

19.1 CITY PLAN MAJOR AMENDMENT PACKAGES: FIRST STATE INTEREST REVIEW

Objective Reference:

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

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

Report Author: Daniel Martiri, Strategic Planner

Attachments:

1. **General Major Amendment Package (01/19) - Notice of advice to change and pause timeframe of proposed amendment - Confidential**
2. **General Major Amendment Package (02/19) - Notice of advice to change and pause timeframe of proposed amendment - Confidential**
3. **General Major Amendment Package (01/19) - Proposed Response to State Interest Assessment - Confidential**
4. **General Major Amendment Package (02/19) - Proposed Response to State Interest Assessment - Confidential**
5. **Distribution of Lots Less than 400m² in the Low Density Residential Zone across the City - Confidential**
6. **Officer Assessment of Item 16 of General Major Amendment Package (01/19) - Confidential**

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

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

PURPOSE

The purpose of the report is to seek direction from Council on matters raised by the Department of State Development, Manufacturing, Infrastructure and Planning (the Department) in its assessment of two major amendment packages for Redland City Plan. These are:

- The General Major Amendment Package (01/19) (GMAP), adopted by Council at its General Meeting on 10 October 2018, proposing a range of policy and zoning amendments; and
- The General Major Amendment Package (02/19) (GMAP2), adopted by Council at its General Meeting on 12 December 2018, proposing amendments relating to the density of dual occupancies in the Low Density Residential Zone.

BACKGROUND

General Major Amendment Package (01/19) – GMAP

At the General Meeting of 10 October 2018, a confidential report was presented to Council for the GMAP for Redland City Plan. Council subsequently resolved to commence the amendment process pursuant to the Minister's Guidelines and Rules and submit the GMAP to the Planning Minister for the purpose of the first State interest review. As per the Council resolution, the amendment package submitted to the Planning Minister contained twenty-four (24) proposed amendments to the City

Plan (including twelve (12) proposed policy amendments and twelve (12) proposed site-specific zoning amendments).

Under the Minister's Guidelines and Rules, the Minister must undertake a State interest review of the proposed amendment and must be satisfied that the proposed changes to the planning scheme appropriately integrate State interests, including:

- Those identified in legislation (such as the *Planning Act 2016*);
- The State Planning Policy (SPP), and;
- The South East Queensland Regional Plan 2017 (ShapingSEQ).

On 19 December 2018, the Department issued a 'Notice of advice to change and pause the timeframe of a proposed amendment' under section 17.3 of Chapter 2, Part 4 of the Minister's Guidelines and Rules. This notice requests that Council either makes changes to the proposed amendments or provides further information on the proposed amendments to demonstrate they appropriately integrate State interests, as outlined in Attachment 1 and summarised in the table below.

| Item No. (Council Report 10 October 2018) | Description | Request from Department |
|----------------------------------------------|--------------------------------------------------------|-----------------------------|
| Policy amendments | | |
| 4 | Car parking – multiple dwellings | Make changes |
| 6 | Operational Work | Make changes |
| 11 | Maps – South East Thornlands Road Network | Provide further information |
| 14 | Minimum 400m2 lot size in Low Density Residential Zone | Make changes |
| 15 | Development in canal estates | Make changes |
| Zoning amendments | | |
| 16 | Pear Street, Redland Bay | Withdraw amendment |
| 17 | 145 Panorama Drive, Thornlands | Provide further information |
| 26 | 157-167 Delancey Street, Ormiston | Provide further information |

General Major Amendment Package (02/19) – GMAP2

At the General Meeting of 12 December 2018, Council resolved to commence a second major amendment to the Redland City Plan. The confidential item included a single amendment which related to the density of dual occupancy development. This amendment was submitted for State interest review and the Department issued a 'Notice of advice to change and pause the timeframe of a proposed amendment' under section 17.3 of Chapter 2, Part 4 of the Minister's Guidelines and Rules on 18 January 2019. This notice requests that Council either makes changes to the proposed amendments or provides further information on the proposed amendments to demonstrate they appropriately integrate State interests, as outlined in Attachment 2.

ISSUES

General Major Amendment Package (01/19) - GMAP

The 'Notice of advice to change and pause the timeframe of a proposed amendment' contains a summary of outstanding matters the Department is seeking a response from Council on, in relation to the State interest assessment.

Council officers have reviewed the outstanding matters and determined that they are:

- Specific requested changes that require further consideration by Council, or;
- Other general matters seeking information to demonstrate State interests are integrated or administrative/drafting errors requiring minor changes.

Attachment 3 identifies the matters raised by the State and the recommended responses from Council officers. Both the matters raised by the State and the recommended actions for Council are summarised and discussed below:

Specific Matters Requiring Further Council Consideration

1. Policy Amendment: Minimum Lot Size in the Low Density Residential Zone (Item 14 of GMAP)

On 6 July 2018, Council resolved to adopt the City Plan, in accordance with the conditions imposed by the Minister and set a commencement date for 8 October 2018. In the Minister's approval of City Plan, Council were issued a number of conditions. One of the conditions imposed by the Minister stated:

- 'Amend the following sections of the Low Density Residential Zone code:
 - Section 6.2.1.2 (2)(c) to state *where not within a particular precinct, lot sizes are not reduced below 400m², unless the resultant lots are consistent with the density and character of the surrounding established neighbourhood*' (Note: the change which was required is underlined).'

In response to the condition, Council in adopting the City Plan, resolved to expedite a future amendment to ensure minimum lot sizes in established areas in the Low Density Residential Zone were not reduced below 400m², as it considered the Minister's condition lacked clarity.

In the report presented to Council on 10 October 2018, Council officers reviewed the matter and investigated a number of options. It was recommended that a 'note' be included in the overall outcomes of the Low Density Residential Zone code, to further define how a surrounding established neighbourhood would be measured to provide further clarity for the development assessment process. This recommendation was supported by Council and submitted as part of the proposed amendment package to the Minister for State interest review. As per the Council resolution, the proposed amendment submitted to the Department was as follows:

Note – The 'surrounding established neighbourhood' for the purposes of the above overall outcome, is taken to be land within the same zone and precinct, and within a defined street block or within 100m of the subject site.

Subsequently, a State interest assessment has been undertaken by the Department as per the Minister's Guidelines and Rules. The Department has identified that:

- It does not consider that a neighbourhood is defined by either the same street block or within 100m of a site, and that it requests further clarification and/or amendment on this matter, and;
- Should Council seek to retain a definition of "surrounding established neighbourhood" it should be included as an administrative definition, rather than a 'note' in the overall outcomes.

Council officers have reviewed the State's position and undertaken further investigation into the matter. Taking into account the Department's position, it is recommended that Council withdraw the proposed amendment from the GMAP for the following reasons:

- The provisions in the current overall outcomes of the Low Density Residential Zone code are considered to be the strongest possible provisions that are likely to be supported by the Planning Minister given Queensland's performance based planning system. The current provisions in the

overall outcomes clearly stipulate a quantitative minimum lot size (i.e. 400m²). The new bounded assessment processes for code assessable development under the *Planning Act 2016* further strengthen this provision, as only the relevant codes can be used to justify a development approval (not the entire planning scheme like under the former planning system). If this wasn't the case, the provision may be exposed to stronger risks, as other parts of the planning scheme (such as the strategic framework) may provide justification for lots less than 400m² to be approved. Therefore, under the bounded code assessment processes there would need to be compelling evidence to justify that the character and density of an existing 'surrounding established neighbourhood' would be consistent to support the approval of lots less than 400m². Where an applicant could not demonstrate this requirement Council would be bound to refuse any such application for failing to comply with the relevant assessment benchmarks.

- A review of the distribution of lots less than 400m² across the Low Density Residential zone indicates that these lots are generally isolated and dispersed across the zone across the City (see Attachment 5). Based on this distribution it would be very difficult for an applicant to demonstrate that lots less than 400m² were consistent with the character and density of the 'surrounding established neighbourhood'.

Based upon this analysis, it is recommended that Council resolve to not proceed with the proposed amendment and formally advise the Department of its intention to withdraw this amendment from the GMAP. Should Council seek to pursue the proposed amendment it will need to determine whether it is prepared to amend the proposed definition of 'surrounding established neighbourhood' or whether it intends to proceed with the proposed amendment (as currently drafted) and formally advise the Department to continue to assess the proposed amendment, recognising it is likely the Minister will condition its removal.

2. Proposed Zoning Amendment: Pear Street, Redland Bay (Item 16 of GMAP)

At the General Meeting on 25 July 2018, Council confirmed the scope of potential amendments within the GMAP. This included reviewing the Conservation zoning of properties located at Pear Street, Redland Bay.

The report presented to Council at the General Meeting on 10 October 2018, referred to this as Item 16 of the GMAP, and recommended that Council did not proceed with an amendment to the zoning of the Conservation zoned lots located in Pear Street due to a number of significant constraints and values (refer to Attachment 6 for the previously submitted assessment by Council officers). These values and constraints include:

- City Plan overlays:
 - Environmental significance overlay;
 - Flood and storm tide hazard overlay;
 - Bushfire hazard overlay;
 - Coastal protection (erosion prone area) overlay;
- State interests:
 - Regional Biodiversity Corridor (ShapingSEQ Mapping);
 - Matters of State Environmental Significance (MSES) – Regulated Vegetation;
 - Koala habitat values (high value bushland).

At its General Meeting on 10 October 2018, Council resolved to remove the lots from the Conservation Zone and include them in the Rural Zone. Upon State interest assessment, the Department has identified concerns that the proposed change will result in an intensification of

accepted development under City Plan, increased potential vegetation clearing exemptions and may result in significant adverse impacts on environmental values. In particular the Department:

- Considers that the proposed amendment is not consistent with the SPP State interest for Biodiversity (policy 2 and 4), as:
 - The proposed change will allow for vegetation clearing on lots, up to 500m² on lots where not containing a dwelling house and up to 2,500m² on lots that contain a dwelling house. This has the ability to cause significant adverse impacts on environmental values;
 - The proposed land use does not align with the biodiversity values.
- Considers the proposed amendment is inconsistent with ShapingSEQ as the proposed change does not maintain the regional biodiversity corridor;
- Requires that Council undertake a fit-for-purpose risk assessment to demonstrate the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

Given these constraints and the inconsistency of the proposed amendment with the SPP, the Department has requested that Council withdraw the proposed change from the amendment package. Should Council seek to proceed with the proposed amendment, it is noted that the Minister is likely to condition that Council not proceed with the amendment when a notice on the decision on the GMAP is issued.

It is noted that at the General Meeting on 10 October 2018 Councillors discussed whether changing the zoning of the land may facilitate the opportunity for a development application for a Place of Worship or Outdoor Recreation Facility to be lodged by one of the land owners in the area. This owner, being the Inner City Mercy Mission Community Life Ltd, owns 41 Pear Street, Redland Bay (Lot 89 on SL5946). A list of all land owners is provided in Appendix 1 of Attachment 6 of this report.

Council officers have undertaken a review of the planning framework for a Place of Worship or Outdoor Sport and Recreation use and have determined the following:

- Under City Plan, a Place of Worship would be Impact Assessable under the site's current zoning designation, the Conservation Zone. Outdoor Sport and Recreation is either Accepted Development (if undertaken in accordance with a Resolution of Redland City Council) or Code Assessable.;
- Under City Plan, a Place of Worship would be Impact Assessable under the site's proposed zoning designation, the Rural Zone. Outdoor Sport and Recreation would be Code Assessable;
- Under the Planning Regulation 2017, a Place of Worship or Outdoor Sport and Recreation is not classified as an urban activity for the purposes of the Koala habitat area regulatory provisions. A Place of Worship or Outdoor Sport and Recreation would not be prohibited development if the zoning designation remained as Conservation or if the zoning designation was changed to Rural.

A change of zone is not therefore necessary for an applicant to lodge an application for the uses identified above and for any such application to be considered on its planning merits.

Recognising the significant values and constraints affecting the lots and the advice from the Department that the proposed amendment is inconsistent with the SPP, it is recommended Council does not proceed with the proposed amendment and formally advise the Department of its intention to withdraw this amendment from the proposed amendment package. Should Council seek to continue, it is expected that the Minister is likely to condition its withdrawal, recognising its inconsistency with the SPP.

3. Filling and Excavation Tables of Assessment (Items 6 and 9 of GMAP)

At the General Meeting on 25 July 2018, Council confirmed the scope of potential amendments within the GMAP. This included reviewing the triggers for assessable filling and excavation in the Rural and Conservation zones.

In the report presented to Council for the General Meeting on 10 October 2018, Council officers recommended the following amendments to the filling and excavation tables of assessment:

- Increasing the depth of filling and excavation that is accepted development from 300mm to 750mm in all zones in the City (except the Conservation zone);
- Maintaining that filling and excavation does not exceed an area of 600m² or volume of 50m³ for accepted development in all zones except the Rural zone and Conservation zone before requiring a development approval;
- Increasing the thresholds for filling and excavation that is accepted development in the Rural zone to 2,000m² in area or 600m³ in volume before requiring a development approval;
- Increasing the category of assessment to code assessment for filling and excavation when proposed in an area affected by the following City Plan Overlays:
 - Flood and Storm Tide Hazard Overlay (Flood sub-category only);
 - Coastal Protection (Erosion Prone Area) Overlay;
 - Waterway Corridors and Wetlands Overlay, and;
 - Environmental Significance Overlay.
- Making all filling and excavation in the Conservation zone code assessable, unless undertaken by Redland City Council.

