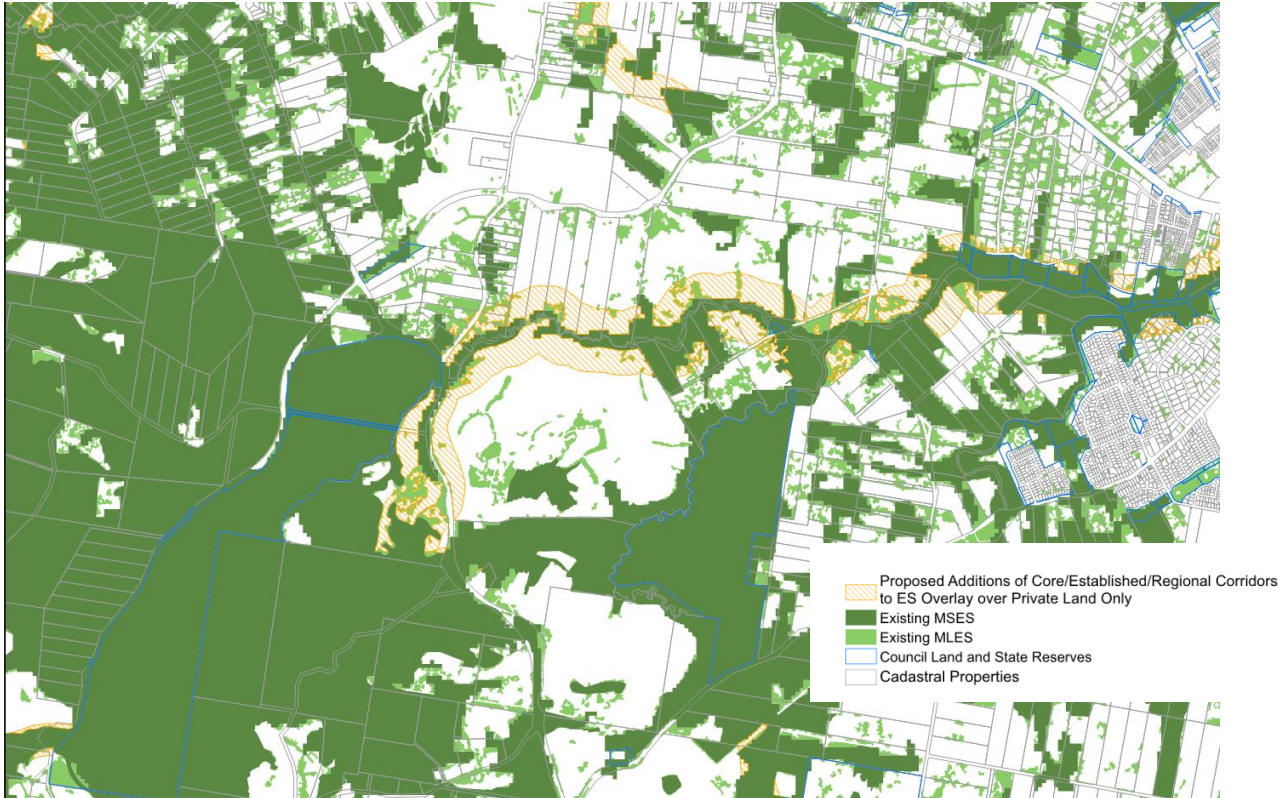
The corridor that follows Tingalpa creek is primarily in public ownership, or is privately owned by a public sector entity (SEQwater). The small portion that is predominantly in private ownership is to the north, in the established residential area at Thorneside (St James Park and surrounds). Similar to the conclusions drawn for the Established Corridors in urban areas, there is limited opportunity to achieve a positive environmental outcome, through further regulating uses through the planning scheme.

The corridor that follows Eprapah Creek moves from a rural area through an urban area (Victoria Point). Similar to the conclusions drawn for the Established Corridor in the rural areas; large portions are vegetated and so impacts can be managed by regulating vegetation clearing.

Furthermore, in the urban parts, there is limited opportunity to achieve a positive environmental outcome through the planning process.

There is an area (identified below) within the Rural zone that is currently unvegetated however much of this area is subject to flood constraints and on balance it is considered unlikely currently accepted uses would seek to locate in such an area. The areas constrained by flood risk are mapped within the Flood and Storm Tide hazard overlay, which also limits future development in this area.

Example 3 - South of Woodlands Drive, Thornlands



It is also noted that other actions being progressed in accordance with the WCP may seek to prioritise working with landowners in priority corridors to potentially facilitate enhancement and revegetation and/or provide support for landowners with land in the corridor. It is recommended that these actions are progressed before further consideration is given to potentially further regulating uses in this part of the Erapah Creek corridor. This would ensure that regulatory and non-regulatory measures can be considered holistically for this corridor.

STRATEGIC IMPLICATIONS

Legislative Requirements

The Proposed Major Amendment Package (Environmental) will be undertaken in accordance with the requirements of the Minister's Guidelines and Rules, a statutory document under the *Planning Act 2016* and *Planning Regulation 2017*.

Risk Management

Undertaking amendments to the planning scheme will ensure the document remains current and consistent with community expectations. Mandatory public consultation requirements for major planning scheme amendments will also ensure the community is given the opportunity to provide feedback on any proposed changes.

Financial

The proposed amendments to the planning scheme will be funded as part of the operating budget of the City Planning and Assessment Group.

People

The staff resourcing required to make the proposed amendments to the Planning Scheme will be primarily drawn from the Strategic Planning Unit of the City Planning and Assessment Group.

