

## APPEAL 4807 OF 2016 - MCU013719

Objective Reference:	<b>A2329857</b> Reports and Attachments (Archives)
Attachments:	<a href="#">Attachment 1 – Aerial Photograph</a> <a href="#">Attachment 2 – Proposal Plans</a> <a href="#">Attachment 3 – MCU013719 Committee Report</a> <a href="#">Attachment 4 – RCC Consolidated Grounds for Refusal</a> <a href="#">Attachment 5 – Sycamore Pathway Management Plan</a>
Authorising Officer:	Louise Rusan General Manager Community and Customer Services
Responsible Officer:	David Jeanes Group Manager City Planning and Assessment
Report Author:	Emma Martin Acting Senior Planner, Planning Assessment

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### PURPOSE

This matter is referred to the General Meeting of Council seeking formal direction on how Council wishes to proceed with the Teak Lane appeal that is currently before the Planning and Environment Court.

### BACKGROUND

The appellant has filed an appeal in respect of Council's refusal of their development application to construct a car park at 32A Teak Lane, Victoria Point.

It is recommended that Council's solicitors be instructed to negotiate an improved layout that balances the ecological values of the land, the amenity impact to neighbours and the antisocial behaviour issues occurring on the site and then settle the appeal based generally on the conditions appended to this report at **Attachment 3**.

### ISSUES

#### Development Proposal

The proposal is for a material change of use of premises to allow vehicular access, car parking, landscaping and pedestrian access at 32A Teak Lane, Victoria Point.

The proposal comprises 230 additional car parking spaces adjoining the TownCentre Victoria Point shopping centre. A three (3) metre wide landscaped buffer along the rear (southern) boundary of the site will adjoin existing dwellings, with further landscaping proposed within the car park itself. A new pedestrian

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crossing and kerb ramps are proposed to assist pedestrian access and legibility between Teak Lane, the new car park and the shopping centre.

An aerial image of the property is appended to this report at **Attachment 1**. The proposal plans are appended to this report at **Attachment 2**.

## Background

A detailed account of the pertinent background matters surrounding the lodgement of the development application is contained within the report to the 23 November 2016 General Meeting. This is appended to the report at **Attachment 3**.

Regarding the decision, the application was presented to the General Meeting of Council on 23 November 2016 and was refused on a 5/5 vote with the Deputy Mayor casting the deciding vote. The grounds for refusal were recorded as:

1. The proposed development conflicts with the overall outcomes for the Open Space Zone in section 4.16.7(2) of Redlands Planning Scheme (version 7.0) (Planning Scheme), in that:
  - (a) in relation to overall outcome (a) (Uses and Other Development), the Proposed Development does not provide for a range of open space and recreational uses that meet the active or passive recreational needs of residents and visitors to the City or otherwise provide for recreation activities on land in public or private ownership;
  - (b) in relation to overall outcome (b) (Open Space Design), the Proposed Development does not:
    - (i) provide for a range of passive and active recreational opportunities;
    - (ii) enhance opportunities for community interaction; or
    - (iii) complement the broader open space network;
  - (c) in relation to overall outcome (c) (Built Form), the Proposed Development:
    - (i) does not incorporate existing landscape and topographic features;
    - (ii) does not retain and integrate existing native plants;
    - (iii) does not support the retention and enhancement of habitats and corridors;
    - (iv) does not positively contribute to the visual amenity of the area; and
    - (v) is not consistent with the open space nature of the zone, or the specific function of the site.
  - (d) in relation to overall outcome (d) (Amenity), the Proposed Development does not:
    - (i) provide high quality useable public and private open space that meets the needs of the community;
    - (ii) create open space areas that are safe and comfortable for users;

- (iii) contribute to the City's liveability through the provision of visual relief from the built environment;
- (e) in relation to overall outcome (e) (Environment), the Proposed Development does not minimise the need:
  - (i) for excavation and fill; or
  - (ii) to clear native plants.
- 2. The proposed development conflicts with Specific Outcome S1.2 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that it does not involve a use that is identified as being consistent with the Open Space Zone.
- 3. The proposed development conflicts with Specific Outcome S2 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that it does not :
  - (a) provide for a range of passive and active recreational opportunities; or
  - (b) facilitate community interaction as a place to meet, socialise and recreate.
- 4. The proposed development conflicts with Specific Outcome S3.1 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that its site layout does not complement the existing landscape features of the site.
- 5. The proposed development conflicts with Specific Outcome S3.3 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that its site coverage and hard surfaces do not minimise built areas as required by that Specific Outcome.
- 6. The proposed development conflicts with Specific Outcome S4.3 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not provide high quality landscape planting in accordance with the requirements of that Specific Outcome.
- 7. The proposed development conflicts with Specific Outcome S5.2 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not minimise the need for excavation and fill by activities being located and designed to:
  - (a) prevent the unnecessary removal of native plants; or
  - (b) protect the amenity of adjoining properties.
- 8. The proposed development conflicts with Specific Outcome S5.4 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not recognise and enhance the landscape character of the local area.
- 9. The proposed development is not consistent with the intent of condition 2 of the existing preliminary approval granted by the Planning and Environment Court on 10 September 1999 (in relation to Appeal No. BD39 of 1999, as amended by the subsequent Order made by the Court on 12 December 2006 in relation to that appeal), which required the dedication of the subject land, designated as a "Conservation Area", for "Community Purposes (Parks)".

10. There are no sufficient matters of public interest that would justify a decision to approve the development application despite the conflicts and other issues identified above.

Since the Decision Notice was issued Council's solicitors, with advice from our appointed Planning Expert, have consolidated these grounds for refusal and included further grounds from Council's draft City Plan. The full list of grounds are contained within **Attachment 4**.

Council received 31 properly made submissions during the notification period, including a petition with approximately 300 signatures. No submitters have elected to join the appeal.

### Appellant's Representations

The appellant has requested in their notice of appeal that the appeal be allowed and the application be approved subject to reasonable and relevant conditions. Their grounds for appeal are listed below:

<p><b>Ground (1)</b></p> <p>There is a community and planning need for the proposed development.</p>
<p><b>Ground (2)</b></p> <p>Approval of the proposed development will:</p> <ul style="list-style-type: none"><li>a) Lead to improved amenity and CPTED outcomes in respect of the land and surrounds, and for nearby residents and pedestrians in the locality, including those accessing nearby shopping facilities;</li><li>b) Lead to improved amenity and outcomes for the adjoining owners, the Respondent's relevant staff, Queensland Police Service and private security staff in respect to matters of public safety;</li><li>c) Remove or reduce criminal activity and vandalism on the land and in the locality;</li><li>d) Remove or reduce anti-social behaviour on the land from the locality; and</li><li>e) Result in improved lighting outcomes for the land.</li></ul>
<p><b>Ground (3)</b></p> <p>In pursuing the proposed development the Appellant has relied upon, and acted in good faith upon, the actions of the Respondent and the State Government:</p> <ul style="list-style-type: none"><li>a) The Appellant has relied upon the unanimous decision of the Respondent to surrender its trusteeship of the land under the <i>Land Act 1994</i>, to the Queensland State Government;</li><li>b) The Mayor of the Respondent has written to the Minister for Natural Resources and Mines expressing the Council's support for the Appellant in its bid to purchase the Land from the State;</li></ul>

- c) Support from the Respondent has resulted in or influenced, the State in making a conditional offer for the Appellant to purchase the Land;
- d) The State has made a conditional offer for the Appellant to purchase the land; and
- e) The State does not oppose the purchase of the land by the Appellant or the proposed development.

**Ground (4)**

The zoning and designation of the land under the Respondent's planning instruments:

- a) Is not soundly based (or is no longer supportable); and
- b) Has been overtaken by events.

**Ground (5)**

The land has no relevant environmental or social values or no such value worth preserving in the public interest.

**Ground (6)**

The locality is well served by alternative open space areas for active and passive recreation, and for habitat purposes.

**Ground (7)**

The shape and location of the subject land is such that it cannot reasonably be developed for purposeful recreation or environmental activities.

**Ground (8)**

The proposed development:

- a) Is consistent with the current character of the area and the planning future character of the area;
- b) Is logical and efficient infill development;
- c) Will not result in any unacceptable amenity or social impacts;
- d) Will result in improved amenity outcomes for the land and surrounds;
- e) Facilitates planning outcomes sought by the Respondent's planning scheme and the South-East Queensland Regional Plan; and
- f) Will deliver important social benefits and improvements to the community.

**Ground (9)**

The Appellant will rely on such further grounds as may result from the expert evidence, including the joint expert reports.

### **Sycamore Pathway Management Plan**

The Management Plan, including a detailed explanation of the design approach taken, the strategies to be implemented and outcomes sought is appended at **Attachment 5**. The key details of the management plan are summarised below:

- Realign the primary function of the area from environmental corridor to pathway/park in order to bring public use on a regular basis by introducing more access points and connections through the site both east-west and north-south and improved signage;
- Increase passive surveillance and reduce opportunities for undesirable activities by clearing of mid-storey vegetation to provide clear sight lines through the park and providing improved lighting; and
- Improve the sense of community ownership by creating wider more open access points, encouraging gated direct access from the properties that adjoin the space, encouraging community participation in the ongoing maintenance and care for the land and encouraging greater use of the space.

The fine detail of the management plan design, including for example the exact siting of the footpaths, can be reviewed before the management plan itself were implemented, but it should be clear that a decision by Council to utilise this management plan to advance the appeal will need to be a commitment by Council to endorse the management plan and implement it.

In considering whether to endorse the management plan, it is also important to take into account that although it is likely that the above management plan will reduce antisocial behaviour and crime in the area, it cannot be guaranteed. In addition, the endorsement of the management plan and its ongoing implementation pose considerable cost implications for Council to consider and weigh against this.

### **Community Development Team**

Advice has also been sought from Council's Community Development team regarding the option of implementing the management plan to address the ongoing antisocial behaviour on the site. This team has been heavily involved in managing the problems occurring and has actively engaged with the community for many years.

The team has considerable doubts as to the likely success of the management plan. They acknowledge that the management plan principles are all well founded and may well have an impact on the occurrence of antisocial behaviour but they have identified the following observations for Councillors to consider in their decision:

- Lack of natural surveillance is the most critical causal factor and there are a number of obstacles to effectively resolving this issue. Clearing vegetation will undoubtedly improve visibility through the site, but it will not address the most significant barriers being the large acoustic fence adjoining the shopping centre and the rear fences of the adjoining dwellings. Encouraging residents to incorporate direct gated access to the footpath appears logical in theory, however given the current level of safety concerns within the community this is likely to be incredibly difficult to achieve. It is more likely that residents will consider this to decrease their level of safety and security.
- The proximity of a local high school as well as a plethora of fast food chains nearby means there is a constant source of young people in the area looking for private space to hang out.
- Limited traffic in the area – It is acknowledged that increasing the permeability of the site by introducing more pathways and access connections will increase pedestrian movements in the area, it is however the view of the team that without promoting active use of the site, for example, for exercise classes or similar, it will not sufficiently increase traffic to make the land unattractive to people wishing to cause problems.
- Community ownership – the team agree this is critical to the success of any option to resolve the problems on site. They have however raised significant doubt that this can be achieved. They have advised that the level of fear and distrust within the local community is at such a level that residents are now suspicious of any person using that space at all, regardless of whether that person is causing trouble or completely innocent. The team has tried a number of strategies to encourage community ownership of the site themselves without success, including for example, revegetation and replanting schemes and widening the accessway to promote use of the area. There is a view that such a scheme could have worked many years ago, but the level of distrust and concern for safety at present is a significant inhibiting factor to garnering community ownership of the area.

- Cost to the community – the team has highlighted that if such a management plan were implemented it is likely that additional cost should also be factored for patrolling the area. They advise that the concern of residents during the implementation stage will require some patrolling on site while residents build a trust in the plan. Without much guarantee that the management plan will work this could be an ongoing cost to consider.

### **City Spaces Group**

Council's City Spaces Group has, to date, supported the relinquishment and redevelopment of the land, citing that the antisocial and criminal activity on the land outweigh any recreational and community benefit of maintaining the land under Council control.

### **Conclusion**

It is recommended that given the cost to Council of continuing the appeal and implementing the management plan, as well as the risk that the management plan may not resolve the long standing antisocial behaviour in the area, Council does not endorse the management plan and does not continue with the appeal, but rather seeks a negotiated outcome to reduce the number of car parks and improve the proposed landscaping strip to maintain more vegetation and further reduce amenity impacts on the neighbouring residents.

Notwithstanding this, should Councillors be minded to continue with the appeal it is recommended that this only be with the endorsement of the Sycamore Pathway Management Plan.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The matter has been listed in the Planning and Environment (P&E Court) for review on 17 May 2017 with meetings of the appointed experts to be conducted soon thereafter. A court ordered mediation is currently required to be held before 9 June 2017 (although it should be noted that this is expected to be set back). If the appeal is not settled at mediation a review has been scheduled for 20 July 2017 and a hearing set for August 2017.

### **Risk Management**

The financial risk is discussed under the Financial heading below.

### **Financial**

If Council opts not to endorse the management plan but continue resistance of the appeal and progresses, it will incur Court and expert witness expenses. There is also the potential of the Court awarding costs against Council if it lost the appeal. This is discussed further in the 'Legal Advice' section of the report.

### **People**

Nil

### **Environmental**

The implementation of the management plan as well as the development proposal both pose environmental impact as both comprise vegetation clearing albeit to different degrees.

### **Social**

The implementation of the management plan as well as the development proposal both seek to improve problems with antisocial behaviour in the area.

### **Alignment with Council's Policy and Plans**

The proposed management plan does not present a conflict with Council's policies and plans and is considered to meet the Redlands Planning Scheme.

### **CONSULTATION**

The planning assessment unit consulted with General Counsel Group, City Spaces Group and the Community Development team.

### **OPTIONS**

#### **Option 1**

Endorse the management plan and continue to progress the appeal;

#### **Option 2**

Decide not to endorse the management plan and continue to progress the appeal;

#### **Option 3**

Decide not to endorse the management plan; and

Instruct Council's solicitors to seek further amendments to the layout, through mediation, to address the ecological values of the land, the amenity of the adjoining neighbours and the antisocial behaviour concerns.

#### **Option 4**

Decide not to endorse the management plan; and

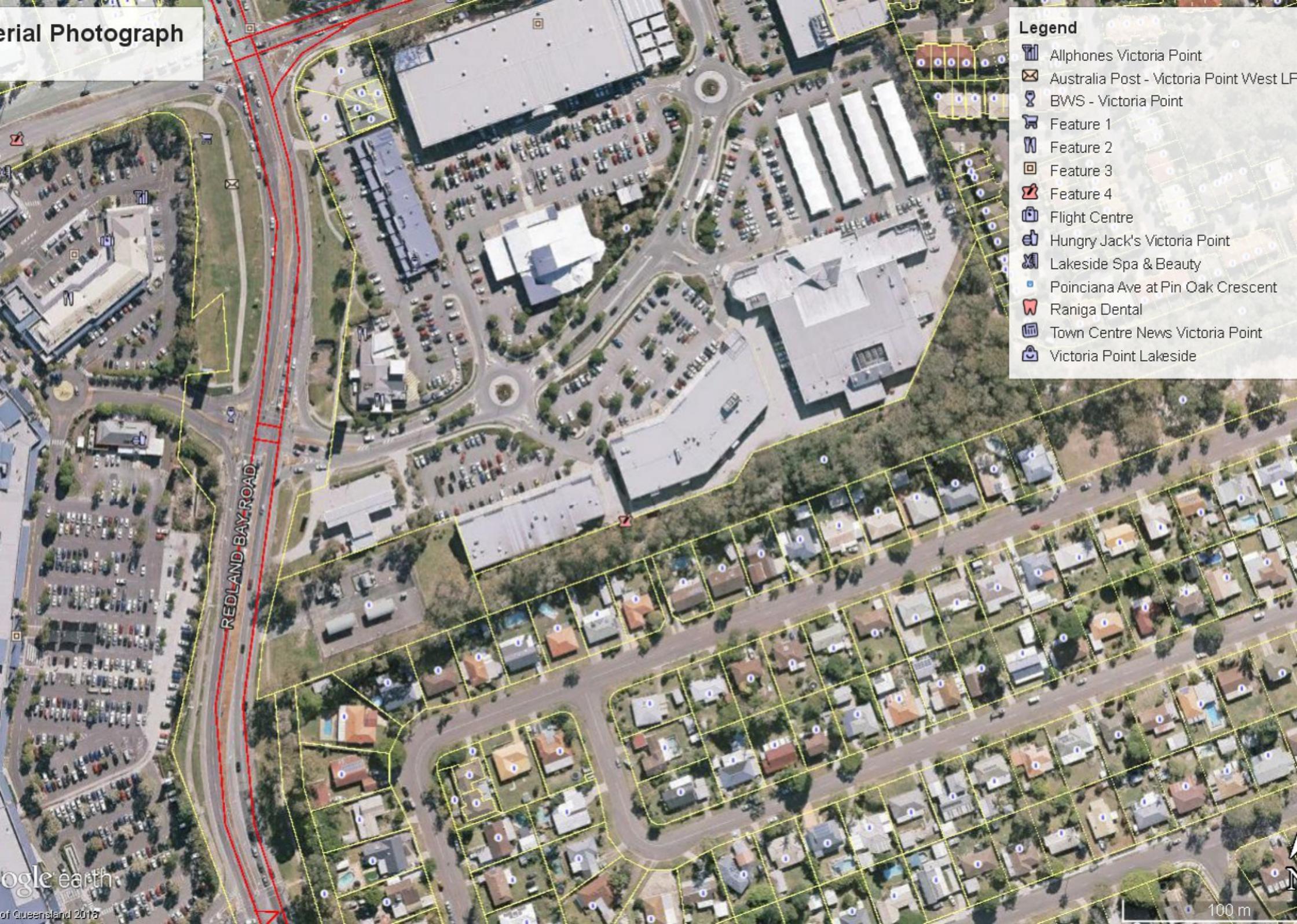
Instruct Council's solicitors to settle the appeal by Consent Order relying generally on the conditions contained within Attachment 3.