At the General Meeting on 10 October 2018, Council resolved to amend the City Plan tables of assessment for filling and excavation as per the officer recommendation above, subject to the following changes:

- Removing the area and volume threshold triggers for accepted development in all zones;
- Where in the Environmental Significance Overlay, filling and excavation is accepted development when outside the canopy cover of native vegetation and code assessable when within the canopy cover of vegetation.

Subsequently, a State interest assessment of the general major amendment package has been undertaken by the Department as per the Minister's Guidelines and Rules, which requested further clarification on the proposed amendment. Council officers provided this clarification to the Department and in response received further advice by email dated 5 February 2019 advising that the Department is not supportive of the proposed changes as they are in conflict with the SPP. The Department have requested the following changes:

- SPP State Interest Emissions and hazardous activities (Acid sulfate soils) - Align the volumes for filling and excavation that is accepted development with those outlined in the SPP State Interest – Emissions and hazardous activities (Acid sulfate soils), and;
- SPP State Interest Biodiversity - Remove reference to accepted development for filling and excavation within the Environmental Significance Overlay (when excavation and filling is undertaken outside the canopy cover of native vegetation).

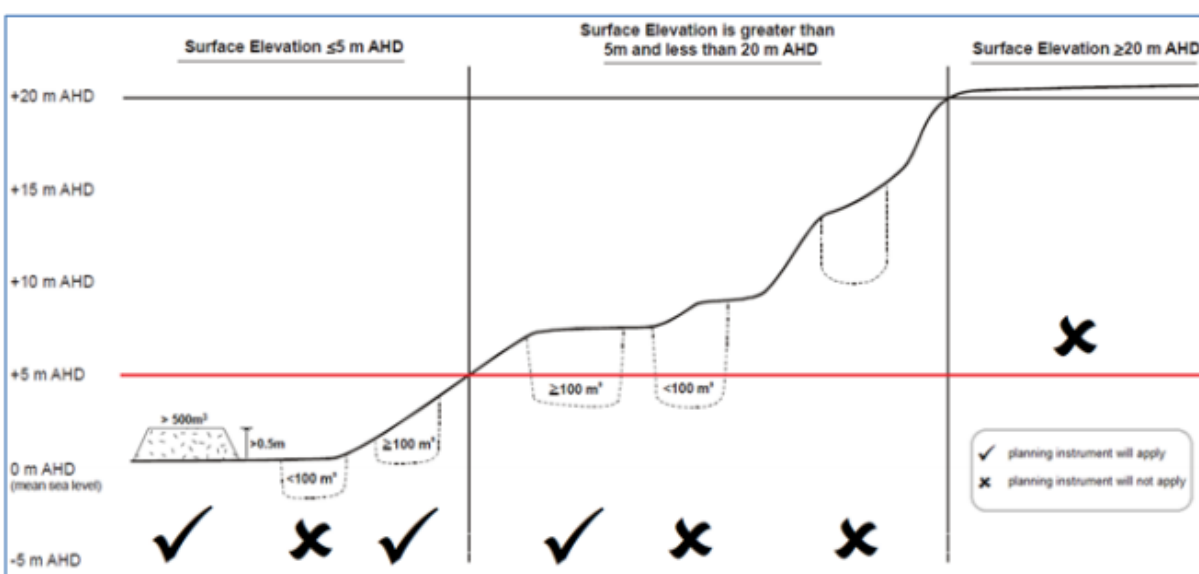
In relation to the SPP State Interest - Emissions and hazardous activities (Acid sulfate soils), the Department has identified that the Redland City Council local government area is identified as

having a high probability of containing acid sulfate soils, as it contains large areas of land with a natural surface level between 0 and 20m AHD. The Department considers that the proposed amendment will result in excavation and fill at much higher volumes than State standards in these high probability areas and that this may result in a risk of exposure of acid sulfate soils and mobilisation of acid, iron and other contaminants into the land, water and urban environments.

The SPP states that development should be assessable against acid sulfate soils assessment provisions:

- Where involving excavation on land between 0 and 20m AHD, where such works involves excavating 100m³ or more of sediment at or below 5m AHD, and;
- Where involving filling on land below 5m AHD for filling of land involving 500m³ or more of material with an average depth of 0.5m or greater.

This means that filling and excavation can only be accepted development where outside these SPP requirements, as depicted in the image below (extracted from the SPP).



In relation to the SPP State Interest Biodiversity, the Department has advised the following:

- Excavation and fill inside and outside the native vegetation canopy cover can result in vegetation becoming nonviable and lead to death of native vegetation, impacting regional ecosystems (including MSES). This can occur, for example, through edge effects, interference with the root system, erosion and changes in hydrology.
- The root systems of native plant species often extend well beyond the drip line or canopy of the plant. Destruction or disturbance of the root system often leads to the death of the plant thus potentially impacting the regional ecosystem and causing loss of biodiversity and ecological function. This can lead to land degradation through potential soil erosion and changes to local hydrological processes.
- Regional Ecosystems (REs) are regulated under the SPP and Vegetation Management Act 1992. As REs can contain complex structural layers with multiple canopies of varying dominance, there is ambiguity around what is meant by ‘canopy cover of native vegetation’.
- If any works within the Environmental Significance Overlay area (which includes MSES that is regulated vegetation) results in clearing (intended or as a result of other activity), it should be triggered through the Overlay table of assessment and assessed against the ES Overlay Code.

Recognising the matters raised by the Department and that the proposed amendment is inconsistent with the SPP, it is recommended Council:

- Amends the proposed amendment for Table 5.7.1 – Operational Works to make any filling and excavation within the Acid sulphate soils thresholds assessable, as per the SPP, and;
- Amend the proposed amendment to make any filling and excavation within the Environmental significance overlay to be code assessable.

Other General Matters Requiring a Formal Response to the Department

1. Proposed Zoning Amendment: 145 Panorama Drive, Thornlands (Item 17 of GMAP)

This proposed amendment seeks to:

- Remove the subject land from the Environmental Management Zone;
- Retain the Community Facilities (CF6 – Infrastructure precinct) zoning designation on the site to facilitate future road widening;
- Include the north-eastern portion of the site in the Low Density Residential Zone (LDR4 – Kinross Road precinct) for lots 1,600m² or greater, and;
- Include the remainder of the site in the Conservation Zone, as shown in the image below.



Upon State interest assessment, the Department's Notice recognised the site contains vegetation which includes and supports koalas. The Department therefore requested:

- Further information to demonstrate consistency with the SPP State interest for Biodiversity (policy 4 and 5).
- Further information demonstrating how the impacts to Koala habitat have been avoided and that changes are made to the extent of urban zoning.

It is also important to note the Department specifically requested that the additional information be provided prior to seeking a formal Council resolution on the matter. The information prepared in response to the Department's request is outlined in Attachment 3. In summary the response confirmed:

- The proposed extent of urban zoning is situated outside the mapped koala bushland habitat area and is located in the disturbed north-eastern corner of the lot which currently contains a vacant dwelling house and outbuilding;

- The proposed extent of the urban zoning will not fragment existing wildlife movement opportunities as it adjoins a road and existing established urban area;
- The balance of the lot will be included in the Conservation Zone, which will further strengthen the protection of environmental values in the remainder of the site;
- The extent of urban zoning does not encroach into bushland koala habitat as depicted on SPP mapping.

By email dated 29 January 2019, the Department has confirmed that based on the additional supporting information provided it is generally satisfied with the proposed zoning amendment.

2. Proposed Zoning Amendment: 157-167 Delancey Street, Ormiston (Item 26 of GMAP)

This proposed amendment seeks to:

- Remove the subject land from the Environmental Management Zone, and;
- Include the eastern portion of the site in the Low Density Residential Zone (which currently contains a large dwelling house and cleared area), and;
- Include the remainder of the site in the Conservation Zone, as shown in the image below.



Upon assessment, the Department's Notice recognised the site contains significant Matters of State Environmental Significance, including koalas and is subject to several natural hazards. The Department therefore requested:

- Further information to demonstrate consistency with the SPP State interest for Biodiversity (policy 2, 4 and 5);
- Further information demonstrating how the impacts to Koala habitat have been avoided and changes are made to the extent of urban zoning, and;
- Council undertake a fit-for-purpose risk assessment to demonstrate the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

Similar to the Panorama Drive site the Department specifically requested that the additional information be provided prior to seeking a formal Council resolution on the matter. The information prepared in response to the Department's request is outlined in Attachment 3. In summary the response confirmed:

- The proposed extent of urban zoning is situated outside the mapped koala bushland habitat area;
- The proposed extent of urban zoning is predominantly cleared and contains an existing dwelling house;
- The proposed extent of urban zoning is situated outside a mapped wildlife corridor as per Council's Wildlife Connections Plan 2018-2028;
- The proposed extent of urban zoning is unlikely to fragment existing wildlife movement opportunities as it adjoins a road and existing established urban area;
- The balance of the lot will be included in the Conservation Zone, which will strengthen the protection of environmental values in the remainder of the site;
- Changes to the extent of urban zoning are not required, as the urban zoning extent does not encroach into bushland koala habitat;
- The risks of natural hazards are not considered to be significant, as:
 - The proposed area of urban zoning is generally cleared, minimising the risk of bushfire hazard;
 - The proposed area of urban zoning is located outside the mapped flood hazard area on the site, and;
- Any future reconfiguration application will be required to further address in detail potential bushfire risk and flood hazard.

By email dated 29 January 2019, the Department has confirmed that based on the additional supporting information provided it is generally satisfied with the proposed zoning amendment subject to Council confirming it is satisfied that the proposed zoning change *"achieves an acceptable or tolerable level of risk for personal safety and property in natural hazard areas."*

3. General Minor Changes/Minor Requests for Information

The State interest review has also identified a number of other minor matters requiring Council to either provide additional information or correct a minor administrative error. These are identified in Attachment 3 and are summarised below:

- Provide the Department with zoning maps of all proposed zoning changes;
- Correct an administrative error in the proposed Table of Assessment for Operational Works;
- Reword the proposed tandem parking performance outcome and ensure it does not conflict with other parts of the scheme;
- Provide the Department with amended road movement network maps in the South East Thornlands area to reflect the proposed amendments, and;
- Reword the proposed amendment for the canal and lakeside estates to correctly reference an administrative definition in the scheme for 'domestic outbuildings'.

General Major Amendment Package (02/19) – GMAP2

The GMAP2 included a single amendment which seeks to strengthen Council's policy position to only support dual occupancies on larger lots where located in the Low Density Residential Zone. The amendment seeks to include a performance outcome and overall outcome which reflect the existing acceptable outcome which indicates that density does not exceed one dwelling per 400m². The wording of the overall outcome was designed to align with the proposed minimum lot size overall

outcome in the Low Density Residential Zone, including the same 'note' seeking to define how a 'surrounding established neighbourhood' is measured that was proposed in the first GMAP:

a) where not within a particular precinct, the density of dual occupancy development is not to exceed one dwelling per 400m² of site area, unless the resultant development is consistent with the density and character of the surrounding established neighbourhood;

Note – The 'surrounding established neighbourhood' for the purposes of the above overall outcome is taken to be land within the same zone and precinct, and within a defined street block or within 100m of the subject site.

In its 'Notice of advice to change and pause the timeframe of a proposed amendment' (see Attachment 2), the Department has indicated similar concerns to those raised relating to the minimum lot size amendment in the first GMAP. Importantly the Department has not indicated any concerns regarding the inclusion of the proposed overall outcome stating the density of dual occupancies should not exceed 1 dwelling per 400m² unless consistent with the density and character of the surrounding established neighbourhood. It has, however, indicated that it does not support the inclusion of the proposed 'note', (similar to the proposed note for the 400m² minimum lot size amendment). This is because in its view it considers the addition of this 'note' results in the creation of a prescriptive purpose statement that does not provide for performance-based planning outcomes.

Council officers have reviewed the State's position and undertaken further investigation into the matter. Taking into account the Department's position, it is recommended that Council proceed with the proposed amendment, but support the removal of the proposed 'note'. The remaining overall outcome clearly indicates Council's preferred position that dual occupancies should only occur on larger lots, whilst not prohibiting consideration of an application which proposes a higher density, therefore allowing for performance based planning. Further grounds to support this position are detailed in the summary of the minimum lot size amendment proposed in the first GMAP, where the recommended outcome is also to remove the proposed 'note'.

Should Council seek to pursue the proposed amendment without removing the note, it will need to determine whether it is prepared to amend the proposed definition of 'surrounding established neighbourhood' or whether it intends to proceed with the proposed amendment (as currently drafted) and formally advise the Department to continue to assess the proposed amendment, recognising it is likely the Minister will condition its removal.