Environmental

The proposed amendments are a critical component of ensuring the outcomes of the Wildlife Connections Plan are able to be achieved.

Social

Integrating the WCP into the City Plan will Wildlife Connections Plan through the City Plan will assist in encouraging community awareness, commitment and action in caring for the environment.

Alignment with Council's Policy and Plans

Redland City Council's Corporate Plan 2018-2023 establishes a commitment to promoting:

"A diverse and healthy natural environment, with an abundance of native flora and fauna and rich ecosystems, will thrive through awareness, commitment and action in caring for the environment.

1. *Redland's natural assets including flora, fauna, habitats, biodiversity, ecosystems and waterways are managed, maintained and monitored.*
2. *Threatened species are maintained and protected, including the vulnerable koala species."*

Council understands that key to the delivery of this outcome is the maintenance of sufficient wildlife habitat across the City to support the ecological functions of the flora and fauna that live within or migrate through the Redlands Coast.

The primary purpose of the proposed amendments is to ensure that City Plan aligns with Council's current strategic policy position related to the ongoing protection, management and enhancement of these important connections, which is expressed through the Wildlife Connections Plan.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Community and Economic Development Group	19 October 2018	Meeting with Group Manager regarding proposed amendment.
Environment and Regulation Group	19 October 2018	Meeting with Group Manager regarding proposed amendment.
Planning Assessment Section	Ongoing	Ongoing discussions with relevant officers regarding the proposed amendment.
Environmental Assessment Unit	Ongoing	Ongoing discussions with relevant officers regarding the proposed amendment.
Environment and Education Team	Ongoing	Ongoing discussions with relevant officers regarding the proposed amendment.
Legal Services Unit	21 December 2018	Meeting with General Counsel in relation to implementation of Fire Management Plan Review and actions.

OPTIONS

Option One

That Council resolves to:

1. note the findings on the additional investigations, undertaken in accordance with Item 19.1 of the General Meeting of Council 10 October 2018;
2. submit the contents of the proposed Major Amendment (Environmental Package) as outlined in Attachments 1 and 2 and prepared in accordance with Council's resolution from the General Meeting on the 10 October 2018 (Item 19.1) to the Planning Minister for the purpose of completing State Interest Review; and
3. maintain the contents and attachment of this report as confidential until such time that the amendment package is released for public consultation, subject to Council and Ministerial approval and maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Two

That Council resolves as follows:





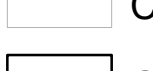

1. Council directs officers to undertake further investigations, in accordance with the direction provided in Council's resolution from the General Meeting of 10 October 2018 (Item 19.1); and
2. maintain the contents and attachment of this report as confidential until such time that the amendment package is released for public consultation, subject to Council and Ministerial approval and maintaining the confidentiality of legally privileged and commercial in confidence information.

OFFICER'S RECOMMENDATION

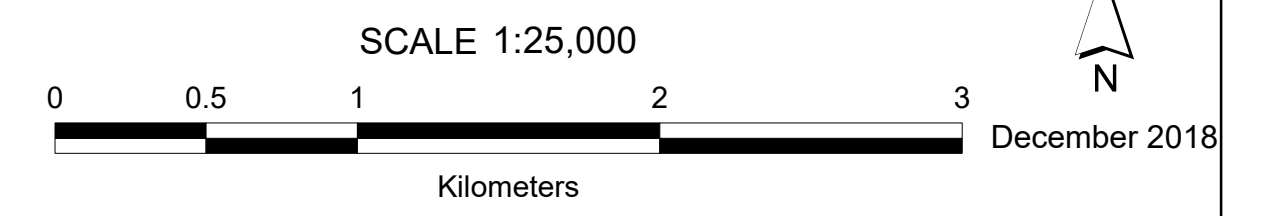
That Council resolves to:

1. **note the findings on the additional investigations, undertaken in accordance with Item 19.1 of the General Meeting of Council 10 October 2018;**
2. **submit the contents of the proposed Major Amendment (Environmental Package) as outlined in Attachments 1 and 2 and prepared in accordance with Council's resolution from the General Meeting on the 10 October 2018 (Item 19.1) to the Planning Minister for the purpose of completing State Interest Review; and**
3. **maintain the contents and attachment of this report as confidential until such time that the amendment package is released for public consultation, subject to Council and Ministerial approval and maintaining the confidentiality of legally privileged and commercial in confidence information.**

City Plan - Major Amendment (Environmental)
ENVIRONMENTAL SIGNIFICANCE OVERLAY
Amendment Version
Overlay Map - OM-007
 Sheet 1/2

-  MLES - Enhancement/Stepping Stone/Coastal Foreshore Corridors
-  MLES - Core Habitat/Established/Regional Riparian Corridors
-  MLES - Other
-  MSES
-  Cadastral Properties
-  Outline of RCC