### **OFFICER'S RECOMMENDATION**

**That Council resolves to:**

- 1. Adopt Option 3 presented in this report.**
- 2. Maintain this report and recommendation as confidential until the conclusion of the appeal.**

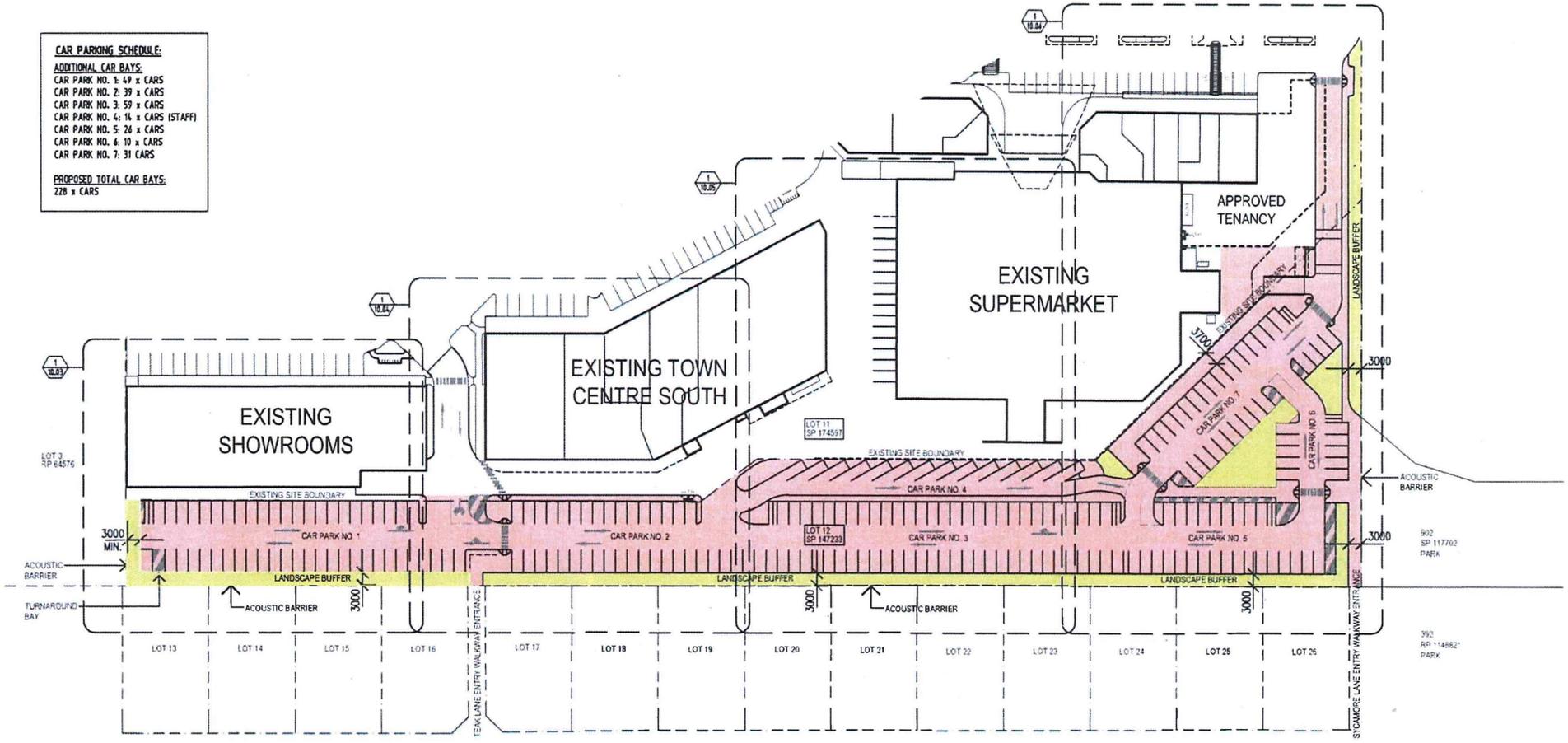
# Aerial Photograph



## Legend

- Allphones Victoria Point
- Australia Post - Victoria Point West LP
- BWS - Victoria Point
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Flight Centre
- Hungry Jack's Victoria Point
- Lakeside Spa & Beauty
- Poinciana Ave at Pin Oak Crescent
- Raniga Dental
- Town Centre News Victoria Point
- Victoria Point Lakeside

**CAR PARKING SCHEDULE:**  
**ADDITIONAL CAR BAYS:**  
 CAR PARK NO. 1: 4.9 x CARS  
 CAR PARK NO. 2: 39 x CARS  
 CAR PARK NO. 3: 59 x CARS  
 CAR PARK NO. 4: 14 x CARS (STAFF)  
 CAR PARK NO. 5: 26 x CARS  
 CAR PARK NO. 6: 10 x CARS  
 CAR PARK NO. 7: 31 CARS  
**PROPOSED TOTAL CAR BAYS:**  
 228 x CARS



**1** **DETAIL SITE PLAN - PROPOSED**  
**PROPOSED TEAK LANE PROPERTY**  
 SCALE: 1:500 at A1 1:1000 at A3

ISSUED FOR INFORMATION SCALE 1:1000 at A3

**PHILLIPS SMITH CONWELL ARCHITECTS**  
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NO	SUBJECT	REV	DATE
1	ISSUED FOR INFORMATION	01/20	04/18
2	CARPARK LAYOUT APPROVED TO BAY TRAYVE	01/20	04/18
3	LANDSCAPE BUFFER TO BARRIER WALKWAY ENTRIES, TRUCK BAYS ADD	01/20	04/18
4	CARPARK LAYOUT APPROVED TO BAY TRAYVE	01/20	04/18
5	CARPARK LAYOUT APPROVED TO BAY TRAYVE	01/20	04/18

NO	SUBJECT	REV	DATE
1	PROPOSED CARPARK APPROVED	01/20	04/18
2	APPROVED BAY AND LAYOUTS	01/20	04/18
3	APPROVED TO SET TRUCKS	01/20	04/18

PROJECT  
**TOWN CENTRE VICTORIA POINT**  
**REAR ALLOTMENT CARPARK**  
 CLIENT  
**LANREX PROPERTY**

**PHILLIPS SMITH CONWELL ARCHITECTS**

DRAWING TITLE  
**DETAIL SITE PLAN - PROPOSED**

NO. 5410  
 SCALE 1:500  
 SCALE AT A3  
 1:1000

A\_CD\_10.02

6



**INDICATIVE PLANT SCHEDULE**

**Carpark Trees – clean trunked**  
 Cupanopsis anacardioides  
 Harpullia pendula  
 Waterhousea ionobunda

**Carpark Lower Storey**  
 Callistemon Great Balls of Fire – low shrub/hedge  
 Casuarina Cousin II  
 Liriope Evergreen Giant  
 Lomandra filigera  
 Phyllanthus multiflorus – low hedge  
 Trachelospermum jasmynoides Tricolour

**Buffer Planting**  
 Banksia integrifolia – small tree  
 Commersonia bartramia – small tree  
 Eleoocarpus reticulatus – small tree  
 Glochidion ferdinandii – small/medium tree  
 Lomandra longifolia  
 Syzygium australe – screen planting  
 Syzygium luehmannii – screen planting

PLANTS FOR THIS PROJECT WILL BE SELECTED FROM THE LIST ABOVE

**FINAL DESIGN CONSIDERATIONS:**

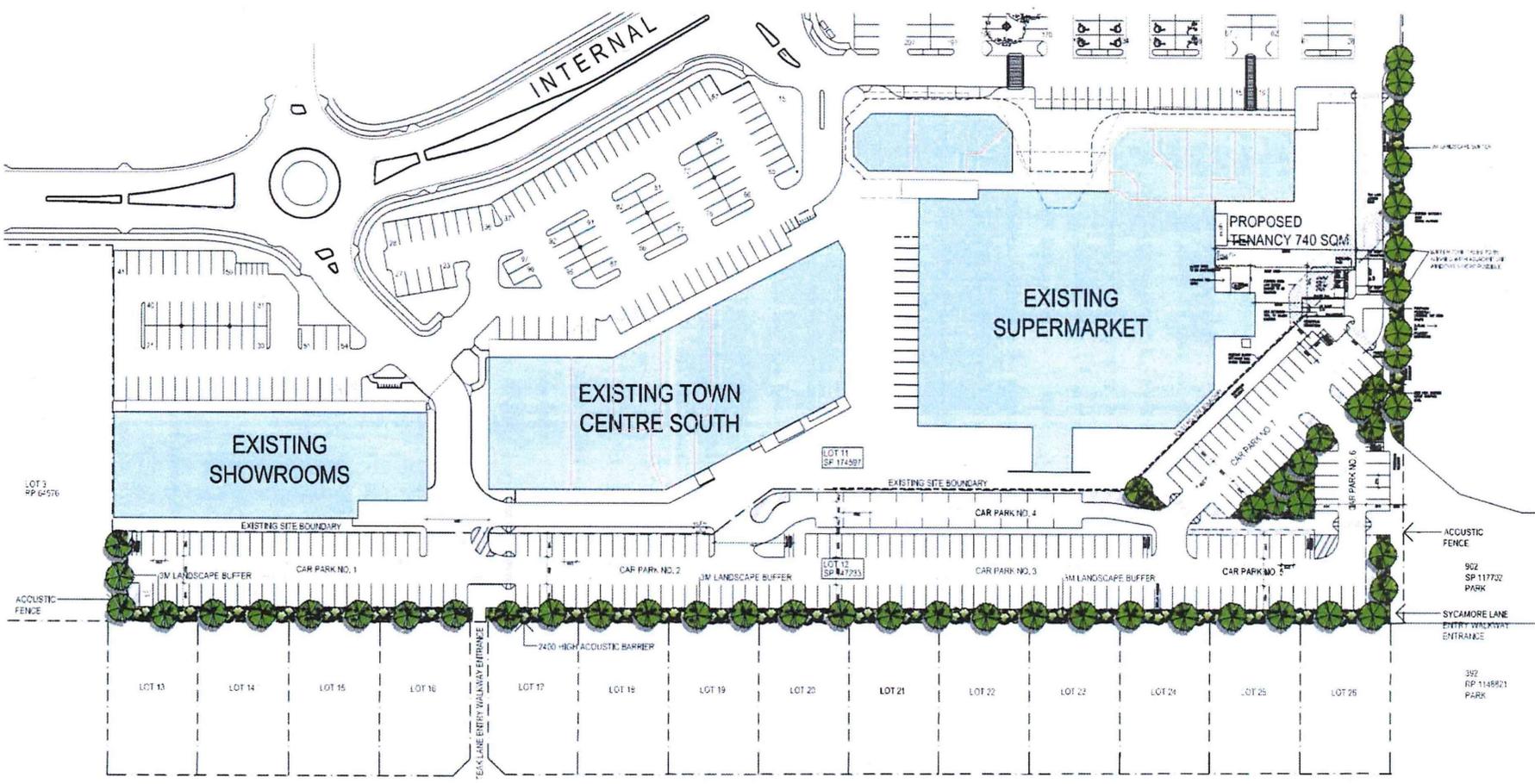
1. 300 METER BUFFERS TO SIDE AND REAR BOUNDARIES WILL BE MAINTAINED. TREES PLANTED TO REACH 30 METRES WITHIN 5 YEARS OF PLANTING. REAR HOODS MAJOR CENTRES ZONE CODE PROBABLE SIDE BUFFER PLANTING (5000).
2. THE LANDSCAPE (PLANTING) WILL MAXIMIZE DAILY BY LEAVING PLANT HEIGHT WITHIN 2000 OF ETD PR SIZE OF THE PATH TO ROAD. TREES PLANTED WITHIN THE 3000 BUFFER ZONE ADJACENT TO ASPHALT DRIVEWAY SHALL BE CLEAN TRUNKED TO A MAXIMUM OF 20M.
3. TREES IN CARPARK MEDIAN TO BE CLEAN TRUNKED TO A MINIMUM OF 20 TO 30 TO VISION LINE AND DISTANCE SIDE LINES (A MINIMUM OF 2000).
4. REFER HCC LANDSCAPE CODE PROBABLE SOLUTIONS FOR VISUAL AND SAFETY DESIGN CODE SECTION 4. ALL BUFFERING VEGETATION SELECTION TO CONTRIBUTE TO NATURAL SURVEILLANCE.
5. THE 3000 WIDE BUFFERS AND CARPARK MEDIAN PLANTERS WILL BE PLANTED WITH NATIVE PLANT SPECIES IN ACCORDANCE WITH THE HCC VEGETATION MANAGEMENT STRATEGY.
6. REFER HCC LANDSCAPE CODE PROBABLE SOLUTIONS FOR VISUAL AND SAFETY DESIGN CODE SECTION 4. ALL BUFFERING VEGETATION SELECTION TO CONTRIBUTE TO NATURAL SURVEILLANCE.

**NOTE:**

1. FINISHED DIMENSIONS ARE REFERRED TO THESE SCALES.
2. CONFIRM LOCATION OF ALL EXISTING AND PROPOSED SERVICES BEFORE COMMENCING LANDSCAPE WORKS.
3. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL & ASSOCIATED CIVIL & SERVICES DRAWINGS.

**LEGEND:**

- PREPARED, TOPSOILED AND MULCHED PLANTING AREA TO RESISTOR BUFFER TREES, SHRUBS AND GROUNDCOVERS
- PREPARED, TOPSOILED AND MULCHED PLANTING AREA TO CARPARK MEDIAN (6.5M) BUFFER TREES AND GROUNDCOVERS ONLY TO MAINTAIN SIDE LINES FROM PEDESTRIAN PATHS



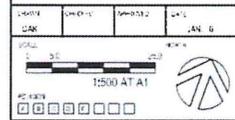
SCALE	DATE	NO	BY
1:1000	15/04/21	1	DAVID KEARNEY

**DAVID KEARNEY & ASSOCIATES**  
 LANDSCAPE ARCHITECTS  
 1/11 JILL ST  
 MELBOURNE VIC 3000  
 PH: 03 9420 2000  
 WWW.DKAS.COM.AU

**PROPOSED CARPARK**

**VICTORIA POINT TOWN CENTRE**

81 COLBURN AVENUE VICTORIA POINT



**11.3.6 MCU013719 – SHOPPING CENTRE CARPARK – 32A TEAK LANE  
VICTORIA POINT**

**Objective Reference:** fA36608  
Reports and Attachments (Archives)

**Attachments:** [Attachment 1 – MCU013719 Existing Site Plan](#)  
[Attachment 2 – MCU013719 Proposed Site Plan](#)  
[Attachment 3 – MCU013719 - Acoustic Barrier Locations](#)  
[MCU013719 - Attachment 4 - Landscape Plan](#)

**Authorising Officer:**



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

**Responsible Officer:**

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

**Report Author:**

**Sharee Shaw**  
Planning Officer

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**PURPOSE**

This application is referred to the Council for determination.

The development application is for a car park. The application has been assessed against the relevant planning instruments. Although the proposed use does not comply with the intent of the zoning, it is considered that there are sufficient grounds to justify approval despite the conflict.

The key issues identified in the assessment are:

- Zone intent
- Ongoing public safety issues
- Environmental corridor
- Landscaping
- Noise and lighting impacts.

Issues outlined above and public submissions have been addressed in the report. It is therefore recommended that the application be granted a **Development Permit** subject to conditions.

**BACKGROUND**

An application was lodged for a Preliminary Approval to construct a retail complex on property then described as Lot 1 on RP 118272, Lot 2 on RP 151299, Lot 3 on RP 64576 and Lot 2 on RP 62695. The application was refused and the applicant referred the matter to the Planning and Environment Court for determination (Appeal 39 of 1999). The appeal was resolved by way of a Consent Order approving the development with relevant conditions (MC005972).

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Condition 2 of that approval read as follows:

*“The area of land designated ‘Conservation Area’ shall be dedicated to the Crown for Community Purposes (Parks) at no cost to Council, with Redland Shire Council as trustee”.*

A Development Permit granted by Court Order on 17 April 2002 (Appeal 1363 of 2001) upheld this requirement as per condition 3 of this approval (MC005973).

The development was completed and in accordance with the conditions of approval the designated ‘Conservation Area’ was transferred to the Crown. This land was now described as Lot 12 on SP 147233. The land was duly adopted as a Reserve for a Park and placed under the control of the Redland Shire Council as trustee.

On 15 September 2014, Lanrex applied to the State Department of Natural Resources and Mines (DNRM) to purchase Lot 12 on SP 1417233. On the 4 May 2015, DNRM formally provided an agreement to offer a Deed of Grant to Lanrex. That offer remains current.