STRATEGIC IMPLICATIONS

Legislative Requirements

Both amendment packages have been prepared in accordance with the *Planning Act 2016* and Minister's Guidelines and Rules. Council must continue to follow the process set out in the legislative framework under which the proposed amendment was prepared.

Risk Management

Undertaking amendments to the planning scheme will ensure the document remains current and consistent with community expectations. Mandatory public consultation requirements (as per the Minister's Guidelines and Rules) for major planning scheme amendments will also ensure the community is given the opportunity to provide feedback on any proposed changes.

Financial

The amendments to the planning scheme are being funded as part of the operating budget of the City Planning and Assessment Group.

People

The staff resourcing required to facilitate the proposed amendment to the Planning Scheme are primarily drawn from the Strategic Planning Unit of the City Planning and Assessment Group.

Environmental

Environmental matters have been discussed, where relevant.

Social

Social matters have been discussed, where relevant.

Alignment with Council's Policy and Plans

The proposed amendment packages will align with the Wise Planning and Design goals contained in Council's Corporate Plan and the Redlands Community Plan. This includes managing population growth and improving efficiencies in the City Plan.

CONSULTATION

A number of Council groups were consulted in the preparation of the amendment packages. In addition, the following consultation has occurred in relation to the first State Interest Review:

| Consulted | Date | Comment |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Department of State Development, Manufacturing, Infrastructure and Planning | Ongoing discussions with State officers regarding Pause Notices between December 2018 and February 2019. | Discussions regarding changes and information requested by the Department. |

OPTIONS

Option One

That Council resolves to:

1. respond to the Department of State Development, Manufacturing, Infrastructure and Planning to address requested changes and provide requested information in response to:
 - a) the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package (01/19), as set out in Attachment 3;
 - b) the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package – Dual Occupancies in the Low Density Residential Zone (02/19), as set out in Attachment 4;
2. advise the Department of State Development, Manufacturing, Infrastructure and Planning that Council intends to incorporate both amendment packages into one major amendment package; and
3. maintain this report and attachments as confidential until the proposed amendment package commences public consultation as per the Minister's Guidelines and Rules, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Two

That Council resolves to:

1. respond to the Department of State Development, Manufacturing, Infrastructure and Planning to address requested changes and provide requested information in response to:
 - a) the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package (01/19), with alternative responses to those in Attachment 3, as directed by Council.
 - b) the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package – Dual Occupancies in the Low Density Residential Zone (02/19), with alternative responses to those in Attachment 4, as directed by Council.
2. advise the Department of State Development, Manufacturing, Infrastructure and Planning that Council intends to incorporate both amendment packages into one major amendment package; and
3. maintain this report and attachments as confidential until the proposed amendment package commences public consultation as per the Minister's Guidelines and Rules, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Three

That Council resolves to not proceed with the amendment packages and advise the Department of State Development, Manufacturing, Infrastructure and Planning of this position.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. **respond to the Department of State Development, Manufacturing, Infrastructure and Planning to address requested changes and provide requested information in response to:**
 - a) **the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package (01/19), as set out in Attachment 3;**
 - b) **the notice given under Chapter 2, Part 4, Section 17.3 of the Minister's Guidelines and Rules for General Major Amendment Package – Dual Occupancies in the Low Density Residential Zone (02/19), as set out in Attachment 4;**
2. **advise the Department of State Development, Manufacturing, Infrastructure and Planning that Council intends to incorporate both amendment packages into one major amendment package; and**
3. **maintain this report and attachments as confidential until the proposed amendment package commences public consultation as per the Minister's Guidelines and Rules, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.**



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: MC18/7212 / MA-00023

19 December 2018

Mr Andrew Chesterman
Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Via email: Dean.Butcher@redland.qld.gov.au

Attention: Dean Butcher

Dear Mr Butcher,

Notice of advice to change and to pause the timeframe a proposed amendment

(Given under chapter 2, part 4, section 17.3 and chapter 2, part 5, sections 23.1 of the Minister's Guidelines and Rules)

Thank you for your letter received on 19 November 2018 advising of Redland City Council's (the council) decision to make a major amendment, the proposed General Major Amendment (the proposed amendment) to the *Redland City Plan 2018* (City Plan).

On 19 November 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) commenced the state interest review for the proposed amendment. Following the initial review, the department has determined further information is required for the proposed amendment to appropriately address relevant state interests.

In accordance with chapter 2, part 4, section 17.3 of the Minister's Guidelines and Rules (MGR), I am taking the opportunity to advise the council during the state interest review to consider changing the proposed amendment to appropriately address state interests by taking the actions listed in **Attachment 1**.

Under chapter 2, part 5, section 23.1 of the MGR, notice is given that the timeframe for the proposed amendment has been paused from the day after this notice is given. Upon satisfactory receipt of the requested information, the process will resume at chapter 2, part 4, section 17.2 of the MGR.

If you require further information, I encourage you to contact Darren Cooper, Principal Planning Officer, Planning and Development Services, on 07 5644 3223 or by email at bestplanning-SEQS@dsmip.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gareth Richardson', with a stylized flourish at the end.

Gareth Richardson
Manager, Planning and Development Services (SEQ South)

Attachment 1: State interest review

ATTACHMENT 1 – STATE INTEREST REVIEW

GENERAL MAJOR AMENDMENT TO THE REDLAND CITY PLAN 2018

| Change no. | State interest | Recommended action |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General comments | | |
| All zoning changes | Ministers Guidelines and Rules | Provide finalised versions of the zoning maps council will take to public consultation illustrating the proposed zoning changes. |
| 17 and 26. | State Planning Policy, July 2017 (SPP, July 2017) <ul style="list-style-type: none"> Guiding principles. | Based on the information provided, it is unclear what the proposed zoning entails for these changes as there are inconsistencies between the zoning images and the description of the changes. Please clarify the proposed zoning for these changes. |
| Policy changes | | |
| 4. | SPP, July 2017 <ul style="list-style-type: none"> Guiding principles | Amendment item 4, specifically PO10, Item 7 requires an allowance for tandem car parking spaces provided in front of garages to be contained wholly within the property boundary. The department understands that the explanation for the change is to stop cars longer than 3m overhanging on the verge and footpath. The department interprets the PO as it currently reads as requiring two parking spaces in front of a garage to comply with the PO. In addition, Table 9.3.5.3.2- Minimum on-site vehicle parking requirements for Multiple Dwellings states that tandem parking is not acceptable for the centres at Capalaba, Cleveland, Victoria Point, within 800m of a railway station and 400m of certain bus stops which prohibits tandem parking. Please clarify the wording of the PO to better articulate the required outcome of allowing vehicles to safely stop within the property boundary and also clarify possible conflicts with other provisions of the scheme. |
| 6. | SPP, July 2017 Biodiversity – Policy (2) and (3). | It is not clear if council is proposing to insert a new table, titled Table 5.8.1-Operational work or are proposing amendments to existing Table 5.7.1-Operational work. Provide clarification as to if a new table is being inserted or amendments are being made to the existing table. In addition to the above, provide a full track change version of the new or proposed table amendment. |
| 11. | SPP, July 2017 <ul style="list-style-type: none"> Transport – Policy (5). | Provide amended copies of the following maps as outlined in the proposed change: <ul style="list-style-type: none"> Figure 6.2.3.3.5 South East Thornlands: road movement network Figure 6.2.3.3.4 South East Thornlands: road movement network – referenced by the Low-medium density residential zone code; Figure 9.4.4.3.3 South East Thornlands: road movement network - referenced by the Reconfiguring a lot code. |
| 14. | Ministers approval to adopt the Draft Redland City Plan SPP, July 2017 <ul style="list-style-type: none"> Guiding principles | Ministers condition 1 required that wording was inserted within section 6.2.1.2 that stated unless resultant lots are consistent with the density and character of the surrounding established neighbourhood. Council are proposing to insert a note that further defines what a surrounding established neighbourhood is. |

ATTACHMENT 1 – STATE INTEREST REVIEW

GENERAL MAJOR AMENDMENT TO THE REDLAND CITY PLAN 2018

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| | | Generally, a neighbourhood is not defined as being within the same defined street block or within 100m of a site and is generally a larger geographical area. Clarification and/or amendment is requested given a 100m distance from a site cannot be considered as a neighbourhood area. If required, it is recommended that council include an administrative definition for what can be considered as part of a surrounding established neighbourhood. |
| 15. | Ministers approval to adopt the Draft Redland City Plan SPP, July 2017 <ul style="list-style-type: none"> Guiding principles | The amended provision for AO6.1 requires development (including any outbuildings) is setback a minimum of 9.0m from the property boundary adjoining a canal or lake. Outbuildings are not defined within the scheme, only domestic outbuildings. Council should provide amended wording that aligns with the current administrative definitions contained within the scheme. |
| Zoning changes | | |
| 16. | SPP, July 2017 <ul style="list-style-type: none"> State interest - Biodiversity <ul style="list-style-type: none"> Policy (2) and (4). State interest – Natural hazards, risk and resilience <ul style="list-style-type: none"> Policy (2). <p><i>ShapingSEQ</i></p> <ul style="list-style-type: none"> Goal 4: Sustain <ul style="list-style-type: none"> Element 2: Biodiversity. | <p>The subject land contains significant Matters of State Environmental Significance, is subject to several natural hazards and is located within the South East Queensland Regional Biodiversity Corridor.</p> <p>The proposed change will result in an intensification of accepted development under the <i>Redland City Plan 2018</i>, vegetation clearing exemptions and may result in significant adverse impacts on environmental values.</p> <p>The proposed change is inconsistent with the SPP, July 2017 State interest for Biodiversity (policy 2 and 4) as:</p> <ul style="list-style-type: none"> The proposed change will allow for accepted vegetation clearing on lots that contain a dwelling house, and whether the clearing is less than 2500 square metres. This has the ability to cause significant adverse impacts on environmental value. The proposed land use does not align with the biodiversity values. <p>Note: The mapping contained within the City Plan does not include all the mapped MSES-regulated vegetation (Category B and Essential Habitat) as shown on the SPP Interactive mapping system.</p> <p>To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas. Based on the information provided, the council has identified this area as having such a constraint that development would be unlikely.</p> <p>The proposed change is inconsistent with ShapingSEQ, (Goal 4: Sustain, Element 2, Strategy 2) as the proposed change does not maintain the regional biodiversity corridor.</p> <p>Given the substantial constraints of the subject land, the council is requested to remove the proposed</p> |

ATTACHMENT 1 – STATE INTEREST REVIEW

GENERAL MAJOR AMENDMENT TO THE REDLAND CITY PLAN 2018

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| | | change from the amendment package. |
| 17. | <p>SPP, July 2017</p> <ul style="list-style-type: none"> • State interest - Biodiversity <ul style="list-style-type: none"> ○ Policy (4) (5). | <p>The subject land contains vegetation which includes and supports koala habitat. The proposed change is likely to impact on Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 4 and 5).</p> <p>It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.</p> <p>It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments</p> |
| 26. | <p>SPP, July 2017</p> <ul style="list-style-type: none"> • State interest - Biodiversity <ul style="list-style-type: none"> ○ Policy (2) (4) (5). • State interest – Natural hazards, risk and resilience <ul style="list-style-type: none"> ○ Policy (2). | <p>The subject land contains significant Matters of State Environmental Significance, including Koalas and is subject to several natural hazards.</p> <p>The proposed change will result in the clearing of Matters of State Environmental Significance and has the potential to impact upon Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 2, 4 and 5).</p> <p>It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.</p> <p>It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments.</p> <p>To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.</p> |



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: MC19/169 / MA-00027

18 January 2019

Mr Andrew Chesterman
Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Via email: Janice.Johnston@redland.qld.gov.au

Attention: Janice Johnston

Dear Ms Johnston,

Notice of advice to change and to pause the timeframe for a proposed amendment

(Given under chapter 2, part 4, section 17.3 and chapter 2, part 5, sections 23.1 of the Minister's Guidelines and Rules)

Thank you for your letter received on 9 January 2019 advising of Redland City Council's (the council) decision to make a major amendment, the proposed General Major Amendment 2 – Dual Occupancies in the Low Density Residential Zone (the proposed amendment) to the *Redland City Plan 2018* (City Plan).

On 10 January 2019, the Department of State Development, Manufacturing, Infrastructure and Planning (the department) commenced the state interest review for the proposed amendment. Following the initial review, the department has determined further information is required for the proposed amendment to appropriately address relevant state interests.