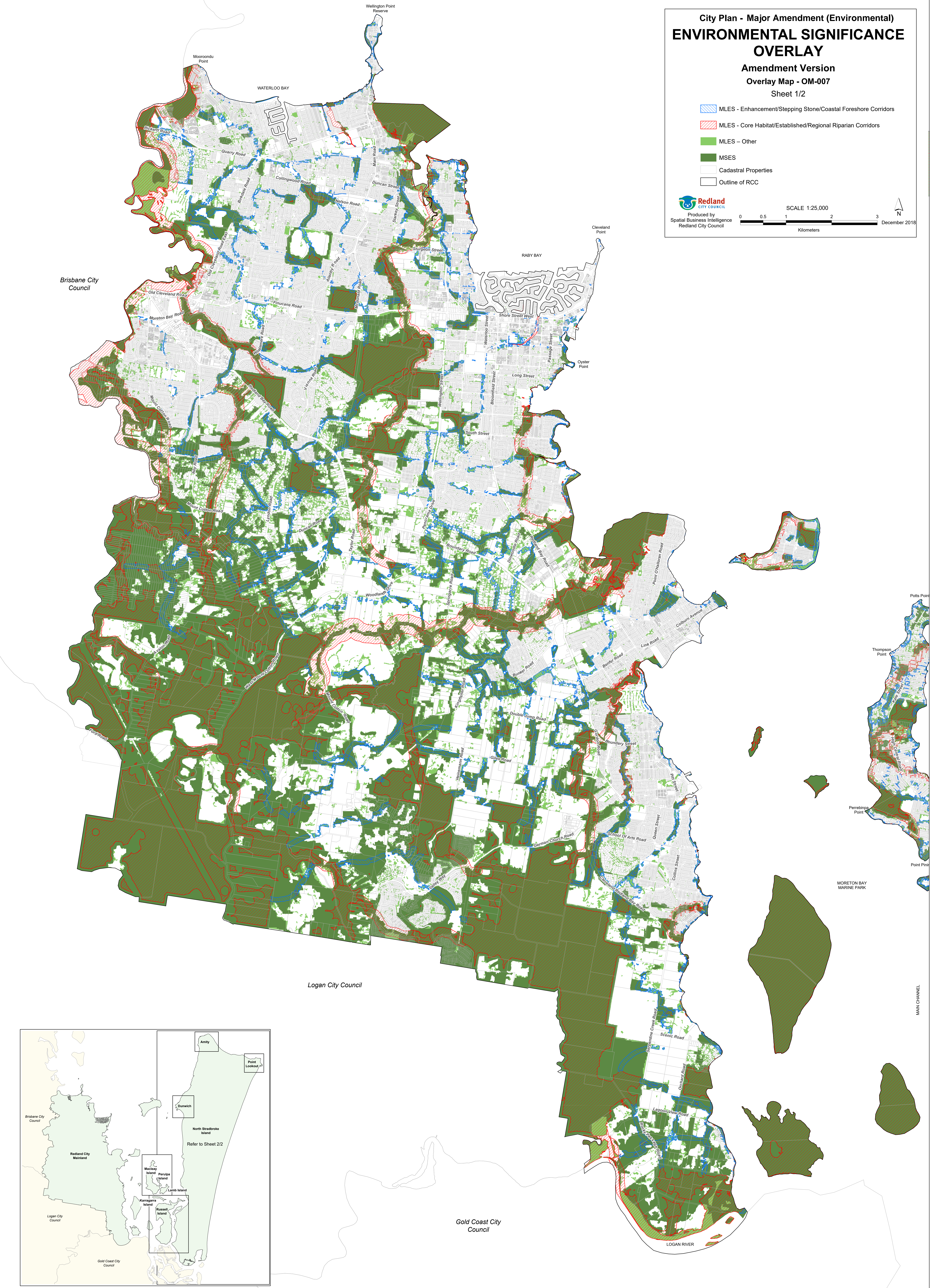
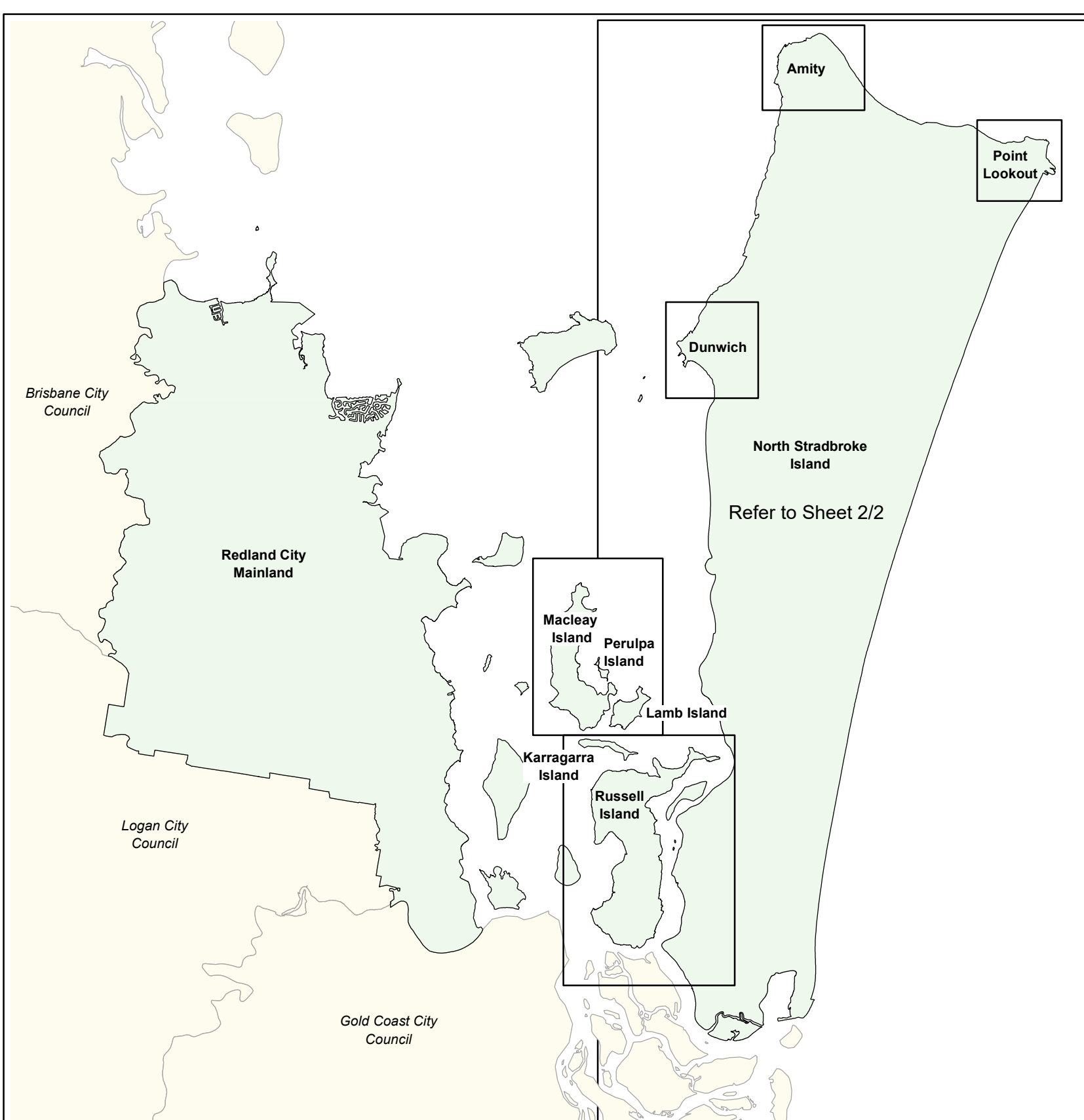