On 8 October 2014, the council unanimously resolved to surrender its trusteeship over Lot 12 on SP 147233 to the State under the *Land Act 1994*, subject to an assurance that public access to the shopping centre via Teak Lane would be retained.

At the General Meeting of 14 April 2016, A Notice of Motion to Repeal or Amend a Resolution in accordance with s.262 of *Local Government Regulation 2012* was submitted by the Divisional Councillor as follows:

*“That Council resolves that the Chief Executive Officer writes to the Minister, Department of Natural Resources and Mines, and advises that Council has changed its view regarding its earlier request to relinquish the trusteeship of the property described as 32A Teak Lane, Victoria Point; and requests that trusteeship be returned to Council to maintain it as public open space”.*

Council voted in favour of the motion to make this request.

A letter was formalised and sent on the 4 May 2016 to the Minister for State Development and Minister for Natural Resources and Mines. Advice was received on the 12 May 2016 from DNRM with regard to the above request. The following points were advised:

- (a) A decision was made by the Minister to revoke the trusteeship in October 2015;
- (b) The Department has made a valid offer of sale to the applicant of MCU013719; and
- (c) There is no valid reason from their perspective to change this position.

## **ISSUES**

## **Development Proposal & Site Description**

### **Proposal**

The proposal is for a material change of use (MCU) for "Amendment to Development Permit (Convenience retail centre including a supermarket and specially shops) dated 17 April 2002 (Appeal 1363/01) for ancillary use of Lot 12 on SP147233 for vehicular access, car parking, buffer and pedestrian access" at 32A Teak Lane, Victoria Point.

The plans provide for approximately 230 additional car parking spaces which will be available to the adjoining Lot 11 development. A three (3) metre wide landscaped buffer along the rear boundary of the site that adjoins dwellings to the south; and incidental landscaping within the car park has been proposed. A pedestrian crossing and kerb ramps are included to assist pedestrian access from Teak Lane, into the shopping precinct.

In considering the development type and level of assessment required for a car park on the site, it is concluded that the development cannot be considered as a permissible change to the existing approval under Section 367 of the *Sustainable Planning Act 2009*. Rather, a new development application is required for the development. The proposal is considered to be an undefined use under the current planning scheme and as such requires impact assessment within the Open Space zone.

### **Site & Locality**

The site is densely vegetated with a mix of locally occurring species, predominately she-oaks with some eucalypt tree species and a mix of grasses and some weeds (the RCC Regional Ecosystem Mapping classifies the site as 80% 'Of Concern' regrowth and 20% 'Not of Concern' regrowth).

Development in the surrounding area consists predominantly of commercial buildings and residential housing. Medium Density Residential housing adjoins the site to the east. To the west lies land zoned Major Centre, which has been developed to create the Victoria Point Shopping Centre. North of the site is land zoned Conservation, which includes the Erapah Creek.

## **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 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

The application was initially lodged on the 21 March 2016. It was identified that the site is within a Priority Koala Assessable Development Area under the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP). The State Koala Habitat maps identified the majority of the site as “*generally not suitable*” but a portion of the site was identified as being “*low value rehabilitation*” and “*high value other*”. In accordance with Division 6(6.2) of the Koala SPRP, it was determined that the development was within a priority koala assessable development area, which means MCU is prohibited if it is:

- for an urban activity; and
- in an area identified in a local planning instrument as having an open space, conservation, rural or rural residential purpose.

The site is zoned Open Space under the current Redlands Planning Scheme and therefore is identified as having an open space purpose. The definition of *urban activity* in the Koala SPRP includes residential, industrial, retail or commercial activities. As a result, the development as proposed was considered prohibited. In accordance with the *Sustainable Planning Act* s239 if an application is made and any part of the development applied for is prohibited development, the application is taken not to have been made and IDAS does not apply.

A new application was received on the 25 April 2016 with a new layout design to exclude the relevant mapped areas of koala habitat and satisfy the requirements of the Koala SPRP that the proposal is now located outside the prohibited areas.

State Planning Policy/Regulatory Provision	Applicability to Application
<b>SEQ Koala Conservation SPRP</b>	The site is within a Priority Koala Assessable Development Area under the SEQ Koala Conservation SPRP. The applicant has confirmed that no works are being undertaken in areas mapped by the SPRP, which would otherwise make the development prohibited. In this instance there are no requirements under the SPRP.
<b>SPRP (Adopted Charges)</b>	The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council’s adopted infrastructure charges resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.
<b>State Planning Policy 2014</b>	<b>Environment and Heritage Water Quality</b> Climatic regions – stormwater management design objectives. A Stormwater Management Plan has been submitted with the application which includes an onsite detention system.

	<p><b>State Transport Infrastructure</b></p> <p>The land is within 400m of a public passenger transport facility and the total site area exceeds 5,000m<sup>2</sup>. The site proposes to retain and enhance pedestrian and cycle corridors to the Town Centre. Creating additional car parking within proximity of a transport hub enhances pedestrian connectivity.</p>
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### Redlands Planning Scheme

The application has been assessed under the Redlands Planning Scheme version 7. The application is subject to impact assessment. In this regard, the application is subject to assessment against the entire planning scheme. However, it is recognised that the following codes are relevant to the application.

- Open Space Zone Code
- Acid Sulphate Soils Overlay Code
- Habitat Protection Overlay Code
- Road and Rail Noise Impacts Overlay Code
- Excavation and Fill Code;
- Access and Parking Code;
- Centre Design Code:
- Landscape Code.

The most pertinent parts of this assessment are discussed below:

#### Zone Intent

The purpose of the Open Space Zone is to provide for a range of open space and recreational uses that meet the active or passive recreational needs of residents and visitors to meet community needs and facilitates community interaction as a place to meet, socialise and recreate.

The proposal conflicts with the intent of the open space zone code as it:

- Does not provide for a range of open space and recreational uses to meet recreational needs of the City;
- Does not provide for recreation activities on land in public or private ownership;
- Impacts on the amenity and landscape setting of the area;
- Is inconsistent with the open space nature of the zone.

It is noted that the current use of the site also does not strongly achieve the intent of the Open Space Zone code.

The overall outcomes sought for the Open Space zone code are described by six key characteristics. In particular, the current use does not meet the Overall Outcome 4.16.7 (a), (b) and (d) of the Open Space zone code as follows:

**(a) Uses and Other Development**

- (i) Provide for a range of open space and recreational uses that –
  - a. Meet the active or passive recreational needs of residents and visitors to the City;
  - b. Provide for recreation activities not involving access by the general public;
  - c. May include land used for activities not involving access by the general public.
- (ii) Provide for limited range of other uses that –
  - a. Fulfil ancillary functions that are required for the open space to function effectively;
  - b. Do not impact on the amenity and landscape setting of the area.

The term public open space is an over-arching concept that encompasses a variety of spaces within the urban environment that are readily and freely accessible to the wider community, and which is intended primarily for amenity or recreation purposes, whether active or passive. This space does not work and/or deliver spaces that meet community needs. The Teak Lane reserve is not of sufficient size and shape to cater for its intended open space purpose of recreational activities both passive and active. There are no ancillary functions, such as clubhouses, tennis courts as well as picnic tables, playground and amenity facilities.

**(b) Open Space Design**

- (i) Uses and other development are designed in a manner that –
  - a. Contribute to the legibility and character of the local area;
  - b. Provides adequate facilities that meet community needs and expectations based on the population density and demographic structure expected in the area;
  - c. Provide for a range of passive and active recreational opportunities;
  - d. Enhance opportunities for community interaction;
  - e. Complement the broader open space network;
  - f. Form links between existing open space areas.

Outdoor spaces should be well designed and create places that are “fit-for-purpose”, useable and be places where people want to be. It is noted that “Open Space Design” should be of a size and shape that allows for diverse uses and activities, including passive and active recreational opportunities. This could include play areas, with picnic tables and BBQ’s, which would encourage public contact. In this instance there is no community interaction within Teak Lane based on this overall outcome. The site does not provide facilities that meet community needs, such as a hall, club house or community centre. The size of the site prevents any active recreational opportunities which could include swimming pools, golf courses and the like.

The site does not compliment the broader open space network nor does it provide a link between open space areas. It is considered that this park is quite small, relatively speaking; underutilised and provides no purposeful function as a result of a number of factors such as poor location and incompatible adjacent land uses.

**(d) Amenity**

- (i) Uses and other development achieve a high standard of amenity by -

- a. Providing high quality useable public and private open space that meets the needs of community;
- b. Creating open space areas that are safe and comfortable for users;
- c. Contributing to the liveability of the City through the provision of visual relief from the built environment;
- d. Providing a landscape setting that complements the specific open space function of the site;
- e. Eliminating or mitigating impacts associated with light noise, air and traffic.

Useable public open space is generally used for active or passive recreation and leisure (eg areas set aside for sport, recreation and community purposes). As mentioned, the reserve has not been utilised in this way, or deemed to be used this way in the future. Ongoing anti-social issues have been a problem with the park over many years and not an area conducive as a safe and comfortable space for the public. Safety and security issues have been recognised in this public open space that needs ongoing management.

It is possible that the potential does exist to make this site a useful space that complies with the general intent of the Open Space Zone. Council previously consulted with the community about clearing the reserve and making it an open grassed area with furniture, or alternatively allowing purchase of the land by adjoining residents. Both options were not favoured by the residents.

Even if Council were able to acquire the site, there is no guarantee that creating an open grassed area would resolve the antisocial behaviour. Details of the antisocial issues and solutions implemented to date are discussed further in this report.

As there is a conflict with the overall outcomes and intent for the open space zone in the relevant planning instrument, Council must consider whether there are sufficient grounds to justify an approval, despite this conflict. The term *grounds* are defined in S.326 of the *Sustainable Planning Act 2009* to mean matters of public interest. It does not include considerations such as the personal circumstances of the applicant, the owner of the land or another interested party.

It is considered that sufficient grounds do exist in this case to justify approval of the proposed development despite the conflict with the Redlands Planning Scheme. The basis of these grounds is discussed below:

### **Ongoing public safety issues**

The site is located between residential properties to the south and service areas of the Town Centre Shopping Centres. It has been well documented over many years of the ongoing anti-social behaviour which has affected the wider community, in particular the nearby residents and the tenants and visitors to the Town Centre Shopping Centre. Below is a brief synopsis of some of those issues:

- Assaults
- Break and Enter
- Loud Noise
- Loitering
- Fighting

- Drug use
- Arson
- Graffiti
- Vandalism.

Significant endeavours have been undertaken by Council, the Queensland Police Service and Centre Management of the Town Centre Shopping Centre to reduce and/or eliminate antisocial behaviour. Some of the strategies implemented include:

- Police patrols
- Graffiti programmes through Council
- Improved lighting to Lot 12
- Restricting access to Lot 12 after hours
- Replacement of parts of the acoustic fence with transparent polycarbonate panels to improve visibility of Teak Lane and Lot 12. There has been vandalism to these panels on many occasions.

The applicant supplied a Social Impact Assessment (SIA) of the proposed change of use from park reserve to car parking area. The assessment has been undertaken through:

- A review of documentary evidence including, but not limited to, planning instruments, court orders, correspondence and media coverage;
- A review of third party documents relevant to the SIA, including available demographic and population statistics and reports on matters relevant to the drivers of the impacts that are under consideration;
- Visual site inspections; and
- Interviews with key stakeholders – namely Centre Management and Council's Community Development Team (for clarification purposes as necessary).

The report identifies key drivers of the prevalence and apparent non-resolvability of the antisocial issues on the site. It pinpoints a potent mix of conditions and key elements as follows:

- Locality demographics
- Site proximity to the Victoria Point State High School
- Characteristics of the site.

A summary of the report findings is below:

- This combination and configuration of socio-spatial circumstances has rendered remediation or management efforts largely ineffective. The report identifies by virtue of the interaction of these three factors and other broader dynamics are increasing the risk of antisocial behaviours.
- The report concludes that whatever amenity benefits are provided by a wooded strip of land located between residential backyards and the Shopping Centre are, in the opinion of the writer, overridden by broader considerations of dis-amenity and public safety risk. The long standing history of antisocial behaviour attracted by the subject site, and the recognised ineffectiveness of numerous response actions over the past 12 years, have long vexed local

residents and various authorities. Nearby residents have consistently complained about a range of antisocial behaviours on the subject site, which have directly impacted on their residential amenity. Issues of drug abuse, illicit alcohol consumption, loud and raucous activity, trespass and break and enters have featured in residential complaints since 2002.

- Only by the transformation of the site's fundamental characteristics can the risks to public safety posed by the site be effectively overcome. Indeed, it is unlikely in the context of current design principles and knowledge concerning public safety that the subject site would be allowable in its current configuration if the shopping centre development was to be undertaken today. The risk of antisocial behaviour and associated dis-amenity effects, together with an overriding risk to public safety, requires action. The proposed development is, in the writer's opinion, the only viable response to the need to demonstrate a willingness to prioritise public safety and mitigate safety-related liabilities.
- Ongoing antisocial behaviour is of serious concern to government, the private sector, communities, families and individuals. It is important to understand the situational and environmental factors that can increase the risk of antisocial behaviour. For example, poorly designed spaces where people can loiter under minimal natural surveillance can create opportunities for individuals and groups to engage in antisocial behaviour as is the situation in Teak Lane.
- It is generally believed that public parks and open spaces should improve the quality of life to those who visit these spaces. However, there are people who also believe that it is not worth investing money in the upkeep and maintenance of local parks and public open spaces because they will "just get vandalised" and be an area where antisocial behaviour will occur. Despite best endeavours of all concerned, it is evident that the subject site remains a focal point of a broad range of antisocial behaviours. The point being that in some instances public open spaces work to improve things and sometimes they do not. In this case, it is apparent it does not work.

Due to the ongoing immoral social behaviour, it is agreed that the time and effort spent in the past to find solutions to this epidemic have been unsuccessful.

### **Internal comments from Council and Local Police**

#### Queensland Police

On the 6 August 2016, Council's Community Safety Officer received an update from Senior Constable Nick Evans from the State Intelligence Counter-Terrorism and Major Event Command Unit, that an intelligence briefing had been prepared for officers of the Bayside Patrol Group with regard to drug use occurring at Teak Lane and that the matter will be dealt with as a Problem Place in the QPS Place and Case Management Strategy.

#### Advice from Internal Council Teams

- **City Spaces** support the proposal because it would resolve problems with ongoing maintenance and security concerns.

- The **Community Development Team** has dealt with the antisocial behaviour of Teak Lane for more than 10 years. The following are some of the measures taken over the years:
  - *Several meeting with the residents to try and find solutions to their problems and have established working groups that involved Police, shopping centre, local elected members, local schools and businesses.*
  - *Meeting's with specialists in Crime Prevention Through Environmental Design, whose view was that a major change was required for the problems to be resolved.*
  - *A significant change to the space to open it up for natural surveillance to occur is required. If there is no change to the space than the issue will not change or go away.*
  - *Assaults and drug congregation were still occurring at the beginning of September 2016.*
  - *The proposed design & change of use of the area by the shopping centre provides good crime prevention values and that the shopping centre is best placed financially & resourced to lead the challenge to resolve the issues being experienced here permanently.*
  - *Intervention will not resolve these issues from our community or society permanently, it is believed that the redesign will assist in displacing a good majority of the issues and allow the shopping centre security to better manage the safety of space”.*

It is the view of many areas of Council that the current use of the land as a park is not working and all possible measures have been taken to make this a usable space.

It is noted that from a Council officer viewpoint, the reserve is no longer effective from a community perspective. All strategies have been exhausted and the sale of the land has overwhelming support.

### **Environmental corridor**

The site is zoned Open Space and classified as Bushland Habitat. The proposed car park layout will obviously result in the removal of the vegetation on the site. Council does not have an ability to impose a condition for offsets under the Environmental Offsets Act as the site is not within a designation under the Koala SPRP that would permit this. A Landscape Plan has been conditioned to partly address amenity issues and loss of habitat.

Evidence of Koala activity and presence in the area, especially since 2012, suggests that it has been limited. Based on available data it would also suggest that the movement and presence of Koalas through this bushland strip has been in decline, which is reflective of the broader city-wide decline of the population.

Council's current overlay shows this reserve as Bushland Habitat with no link to an enhancement corridor or koala habitat. This designation was based on material gathered from the Redland Shire Environmental Inventory Stage 4 as a background document for the Draft Redlands Planning Scheme 2006. Part of this document also included the methodology for creating the Habitat Protection Overlay mapping. As part of this document, Teak Lane was an area included in the "general link" category which has the following attributes:

- Small narrow vegetated links adjoining localised and/or isolated patches of bushland to other major/general bushland tracts corridors
- Comprise trees and native plants that link through a series of properties to create a wildlife corridor running through many properties.

Moving forward to the present day, it is supported that in the last 11 years there have been many changes in the City, which has seen land cleared as a result of ongoing development. It has been established in a recent environmental inventory V4.3 that the reserve has been noted as general significance, with no priority or major significance and a reasonably low wildlife corridor. This inventory has no listing of koalas sighted or tree markings (eg with scratches and/or scats).