In accordance with chapter 2, part 4, section 17.3 of the Minister's Guidelines and Rules (MGR), I am taking the opportunity to advise the council to consider changing the proposed amendment by taking the action listed in the table below.

| State interest | Recommended action |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ministers approval to adopt the Draft Redland City Plan <i>State Planning Policy July 2017 (SPP July 2017) – Guiding principles</i> | Condition 1 of the Ministers approval to adopt the Draft Redland City Plan, dated 9 June 2018, required that wording was inserted within the City Plan that stated " <i>unless resultant lots are consistent with the density and character of the surrounding established neighbourhood</i> ". The inclusion of the note in section 6.2.1.2 of the purpose statement in the Low-Density Zone Code " <i>surrounding established neighbourhood for the purposes of the above overall outcome is</i> |

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| | <p><i>taken to be land within the same zone and precinct, and within a defined street block or within 100m of the subject site”</i>, this definition creates a prescriptive purpose statement and does not provide for performance-based planning outcomes. Further, the purpose statement creates a prohibition on development which is assessable and bounded against the Low-Density Zone Code, unless development is impact assessable.</p> <p>From a practical perspective, the definition itself should be included in the administrative definitions of Part 10, Schedule 1.2 of the City Plan. It therefore would apply city wide and would have implications on the interpretation of the whole scheme.</p> <p>These comments further reflect the departments concerns raised in item 14 of the pause notice for General Major Amendment 1 (dated 19 December 2018).</p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Under chapter 2, part 5, section 23.1 of the MGR, notice is given that the timeframe for the proposed amendment has been paused from the day after this notice is given. Upon satisfactory receipt of the requested information, the process will resume at chapter 2, part 4, section 17.2 of the MGR.

If you require further information, I encourage you to contact Darren Cooper, Principal Planning Officer, Planning and Development Services, on 07 5644 3217 or by email at bestplanning-SEQS@dsdmip.qld.gov.au.

Yours sincerely



Gareth Richardson
Manager, Planning and Development Services (SEQ South)

Attachment 3: General Major Amendment Package (01/19) – Proposed Response to State Interest Review

The proposed response to the Department of State Development, Manufacturing, Infrastructure and Planning is as follows:

Proposed Response

POLICY CHANGES

Change 4

| Requested Change |
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| <p>Amendment item 4, specifically PO10, Item 7 requires an allowance for tandem car parking spaces provided in front of garages to be contained wholly within the property boundary. The department understands that the explanation for the change is to stop cars longer than 3m overhanging on the verge and footpath. The department interprets the PO as it currently reads may be requiring two parking spaces in front of a garage to comply with the PO. In addition, Table 9.3.5.3.2- Minimum on-site vehicle parking requirements for Multiple Dwellings states that tandem parking is not acceptable for the centres at Capalaba, Cleveland, Victoria Point, within 800m of a railway station and 400m of certain bus stops which prohibits tandem parking.</p> <p>Please clarify the wording of the PO to better articulate the required outcome of allowing vehicles to safely stop within the property boundary and also clarify possible conflicts with other provisions of the scheme.</p> |

Noted – PO10 has been amended as per the advice of the Department, to clearly articulate that vehicle parking is to be provided for within the property boundary, as shown in track changes below.

Additionally, an editor’s note has been added in the PO to refer to the additional tandem parking requirements outlined in Table 9.3.5.3.2 of the Transport, servicing, access and parking code. Furthermore, Council officers have reviewed the City Plan and have not identified any further conflicts in relation to tandem parking in the scheme.

The proposed amendments to the Planning Scheme are as follows:

Table 6.2.3.3.1—Benchmarks for assessable development

| Performance outcomes | Acceptable outcomes |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For assessable development | |
| Built form | |
| <p>PO10 Building setbacks (other than basements):</p> <ol style="list-style-type: none"> (1) create an attractive, consistent and cohesive streetscape; (2) maintain appropriate levels of light and solar penetration, air circulation, privacy and amenity for existing and future buildings; (3) do not prejudice the development or amenity of adjoining sites; | <p>AO10.1 The front boundary setback is a minimum of:</p> <ol style="list-style-type: none"> (1) 5.5m at ground level, where in line with a garage door; and (2) 3m otherwise. <p>AO10.2 The side boundary setback: At the side boundary:</p> |

| Performance outcomes | Acceptable outcomes |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(4) assist in retaining native vegetation and allow for the introduction of landscaping to complement building massing and to screen buildings;</p> <p>(5) provide useable open space for the occupants; and</p> <p>(6) provide space for service functions including car parking and clothes drying; and</p> <p>(7) allow where for tandem car parking spaces provided are proposed in front of garages, they are to be contained wholly within the property boundary.</p> <p>Editor's note –The provision of tandem car parking spaces is not supported in all locations. Refer to Table 9.3.5.3.2 – Minimum on-site vehicle parking requirements in the Transport, servicing, access and parking code for further information.</p> | <p>(1) a built to boundary wall does not exceed 4.5m in height and 9m in length along any one boundary; and</p> <p>(2) otherwise, buildings are set back a minimum of:</p> <p>(a) 1.5m for a wall up to 4.5m high;</p> <p>(b) 2m for a wall up to 7.5m high; and</p> <p>(c) 2.5m plus 0.5m for every 3m or part thereof by which the building exceeds 7.5m.</p> <p>Note—Where a multiple dwelling in the form of attached or terrace houses is proposed, side setbacks would apply only to boundaries shared with adjoining sites and not to "internal" lot boundaries within the development site.</p> |
| | <p>AO10.3</p> <p>The rear boundary setback is a minimum of:</p> <p>(3) 4m for a wall up to 13m high; and</p> <p>(4) 6m where above 13m high.</p> |

Changes 6

| Requested Change |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>It is not clear if council is proposing to insert a new table, titled Table 5.8.1-Operational work or are proposing amendments to existing Table 5.7.1-Operational work. Provide clarification as to if a new table is being inserted or amendments are being made to the existing table.</p> <p>In addition to the above, provide a full track change version of the new or proposed table amendment.</p> <p>Additional changes requested as per email dated 5 February 2019</p> <ul style="list-style-type: none"> • Re-instate accepted development volumes within Table 5.7.1 Operational Works that are consistent with the SPP State interest - Emissions and hazardous activities. • Remove reference to accepted development for excavating and filling within the Environmental Significance (ES) Overlay from proposed Table 5.7.1 Operational Works. |

The proposed change relates to amending the existing table, Table 5.7.1 – Operational Work. The first version provided to the State included a typing error due to issues with automatic numbering in the City Plan document.

The department's concerns regarding SPP State Interests – Biodiversity and Emissions and hazardous activities are noted and reflected in the new proposed Table 5.7.1 – Operational Work below (which also includes track changes as per the department's request).

For the department's reference, proposed changes for filling and excavation in the Conservation zone (as per Item 9 of the General Major Amendment Package) are also shown below, to remove any ambiguity and highlight all proposed changes to the table of assessment.

Proposed Table 5.7.1 – Operational works (in response to State comments)

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Excavation and Filling | | |
| <p>All zones <u>except the Conservation zone</u></p> | Accepted | |
| | <p>If carried out by Redland City Council; or;</p> <p>(1) the excavation or filling proposed does not exceed a depth of 300mm on its own or when combined with any previous excavation or filling;</p> <p>(2) the excavation or filling does not exceed:</p> <p style="margin-left: 40px;">1. 600m² in area; or</p> <p style="margin-left: 40px;">2. a volume of 50m³; and</p> <p>(3) where involving a retaining wall, the retaining wall is not greater than 1 metre in height</p> <p><u>If the proposed filling or excavation:</u></p> <p>(1) does not involve:</p> <p style="margin-left: 40px;">a) excavation of 100m³ or more at or below 5m AHD; or</p> <p style="margin-left: 40px;">b) filling of 500m³ with an average depth of 0.5m or more on land below 5m AHD; and</p> <p>(2) does not exceed a depth of 750mm on its own or when combined with any previous excavation or filling; and</p> <p>(3) is not located in an area mapped by any of the following overlays:</p> <p style="margin-left: 40px;">a) Flood or Storm Tide Hazard Overlay (Flood Prone Area sub-category only); or</p> <p style="margin-left: 40px;">b) Coastal Protection (Erosion Prone Area) Overlay; or</p> <p style="margin-left: 40px;">a)c) Environmental Significance Overlay; or</p> <p style="margin-left: 40px;">b)d) Waterway Corridors and Wetlands Overlay</p> | |
| | <p>Accepted subject to requirements</p> <p><small>Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).</small></p> | |
| If not accepted or code assessable | Infrastructure works code | |

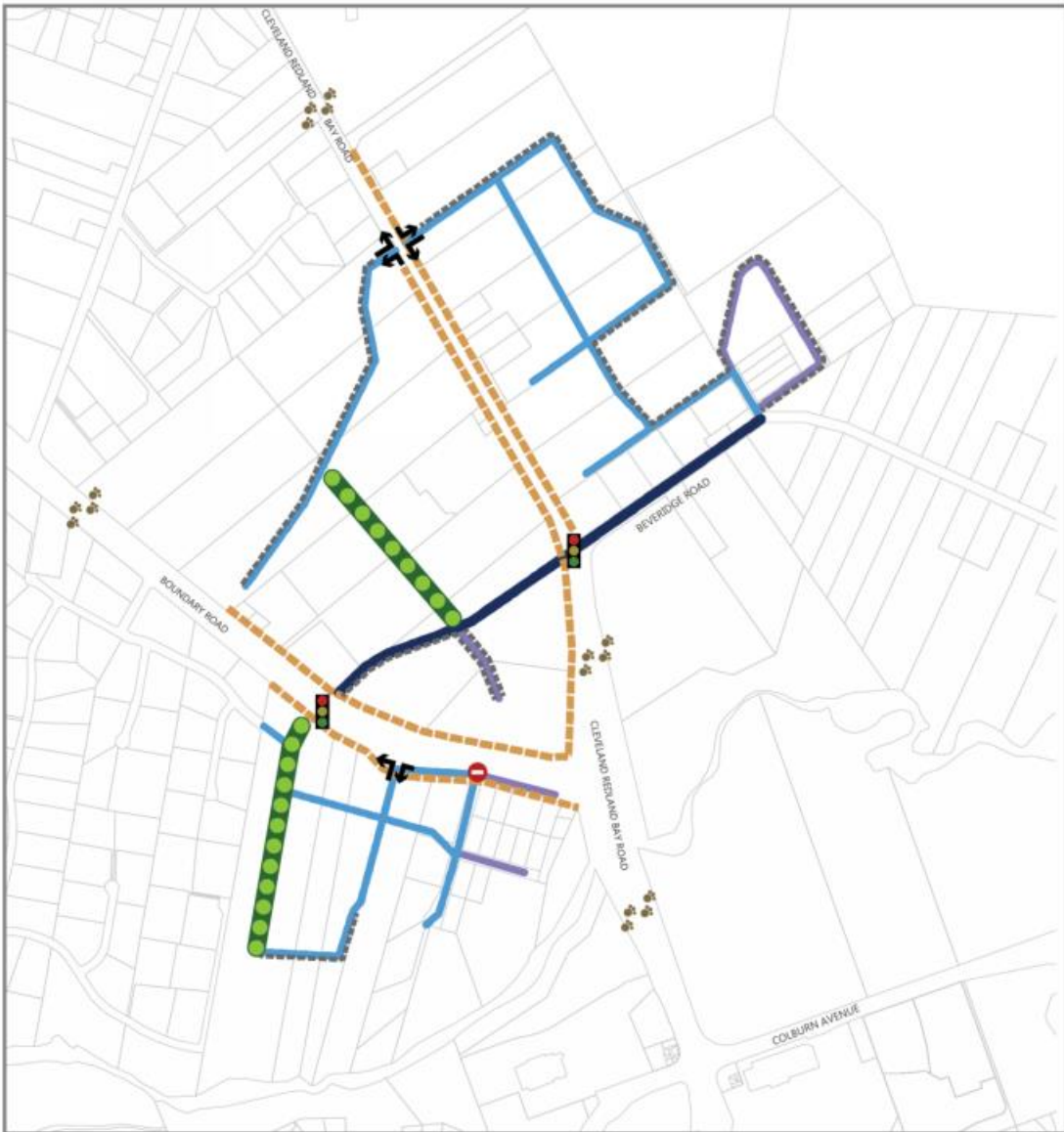
| | | |
|--------------------------|--------------------------------------------------|------------------------------------------------------------------------|
| | Code assessment | |
| | If exceeding a volume of 50m3 | Healthy waters code |
| | If not accepted | Infrastructure works code |
| Conservation zone | Accepted | |
| | If undertaken by Redland City Council | |
| | Code assessment | |
| | If not accepted | Healthy waters code Infrastructure works code |

Change 11

| Requested Change |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide amended copies of the following maps as outlined in the proposed change: <ul style="list-style-type: none"> • Figure 6.2.3.3.5 South East Thornlands: road movement network • Figure 6.2.3.3.4 South East Thornlands: road movement network – referenced by the Low-medium density residential zone code; • Figure 9.4.4.3.3 South East Thornlands: road movement network - referenced by the Reconfiguring a lot code. |

Noted – amended maps have been created and are shown below for the department’s reference. The following map will be inserted into:

- Figure 6.2.3.3.5 South East Thornlands: road movement network
- Figure 6.2.3.3.4 South East Thornlands: road movement network
- Figure 9.4.4.3.3 South East Thornlands: road movement network



South East Thornlands - Road Movement Network

- █ Trunk Collector
- █ Boulevard
- █ Collector Street
- █ Access Street/Place
- █ Landscaping and Acoustic Treatment
- █ Esplanade Treatment
- Intersection - Left in, Left out only
- Intersection - 4 way signalised
- No direct access to Boundary Road
- Recommended Fauna Crossing Locations



Change 14

| Requested Change |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Ministers condition 1 required that wording was inserted within section 6.2.1.2 that stated unless resultant lots are consist with the density and character of the surrounding established neighbourhood. Council are proposing to insert a note that further defines what a surrounding established neighbourhood is.</p> <p>Generally, a neighbourhood is not defined as being within the same defined street block or within 100m of a site and is generally a larger geographical area. Clarification and/or amendment is requested given a 100m distance from a site cannot be considered as a neighbourhood area. If required, it is recommended that council include an administrative definition for what can be considered as part of a surrounding established neighbourhood.</p> |

This proposed amendment will be withdrawn from the amendment package.