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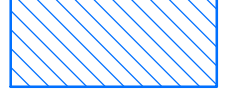






Logan City Council

Gold Coast City Council



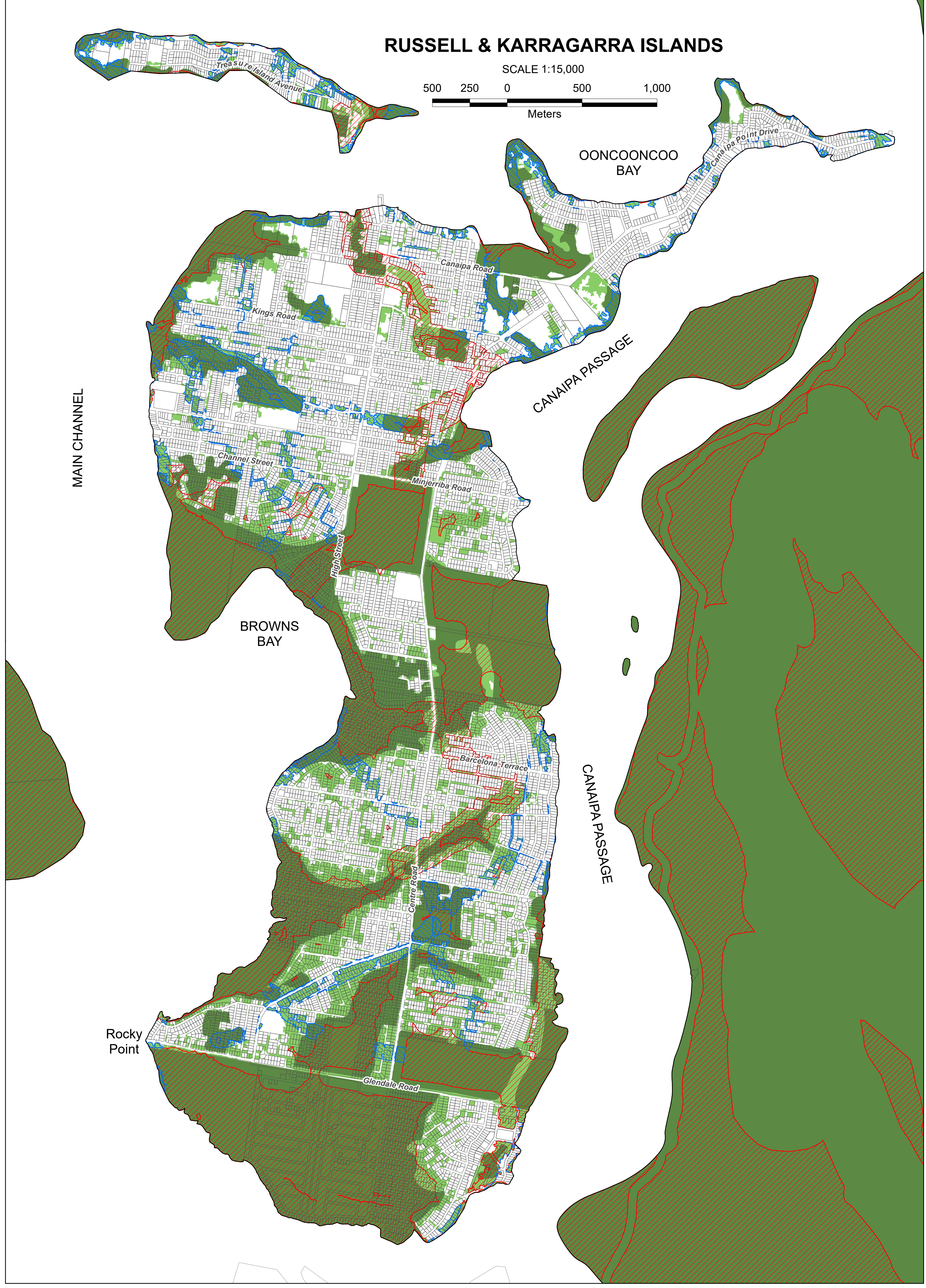
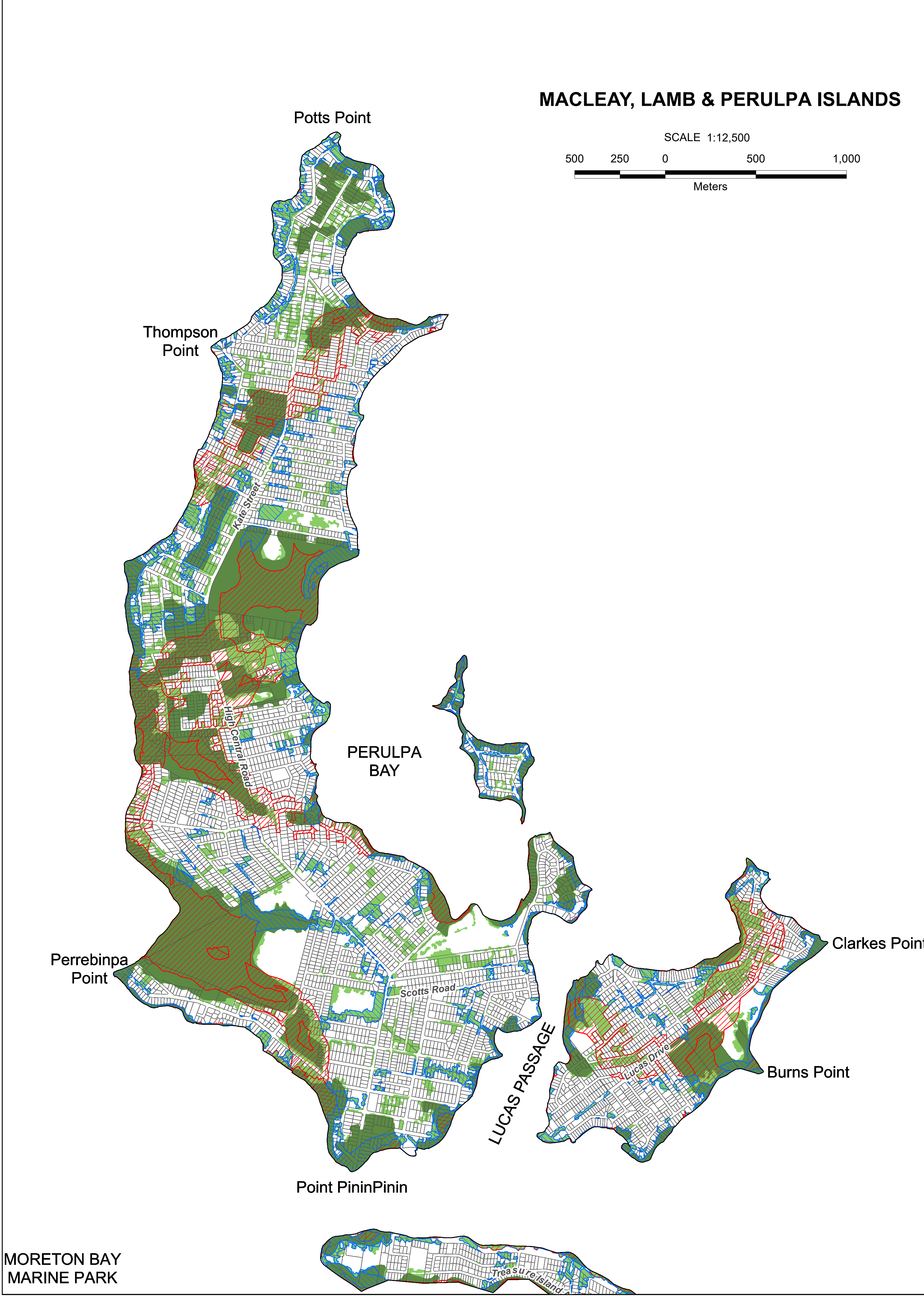
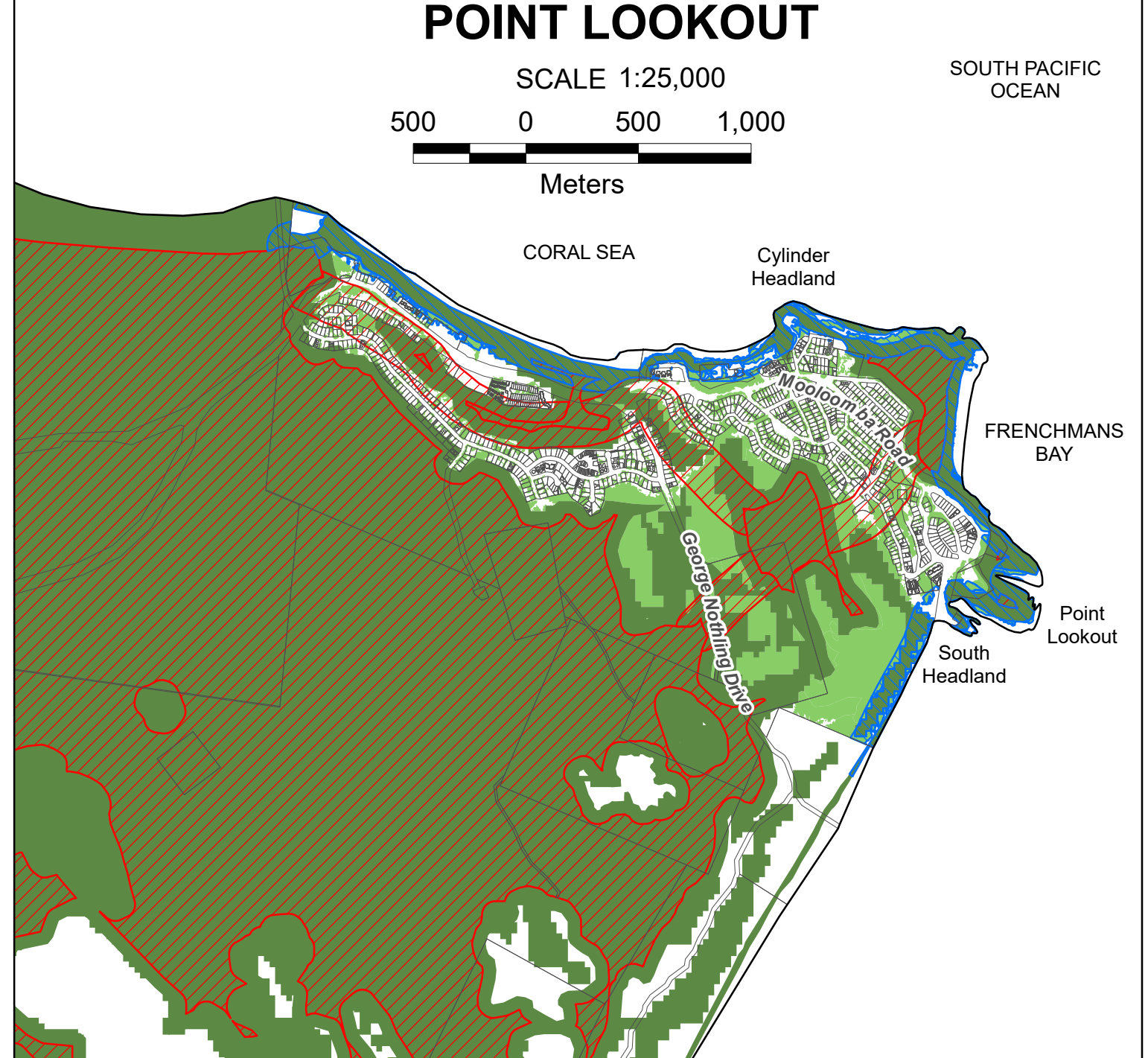