Whether this area is used as a corridor for, in particular, koalas, is somewhat unknown but it would be inappropriate to deny that this is a possibility. In the final layout plan there is in place habitat connectivity to avoid fragmenting the site and allowing connection for wildlife movement. There is a 3m x 290m landscape buffer proposed for the length of the site along Sycamore Parade. It is noted that the acoustic fence is excluded from the lower eastern side boundary, being approximately 40 metres wide, which joins the Sycamore Parade Park at 327 Colburn Avenue, Victoria Point. This will ensure an area of vegetation and habitat remains after development is completed.

It is considered that the area known as Teak Lane is no longer sustainable as an environmental corridor as originally endorsed.

### **Stormwater Management**

A stormwater management plan has been submitted with the application; the submitted document is a preliminary document prepared by Northern Consulting and achieves the Redlands Planning Scheme requirements at concept level. Further detailed engineering reports will be conditioned for submission at compliance assessment stage. Key elements for analysis would be provision of an onsite detention system of at least 101cum of capacity, electronic files assessment, and solutions for external catchment in terms of lawful point of discharge provision.

### **Landscaping**

The proposed Landscape Intent Plan (David Kearney & Associates 15/047 – LS1) for the car park extension has been assessed. Revisions should be made to the plan to improve CPTED and compliance with the Landscape Code. Compliance assessment to address CPTED elements has been conditioned.

It is accepted that the nature and scale of the visual amenity will be reduced. Obviously some change to the landscape area is to be expected for a development such as a car park but landscaped areas have been allocated around the perimeter of the site, 3 metres in width that will be of a scale and character to accommodate an acceptable visual amenity.

It could be argued that with the present anti-social behaviour of this area, the current amenity experienced by the surrounding properties is not particularly beneficial as noted in the ongoing public safety issues section of this report. Also, it is considered

that it will create a safer and more secure environment incorporating CPTED principles.

### **Noise Amenity**

A Noise and Lighting Impact Assessment has been provided. This report considers potential noise impacts from the proposed development and recommendations for the acoustic attenuation required to meet noise standards.

Given the proximity of the existing residential dwellings to the south and east boundaries of the site, it is recommended that acoustic barriers be constructed to mitigate noise impacts. The following acoustic barriers are required to attenuate the noise impact from car parking activity noise at surrounding sensitive land uses:

- **2m high acoustic barrier** located to the western site boundary of the car parking area
- **2.4m high acoustic barrier** located on the southern site boundary along existing residential dwellings to the south
- **3m high acoustic barrier** located along the eastern car parking area boundary shielding the nearest residential dwellings to east.

The proposed development will alter the current noise control measures in the form of removal of existing acoustic barriers along the southern part of the site positioned to mitigate noise exposure from goods delivery (truck and forklift noise) associated with the western and central buildings along the current shopping centre southern alignment. The barriers are to be removed to provide clear vision over the car parking area for safety and passive surveillance purposes. Their utility is to be replaced by the new acoustic barriers proposed along the southern boundary of the development area.

### **Lighting Impacts**

The proposed development has the potential to impact upon residential neighbours by way of light spill from fixed light, potential glare/obtrusive nature of the fixed lighting, and glare from headlights associated with vehicles manoeuvring on site.

The primary objective of the fixed lighting is to provide effective illumination for the intended activity of combined vehicle and pedestrian access through the car park. As the proposed development is situated in proximity to residential properties the design of the lighting needs to limit any obtrusive effects upon these properties.

Relevant conditions have been recommended to address the nuisance illumination issues, with lighting to be designed to comply with the Australian Standard AS4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting.

Suitable fixed lighting for safety and security will be installed to the new car parking area to comply with Council and Australian Standard requirements. Use of directional fittings with glare shields will be an appropriate basis coupled with suitable mounting heights to prevent adverse glare or light spill at residential areas. Headlight

glare will be screened from residential areas by the proposed acoustic barriers and landscaping.

## **Access and Parking**

### On-site parking

The proposal does not trigger provision of parking spaces. The shopping centre parking spaces were assessed and approved under previous applications/court orders.

### Dedicate parking space for people with disability

Parking for people with disabilities will not be provided given the parking area will be located at the rear of the centre, consequently not providing direct access to the centre's front doors.

### Internal access way, efficient traffic operation

Waste collection vehicles will not be accessing or circulating within the proposed parking area. It is considered that waste and service vehicles will maintain the current arrangements which are a consequence of previous approvals. A condition of approval has been added to address this.

### Parking areas

Layout of parking areas, specifically the width of the circulation road, circulation aisle, parking aisle and parking space – gradients in parking areas - signage – landscaping - Table 4, 6, 7 and 8 in Part 9, Schedule 1.

The parking areas are considered to comply with these sections of the RPS. Further details will be assessed at compliance assessment particularly in relation to line marking, safety, and circulation requirements.

Servicing and manoeuvring areas previously arranged will be maintained.

## **Waste Management**

Previous arrangements will be maintained. Waste collection vehicles will not be accessing or circulating within the proposed parking area.

## **Infrastructure Charges**

If approved, the proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provision (adopted charges). The infrastructure charge applicable to this development is \$49,004.30.

This charge has been calculated as follows in accordance with Council's [Adopted Infrastructure Charges Resolution \(No. 2.3\) August 2016](#).

### **Notice #001440**

Stormwater Infrastructure	
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7,655m2 Impervious Area X \$10.10/m2	\$77,315.50
Demand Credit	
<hr/>	
1 X 3 bedroom residential dwelling X \$28,311.20	\$28,311.20
<b>Total Council Charge:</b>	
	<b>\$49,004.30</b>

**OFFSETS**

There are no offsets that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

**REFUNDS**

There are no refunds that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

**State Referral Agencies**

The application was referred to Energex as an advice agency in accordance with Schedule 7 Table 3 Item 8 of the Sustainable Planning Regulations 2009. Energex recommended approval for the Material Change of Use in accordance with the submitted plans of development.

**Public Consultation**

The proposed development is impact assessable and required public notification. The application was publicly notified for 20 business days from 1 July 2016 until 27 July 2016. A notice of compliance for public notification was received on 11 August 2016.

**Submissions**

There were 31 properly made submissions received during the notification period. Of these, 9 submitters were in support of the development. A further 10 submissions were received which were not properly made but which were accepted under s305(3) of the *Sustainable Planning Act 2009*. A petition was also received with approximately 300 signatures. The matters raised within these submissions are outlined below.

<b>1.</b>	<b>Issue</b> Reduction to visual/scenic amenity.
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	<p><b>Applicant Response</b>          Adjoining residents may enjoy aspects of the vegetation existing on the land. However, this has to be balanced against the social disturbance that flows largely from the inability to have surveillance of the area.</p> <p><b>Officer's Comment</b>          This issue has been addressed in the assessment section of this report.</p>
2.	<p><b>Issue</b>          Increased noise levels from traffic in proposed car park.</p> <p><b>Applicant Response</b>          Not provided.</p> <p><b>Officer's Comment</b>          An acoustic report has been received as part of this application. This report highlights potential noise impacts from the proposed development and recommendations for the acoustic attenuation that is required to meet the noise standards.</p>
3.	<p><b>Issue</b>          Reduced values to property.</p> <p><b>Applicant Response</b>          Not provided.</p> <p><b>Officer's Comment</b>          Not a planning issue.</p>
4.	<p><b>Issue</b>          Reduction in habitat for local wildlife and removal of corridors.</p> <p><b>Applicant Response</b></p> <p><u>In respect to flora:</u></p> <ul style="list-style-type: none"> <li>• The site's vegetation is not analogous with a Threatened Ecological Community (TEC) identified as a Matter of National Environmental Significance (MNES) under the EPBC Act, nor does the site support MNES flora species;</li> <li>• The vegetation is too fragmented and small in scale to be mapped as Regulated Vegetation, and is therefore excluded from the Regulated Vegetation Management Map. The regrowth vegetation that occurs is analogous with a vegetation type that is regionally common;</li> <li>• The site does not support Endangered, Vulnerable and Near Threatened (EVNT) flora species; and</li> <li>• The plant community and species recorded are not otherwise known to be of conservation interest.</li> </ul> <p><u>In respect to fauna:</u></p> <ul style="list-style-type: none"> <li>• While conservation significant species occur in the locality, site specific</li> </ul>

	<p>assessment indicates that many of these species are unlikely to be present, and, if present, the site would form only a small component of a much larger ranging area;</p> <ul style="list-style-type: none"> <li>• The site does not contain wetlands, waterways, structurally diverse vegetation, large woody debris, rock outcrops, cave systems or other features of high fauna habitat value; and</li> <li>• The site has poor connectivity to more intact and contiguous habitat, which compromises its habitat importance strategically.</li> </ul> <p><u>With respect to koalas specifically:</u></p> <ul style="list-style-type: none"> <li>• There is some connectivity between the site and similar fragmented habitat to the east, but the site is otherwise a “dead end” with connectivity to the north, south and west compromised by major roads and urban land uses;</li> <li>• Survey revealed no evidence of scat, suggesting if koalas were present, the level of use would be very low; and</li> <li>• It is also acknowledged that the more contiguous habitat of the Eprapah Creek Reserve to the north is known koala habitat.</li> </ul> <p><b>Officer’s Comment</b> This has been addressed within this report.</p>
5.	<p><b>Issue</b> Conflicts with original planning approval through court order and RPS overlays</p> <p><b>Applicant Response</b> Not provided.</p> <p><b>Officer’s Comment</b> This has been addressed within this report.</p>
6.	<p><b>Issue</b> Continuing antisocial behaviour due to secluded location.</p> <p><b>Applicant Response</b> It is absolutely well known by opponents and supporters of this proposal that there is a long and dreadful record of drug dealing, assaults and anti-social behaviour in all forms associated with this land. Neighbours, including some who are now adverse submitters, have complained endlessly to various authorities about this behaviour, to the point where they have suggested a “permanent solution” of man proof fencing to exclude the public from the land.</p> <p>One submitter now says the last two and a half years have been “quiet”, however there has been significant evidence of drug taking/dealing on Lot 12 in just the last few weeks. This has been reported to the police who have the area under surveillance once again. Photographs attached to these notes strongly suggest organised drug taking in recent times on Lot 12.</p> <p><b>Officer’s Comment</b></p>

	<p>While it is acknowledged that historical antisocial behaviour has occurred over many years, it is recognised that a 100% guarantee of no disruptive conduct is impossible to predict but it is considered that the proposal put forward by the applicant will offer a solution to ongoing disagreeable social problems associated with the reserve.</p>
7.	<p><b>Issue</b> Construction of extra parking is not needed. Already ample supply.</p> <p><b>Applicant Response</b> Not provided</p> <p><b>Officer's Comment</b> The purchase of the reserve (Lot 12 on SP 147233) by the applicant will be utilised for access, car parking and a landscape buffer, in support of the adjoining shopping centre use (Shop). Additional parking is not required at this time although it is noted that additional car parking may allow future expansion in this major centre which would be in accordance with the planning scheme and the intent of the SEQ Regional Plan.</p>
8.	<p><b>Issue</b> Creation of more traffic in Town Centre Victoria Point shopping complex.</p> <p><b>Applicant Response</b> Not provided.</p> <p><b>Officer's Comment</b> It is likely that there will be additional traffic. However, that additional traffic is acceptable in this major centre zone.</p>
9.	<p><b>Issue</b> Safety and security risks of a dead end site.</p> <p><b>Applicant Response</b> The car park has been designed so as to comply with the recognised standards. Opening up of this area could only reduce or eliminate the well-known security and safety threats that have been observed and experienced at Lot 12 for many years.</p> <p><b>Officer's Comment</b> The plan of development has addressed all contingencies with regard to safety and security risks of the entire site.</p>
10.	<p><b>Issue</b> 'Buffer zone' between shopping centre and houses will be reduced.</p> <p><b>Applicant Response</b> Those residents whose properties abut Lot 12 will be protected by an acoustic fence and a vegetated buffer that will replace existing vegetation. In passing, it is noted also that the car park will be illuminated at night to assist surveillance,</p>

but in a way that restricts light emissions to adjoining property, as detailed in the planning documents.

**Officer's Comment**

The original buffer zone was a conservation area between the shopping centre and the residents. The proposed car parking area is considered a buffer zone but taking a different form, by implementing measures to remove ongoing issues associated with the site in its current form. The use of lighting, clear treatment or Perspex fencing and noise attenuation measures and landscaping will ensure a buffer zone to the surrounding residents.

**Deemed Approval**

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

**STRATEGIC IMPLICATIONS**

**LEGISLATIVE REQUIREMENTS**

The request has been assessed in accordance with the *Sustainable Planning Act 2009*. This development application has been assessed against the Redlands Planning Scheme V7 and other relevant planning instruments.

**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 properly made submitter also has appeal rights.

**FINANCIAL**

If approved, Council will collect infrastructure contributions in accordance with the State Planning Regulatory Provisions (adopted charges) and Council's Adopted Infrastructure Charges Resolution.

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 Planning Assessment Team 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.

A copy of the original and subsequent proposals was provided to the Divisional Councillor.

## CONCLUSION

The development application has been assessed against the Redlands Planning Scheme and relevant State planning instruments. It is noted that the proposed development conflicts with the Redlands Planning Scheme. However, in accordance with section 326(1)(b) of the *Sustainable Planning Act*, it is considered sufficient grounds to justify the decision despite the conflict have been identified.

The preliminary approval issued by Court Order (Appeal No. 39 of 1999) for the original application for the shopping centre identified the area comprising Lot 12 on SP147233 as an "environmental corridor" to protect remnant vegetation and koala habitat, form a buffer for residential development abutting on the south, and to serve as a publicly accessible open space area.

It is now considered this is not the best use of the land in the current situation, based on the information discussed in this report and the ongoing public safety and amenity factors. It is considered that sufficient grounds do exist in this case to justify approval of the proposed development despite the conflict with the Redlands Planning Scheme as follows:

- The Redlands Planning Scheme (in relation to the subject lot) is out of date due to changing circumstances. The use of the site as an environmental corridor no longer serves this purpose. The reserve provides no habitat connectivity, linking to a CP7 site used for a substation, with the area to the south established residential and area to the north established commercial.
- Council departments have identified ongoing public safety and nuisance issues associated with the current use. Numerous solutions have been implemented over the years by Council, Queensland Police, and Shopping Centre Management with no success. Use of the site as a car park is a logical extension to the Shopping Centre use to the north and provides a viable solution to addressing current issues around surveillance, CPTED, public safety and ongoing anti-social behaviour. It is considered by the relevant experts that all options have been exhausted.
- The existing use of the site also conflicts with the Redlands Planning Scheme as it does not meet active or passive recreational needs of residents and visitors; does not provide for recreational activities; has an adverse impact on amenity in terms of harbouring anti-social behaviour; does not complement the broader open space network nor does it provide a link between open space areas and has

resulted in the creation of an area that is unsafe and failing to meet the needs of the community.

Council may take an alternative view and consider that sufficient grounds do not exist to justify an approval despite the conflict with the planning scheme. In particular, Councillors may conclude that there are alternative means to resolve the anti-social behaviour issues which Council officers believe provide the grounds to justify an approval.

## OPTIONS

Council's options are to:

1. Adopt the officer's recommendation to approve the application subject to conditions; or
2. Resolve to approve the application, with or without conditions or subject to different or amended conditions; or
3. Resolve to refuse the application (grounds of refusal would need to be established).

## OFFICER'S RECOMMENDATION

That Council resolves to issue a Development Permit approval subject to conditions for the Material Change of Use for Amendment to Development Permit (Convenience Retail Centre including a supermarket and specialty shops) dated 17 April 2002 (appeal 1363/01) for ancillary use of lot 12 on SP 147233 for vehicular access, car parking, buffer and pedestrian access at 32a Teak Lane, Victoria Point.

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
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.	
<b>Approved Plans and Documents</b>	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to the use commencing and ongoing.

Plan/Document Title	Reference Number	Prepared By	Date received by Council
Detailed Site Plan	DRAWING NUMBER A_CD_10.02 Amendment 7	Phillips Smith Conwell Architects	24 June 2016

Detailed Site Plan	DRAWING A_CD_10.03 Amendment 9	NUMBER	Phillips Conwell Architects	Smith	24 June 2016
Detailed Site Plan	DRAWING A_CD_10.04 Amendment 8	NUMBER	Phillips Conwell Architects	Smith	24 June 2016
Detailed Site Plan	DRAWING A_CD_10.05 Amendment 7	NUMBER	Phillips Conwell Architects	Smith	24 June 2016
Detailed Site Plan	DRAWING A_CD_10.06 Amendment 7	NUMBER	Phillips Conwell Architects	Smith	24 June 2016
Detailed Site Plan (as amended in red by Council).	DRAWING A_CD_10.02 Amendment 7	NUMBER	MWA Environmental		24 June 2016
Landscape Intent Plan	Drawing No. 15/047 – LS1		David Kearney & Associates		19 April 2016
Noise and Lighting Impact Assessment Amendment of Development Permit Lot 12 on SP 147233 Victoria Point	15-079		MWA Environmental		21 March 2016

Table 1: Approved Plans and Documents

<b>Access, Roadworks and Parking</b>	
3. Access to car parking spaces, vehicle loading and manoeuvring areas and driveways must remain unobstructed and available during the approved hours of operation. Loading and unloading operations must be conducted wholly within the site.	Prior to the use commencing and ongoing.
<b>Compliance Assessment</b>	
4. Submit to Council, and receive approval for, Compliance Assessment for the documents and works referred to in Table 2:	Prior to site works commencing.