Change 15

| Requested Change |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The amended provision for AO6.1 requires development (including any outbuildings) is setback a minimum of 9.0m from the property boundary adjoining a canal or lake. Outbuildings are not defined within the scheme, only domestic outbuildings. Council should provide amended wording that aligns with the current administrative definitions contained within the scheme.</p> |

Noted – the provision AO6.1 has been amended to refer to a “domestic outbuilding” as per the administrative definitions in the planning scheme, as shown below in track changes.

6.2.1.3 Low density residential zone code – Criteria for assessment

Table 6.2.1.3 Error! No text of specified style in document..2—**Benchmarks for development that is accepted subject to requirements and assessable development**

| Performance outcomes | Acceptable outcomes |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| For development that is accepted subject to requirements and assessable development | |
| Dual occupancies and dwelling houses in precinct LDR5: Canal and lakeside estates | |
| <p>PO5 Development in Raby Bay, Aquatic Paradise and Sovereign Waters is set back from a property boundary adjoining a revetment wall to:</p> <ol style="list-style-type: none"> (1) Reduce the risk to new structures from the construction, maintenance, structural deterioration or failure of revetment walls; (2) Maintain the structural stability of revetment walls; (3) Provide unimpeded access to allow for the maintenance of revetment walls. <p>Note — All structural elements of a building or structure (e.g. retaining walls and pools), including footings, structural steel and reinforced concrete portions, must comply with the Building Code Of Australia (BCA). The BCA is a uniform set of</p> | <p>AO5.1 Development is set back 9m from the property boundary adjoining a revetment wall.</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>technical provisions for the design and construction of buildings and structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect in Queensland under the <i>Building Act 1975</i>.</p> <p>The BCA requires all buildings and structures to be structurally sound. Where an engineering design is necessary, a building certifier will generally require the building or structure to be certified by a Registered Professional Engineer who is registered to practice in Queensland to confirm that these elements meet minimum structural standards and comply with any relevant Australian Standards.</p> | |
| <p>PO6 Development in Raby Bay, Aquatic Paradise and Sovereign Waters maintains the amenity of adjoining premises by:</p> <p>(1) maintaining consistency with the setbacks of adjoining buildings and structures; and</p> <p>(1) maintaining the existing view lines of neighbouring properties; and</p> <p>(2) not dominating or detracting from the built form, waterway and landscape setting of the location.</p> | <p>AO6.1 Development (including domestic outbuildings) are setback a minimum of 9.0m from the property boundary adjoining a canal or lake.</p> <p>OR</p> <p>AO6.2 Development layout and building setbacks maintain the existing view line of neighbouring properties.</p> <p>Figure 6.2.1.2.4.6 illustrates.</p> <p>OR</p> <p>AO6.3 Development undertaken within 9.0m of the property boundary adjoining a canal or lake:</p> <p>(1) Is of an open air design; and</p> <p>(2) Does not incorporate screening elements (e.g. shutters, awnings and sunshades) that could impede existing view lines when in use.</p> <p>Figure 6.2.1.2.4.7 illustrates.</p> <p>Editor's note—Applicants should also be aware that structures near a canal or revetment wall must maintain the structural integrity of the wall, in accordance with the Building Code of Australia.</p> |

Any construction closer than 9m would need to be supported by the correct building structural design certificates which prove that any works within this distance will not cause any movement or damage to the existing revetment wall or bank which may have a limited capacity to withstand additional loadings. These matters are to be addressed in any application for building works.

ZONING CHANGES

Change 16

Requested Change

The subject land contains significant Matters of State Environmental Significance, is subject to several natural hazards and is located within the South East Queensland Regional Biodiversity Corridor.

The proposed change will result in an intensification of accepted development under the Redland City Plan 2018, vegetation clearing exemptions and may result in significant adverse impacts on environmental values.

The proposed change is inconsistent with the SPP, July 2017 State interest for Biodiversity (policy 2 and 4) as:

- The proposed change will allow for accepted vegetation clearing on lots that contain a dwelling house, and whether the clearing is less than 2500 square metres. This has the ability to cause significant adverse impacts on environmental value.
- The proposed land use does not align with the biodiversity values.

Note: The mapping contained within the City Plan does not include all the mapped MSES-regulated vegetation (Category B and Essential Habitat) as shown on the SPP Interactive mapping system.

To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas. Based on the information provided, the council has identified this area as having such a constraint that development would be unlikely.

The proposed change is inconsistent with ShapingSEQ, (Goal 4: Sustain, Element 2, Strategy 2) as the proposed change does not maintain the regional biodiversity corridor.

Given the substantial constraints of the subject land, the council is requested to remove the proposed change from the amendment package.

This amendment will be withdrawn from the proposed amendment package.

Change 17

Requested Change

The subject land contains vegetation which includes and supports koala habitat. The proposed change is likely to impact on Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 4 and 5).

It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.

It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments

As part the Council General Meeting dated 10 October 2018, Council resolved to remove the site from the Environmental Management zone and include the north eastern corner of the site within the Low Density Residential zone (LDR4 – Kinross Road Precinct), with the balance of the site being zoned Conservation. An indicative zoning map is provided below (Note – this is an indicative zoning map and when Council’s mapping team have completed the finalised zoning maps, a comparison of the proposed zoning and Koala habitat value mapping can be provided to the department).



It is noted that the department requires additional information from Council:

- To demonstrate the proposed amendment is consistent with State Planning Policy, July 2017 State interest for Biodiversity:
 - Policy 4: Ecological processes and connectivity is maintained or enhanced by avoiding fragmentation of matters of environmental significance, and;
 - Policy 5: Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.
- To demonstrate how the impacts of Koala habitat have been avoided and mitigated and changes are made to the extent of urban zoning proposed over the site.

The portion of the site proposed for urban zoning is situated in the north-eastern corner of the site. This part of the site contains less dense vegetation coverage and adjoins an existing major road to the east and road reserve abutting the northern boundary. Access to the site can be taken from the existing cul-de-sac north of the site, which abuts the site’s boundary. Furthermore, the proposed location of urban zoning will not encroach into existing koala bushland habitat areas (which are mapped in the western parts of the site) and is concentrated wildlife movement areas. Given these points, it is not considered the proposed urban zoning will result in fragmenting existing movement opportunities within the site for wildlife, particularly koalas. Thus, it is considered to maintain the existing ecological processes and connectivity and is considered unlikely to result in fragmentation of matters of environmental significance (as per SPP State Interest Biodiversity – Policy 4).

The site is identified as containing koala habitat values in accordance with the *Planning Act 2016*. These are as follows:

- Medium value bushland (centre of the site);
- High value rehabilitation (north-western corner of the site);
- Low value rehabilitation (north-eastern corner of the site).

The area for proposed urban zoning is entirely situated within the part of the site mapped as the 'low value rehabilitation' category under the Koala habitat values mapping, the lowest category of koala habitat vegetation present on the site. The area for urban zoning does not encroach into any areas mapped as containing bushland habitat values. Under the *Planning Regulation 2017* (Schedule 11, Part 2, Section 7), removal of non-juvenile koala habitat trees in the areas containing bushland habitat is prohibited. Furthermore, clearing of non-juvenile koala habitat must be 'avoided', 'minimised' and is subject to offset planting in areas containing high value rehabilitation vegetation. These restrictions do not apply for the low value rehabilitation category; rather, clearing of non-juvenile koala habitat trees would be permissible subject to assessment of provisions in the Regulation. As the proposed area for urban zoning is in the part of the site with the lowest category of koala habitat vegetation, it is considered measures have been taken to facilitate development, without compromising the protection of koala populations and conservation of key koala habitat.

Furthermore, the proposed amendment will result in the zoning of the balance lot changing from Environmental Management to Conservation. This is considered to further protect and enhance koala habitat by applying stricter parameters for development over the balance of the site. For example under City Plan, a Dwelling house would trigger impact assessment in the Conservation zone. However, a Dwelling House would not trigger a development application in the Environmental Management zone and clearing would not be subject to assessment against the koala habitat provisions in the Regulation as it would be a 'domestic housing activity'. This means, that while a portion of the site will be subject to urban zoning, the protection of mapped koala bushland habitat areas will be further strengthened in the remaining parts of the site with this proposed amendment.

In addition, under version 1 of the superseded *Redlands Planning Scheme 2006*, the north-eastern corner of the site was included in the Urban Residential zone. Subsequently, the zoning was changed through a major amendment, and the entire site (minus the portion of the site zoned in the Community Facilities zone), was identified within the Environmental Protection due to a request from the land owner at the time. It is considered that had this amendment not occurred, this zoning would have transitioned to the Low Density Residential zone under City Plan, allowing for a minimum lot size of 400m². However, the proposed zoning, Low Density Residential (LDR4 – Kinross Road precinct), was chosen to be cognisant of the koala habitat values on the site. The LDR4 Precinct seeks to achieve a minimum lot size of 1,600m², which is substantially larger than standard minimum lot size in City Plan for the Low Density Residential zone (which is 400m²). This precinct of the Low Density Residential zone was chosen to mitigate the impacts of urban development on koala habitat as follows:

- Larger lots provide opportunities for the development to retain existing vegetation or for land owners to plant vegetation that may assist with koala movement within the urban environment;
- Larger lots will result in a smaller number of dwellings being constructed. The flow on effects of this will minimise the impacts of a variety of risks to koala habitat such as vehicle movements.

The LDR4 precinct is considered to be more sensitive to the surrounding koala habitat than the former Urban Residential zoning under the *Redlands Planning Scheme 2006*. Had the previous amendment not occurred, a higher density of development may have resulted on the site than what is currently proposed.

Given the abovementioned factors, it is considered the proposed amendment does not conflict with the SPP – State Interest Biodiversity (Policy 4 and 5) and that the current extent of urban zoning will not have a significant impact on koala habitat values.

Change 26

Requested Change

The subject land contains significant Matters of State Environmental Significance, including Koalas and is subject to several natural hazards.

The proposed change will result in the clearing of Matters of State Environmental Significance and has the potential to impact upon Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 2, 4 and 5).

It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.

It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments.

To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

In the report that was presented to Council at the General Meeting dated 10 October 2018, Council officers did not recommend that a zoning amendment proceed over the site in the General Major Amendment Package. It was therefore recommended that the subject site was retained in the Environmental Management zone due to the limited development potential of the site associated with the following constraints:

- The site contains Matters of State Environmental Significance, and is almost entirely mapped as containing regulated vegetation and high ecological significance wetlands;
- The entire site is mapped as containing koala habitat values, predominantly in the medium value bushland category and the low value rehabilitation category;
- Almost all of the site is mapped as 'High Potential Bushfire Intensity' in the State Planning Policy mapping;
- Approximately half of the site is mapped within the Flood and Storm Tide Hazard overlay of City Plan 2018.

However, at the General Meeting dated 10 October, Council resolved submit an amendment to remove the site from the Environmental Management zone and include it in the Low Density Residential zone (in part) and the Conservation zone (in part). An indicative proposed zoning map is shown below (Note – this is an indicative zoning map and when Council's mapping team have completed the finalised zoning maps, a comparison of the proposed zoning and Koala habitat value mapping can be provided to the department).