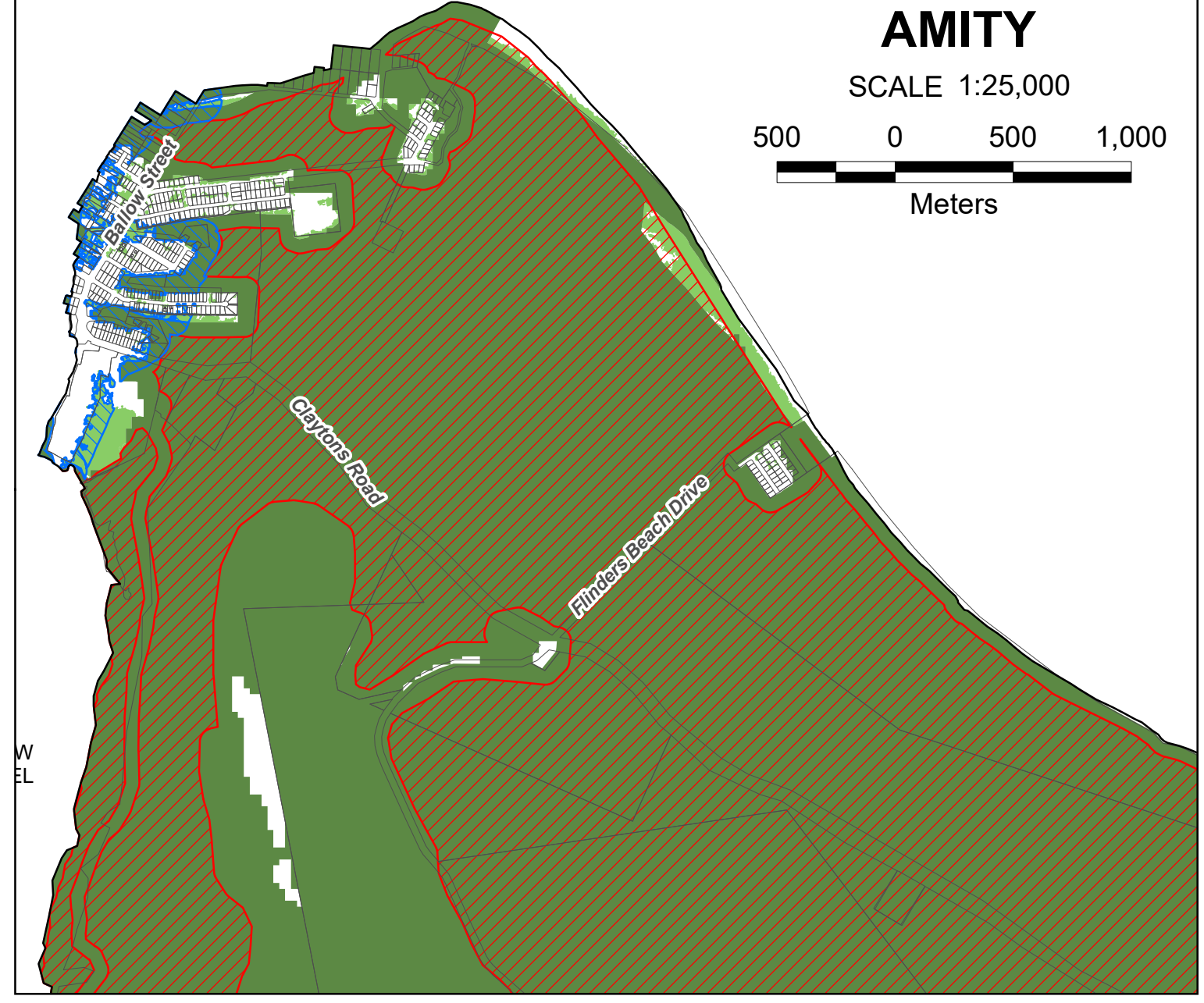
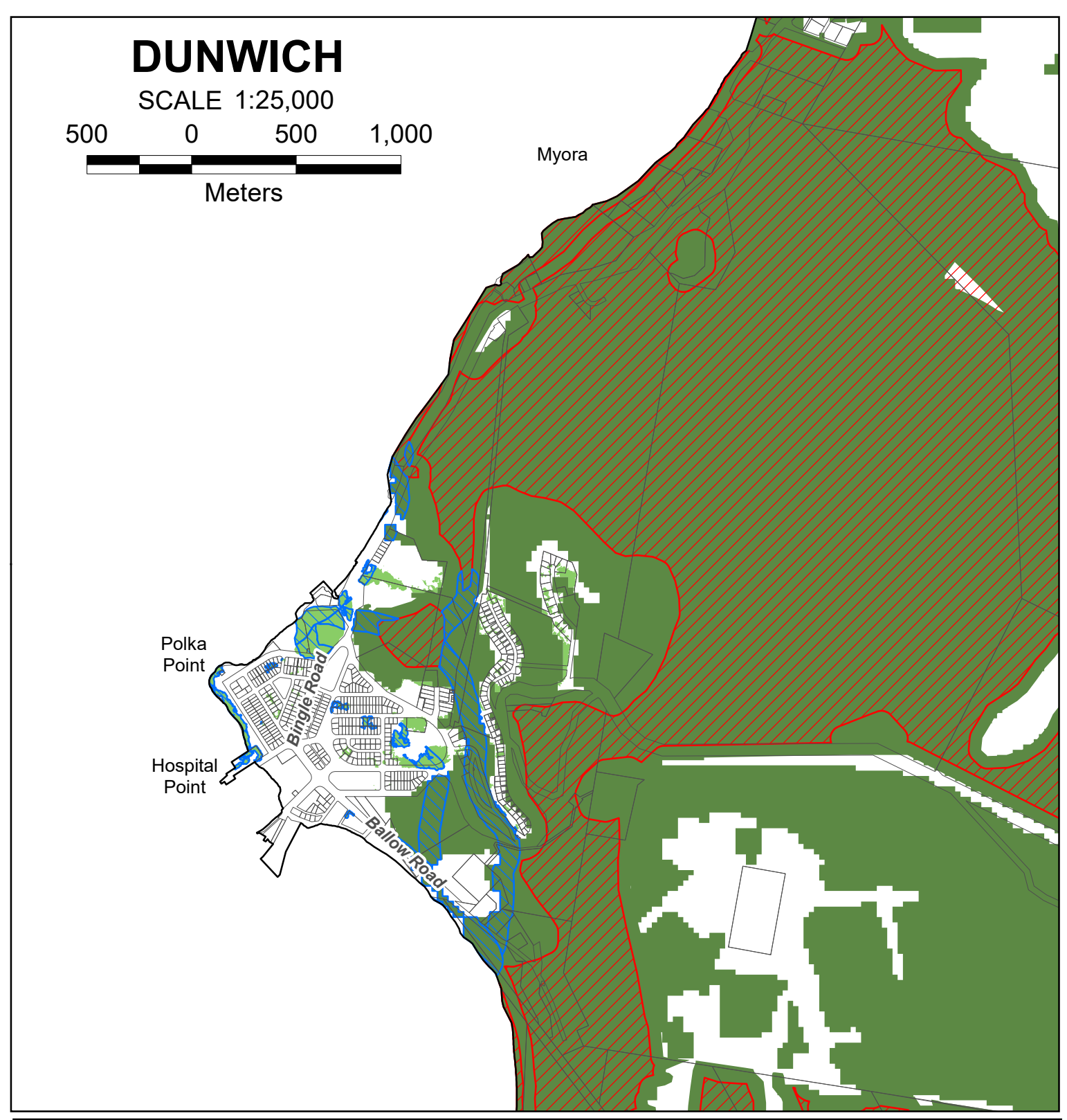
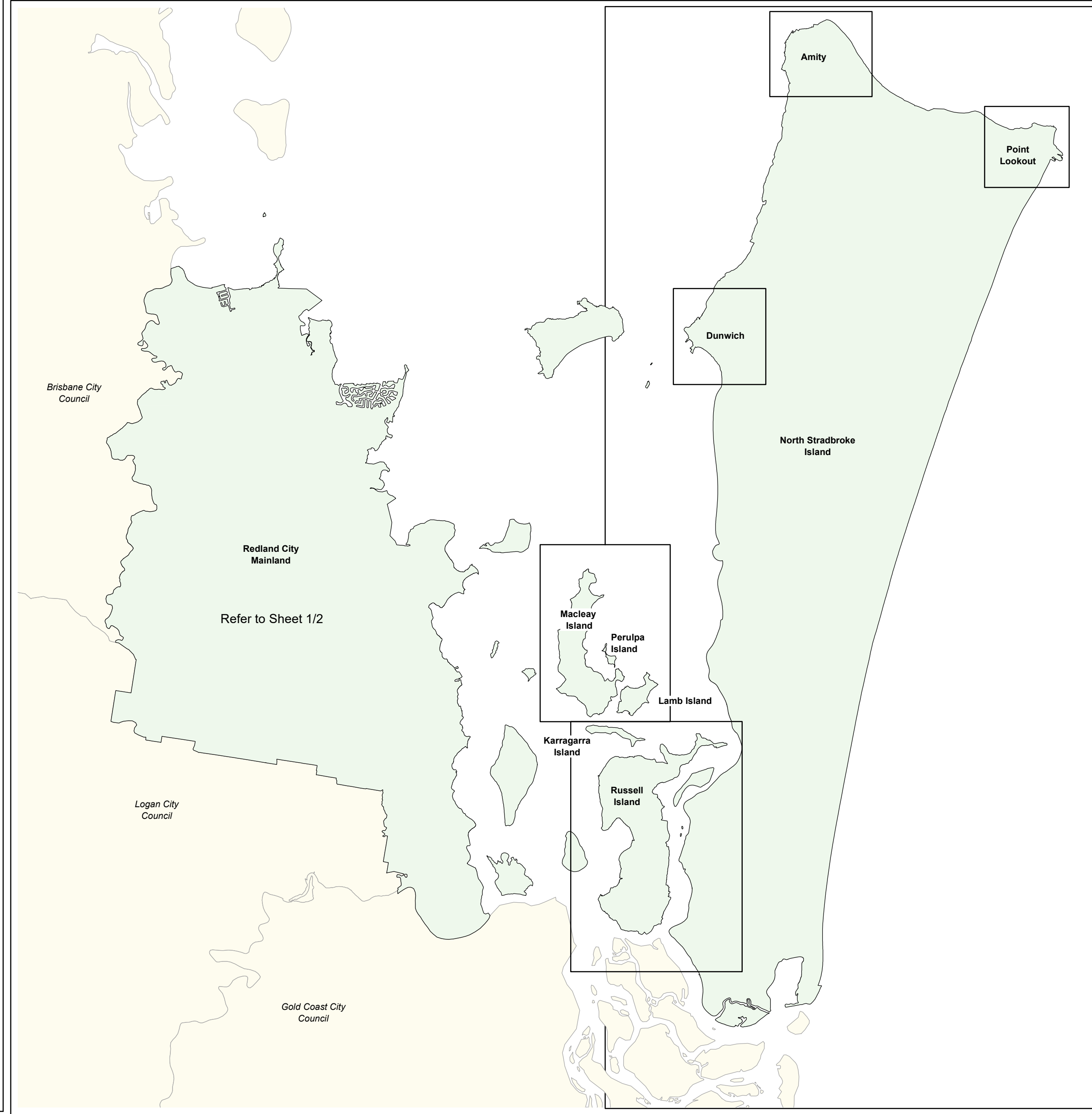
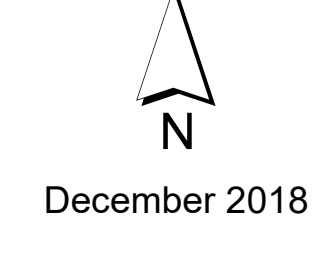
City Plan - Major Amendment (Environmental)
ENVIRONMENTAL SIGNIFICANCE OVERLAY