Document or Works Item	Compliance Assessor	Assessment Criteria
Stormwater assessment	Redland City Council	<ul style="list-style-type: none"> <li>Redlands Planning Scheme Part 8 Division 9 – Stormwater Management Code</li> <li>Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding</li> <li>Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 6 – Stormwater Management</li> <li>Redlands Planning Scheme Part 9 Schedule 11 – Water Quality Objectives</li> </ul>

		<ul style="list-style-type: none"> <li>• Water Sensitive Urban Design Technical Guidelines for South East Queensland</li> <li>• State Planning Policy December 2013</li> <li>• Queensland Urban Drainage Manual</li> <li>• Australian Standard 3500.3:2003 – Plumbing and Drainage – Stormwater Drainage.</li> </ul>
<b>Access and Parking Plans</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 8 Division 1 – Access and Parking Code</li> <li>• Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 15 – Access and Parking</li> <li>• Australian Standard 2890.1:2004 – Parking Facilities – Off-street car parking</li> <li>• Australian/New Zealand Standard 2890.6:2009 – Parking Facilities – Off-street parking for people with disabilities.</li> </ul>
<b>Sediment and Erosion Control Plan</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 8 Division 6 – Erosion Prevention and Sediment Control Code</li> <li>• Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 4 – Erosion Prevention and Sediment Control</li> <li>• Institution of Engineers Australia Erosion and Sediment Control Guidelines.</li> </ul>
<b>Earthworks Plans</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 7 Division 6 – Excavation and Fill Code</li> <li>• Redlands Planning Scheme Part 8 Division 5 – Development Near Underground Infrastructure Code</li> <li>• Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 12 – Excavation and Fill and Chapter 13 – Development Near Underground Infrastructure</li> <li>• Australian Standard 2870:2011 – Residential Slabs and Footings</li> <li>• Australian Standard 4678:2002 – Earth-</li> </ul>

		<p>retaining Structures</p> <ul style="list-style-type: none"> <li>• Australian Standard 3798:2007 – Guidelines on Earthworks for Commercial and Residential Development.</li> </ul>
<b>Construction Management Plan</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions</li> <li>• Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding.</li> </ul>
<b>Landscape Plan</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 8 Division 8 – Landscape Code</li> <li>• Redlands Planning Scheme Part 9 Schedule 9 – Street Trees</li> <li>• Redlands Planning Scheme Part 11 Policy 3 Chapter 3 – Landscaping and Chapter 4 – Security Bonding</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 10 – Parks and Open Space and Chapter 11 – Landscaping</li> <li>• Redlands Planning Scheme Part 11 Policy 16 – Safer by Design</li> <li>• Redlands Planning Scheme Part 11 Policy 17 – Streetscape Design Manuals.</li> </ul>
<b>Pre-Construction Certification for Acoustic Barrier</b>	<b>Redland City Council</b>	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme – Policy 5 – Environmental Emissions</li> </ul>

Table 2: Compliance Assessment

<b>Stormwater Management</b>	
<p>5. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to:</p> <ul style="list-style-type: none"> <li>• A lawful point of discharge to manhole structure, asset no. 214389.</li> </ul>	<p>Prior to the use commencing and ongoing.</p>
<p>6. 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 the use commencing and ongoing.</p>

<p>7. Submit to Council, and receive Compliance Assessment approval for, a stormwater assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval and the Civil engineering report ref LAN0105/02:JSW, prepared by Northern Consulting engineers (dated 10 of March 2016). Address both quality and quantity, in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management.</p>	<p>As part of request for compliance assessment.</p>
<p><b>Infrastructure and Utility Services</b></p>	
<p>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.</p>	<p>At the time of works occurring.</p>
<p>9. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to site works commencing.</p>
<p><b>Construction</b></p>	
<p>10. 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.</p>	<p>During construction.</p>
<p>11. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.</p>	<p>Prior to the use commencing.</p>
<p><b>Dust Control</b></p>	
<p>12. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.</p>	<p>During any site works and construction phase.</p>
<p><b>Landscape Works</b></p>	
<p>13. Submit landscape plans to Council for Compliance Assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. Include the following items:</p> <ul style="list-style-type: none"> <li>• 3m wide landscape buffer strip internal to the Acoustic</li> </ul>	<p>As part of request for compliance assessment.</p>

<p><b>Barrier.</b></p> <ul style="list-style-type: none"> <li>• The Acoustic Barrier return/articulated section at the start of Teak Lane must include clear/transparent sections which are vandal proof and allow visibility from the car park through to the Lane</li> <li>• Details of car park landscape and tree planting in accordance with the Redlands Planning Scheme Landscape Code (with tree species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the compliance assessment approval). Where possible Koala Habitat and native plant species are preferred.</li> <li>• A maintenance plan for the entire landscaping component of the development.</li> <li>• Details of lighting to driveways, public car parks and footpaths within the site and adjoining entrances and access points. This includes lighting of Teak Lane.</li> <li>• A plan showing the tree protection zones (TPZs) around existing trees on the eastern boundary of the car park and those areas excluded from the car park footprint and covered by the SEQ Koala SPRP. The TPZs must be determined in accordance with Australian Standard A.S.4970-2009 – Protection of Trees on Development Sites by a Level 5 qualified Arborist.</li> </ul>	
<p><b>Acoustic Requirements</b></p>	
<p><b>14. Construct the required 2m-3m high acoustic barriers as per:</b></p> <ul style="list-style-type: none"> <li>• Figure 4 of the acoustic report - Noise and Lighting Impact Assessment Amendment of development permit LOT 12 ONSP147233 Victoria Point, dated 21 March 2016.</li> </ul> <p><b>Construct the acoustic barrier to achieve a minimum standard that attains a superficial mass of not less than 12.5kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in Noise and Lighting Impact Assessment Amendment of development permit LOT 12 ONSP147233 Victoria Point.</b></p>	<p><b>Prior to the use commencing and ongoing.</b></p>
<p><b>15. Submit the acoustic barrier plans and specifications to Council for Compliance Assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. The plans and specifications must be certified by a suitably qualified acoustic consultant to confirm the noise barrier achieves the requirements of this approval and the assessment criteria detailed in Table 2: Compliance Assessment.</b></p>	<p><b>As part of the request for Compliance Assessment.</b></p>

<b>Lighting Requirements</b>	
<p>16. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting (or the current applicable standard).</p>	<p>Prior to the use commencing and ongoing.</p>
<b>Court Order</b>	
<p>17. Development may not commence under this development permit until such time as a request for a permissible change, pursuant to section 369 of the Sustainable Planning Act 2009, has been lodged with, and approved by, the relevant responsible entity, which amends or deletes any conditions of existing development approvals applying to the premises (including the preliminary approval granted by the Planning and Environment Court on 10 September 1999 in relation to Appeal No 39 of 1999 (as amended by subsequent Order dated 12 December 2006) and the development permit granted by the Planning and Environment Court on 17 April 2002 in relation to Appeal No 1363 of 2001) that would be contravened by the carrying out of the development approved by this development permit.</p>	<p>Prior to the use commencing.</p>

#### ADDITIONAL APPROVALS

Please be aware that further approvals, other than a Development Permit or Compliance Permit, may still be required for your development. This includes, but is not limited to, the following:

- Compliance assessment as detailed in Table 2 of the conditions

#### REFERRAL AGENCY CONDITIONS

- **ENERGEX**  
Refer to the attached correspondence from Energex dated 7 June 2016 (Energex reference HBD 5235010 346062).

#### ASSESSMENT MANAGER ADVICE

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

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Further information can be obtained from Redland Water on 07 3829 8999.

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

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

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  - **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). Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence. It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23. The Fire Ant Restricted Area as well as general information can be viewed on the Department of Agriculture and Fisheries (DAF) website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants)

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

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

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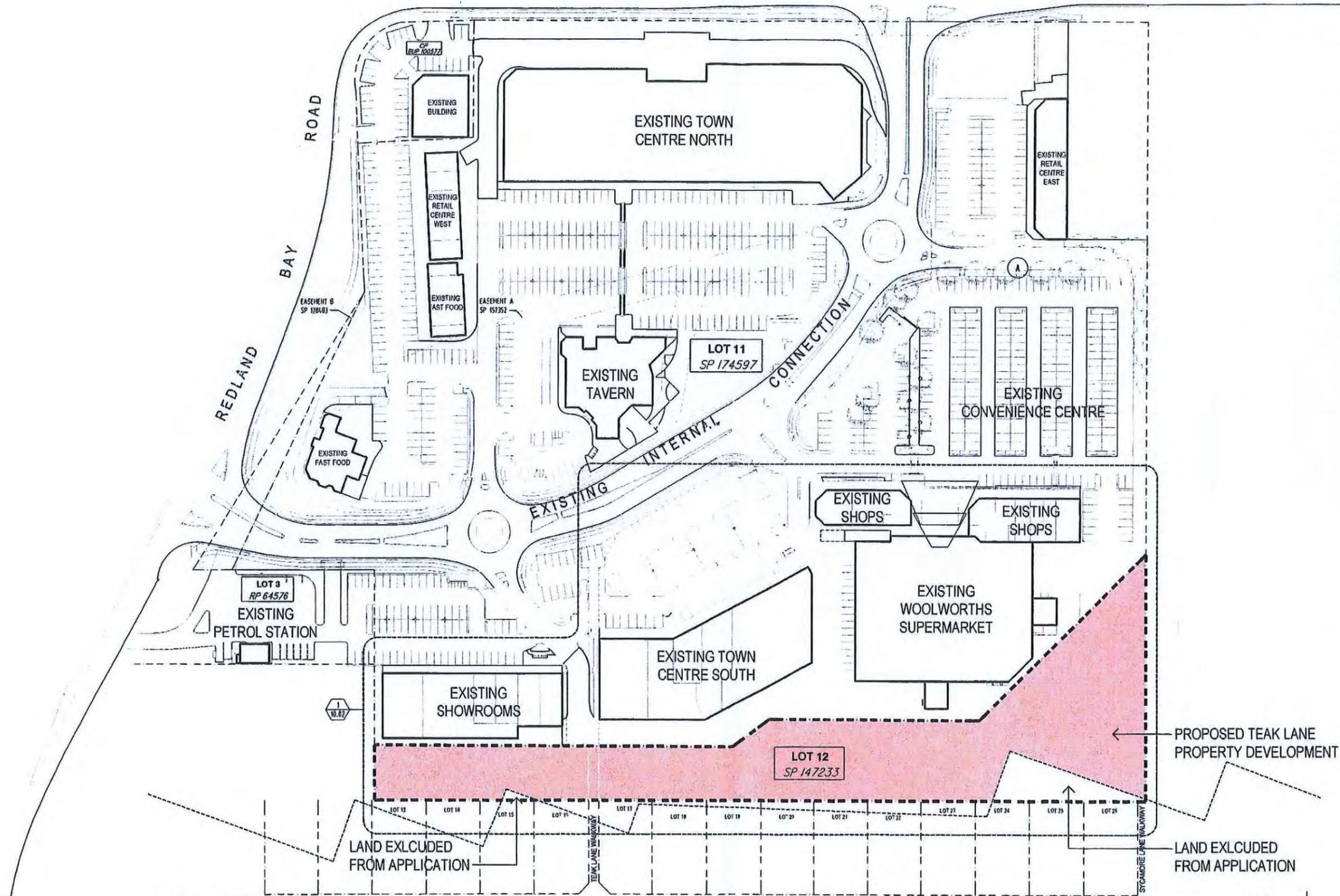
  - ***ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT***  
Under the Commonwealth Government's Environment Protection and Biodiversity Conservation Act (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as vulnerable under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on
-

1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

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

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- **SURVEY CONTROL INFORMATION**  
Redland City Council will be transitioning to ADAC XML submissions for all asset infrastructure once the Redlands draft City Plan has been adopted. While current Redland Planning Scheme Policies do not mandate its use, RCC encourages the utilisation of this methodology for submissions.
-

COLBURN AVENUE



**PROPERTY LOCATION:**  
 VICTORIA POINT TOWN CENTRE  
 369-369 COLBURN AVENUE  
 VICTORIA POINT  
 QUEENSLAND  
 4165

**REAL PROPERTY DESCRIPTION:**  
 LOT 11 SP 174597  
 PARISH OF CLEVELAND  
 COUNTY OF STANLEY  
 SITE AREA (TOTAL): 77,834 sqm  
 EASEMENT A: SP 157352  
 EASEMENT B: SP 128483

**PROPOSED DEVELOPMENT - REAL PROPERTY DESCRIPTION:**  
 LOT 12 SP 147233  
 PARISH OF CLEVELAND  
 COUNTY OF STANLEY  
 SITE AREA (TOTAL): 9,195 sqm  
 KOALA HABITAT AREA (TOTAL): 589 sqm  
 DEVELOPMENT AREA (TOTAL): 8,606 sqm

**1 SITE PLAN - EXISTING**  
**PROPOSED TEAK LANE PROPERTY**  
 SCALE: 1:750 at A1 1:1500 at A3

ISSUED FOR INFORMATION

SCALE  
 1:1500 at A3  
 7.5 15 22.5 30 37.5 75m

PHILLIPS SMITH CONWELL ARCHITECTS  
 01 Brookers Street, Epping Hills  
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 e psmith@psac-architects.com.au

VERIFY ALL DIMENSIONS & CHECK LEVELS ON SITE BEFORE COMMENCING WORK. DO NOT SCALE FROM THE DRAWING. THE DRAWING IS COPYRIGHT & REMAINS THE PROPERTY OF THE ARCHITECT & SHALL NOT BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

NO	SUBJECT	DWT	DATE
1	ISSUED FOR INFORMATION	ST/SS	15.01.14
2	EXISTING PETROL STATION AND ISSUED FOR INFORMATION	ST/SS	15.04.14
3	ISSUED FOR INFORMATION	ST/SS	21.02.14
4	ISSUED FOR CLIENT REVISION	ST/SS	22.04.14

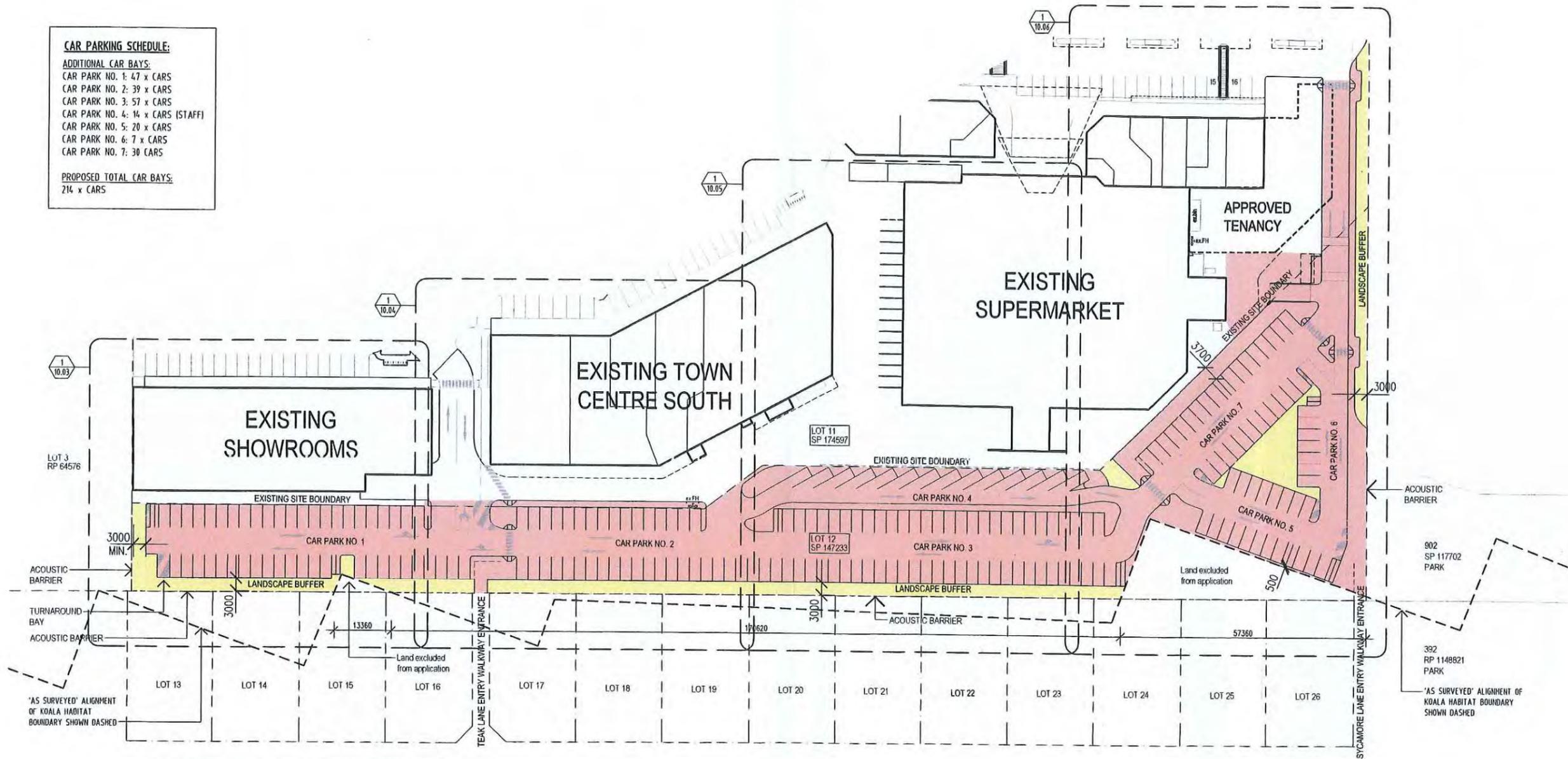
PROJECT  
 TOWN CENTRE VICTORIA POINT  
 REAR ALLOTMENT CARPARK  
 FOR  
 LANREX PROPERTY  
 DRAWING ARCHITECT: SENG & W