SPP State Interest: Matters of Environmental Significance and Koala Habitat

It is noted that the department requires additional information from Council:

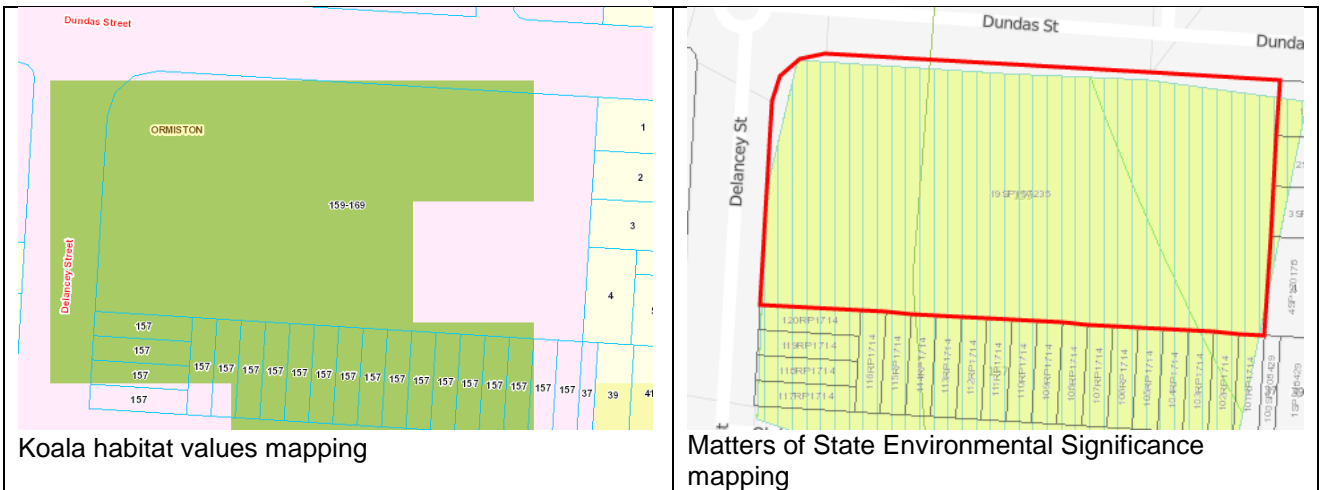
- To demonstrate the proposed amendment is consistent with State Planning Policy, July 2017 State interest for Biodiversity:
 - Policy 2: Matters of State Environmental Significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised
 - Policy 4: Ecological processes and connectivity is maintained or enhanced by avoiding fragmentation of matters of environmental significance, and;
 - Policy 5: Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.
- To demonstrate how the impacts of Koala habitat have been avoided and mitigated and changes are made to the extent of urban zoning proposed over the site.

The site is identified as containing koala habitat values in accordance with the *Planning Act 2016*. These are shown on the image below and are as follows:

- Medium value bushland (centre of the site);
- Low value rehabilitation (eastern part of site).

Furthermore, the site is identified as containing Matters of State Environmental Significance – Regulated vegetation as shown on the image below, and are as follows:

- MSES – Regulated vegetation (essential habitat);
- MSES – Regulated vegetation (wetland).



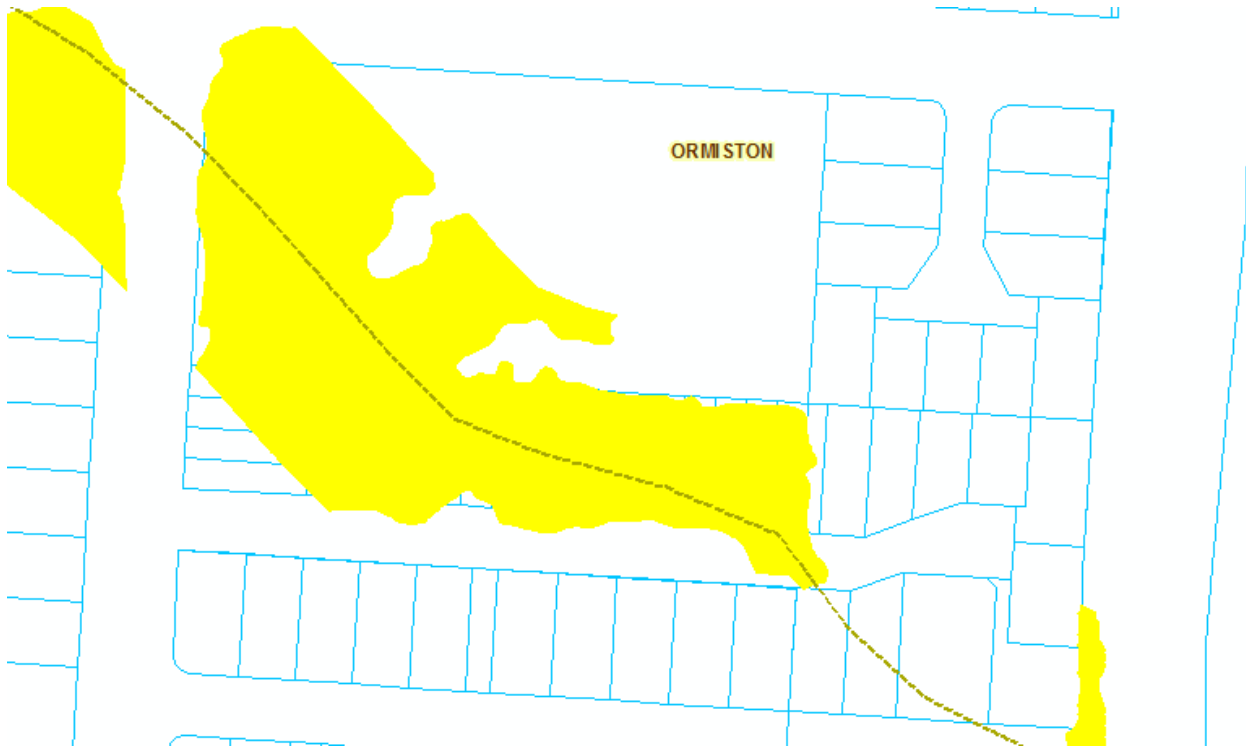
The portion of the site proposed for urban zoning is situated in the eastern of the site which contains a Dwelling house and is generally relatively clear of vegetation (which was captured on Nearmap on 3 November 2018). Additionally, the portion of the site proposed for urban zoning adjoins an established residential area to the east. Furthermore, it is noted that the western parts of the site contain a large amount of vegetation. The adjoining properties to the south of the site are also densely vegetated. The connection of the vegetation on the western part of the site and the adjoining allotments to the south are likely to provide opportunities for wildlife movement and habitat connectivity.

To achieve the SPP State Interest - Biodiversity (Policy 2), it can be confirmed that when this option was presented to Council, the proposed zoning amendment was subject to an assessment of all matters of environmental significance (state, local and koala habitat values) over the site. These matters of environmental significance were identified to ensure any future development on the site would avoid adverse impacts, as outlined below. It is noted above that almost the entire site is mapped under the SPP mapping as containing 'MSES – Regulated Vegetation', however, a large portion of the site within the mapped area has been cleared in the eastern part of the site, and this is where the proposed urban zoning is situated. On this basis, it is considered the proposed zoning will not have any implications to any mapped MSES.



Given that the extent of the proposed urban zoning is in a relatively cleared area, it is not considered the proposed urban zoning will have any significant impacts on habitat connectivity and is considered to avoid

fragmentation of mapped matters of environmental significance. Furthermore, Council's Wildlife Connections Plan 2018-2028 (as shown below) identifies that the existing vegetation on the western part of the site is part of a 'stepping stone corridor' that connects to adjoining allotments with koala habitat south of the site. As the image shows, the proposed area for urban zoning does not encroach into the area mapped as an environmental corridor. On this basis, it is considered the proposed urban zoning will not have any implications on wildlife movement and connectivity and is not considered to compromise the SPP State Interest – Biodiversity (Policy 4).



It is noted the department has requested Council review the extent of urban zoning on the site, to reduce the impacts of development on koala habitat. As evident in the proposed zoning map, the area for proposed urban zoning is predominantly situated within the part of the site mapped as the 'low value rehabilitation' category under the Koala habitat values mapping, the lowest category of koala habitat vegetation present on the site. A small portion of the urban zoning does encroach into the mapped bushland habitat area to the south, however, as shown in the aerial imagery above, this area is currently clear of any vegetation. Under the *Planning Regulation 2017* (Schedule 11, Part 2, Section 7), removal of non-juvenile koala habitat trees in the areas containing bushland habitat is prohibited. These provisions do not apply for the low value rehabilitation category, rather, clearing of non-juvenile koala habitat trees would be subject to assessment of provisions in the Regulation. As the extent of the area proposed for urban zoning does not encroach into areas mapped as containing bushland habitat values, it is considered the proposed urban zoning won't result in impacts on the protection of koala populations and conservation of koala habitat. On this basis, the proposed location of urban zoning will not encroach into existing koala bushland habitat areas or result in fragmenting existing movement opportunities within the site for wildlife, particularly koalas. Therefore, the proposed amendment is not considered to compromise the SPP State Interest – Biodiversity (Policy 5).

Furthermore, the proposed amendment will result in the zoning of the balance lot changing from Environmental Management to Conservation. This is considered to further protect and enhance any Matters of State Environmental Significance (including koala habitat) by applying stricter parameters for development over the balance of the site. For example under City Plan, a Dwelling house would trigger impact assessment in the Conservation zone. However, a Dwelling house would not trigger a development application in the Environmental Management zone and clearing would not be subject to assessment against the koala habitat provisions in the Regulation, as it would be a 'domestic housing activity'. This means, that if the balance of the allotment remained in the Environmental Management zone, further development may be able to occur for uses such as a Dwelling house. Therefore, while a portion of the site will be subject to urban

zoning, the protection of core bushland habitat areas will be further strengthened in the remaining parts of the site with this proposed amendment.

SPP State Interest: Natural Hazards, Risk and Resilience

It is noted that the department have also requested more information from Council on the following matter:

- To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

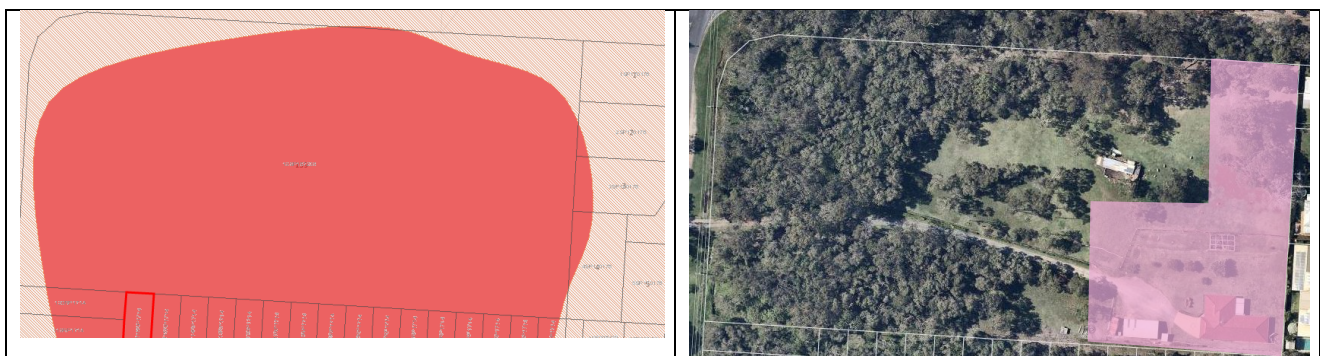
As part of the assessment of the proposed zone change, Council officers undertook a comprehensive review of the site's constraints and presented this to Council in report for the General Meeting on 10 October 2018. The review presented to Council is considered to have presented the risks associated with a change in zoning over the site (acting as the fit-for-purpose risk assessment required by the SPP). It identified the following site constraints (representing potential hazard risks) as follows:

- Bushfire hazard (High Potential Bushfire Intensity sub-category as identified on the SPP Mapping); and
- Flood hazard (identified in the Flood and storm tide hazard overlay mapping of City Plan).

Bushfire hazard

The report identified that the site was mapped within the 'High Potential Bushfire Intensity' sub-category of the SPP mapping, and that this mapping prevailed over mapping in City Plan. The extent of the hazard mapping, compared with aerial of the site depicting the proposed extent of urban zoning is shown below. Evidently, while the SPP mapping shows a large portion of the proposed urban zoning area is in the High Potential Bushfire Intensity sub-category, this area is mostly cleared in current state and contains improvements such as a Dwelling house. Furthermore, any future development application lodged for Council for a reconfiguration within the proposed urban zoning area would trigger assessment against the Bushfire hazard overlay in City Plan. To demonstrate compliance, an applicant would generally provide a Bushfire Management Report from a suitably qualified specialist, as well meet relevant bushfire hazard requirements identified in the overlay code.

Upon analysis of the identified bushfire hazards, Council is satisfied that the proposed change achieves an acceptable or tolerable level of risk for personal safety and property in natural hazard areas.



Flood hazard

Furthermore, the site is mapped in the Flood and storm tide hazard overlay under City Plan. The extent of the hazard mapping, compared with aerial of the site depicting the proposed extent of urban zoning is shown below. Evidently, the extent of the urban zoning area (including where access would be sought for any future development) does not encroach into the mapped flood hazard area. It is considered that on this basis, the proposed area for urban zoning is not at risk of flood hazard.

Upon analysis of the identified flood hazards, Council is satisfied that the proposed change achieves an acceptable or tolerable level of risk for personal safety and property in natural hazard areas.



Officer recommendation

It is recommended Council respond to the requested changes in the notice given under chapter 2, part 14, section 17.3 of the Minister's Guidelines and Rules in accordance with the above response.