Amendment Version
 Overlay Map - OM-008
 Sheet 2/2

- | | | | |
|---|---|---|-------------------------------|
|  | MLES - Enhancement/Stepping Stone/Coastal Foreshore Corridors |  | Cadastral Properties |
|  | MLES - Core Habitat/Established/Regional Riparian Corridors |  | Outline of RCC |
|  | MLES - Other |  | Local Authorities outside RCC |
|  | MSES | | |



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MORETON BAY
 MARINE PARK

Attachment 2: Proposed Amendments – Tables of Assessment

Proposed Amendment – Table 5.9.1 Assessment benchmarks for overlays- Environmental Significance Overlay

Amendment

Explanation

The proposed amendment will modify the following sections of the Redland City Plan:

- Part 5 Tables of Assessment, Section 5.9 Overlays, Table 5.9.1 Assessment Benchmarks for Overlays – Environmental Significance Overlay.

Amendments to the table of assessment benchmarks relating to the Environmental Significance overlay are proposed to make Operational Work, i.e. the clearing of native vegetation in areas mapped on the Environmental significance overlay map, assessable development. The purpose of this amendment is to ensure that vegetation is protected to the greatest extent possible in the City’s identified core habitat and corridors.

Proposed Amendments

The proposed amendments to the planning scheme are as follows:

Table 5.9.1 Assessment benchmarks for overlays

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Environmental significance overlay		
Any material change of use	No change to categories of development and assessment	Environmental significance overlay code where the development is assessable under the table of assessment for the relevant zone Note—This overlay code is not applicable to development that is accepted subject to requirements.
Reconfiguration of a lot	No change to categories of development and assessment	Environmental significance overlay code where the development is assessable under the table of assessment for reconfiguration of a lot

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	<p>(3) any other zone within the urban area and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 500m²; or</p> <p>(4) within the community facilities zone (if outside the urban area) and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 2,500m²; or</p> <p>(5) within the rural zone (if outside the urban area) and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 2,500m²</p>	
Any other operational work	No change to categories of development and assessment	Environmental significance overlay code where the development is assessable under the table of assessment for operational work

Officer recommendation

It is recommended that Council amend the Redland City Plan in accordance with the proposed amendments outlined above.