DRAWING TITLE  
 SITE PLAN - EXISTING

	NORTH / WALL INDEX	JOB NUMBER	SCALE AT A1
		5410	1:750
			SCALE AT A3
			1:1500
			AMENDMENT
			4
	DRAWING NUMBER		
	A_CD_10.01		

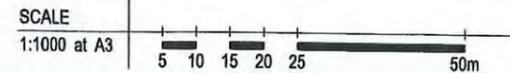
PHILLIPS SMITH CONWELL ARCHITECTS

**CAR PARKING SCHEDULE:**  
**ADDITIONAL CAR BAYS:**  
 CAR PARK NO. 1: 47 x CARS  
 CAR PARK NO. 2: 39 x CARS  
 CAR PARK NO. 3: 57 x CARS  
 CAR PARK NO. 4: 14 x CARS (STAFF)  
 CAR PARK NO. 5: 20 x CARS  
 CAR PARK NO. 6: 7 x CARS  
 CAR PARK NO. 7: 30 CARS  
**PROPOSED TOTAL CAR BAYS:**  
 214 x CARS



**1** DETAIL SITE PLAN - PROPOSED  
 PROPOSED TEAK LANE PROPERTY  
 SCALE: 1:500 at A1 1:1000 at A3

ISSUED FOR INFORMATION



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AMD	SUBJECT	INT	DATE
1	ISSUED FOR INFORMATION	SI/SS	15.11.16
2	CARPARK NUMBERS REVISED	SI/SS	15.11.16
3	LANDSCAPE BUFFER TO EASTERN BOUNDARY ENHANCED, TRILLEY BAYS ADDED	SI/SS	12.02.16
4	CARPARK LAYOUT AMENDED TO SHUT TRAFFIC ENGINEERS LAYOUT	SI/SS	21.02.16
5	CARPARK LAYOUT AMENDED TO SHUT TRAFFIC ENGINEERS LAYOUT	SI/SS	14.03.16
6	PEDESTRIAN CROSSING AMENDED, TURNAROUND BAY AND LINERIZING ADJUSTED TO SHUT TRAFFIC ENGINEERS ADVICE	SI/SS	11.03.16
7	ISSUED FOR CLIENT INFORMATION	SI/SS	22.04.16
6a	EXTENT OF SUPPLIED KOALA HABITAT BOUNDARY INDICATED	SI/SS	07.04.16
4b	CARPARK LAYOUT AMENDED TO SHUT KOALA HABITAT	SI/SS	11.04.16
6c	EXCLUDED LAND NOTED	SI/SS	11.04.16
4c	CARPARK LAYOUT AMENDED TO SHUT KOALA HABITAT	SI/SS	21.04.16

PROJECT  
**TOWN CENTRE VICTORIA POINT  
 REAR ALLOTMENT CARPARK**  
 FOR  
**LANREX PROPERTY**  
 NOMINATED ARCHITECT: ESR000 8499

**PHILLIPS SMITH CONWELL ARCHITECTS**

DRAWING TITLE  
**DETAIL SITE PLAN - PROPOSED**

NORTH / WALL INDEX

JOB NUMBER  
**5410**

SCALE AT A1  
**1:500**

SCALE AT A3  
**1:1000**

DRAWING NUMBER  
**A\_CD\_10.02**

AMENDMENT  
**7**

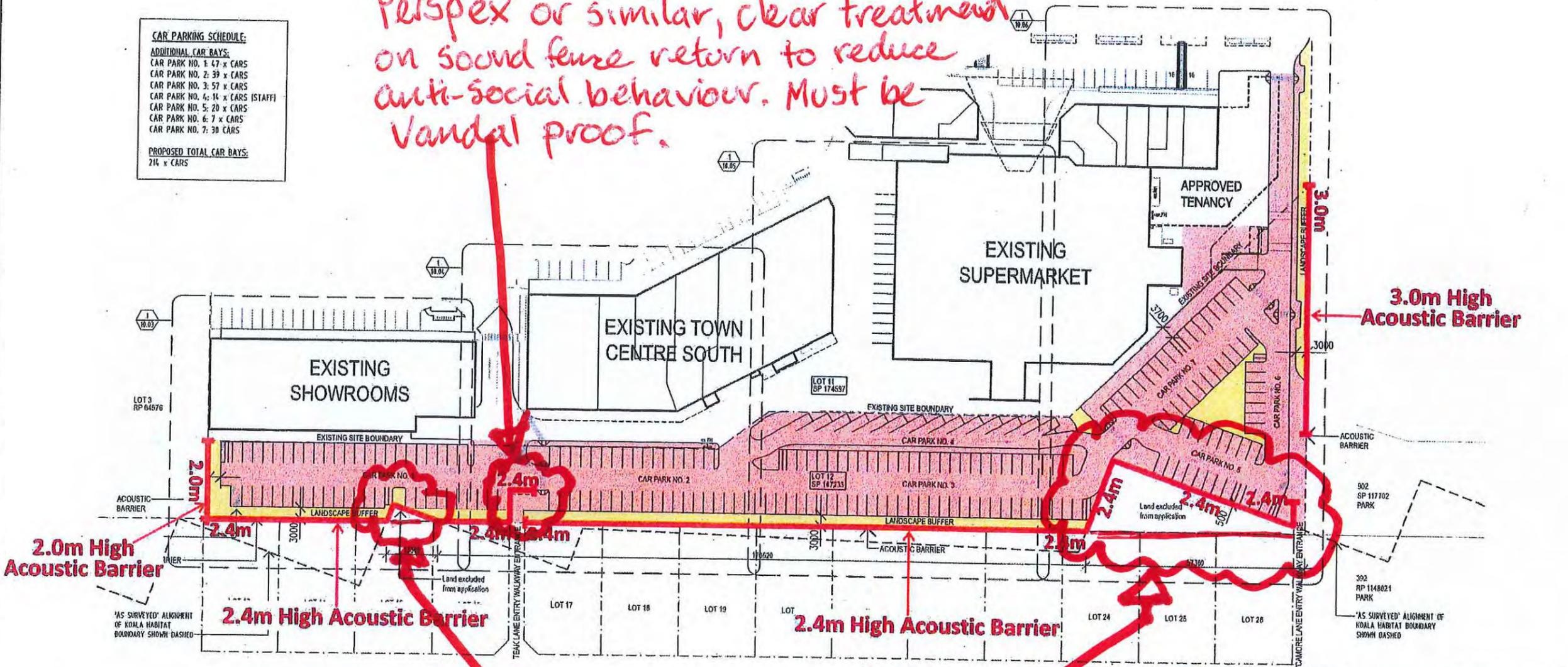
**CAR PARKING SCHEDULE:**

**ADDITIONAL CAR BAYS:**

CAR PARK NO. 1: 47 x CARS  
 CAR PARK NO. 2: 39 x CARS  
 CAR PARK NO. 3: 57 x CARS  
 CAR PARK NO. 4: 14 x CARS (STAFF)  
 CAR PARK NO. 5: 20 x CARS  
 CAR PARK NO. 6: 7 x CARS  
 CAR PARK NO. 7: 30 CARS

**PROPOSED TOTAL CAR BAYS:**  
 214 x CARS

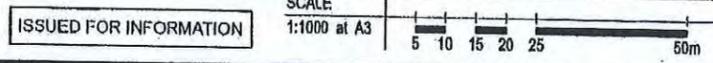
*Perspex or similar, clear treatment on sound fence return to reduce anti-social behaviour. Must be vandal proof.*



**1 DETAIL SITE PLAN - PROPOSED PROPOSED TEAK LANE PROPERTY**  
 SCALE: 1:500 at A1 1:1000 of A3

*Relocate alignment of sound fence along boundary*

<p>Max Womersley &amp; Associates Pty Ltd t/as MWA Environmental        Level 15 241 Adelaide St. Brisbane, QLD 4001        P: 07 3002 5500 F: 07 3002 5550 E: mwa@mwaworld.com.au        W: www.mwaworld.com.au        ABN 84 610 933 084</p>		<b>PROJECT</b> <b>NOISE IMPACT ASSESSMENT</b> <b>PROPOSED REAR ALLOTMENT CAR PARK</b> <b>TEAK LANE VICTORIA POINT</b>	
<b>CLIENT</b> LANREX PROPERTY <b>JOB</b> VICTORIA POINT <b>JOB NO.</b> 15-079 <b>DATE</b> 20/06/16 <b>SCALE</b> 1:1500 (A4)		<b>TITLE</b> <b>ACOUSTIC BARRIER LOCATIONS</b>	
<b>FIGURE 4</b> <b>DRAWING NUMBER</b> 15-079-4		<b>SCALE</b> 1:1000 at A3	



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 61 Riverside Quay Brisbane QLD 4000 Australia  
 T 61 7 3287 1167  
 F 61 7 3287 1168  
 p.sc@psca.com.au

NO.	DATE	DESCRIPTION
1	20/06/16	ISSUED FOR INFORMATION
2	20/06/16	CAPTURE REVISIONS
3	20/06/16	LANDSCAPE BUFFER TO EASTERN BOUNDARY
4	20/06/16	CAPTURE LAYOUT AMENDMENTS TO SOUTHERN BOUNDARY
5	20/06/16	CAPTURE LAYOUT AMENDMENTS TO SOUTHERN BOUNDARY

NO.	DATE	DESCRIPTION
6	20/06/16	PERFORMING EXISTING SERVICES
7	20/06/16	ISSUED FOR CLIENT INFORMATION
8	20/06/16	EXTENT OF SUPPLIED KOALA HABITAT BOUNDARY INDICATES
9	20/06/16	CAPTURE LAYOUT AMENDMENTS TO SOUTHERN BOUNDARY
10	20/06/16	ENCLOSURE LANE WIDTH
11	20/06/16	LANDSCAPE LAYOUT AMENDMENTS TO SOUTHERN BOUNDARY

PROJECT  
 TOWN CENTRE VICTORIA POINT  
 REAR ALLOTMENT CARPARK  
 FOR  
 LANREX PROPERTY

PHILLIPS SMITH CONWELL ARCHITECTS  
 DRAWING TITLE  
 DETAIL SITE PLAN - PROPOSED

	<b>JOB NUMBER</b> 6410	<b>SCALE AT A1</b> 1:500
<b>TOWN/PROJECT NUMBER</b> A_CD_10.02	<b>SCALE AT A3</b> 1:1000	<b>ANDERMARKIT</b> 7



**INDICATIVE PLANT SCHEDULE**

**Carpark Trees** – clean trunked  
 Cupressus anacardioides  
 Harpullia pendula  
 Waterhoussa floribunda

**Carpark Lower Storey**  
 Callistemon Great Balls of Fire – low shrub/hedge  
 Casuarina Couste II  
 Liriodendron Evergreen Giant  
 Lomandra Tilga  
 Phyllanthus multiflorus – low hedge  
 Trachospermum jasmynoides Tricolour

**Buffer Planting**  
 Banksia integrifolia – small tree  
 Commersonia bartramia – small tree  
 Elaeocarpus reticulatus – small tree  
 Glochidion forsteriana – small/medium tree  
 Lomandra longistylis  
 Syzygium australe – screen planting  
 Syzygium tuckermanni – screen planting

PLANTS FOR THIS PROJECT WILL BE SELECTED FROM THE LIST ABOVE

**FINAL DESIGN CONSIDERATIONS:**

1. 30M WIDE BUFFERS TO SIDE AND REAR BOUNDARIES WILL BE PLANTED WITH 3 TREE SPECIES CAPABLE OF GROWING TO A MINIMUM HEIGHT OF 10M WITHIN 10 YEARS. REFER RDC MAJOR OPENING EDGE CODE PROVISIONS FOR FURTHER DETAILS.

2. THE LANDSCAPE TREATMENT WILL MAINTAIN VISIBILITY BY LEAVING PLANT HEIGHT WITHIN 200M OF REAR EDGE OF THE SITE TO REMAIN. TREES PLANTED WITHIN THE 30M BUFFER FROM ADJACENT PLANNED DEVELOPMENT SHALL BE CLEAN TRUNKED. 2.5-3M HEIGHT OF THE TREES IN CARPARK AREAS TO BE CLEAN TRUNKED TO A MIN HEIGHT OF 10M TO MAINTAIN VISIBILITY. REFER RDC LANDSCAPE CODE PROVISIONS FOR FURTHER DETAILS.

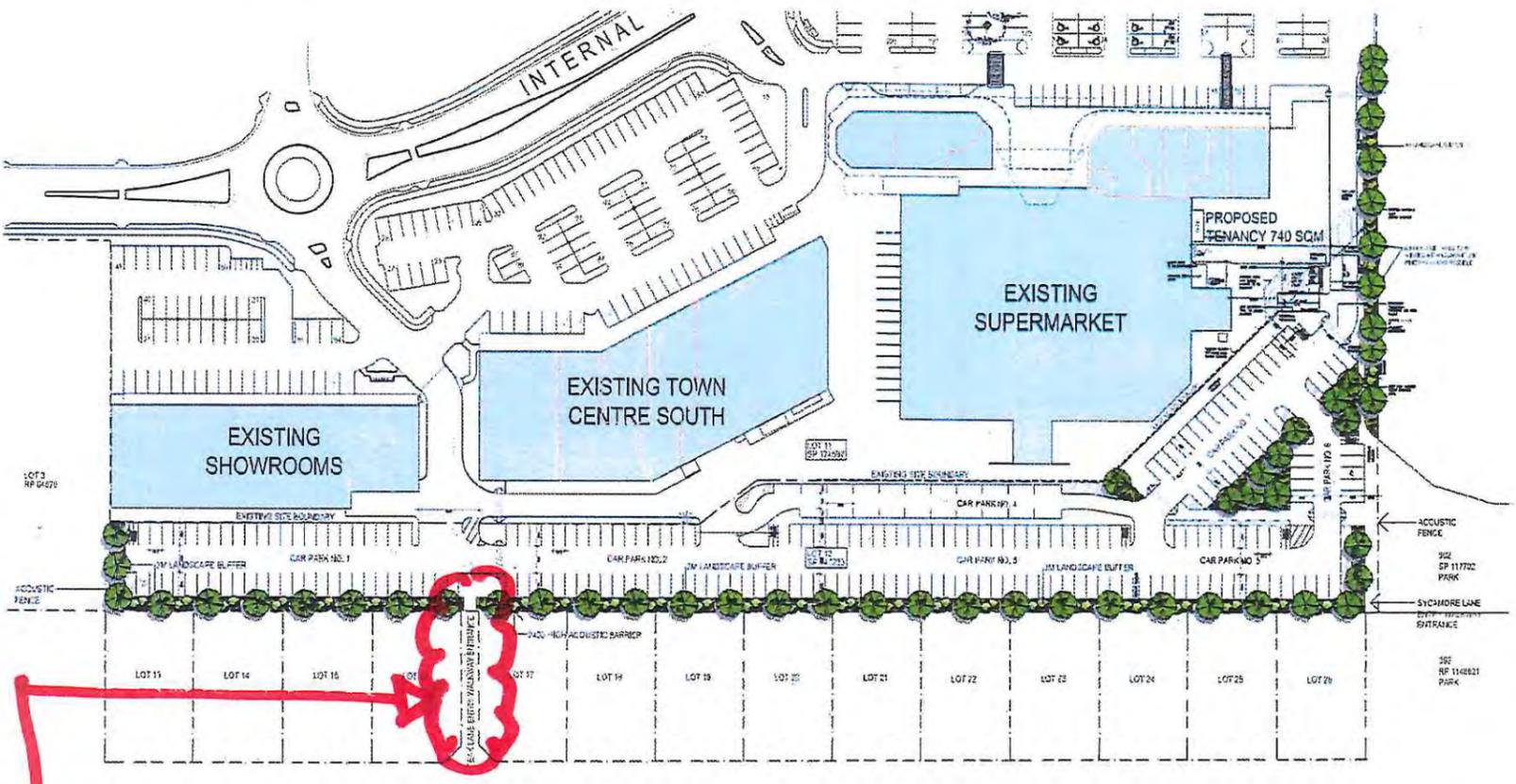
3. THE SIDE OF BUFFER AND CARPARK BUFFER PLANTING WILL BE PLANTED WITH 1 TREE SPECIES CAPABLE OF GROWING TO A MINIMUM HEIGHT OF 10M WITHIN 10 YEARS. REFER RDC LANDSCAPE CODE PROVISIONS FOR FURTHER DETAILS AND MAJOR OPENING EDGE CODE PROVISIONS FOR FURTHER DETAILS.

**NOTE:**

- 1. PLANTED SPECIES AND TREE HEIGHTS TO BE DETERMINED TO THOSE SPECIFIED IN THE RDC.
- 2. COMPASS LOCATION OF ALL EXISTING AND PROPOSED PLANTING AREAS TO BE PROVIDED IN THE LANDSCAPE WORKS.
- 3. THIS DRAWING TO BE REFERRED TO IN CONNECTION WITH THE ARCHITECTURAL & ASSOCIATED CIVIL & SERVICES DRAWINGS.