Attachment 3: General Major Amendment Package (01/19) – Proposed Response to State Interest Review

The proposed response to the Department of State Development, Manufacturing, Infrastructure and Planning is as follows:

Proposed Response

POLICY CHANGES

Change 4

| Requested Change |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Amendment item 4, specifically PO10, Item 7 requires an allowance for tandem car parking spaces provided in front of garages to be contained wholly within the property boundary. The department understands that the explanation for the change is to stop cars longer than 3m overhanging on the verge and footpath. The department interprets the PO as it currently reads may be requiring two parking spaces in front of a garage to comply with the PO. In addition, Table 9.3.5.3.2- Minimum on-site vehicle parking requirements for Multiple Dwellings states that tandem parking is not acceptable for the centres at Capalaba, Cleveland, Victoria Point, within 800m of a railway station and 400m of certain bus stops which prohibits tandem parking.</p> <p>Please clarify the wording of the PO to better articulate the required outcome of allowing vehicles to safely stop within the property boundary and also clarify possible conflicts with other provisions of the scheme.</p> |

Noted – PO10 has been amended as per the advice of the Department, to clearly articulate that vehicle parking is to be provided for within the property boundary, as shown in track changes below.

Additionally, an editor’s note has been added in the PO to refer to the additional tandem parking requirements outlined in Table 9.3.5.3.2 of the Transport, servicing, access and parking code. Furthermore, Council officers have reviewed the City Plan and have not identified any further conflicts in relation to tandem parking in the scheme.

The proposed amendments to the Planning Scheme are as follows:

Table 6.2.3.3.1—Benchmarks for assessable development

| Performance outcomes | Acceptable outcomes |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For assessable development | |
| Built form | |
| <p>PO10 Building setbacks (other than basements):</p> <ol style="list-style-type: none"> (1) create an attractive, consistent and cohesive streetscape; (2) maintain appropriate levels of light and solar penetration, air circulation, privacy and amenity for existing and future buildings; (3) do not prejudice the development or amenity of adjoining sites; | <p>AO10.1 The front boundary setback is a minimum of:</p> <ol style="list-style-type: none"> (1) 5.5m at ground level, where in line with a garage door; and (2) 3m otherwise. <p>AO10.2 The side boundary setback: At the side boundary:</p> |

| Performance outcomes | Acceptable outcomes |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(4) assist in retaining native vegetation and allow for the introduction of landscaping to complement building massing and to screen buildings;</p> <p>(5) provide useable open space for the occupants; and</p> <p>(6) provide space for service functions including car parking and clothes drying; and</p> <p>(7) allow where for tandem car parking spaces provided are proposed in front of garages, they are to be contained wholly within the property boundary.</p> <p>Editor's note –The provision of tandem car parking spaces is not supported in all locations. Refer to Table 9.3.5.3.2 – Minimum on-site vehicle parking requirements in the Transport, servicing, access and parking code for further information.</p> | <p>(1) a built to boundary wall does not exceed 4.5m in height and 9m in length along any one boundary; and</p> <p>(2) otherwise, buildings are set back a minimum of:</p> <p>(a) 1.5m for a wall up to 4.5m high;</p> <p>(b) 2m for a wall up to 7.5m high; and</p> <p>(c) 2.5m plus 0.5m for every 3m or part thereof by which the building exceeds 7.5m.</p> <p>Note—Where a multiple dwelling in the form of attached or terrace houses is proposed, side setbacks would apply only to boundaries shared with adjoining sites and not to "internal" lot boundaries within the development site.</p> |
| | <p>AO10.3</p> <p>The rear boundary setback is a minimum of:</p> <p>(3) 4m for a wall up to 13m high; and</p> <p>(4) 6m where above 13m high.</p> |

Changes 6

| Requested Change |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>It is not clear if council is proposing to insert a new table, titled Table 5.8.1-Operational work or are proposing amendments to existing Table 5.7.1-Operational work. Provide clarification as to if a new table is being inserted or amendments are being made to the existing table.</p> <p>In addition to the above, provide a full track change version of the new or proposed table amendment.</p> <p>Additional changes requested as per email dated 5 February 2019</p> <ul style="list-style-type: none"> • Re-instate accepted development volumes within Table 5.7.1 Operational Works that are consistent with the SPP State interest - Emissions and hazardous activities. • Remove reference to accepted development for excavating and filling within the Environmental Significance (ES) Overlay from proposed Table 5.7.1 Operational Works. |

The proposed change relates to amending the existing table, Table 5.7.1 – Operational Work. The first version provided to the State included a typing error due to issues with automatic numbering in the City Plan document.

The department's concerns regarding SPP State Interest Emissions and hazardous activities are noted. Council agrees with these requested changes and they reflected in the new proposed Table 5.7.1 – Operational Work below.

Council disagrees with the requested changes in relation to the Environmental Significance Overlay. Proposed Table 5.7.1 – Operational Works has not been amended in response to concerns raised by the Department and it is proposed to retain the amendment as originally drafted as accepted development when outside the canopy cover of vegetation mapped under the Environmental significance overlay. Furthermore, Proposed Table 5.7.1 – Operational Work will require a code assessable development application when proposing filling and excavation under the canopy cover of native vegetation.

For the department's reference, proposed changes for filling and excavation in the Conservation zone (as per Item 9 of the General Major Amendment Package) are also shown below, to remove any ambiguity and highlight all proposed changes to the table of assessment.

Proposed Table 5.7.1 – Operational works (in response to State comments)

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Excavation and Filling | | |
| <p>All zones <u>except the Conservation zone</u></p> | Accepted | |
| | <p>If carried out by Redland City Council; or;</p> <p>(1) the excavation or filling proposed does not exceed a depth of 300mm on its own or when combined with any previous excavation or filling;</p> <p>(2) the excavation or filling does not exceed:</p> <p>1. 600m² in area; or</p> <p>2. a volume of 50m³; and</p> <p>(3) where involving a retaining wall, the retaining wall is not greater than 1 metre in height</p> <p><u>If the proposed filling or excavation:</u></p> <p>(1) does not involve:</p> <p>a) excavation of 100m³ or more at or below 5m AHD; or</p> <p>b) filling of 500m³ with an average depth of 0.5m or more on land below 5m AHD; and</p> <p>(2) does not exceed a depth of 750mm on its own or when combined with any previous excavation or filling; and</p> <p>(3) is not located in an area mapped by any of the following overlays:</p> <p>a) Flood or Storm Tide Hazard Overlay (Flood Prone Area sub-category only); or</p> <p>b) Coastal Protection (Erosion Prone Area) Overlay; or</p> <p>a) Waterway Corridors and Wetlands Overlay; and</p> <p>(4) is undertaken outside the canopy cover of native vegetation when located in an area mapped by the Environmental Significance Overlay.</p> | |

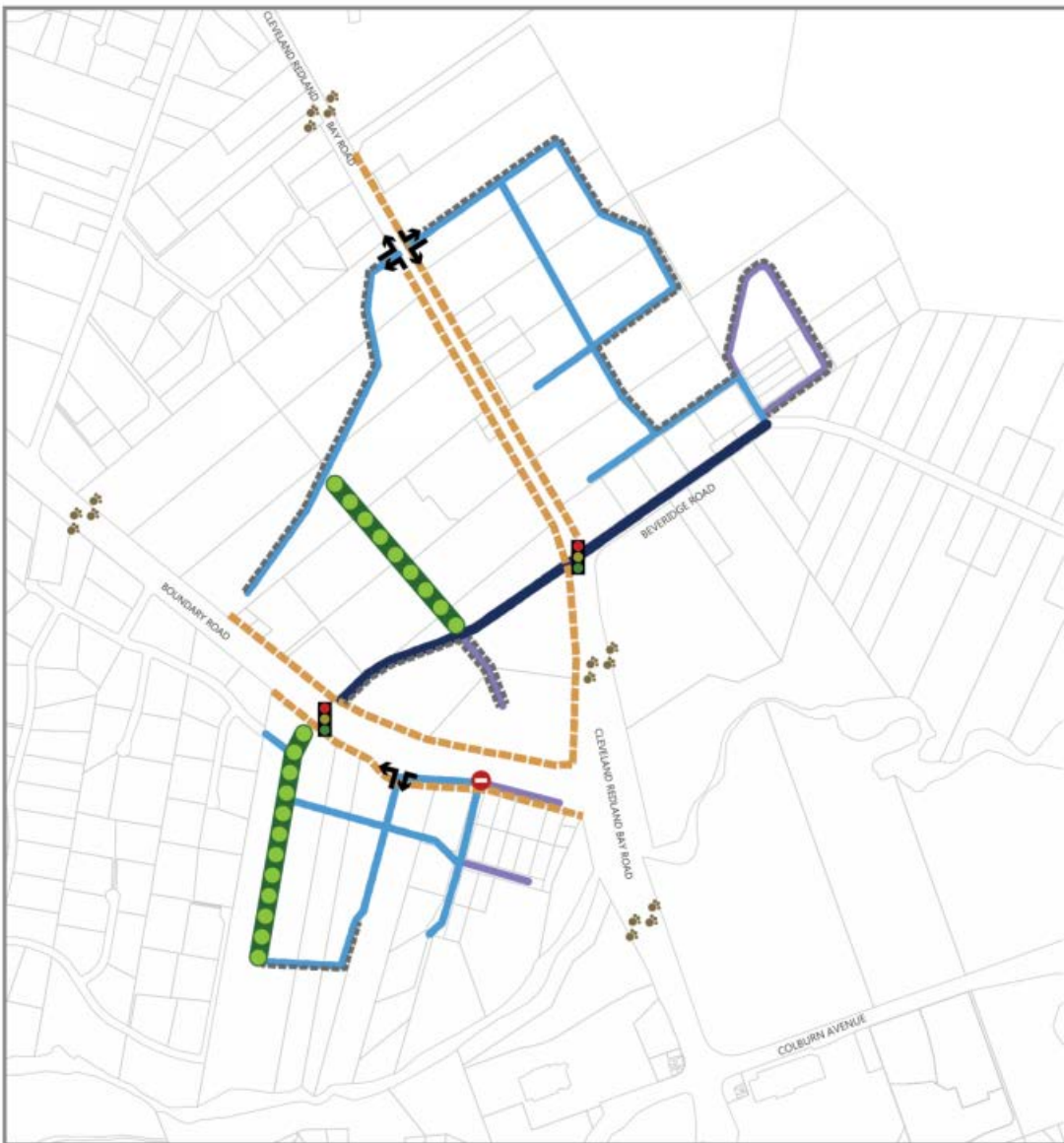
| | | |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| | Accepted subject to requirements Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)). | |
| | If not accepted or code assessable | Infrastructure works code |
| | Code assessment | |
| | If exceeding a volume of 50m ³ If not accepted | Healthy waters code Infrastructure works code |
| Conservation zone | Accepted | |
| | If undertaken by Redland City Council | |
| | Code assessment | |
| | If not accepted | Healthy waters code Infrastructure works code |

Change 11

| Requested Change |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide amended copies of the following maps as outlined in the proposed change: <ul style="list-style-type: none"> • Figure 6.2.3.3.5 South East Thornlands: road movement network • Figure 6.2.3.3.4 South East Thornlands: road movement network – referenced by the Low-medium density residential zone code; • Figure 9.4.4.3.3 South East Thornlands: road movement network - referenced by the Reconfiguring a lot code. |

Noted – amended maps have been created and are shown below for the department's reference. The following map will be inserted into:

- Figure 6.2.3.3.5 South East Thornlands: road movement network
- Figure 6.2.3.3.4 South East Thornlands: road movement network
- Figure 9.4.4.3.3 South East Thornlands: road movement network



South East Thornlands - Road Movement Network

- Trunk Collector
- Boulevard
- Collector Street
- Access Street/Place
- Landscaping and Acoustic Treatment
- Esplanade Treatment
- ↔ Intersection - Left in, Left out only
- Intersection - 4 way signalised
- No direct access to Boundary Road
- 🌸 Recommended Fauna Crossing Locations

Change 14

| Requested Change |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Ministers condition 1 required that wording was inserted within section 6.2.1.2 that stated unless resultant lots are consist with the density and character of the surrounding established neighbourhood. Council are proposing to insert a note that further defines what a surrounding established neighbourhood is.</p> <p>Generally, a neighbourhood is not defined as being within the same defined street block or within 100m of a site and is generally a larger geographical area. Clarification and/or amendment is requested given a 100m distance from a site cannot be considered as a neighbourhood area. If required, it is recommended that council include an administrative definition for what can be considered as part of a surrounding established neighbourhood.</p> |

This proposed amendment will be withdrawn from the amendment package.

Change 15

| Requested Change |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The amended provision for AO6.1 requires development (including any outbuildings) is setback a minimum of 9.0m from the property boundary adjoining a canal or lake. Outbuildings are not defined within the scheme, only domestic outbuildings. Council should provide amended wording that aligns with the current administrative definitions contained within the scheme.</p> |

Noted – the provision AO6.1 has been amended to refer to a “domestic outbuilding” as per the administrative definitions in the planning scheme, as shown below in track changes.