**LEGEND:**

- 1. EXISTING PLANTING TO BE MAINTAINED AND PROTECTED.
- 2. PROPOSED PLANTING TO BE MAINTAINED AND PROTECTED.
- 3. PROPOSED PLANTING TO BE MAINTAINED AND PROTECTED.



**DAVID KEARNEY & ASSOCIATES**  
 Landscape Architects  
 10/110 Colburn Avenue  
 Victoria Point NSW 2212

**PROPOSED CARPARK**  
 VICTORIA POINT TOWN CENTRE  
 at  
 COLBURN AVENUE  
 VICTORIA POINT

DATE: 15/04/17  
 SCALE: 1:500 AT A1  
 DRAWING NO: 15/047 - LS1

⊙ Landscape plan to be amended to align with carpark set out on civil drawings and RPS.

⊙ Lighting to be provided for Teak Lane.

Held at: Brisbane

Between: **IVL GROUP PTY LTD (ACN 163 553 231) AND  
LANREX PTY LTD (ACN 010 740 191)**

Appellants

And: **REDLAND CITY COUNCIL**

Respondent

### **RESPONDENT'S CONSOLIDATED GROUNDS OF REFUSAL**

#### **Redland Planning Scheme (version 7.0)**

- 1 The proposed development is inconsistent with Desired Environmental Outcomes No. 1 (Natural Environment) of *Redlands Planning Scheme* (version 7.0) (**Planning Scheme**), in that it does not protect or enhance a natural ecosystem.
- 2 The proposed development is inconsistent with the intent of the Strategic Framework in Division 2 of the Planning Scheme, in particular the strategies for recreation and open space in section 3.2.3(7), which identify the subject land as part of an Urban Habitat Corridor on Diagrams 1, 4 and 5 of the Strategic Framework.
- 3 The proposed development conflicts with the overall outcomes for the Open Space Zone in section 4.16.7(2) of the Planning Scheme, in that:
  - (a) in relation to overall outcome (a) (Uses and Other Development), the Proposed Development does not provide for a range of open space and recreational uses;
  - (b) in relation to overall outcome (b) (Open Space Design), the Proposed Development does not:
    - (i) contribute to the character of the local area;
    - (ii) provide for a range of passive and active recreational opportunities;
    - (iii) complement the broader open space network; or
    - (iv) form links between existing open space areas;
  - (c) in relation to overall outcome (c) (Built Form), the Proposed Development:
    - (i) does not incorporate existing landscape and topographic features;
    - (ii) does not retain and integrate existing native plants;
    - (iii) does not support the retention and enhancement of habitats and corridors;
    - (iv) does not positively contribute to the visual amenity of the area; and
    - (v) is not consistent with the open space nature of the zone, or the specific function of the site;

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#### **CONSOLIDATED GROUNDS OF REFUSAL**

Delivered on behalf of the Respondent

#### **Corrs Chambers Westgarth**

Lawyers  
Level 43,  
111 Eagle Street  
Brisbane Qld 4000  
Tel (07) 3228 9333  
Fax (07) 3228 9444  
Ref: BL/SV REDL2276-9124709

- (d) in relation to overall outcome (d) (Amenity), the Proposed Development does not:
    - (i) provide high quality useable public open space that meets the needs of the community;
    - (ii) create open space areas that are safe and comfortable for users;
    - (iii) contribute to the City's liveability through the provision of visual relief from the built environment;
    - (iv) provide a landscape setting that complements the open space function of the site; or
    - (v) eliminate or mitigate impacts associated with light, noise, air and traffic.
  - (e) in relation to overall outcome (e) (Environment), the Proposed Development does not minimise the need:
    - (i) for excavation and fill; or
    - (ii) to clear native plants.
  - (f) in relation to overall outcome (f) (Infrastructure), the Proposed Development does not:
    - (i) maximise the use of existing infrastructure; or
    - (ii) reinforce an integrated movement network incorporating pedestrian movement that maximises connectivity, permeability and ease of mobility throughout the site and to adjoining areas.
- 4 The proposed development conflicts with Specific Outcome S1.1 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that it is a form of development solely and directly associated with uses which are identified as inconsistent uses in the Open Space Zone.
  - 5 The proposed development conflicts with Specific Outcome S1.2 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that it does not involve a use that is identified as being consistent with the Open Space Zone.
  - 6 The proposed development conflicts with Specific Outcome S2 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that it does not:
    - (a) contribute to the character of the local area;
    - (b) provide for a range of passive and active recreational opportunities; or
    - (c) integrate with adjoining open space areas through interlinking pedestrian and cycle paths.
  - 7 The proposed development conflicts with Specific Outcome S3.1 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that its site layout does not complement the existing landscape features of the site.
  - 8 The proposed development conflicts with Specific Outcome S3.3 of the Open Space Zone in section 4.16.8 of the Planning Scheme, in that its site coverage and hard surfaces do not minimise built areas as required by that Specific Outcome.
  - 9 The proposed development conflicts with Specific Outcome S4.3 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not provide high quality landscape planting in accordance with the requirements of that Specific Outcome.
  - 10 The proposed development conflicts with Specific Outcome S4.5 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that its design does not maximise use of the principles of Crime Prevention through Environmental Design (CPTED) to assist in crime prevention, as the proposed car park is not orientated towards the street or other active areas.
  - 11 The proposed development conflicts with Specific Outcome S5.1 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not protect the environment from impacts associated with the use.
  - 12 The proposed development conflicts with Specific Outcome S5.2 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not minimise the need for excavation and fill by activities being located and designed to:

- (a) prevent the unnecessary removal of native plants; or
  - (b) protect the amenity of adjoining properties.
- 13 The proposed development conflicts with Specific Outcome S5.4 of the Open Space Zone in section 4.16.8 of the Planning Scheme in that it does not:
- (a) recognise and enhance the landscape character of the local area; or
  - (b) support retention and rehabilitation of corridors.
- 14 The proposed development conflicts with the overall outcomes for the Habitat Protection Overlay in section 5.7.7 of the Planning Scheme, in that it does not:
- (a) protect and provide for the long-term management and enhancement of environmental and habitat values;
  - (b) achieve a net gain in environmental and habitat values as a consequence of its design and siting;
  - (c) ensure the maximum retention of native vegetation; or
  - (d) protect, maintain and improve the existing extent of remnant and non-remnant vegetation by preventing clearing or fragmentation of viable habitat areas.

#### **Draft Redlands City Plan 2015**

- 15 The proposed development is inconsistent with the Strategic Framework in Part 3 of *Redlands City Plan 2015* (Consultation Draft September 2015) (**Draft Planning Scheme**), in that:
- (a) it is inconsistent with the strategic outcomes in section 3.3.1 of the liveable communities and housing theme as it will remove a vegetated corridor and parkland serving an urban area; and
  - (b) it is inconsistent with the strategic outcomes in section 3.5.1 of the environment and heritage theme as it will result in the loss of habitat and recreation area.
- 16 The proposed development conflicts with the purpose of the Recreation and Open Space Zone in section 6.2.12.2(1) of the Draft Planning Scheme, in that it does not:
- (a) provide for recreation or leisure activities; or
  - (b) protect the ecological functions of the site.
- 17 The proposed development conflicts with the overall outcomes for the Recreation and Open Space Zone in section 6.2.12.2(2) of Draft Planning Scheme, in that does not:
- (a) provide for recreational uses to meet the community needs;
  - (b) manage impacts on surrounding residential areas from commercial activity by buffering and separation of land use;
  - (c) maintain linkages to other parts of the open space network;
  - (d) maintain the visual quality of the site;
  - (e) maintain the ecological and buffering functions of the land;
  - (f) facilitate safe and efficient access by walking and cycling; or
  - (g) create a safe a comfortable environment, which minimises the potential for anti-social behaviour.
- 18 The proposed development conflicts with the purpose of the Environmental Significance Overlay Code in section 8.2.4.2(1) of the Draft Planning Scheme, in that it does not avoid or minimise and mitigate significant impacts on matters of environmental significance.
- 19 The proposed development conflicts with the overall outcomes for the Environmental Significance Overlay Code in section 8.2.4.2(2) of the Draft Planning Scheme, in that it does not:
- (a) retain areas of environmental significance;
  - (b) maximise the retention of native vegetation and significant habitat features;

- (c) minimise the loss of Koala habitat trees;
- (d) minimise and mitigate impacts on matters of environmental significance;
- (e) avoid fragmentation of habitat areas;
- (f) facilitate safe and viable movement of wildlife between habitat areas; or
- (g) propose landscaping and planting that contributes to the ecological values of the site.

**Other Grounds**

- 20 The proposed development is not consistent with condition 2 of the existing preliminary approval granted by the Planning and Environment Court on 10 September 1999 (in relation to Appeal No. BD39 of 1999, as amended by the subsequent Order made by the Court on 12 December 2006 in relation to that appeal), which required the dedication of the subject land, designated as a "Conservation Area", for "Community Purposes (Parks)".
- 21 The development permit sought would necessarily result in non-compliance with the terms of the existing development permit. The development permit sought cannot amend the existing development permit, despite the words used in the application to describe the proposed development.
- 22 There are no sufficient matters of public interest that would justify a decision to approve the development application despite the conflicts and other issues identified above.

**CORRS CHAMBERS WESTGARTH**

Solicitors for the Respondent

Dated: 9 March 2017

# Sycamore Pathway

## Management Plan

### Overall Intent:

1. The overall intent is to provide improved amenity and permeability through the site to improve safety and reduce antisocial behaviour. This will necessarily entail bushland management and intervention, such that usual natural area management objectives are conferred less priority. This is necessary, to strike an appropriate balance between competing objectives
2. The primary function of the park should be as a pathway, to bring public use of the space on a regular basis, providing passive surveillance which will reduce attraction as a 'dead zone' for undesirable activities. If the area is used as a designated link by the community (improved access, surveillance and safety), it is likely to discourage antisocial behaviour. Improved amenity will encourage use and 'ownership' by the community.
3. The Sycamore Pathway will be characterised by a wide Open Access Zone (lineal grassed area) containing a pathway, which creates a distinct edge along the bushland, similar to many parkland landscapes.
4. The existing bush will be managed so that it comprises only understorey (lower than 0.75m in height) and upper storey vegetation. It will not become denser or enhanced as 'rainforest' or natural bushland (ie. it will not comprise a naturally occurring mid-storey layer of vegetation). In this manner, the mid-storey will be clear for sight lines from the pathway to the acoustic fence. The lower plants will be useful for ground dwelling fauna. The upper storey will be useful for birds, and other tree-dwelling fauna, as well as providing visual amenity and a setting for the wider area.
5. The park should be given a title as befitting a space which can be 'owned' and recognised by the community. It is suggested that name be "*Sycamore Pathway*". The word 'pathway' is proposed to emphasise the primary function of the space.

### Key Project Strategies:

1. The Western End: A pathway is proposed across the Energex land. This requires documentation to be agreed. The pathway facilitates access to Cleveland Redland Bay Road and to the shopping centre.
2. The Shopping Centre gate: The existing shopping centre gate with Perspex panels needs to be upgraded/ redesigned, having regard to acoustic implications. Desirably, the opening can be widened and remain open 24/7, with appropriate lighting on both sides of the fence. It should be clearly 'read' as an entrance with high amenity and visibility.
3. The Central Junction: Adjacent to the gate will be the cross junction of two paths. This area can be widened and cleared to create a node with good visibility in all directions. It would be grassed.
4. The Eastern End: an important junction will exist where Sycamore Parade Park meets Sycamore Pathway and the pathway leading to the shopping centre car park. This area can also be widened and cleared to create a node with good visibility in all directions.

This will also shorten the depth of the bushland at this point. The path to the shopping centre car park requires formalisation with a ramp.

#### **Pathway Strategy (Open Access Zone):**

1. The pathway will be concrete and will cater for both pedestrians and bicycles (shared path) – with a width of 2.5m.
2. The pathway shall also generally be able to accommodate emergency and maintenance vehicles (light vehicles), with a greater width than 2.5m being available clear of obstacles.
3. Vehicle access need not be restricted, unless later determined to be necessary. If so, it could be via lockable, removable bollards, lock rails or chicanes - with codes/locks provided to service providers and emergency services.
4. A zone of at least 5 metres, adjacent to the rear fence of the residences (facing Sycamore Parade), will be kept mostly clear of trees and vegetation for grass and the pathway (this will require selective clearing to establish). This zone may contain some low vegetation (eg. Lamandra's) or existing free standing trees. The intent is to eliminate 'hiding' places for entrapment.
5. The pathway will be generally aligned parallel to the fence line, with little variation or 'meandering', so a long line of sight is possible, along the entire length of the pathway. The intent is to provide confidence the pathway is clear.
6. Views into the bushland from the pathway will be possible along its full length, to the acoustic fence on the boundary of the shopping centre. The intent is to enhance safety and maximise surveillance of this space.
7. Residents will be encouraged to install rear lockable gates in fences, to facilitate greater use of the space.

#### **Vegetation Strategy:**

1. A zone adjacent to the pathway (Select Clearing Zone) will be selectively cleared to promote clear sight lines adjacent to the path, as well as to facilitate views into the bushland.
2. The zone of bushland beyond the influence of the pathway will also be selectively cleared and replanted with a diversity of groundcover, initially as part of the project start up. This will include pruning lower and overhanging branches of significant vegetation (eg. the Fig) to facilitate clearer sight lines.
3. The zone of bushland beyond the influence of the pathway, will be actively managed over time to achieve the overall intent (ie. clear views). As an alternative to general ongoing maintenance undertaken by Council, this could also be achieved by community groups (eg. bush care or school groups), working to instructions contained in a Management Strategy setting out planting schedules and maintenance objectives/tasks.
4. It is noted that easy access via the pathway should facilitate involvement by community participants (access for products; vehicles; equipment; plants etc).
5. The overall ecological values of the park will be improved by the introduction of nesting boxes, to add habitat resources for fauna.

#### **Signage Strategy:**

1. The existing sign limiting access hours adjacent to Sycamore Street is to be removed. It discourages 'ownership' by the community and flags a warning as to the space not being suitable for public access.

2. If access hours are to be restricted through the gate in the acoustic fence (at the shopping centre boundary), then a sign can be installed on the fence next to the gate advising of such closure.
3. New directional signage is to be installed at all points of entry and path crossings, advising the direction of the paths: To Sycamore Parade; To Town Centre at Victoria Point Shopping Centre; To Cleveland Redland Bay Road and To Sycamore Parade Park.
4. The signage shall be coordinated in design and well lit.

**Lighting Strategy:**

1. The pathway will be lit by pole mounted lights, placed between the pathway and the rear fence of houses along Sycamore Parade..
2. The lights will be designed to avoid any light spill into residential properties. This will be achieved by utilising modern L.E.D. Aeroscreen Luminaires or equivalent, installed in accordance with 'A.S.4282 – Control of Obtrusive Light'. These L.E.D.'s project a very precise light which eliminates light spill.
3. Where possible, lighting is to be powered by solar panels fitted to each light; however, this requires analysis to determine if it is suitable given the vegetation close by which may block solar access to any panels.

**Maintenance Strategy:**

1. The grassed areas will require regular mowing by Council maintenance.
2. The lighting will require periodic monitoring and maintenance.
3. Bushland/ natural areas will be maintained by Council. However, it is possible that community groups could contribute to the enhancement and upkeep of the natural area through organised community events (community planting days or local bush care weed clearing), although these may not be on a regular basis.

**Staging Strategy:**

1. It is possible to stage the project, although it is recommended to be implemented in a single stage to maximise benefits as soon as possible.
2. Stage One could include the pathway (including grassing and clearing the zone adjacent to the pathway) and signage.
3. Stage Two could include the balance bushland clearing.
4. Stage Three could include the lighting.

**CPTED Strategy:**

The proposal is targeted both to address issues of safety and potential crime and, in the process, to enhance the amenity and use of this community asset. Using the Principles outlined in the Queensland Government's *Crime Prevention through Environmental Design: Guidelines for Queensland*, it aims to promote current CPTED knowledge as follows:

CPTED Principles	Strategies
1. SURVEILLANCE  (the potential for passive observing)	1. DESIGN <ul style="list-style-type: none"> <li>• The new pathway and signage will encourage greater public use throughout the day, including by an additional mode of transport (bicycle), and thus activate the space hence increasing the potential for surveillance.</li> </ul>

CPTED Principles	Strategies
	<p>2. SIGHTLINES</p> <ul style="list-style-type: none"> <li>The sightlines through the vegetation will be improved by removing mid-storey vegetation in bush areas and maintaining unencumbered long-views along the path, enhancing greater surveillance.</li> </ul> <p>3. LIGHTING</p> <ul style="list-style-type: none"> <li>Surveillance at night will be improved by the installation of lighting.</li> </ul> <p>4. ENHANCED ENTRIES</p> <ul style="list-style-type: none"> <li>Strengthening the amenity and clarity of entries into and across the linear Pathway will encourage greater use and hence increase the potential for surveillance.</li> </ul>
<p>2. LEGIBILITY (the clarity in wayfinding)</p>	<p>5. SIGHTLINES</p> <ul style="list-style-type: none"> <li>Clear long views along the pathway will provide clarity of the linear route and one's place in it.</li> <li>Enhancing and clearing adjacent to the pathway and around path junctions will more strongly identify route options.</li> </ul> <p>4. NEARBY LAND USES:</p> <ul style="list-style-type: none"> <li>Visitors to Sycamore Parade Park; the shopping centre and residents to the south will have clearer orientation and awareness of the pathway and route options.</li> </ul> <p>5. SIGNAGE:</p> <ul style="list-style-type: none"> <li>New signage at all access points to the park as well as key path junctions will enhance legibility and wayfinding.</li> </ul>
<p>3. TERRITORIALITY (the avoiding of ambiguity about community and private territories)</p>	<p>6. SIGHTLINES:</p> <ul style="list-style-type: none"> <li>Opening up sightlines along new pathways, with long views to destinations and path junctions, will remove ambiguity as to the public role, ownership and use of the space.</li> </ul>

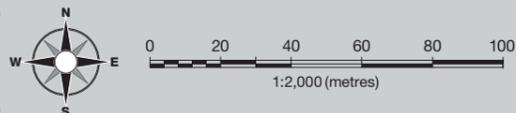
CPTED Principles	Strategies
	<p>7. VEGETATION MANAGEMENT</p> <ul style="list-style-type: none"> <li>• Clearer public visibility into and through the vegetation will remove the perceived opportunity for hidden 'private' territories to be established for unacceptable activities.</li> </ul> <p>8. SIGNAGE</p> <ul style="list-style-type: none"> <li>• New signage will identify ownership and invite public use of the spaces.</li> </ul>
<p>4. OWNERSHIP OF OUTCOMES</p> <p>(The caring by the community about what is happening)</p>	<p>9. NEARBY LAND USES:</p> <ul style="list-style-type: none"> <li>• More public use by local residents and potentially visitors will enhance the sense of public 'ownership' of the space and an interest in and commitment to its appropriate use.</li> </ul> <p>10. MAINTENANCE:</p> <ul style="list-style-type: none"> <li>• The community will be encouraged to participate in development and maintenance of the space, because it will be more easily accessible, better and more appropriately used and with a management strategy developed for implementation.</li> </ul> <p>11. RESIDENT ACCESS</p> <ul style="list-style-type: none"> <li>• Encouraging adjoining residents to use existing or install new points of secure direct access into the pathway from rear yards would enhance use and "ownership" of outcomes.</li> </ul>
<p>5. MANAGEMENT</p> <p>(the perception and expression of community care through maintenance of the place)</p>	<p>12. AMENITY</p> <ul style="list-style-type: none"> <li>• The attractive quality of the pathway and the practicality of its maintenance should, desirably with community involvement, physically express the community's commitment to good outcomes.</li> </ul> <p>13. MAINTENANCE:</p> <ul style="list-style-type: none"> <li>• Grassed areas will not be substantial and will be located close to the pathway, to facilitate mowing.</li> <li>• Vegetated areas will require planting (mostly low ground covers less than 0.75m in height), weeding, mulching and maintenance. This is ideal for community</li> </ul>

CPTED Principles	Strategies
	<p>involvement. Similarly, pruning of mid-level vegetation is also readily manageable by the community.</p> <ul style="list-style-type: none"> <li>The pathway and surrounding cleared area will facilitate vehicle access for maintenance and emergency vehicles.</li> </ul> <p>11. HARD IMPROVEMENTS:</p> <ul style="list-style-type: none"> <li>Lighting will be on poles to minimise damage.</li> <li>Vehicle access (maintenance; emergency) will be managed.</li> </ul>
<p>6. VULNERABILITY (the avoidance of places in which people can be more easily “trapped”)</p>	<p>12. ALTERNATIVE ROUTES</p> <ul style="list-style-type: none"> <li>Maintaining a number of points of access into and out of the pathway corridor will provide choices for avoiding uncomfortable or threatening interactions.</li> <li>Enhancing those nodes or points of crossing/choice (such as at Sycamore and Sycamore Lane) will reinforce the legibility and function of these exit points.</li> </ul> <p>13 LIGHTING</p> <ul style="list-style-type: none"> <li>New lighting will illuminate perceived entrapment locations.</li> </ul> <p>14 SIGHTLINES</p> <ul style="list-style-type: none"> <li>Long views along pathways, cleared edges (mostly grassed) and greatly thinned vegetation at eye level will minimise possible entrapment locations and discourage loitering zones.</li> </ul> <p>15 DESIGN AND USE</p> <ul style="list-style-type: none"> <li>Enhanced and increased public use of the pathway corridor, of spaces along it and paths across it, will likely reduce the potential for unacceptable behaviour.</li> </ul>

Date: 22 March 2017



[ LEGEND ]  
 Subject Site

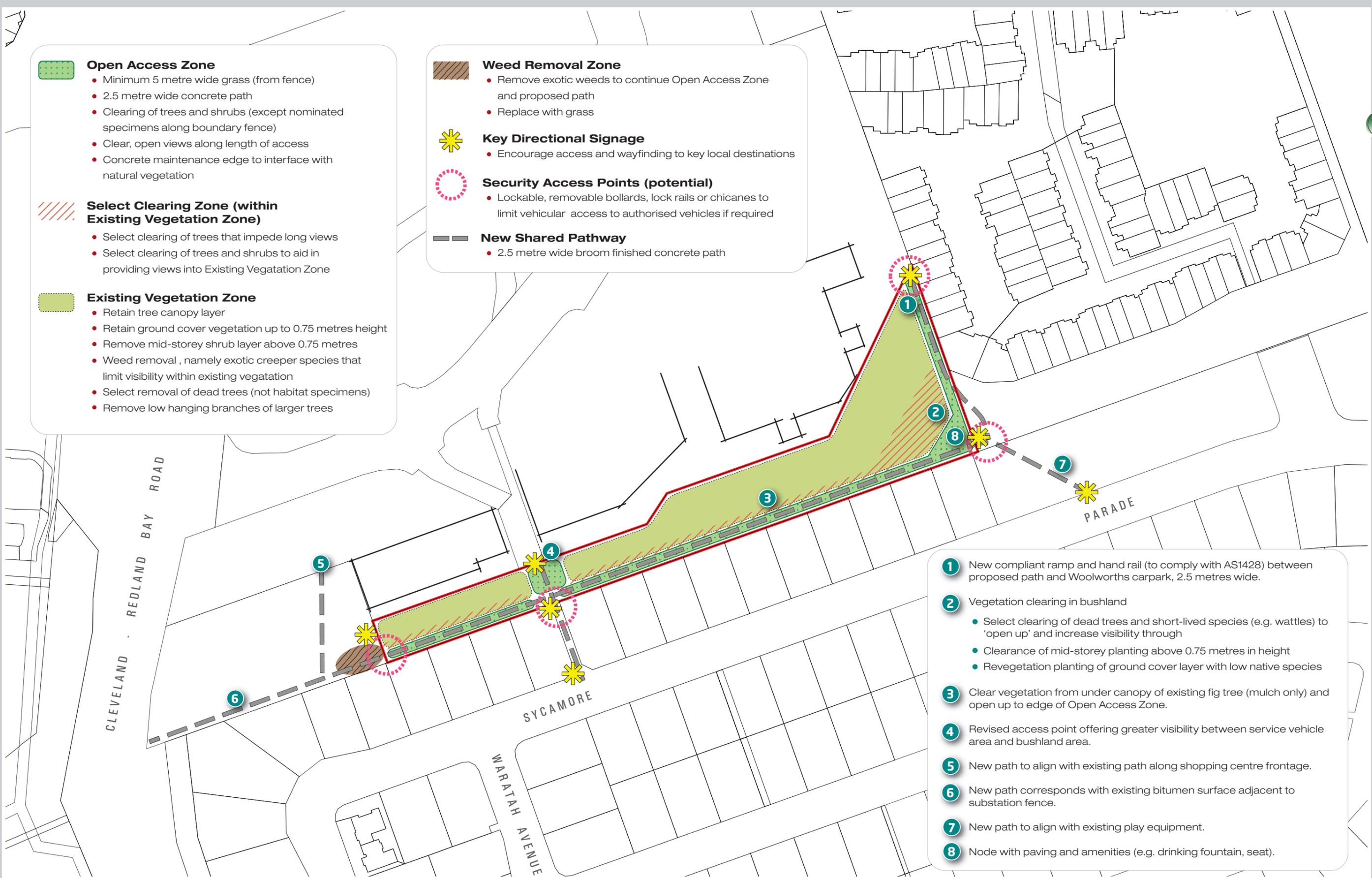


FILENAME >	Location Map_v1.ai	DATE >	23 March 2017
JOB NO. >	HRP17029	AMENDED >	03 April 2017
SCALE >	1:2,000	VERSION >	2.0
SOURCE >	Map data © NearMap; imagery dated 18/02/2017.		

# Sycamore Pathway- Location Map

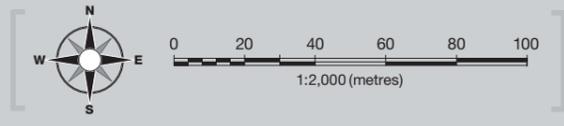
- Open Access Zone**
  - Minimum 5 metre wide grass (from fence)
  - 2.5 metre wide concrete path
  - Clearing of trees and shrubs (except nominated specimens along boundary fence)
  - Clear, open views along length of access
  - Concrete maintenance edge to interface with natural vegetation
- Select Clearing Zone (within Existing Vegetation Zone)**
  - Select clearing of trees that impede long views
  - Select clearing of trees and shrubs to aid in providing views into Existing Vegetation Zone
- Existing Vegetation Zone**
  - Retain tree canopy layer
  - Retain ground cover vegetation up to 0.75 metres height
  - Remove mid-storey shrub layer above 0.75 metres
  - Weed removal, namely exotic creeper species that limit visibility within existing vegetation
  - Select removal of dead trees (not habitat specimens)
  - Remove low hanging branches of larger trees

- Weed Removal Zone**
  - Remove exotic weeds to continue Open Access Zone and proposed path
  - Replace with grass
- Key Directional Signage**
  - Encourage access and wayfinding to key local destinations
- Security Access Points (potential)**
  - Lockable, removable bollards, lock rails or chicanes to limit vehicular access to authorised vehicles if required
- New Shared Pathway**
  - 2.5 metre wide broom finished concrete path



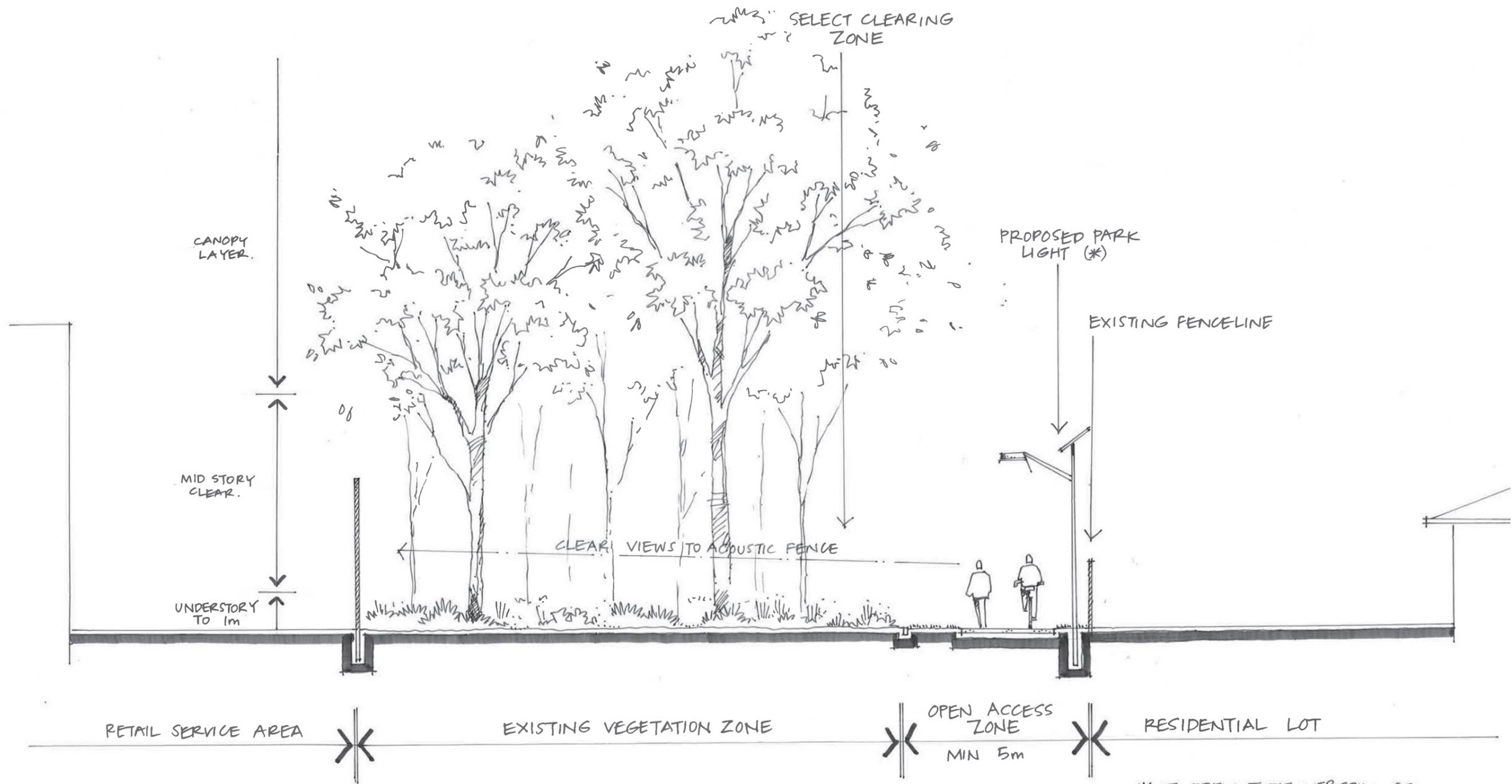
- New compliant ramp and hand rail (to comply with AS1428) between proposed path and Woolworths carpark, 2.5 metres wide.
- Vegetation clearing in bushland
  - Select clearing of dead trees and short-lived species (e.g. wattles) to 'open up' and increase visibility through
  - Clearance of mid-storey planting above 0.75 metres in height
  - Revegetation planting of ground cover layer with low native species
- Clear vegetation from under canopy of existing fig tree (mulch only) and open up to edge of Open Access Zone.
- Revised access point offering greater visibility between service vehicle area and bushland area.
- New path to align with existing path along shopping centre frontage.
- New path corresponds with existing bitumen surface adjacent to substation fence.
- New path to align with existing play equipment.
- Node with paving and amenities (e.g. drinking fountain, seat).

[ LEGEND ]  
 Subject Site



FILENAME >	Proposal Plan_v1.ai	DATE >	23 March 2017
JOB NO. >	HRP17029	AMENDED >	03 April 2017
SCALE >	1:2,000	VERSION >	2.0
SOURCE >	Map data © Cardno Pty Ltd.		

# Sycamore Pathway- Proposal Plan



\* TO PREVENT THE OVERSPILL OF LIGHT INTO ADJOINING RESIDENTIAL LOTS, L.E.D. AEROSCREEN LUMINAIRES ARE TO BE INSTALLED IN ACCORDANCE WITH "A.S. 4282-CONTROL OF OBTRUSIVE LIGHT"

EXISTING VEGETATION ZONE

SELECT CLEARING ZONE - REMOVE MID-STORY PLANTING AND SELECT TREES TO MAINTAIN CLEAR VIEWS ALONG AND INTO VEGETATION

GRASS EDGE CAN MEANDER SLIGHTLY AS LONG AS OPEN ACCESS ZONE IS MAINTAINED AT MIN. 5m WIDTH.

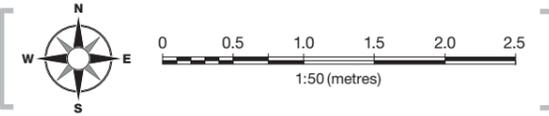
PROPOSED PARK LIGHT (\*)

ADJOINING LOTS

EXISTING FENCE

\* TO PREVEN THE OVERSPILL OF LIGHT INTO ADJOINING RESIDENTIAL LOTS, L.E.D. AEROSCREEN LUMINAIRES ARE TO BE INSTALLED IN ACCORDANCE WITH "A.S. 4202-CONTROL OF OBTRUSIVE LIGHT"

GRASS MIN 1.5m CONCRETE PATH 2.5m GRASS MIN 1m

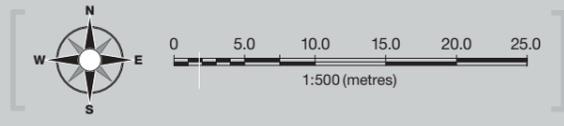


FILENAME >	Open Access Zone_v1.ai	DATE >	23 March 2017
JOB NO. >	HRP17029	AMENDED >	03 April 2017
SCALE >	1:50	VERSION >	3.0
SOURCE >	Map data © Cardno Pty Ltd		

# Sycamore Pathway- Open Access Zone



[ LEGEND ]  
 Subject Site



FILENAME >	Energex Easement_v1.ai	DATE >	03 April 2017
JOB NO. >	HRP17029	AMENDED >	n/a
SCALE >	1:500	VERSION >	1.0
SOURCE >	Map data © NearMap; imagery dated 18/02/2017.		

Sycamore Pathway-  
 Path through Energex Land