6.2.1.3 Low density residential zone code – Criteria for assessment

Table 6.2.1.3.1—Benchmarks for development that is accepted subject to requirements and assessable development

| Performance outcomes | Acceptable outcomes |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| For development that is accepted subject to requirements and assessable development | |
| Dual occupancies and dwelling houses in precinct LDR5: Canal and lakeside estates | |
| <p>PO5 Development in Raby Bay, Aquatic Paradise and Sovereign Waters is set back from a property boundary adjoining a revetment wall to:</p> <ol style="list-style-type: none"> (1) Reduce the risk to new structures from the construction, maintenance, structural deterioration or failure of revetment walls; (2) Maintain the structural stability of revetment walls; (3) Provide unimpeded access to allow for the maintenance of revetment walls. <p>Note — All structural elements of a building or structure (e.g. retaining walls and pools), including footings, structural steel and reinforced concrete portions, must comply with the Building Code Of Australia (BCA). The BCA is a uniform set of</p> | <p>AO5.1 Development is set back 9m from the property boundary adjoining a revetment wall.</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>technical provisions for the design and construction of buildings and structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect in Queensland under the <i>Building Act 1975</i>.</p> <p>The BCA requires all buildings and structures to be structurally sound. Where an engineering design is necessary, a building certifier will generally require the building or structure to be certified by a Registered Professional Engineer who is registered to practice in Queensland to confirm that these elements meet minimum structural standards and comply with any relevant Australian Standards.</p> | |
| <p>PO6</p> <p>Development in Raby Bay, Aquatic Paradise and Sovereign Waters maintains the amenity of adjoining premises by:</p> <p>(1) maintaining consistency with the setbacks of adjoining buildings and structures; and</p> <p>(1) maintaining the existing view lines of neighbouring properties; and</p> <p>(2) not dominating or detracting from the built form, waterway and landscape setting of the location.</p> | <p>AO6.1</p> <p>Development (including domestic outbuildings) are setback a minimum of 9.0m from the property boundary adjoining a canal or lake.</p> <p>OR</p> <p>AO6.2</p> <p>Development layout and building setbacks maintain the existing view line of neighbouring properties.</p> <p>Figure 6.2.1.2.4.6 illustrates.</p> <p>OR</p> <p>AO6.3</p> <p>Development undertaken within 9.0m of the property boundary adjoining a canal or lake:</p> <p>(1) Is of an open air design; and</p> <p>(2) Does not incorporate screening elements (e.g. shutters, awnings and sunshades) that could impede existing view lines when in use.</p> <p>Figure 6.2.1.2.4.7 illustrates.</p> <p>Editor's note—Applicants should also be aware that structures near a canal or revetment wall must maintain the structural integrity of the wall, in accordance with the Building Code of Australia.</p> |

Any construction closer than 9m would need to be supported by the correct building structural design certificates which prove that any works within this distance will not cause any movement or damage to the existing revetment wall or bank which may have a limited capacity to withstand additional loadings. These matters are to be addressed in any application for building works.

ZONING CHANGES

Change 16

Requested Change

The subject land contains significant Matters of State Environmental Significance, is subject to several natural hazards and is located within the South East Queensland Regional Biodiversity Corridor.

The proposed change will result in an intensification of accepted development under the Redland City Plan 2018, vegetation clearing exemptions and may result in significant adverse impacts on environmental values.

The proposed change is inconsistent with the SPP, July 2017 State interest for Biodiversity (policy 2 and 4) as:

- The proposed change will allow for accepted vegetation clearing on lots that contain a dwelling house, and whether the clearing is less than 2500 square metres. This has the ability to cause significant adverse impacts on environmental value.
- The proposed land use does not align with the biodiversity values.

Note: The mapping contained within the City Plan does not include all the mapped MSES-regulated vegetation (Category B and Essential Habitat) as shown on the SPP Interactive mapping system.

To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas. Based on the information provided, the council has identified this area as having such a constraint that development would be unlikely.

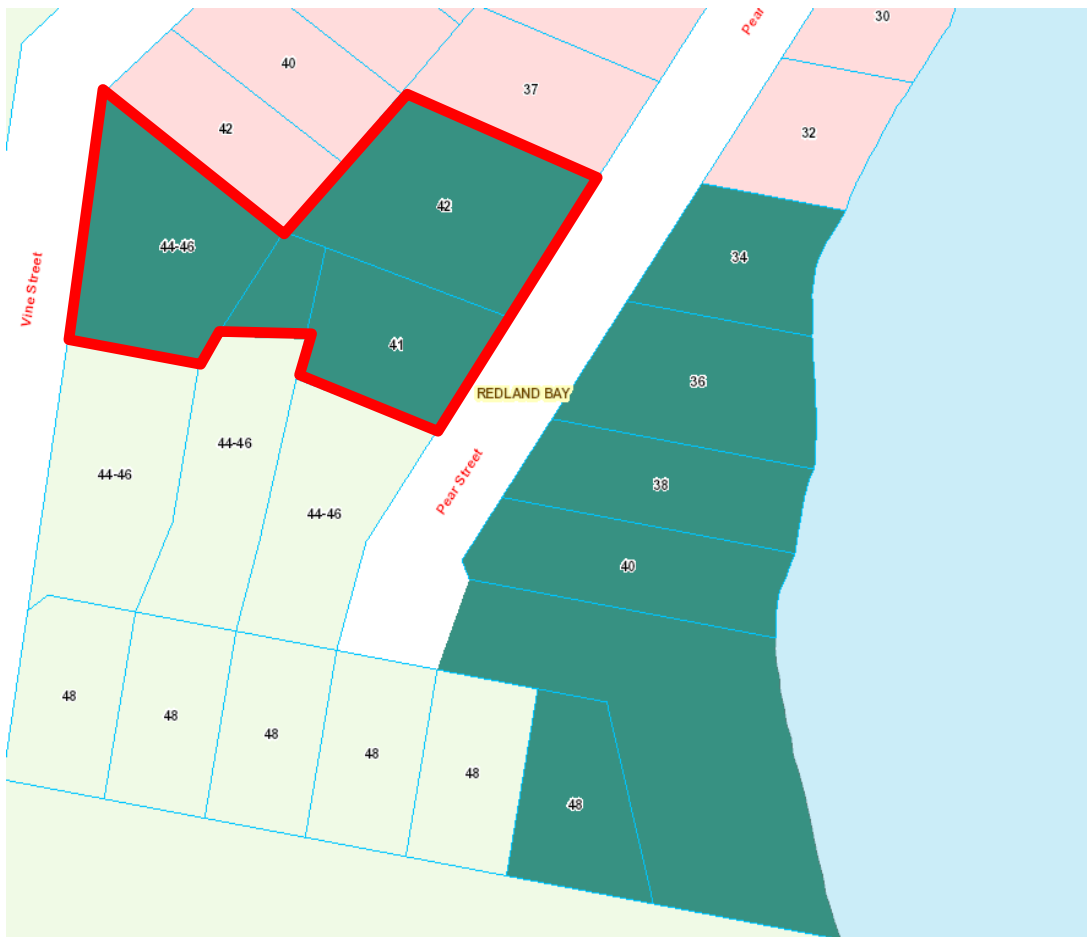
The proposed change is inconsistent with ShapingSEQ, (Goal 4: Sustain, Element 2, Strategy 2) as the proposed change does not maintain the regional biodiversity corridor.

Given the substantial constraints of the subject land, the council is requested to remove the proposed change from the amendment package.

Council proposes to change the proposed amendment to only include the lots west of Pear Street. These lots are formally known as:

- 44-46 Pear Street, Redland Bay (Lot 70 on SL5956 and part of Lot 91 on SL5946);
- 41 Pear Street, Redland Bay (Lot 89 on SL5946)
- 42 Vine Street, Redland Bay (Lot 88 on RP72092).

These lots are shown in the map below.



Council seeks to change the proposed amendment for the following reasons:

- Council considers these parts of the site are considered to be less constrained than lots on the eastern parts of Pear Street.
- Council believes that these allotments are subject to a lower risk of hazards than the eastern parts of the site.
- Council considers a change in zoning may facilitate the opportunity for an environmentally sensitive outdoor recreational use with associated accommodation to occur in these allotments.

Change 17

Requested Change

The subject land contains vegetation which includes and supports koala habitat. The proposed change is likely to impact on Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 4 and 5).

It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.

It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments

As part the Council General Meeting dated 10 October 2018, Council resolved to remove the site from the Environmental Management zone and include the north eastern corner of the site within the Low Density Residential zone (LDR4 – Kinross Road Precinct), with the balance of the site being zoned Conservation. An indicative zoning map is provided below (Note – this is an indicative zoning map and when Council’s mapping team have completed the finalised zoning maps, a comparison of the proposed zoning and Koala habitat value mapping can be provided to the department).



It is noted that the department requires additional information from Council:

- To demonstrate the proposed amendment is consistent with State Planning Policy, July 2017 State interest for Biodiversity:
 - Policy 4: Ecological processes and connectivity is maintained or enhanced by avoiding fragmentation of matters of environmental significance, and;
 - Policy 5: Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.
- To demonstrate how the impacts of Koala habitat have been avoided and mitigated and changes are made to the extent of urban zoning proposed over the site.

The portion of the site proposed for urban zoning is situated in the north-eastern corner of the site. This part of the site contains less dense vegetation coverage and adjoins an existing major road to the east and road reserve abutting the northern boundary. Access to the site can be taken from the existing cul-de-sac north of the site, which abuts the site's boundary. Furthermore, the proposed location of urban zoning will not encroach into existing koala bushland habitat areas (which are mapped in the western parts of the site) and is concentrated wildlife movement areas. Given these points, it is not considered the proposed urban zoning will result in fragmenting existing movement opportunities within the site for wildlife, particularly koalas. Thus, it is considered to maintain the existing ecological processes and connectivity and is considered unlikely to result in fragmentation of matters of environmental significance (as per SPP State Interest Biodiversity – Policy 4).

The site is identified as containing koala habitat values in accordance with the *Planning Act 2016*. These are as follows:

- Medium value bushland (centre of the site);
- High value rehabilitation (north-western corner of the site);
- Low value rehabilitation (north-eastern corner of the site).

The area for proposed urban zoning is entirely situated within the part of the site mapped as the 'low value rehabilitation' category under the Koala habitat values mapping, the lowest category of koala habitat vegetation present on the site. The area for urban zoning does not encroach into any areas mapped as containing bushland habitat values. Under the *Planning Regulation 2017* (Schedule 11, Part 2, Section 7), removal of non-juvenile koala habitat trees in the areas containing bushland habitat is prohibited. Furthermore, clearing of non-juvenile koala habitat must be 'avoided', 'minimised' and is subject to offset planting in areas containing high value rehabilitation vegetation. These restrictions do not apply for the low value rehabilitation category; rather, clearing of non-juvenile koala habitat trees would be permissible subject to assessment of provisions in the Regulation. As the proposed area for urban zoning is in the part of the site with the lowest category of koala habitat vegetation, it is considered measures have been taken to facilitate development, without compromising the protection of koala populations and conservation of key koala habitat.

Furthermore, the proposed amendment will result in the zoning of the balance lot changing from Environmental Management to Conservation. This is considered to further protect and enhance koala habitat by applying stricter parameters for development over the balance of the site. For example under City Plan, a Dwelling house would trigger impact assessment in the Conservation zone. However, a Dwelling House would not trigger a development application in the Environmental Management zone and clearing would not be subject to assessment against the koala habitat provisions in the Regulation as it would be a 'domestic housing activity'. This means, that while a portion of the site will be subject to urban zoning, the protection of mapped koala bushland habitat areas will be further strengthened in the remaining parts of the site with this proposed amendment.

In addition, under version 1 of the superseded *Redlands Planning Scheme 2006*, the north-eastern corner of the site was included in the Urban Residential zone. Subsequently, the zoning was changed through a major amendment, and the entire site (minus the portion of the site zoned in the Community Facilities zone), was identified within the Environmental Protection due to a request from the land owner at the time. It is considered that had this amendment not occurred, this zoning would have transitioned to the Low Density Residential zone under City Plan, allowing for a minimum lot size of 400m². However, the proposed zoning, Low Density Residential (LDR4 – Kinross Road precinct), was chosen to be cognisant of the koala habitat values on the site. The LDR4 Precinct seeks to achieve a minimum lot size of 1,600m², which is substantially larger than standard minimum lot size in City Plan for the Low Density Residential zone (which is 400m²). This precinct of the Low Density Residential zone was chosen to mitigate the impacts of urban development on koala habitat as follows:

- Larger lots provide opportunities for the development to retain existing vegetation or for land owners to plant vegetation that may assist with koala movement within the urban environment;
- Larger lots will result in a smaller number of dwellings being constructed. The flow on effects of this will minimise the impacts of a variety of risks to koala habitat such as vehicle movements.

The LDR4 precinct is considered to be more sensitive to the surrounding koala habitat than the former Urban Residential zoning under the *Redlands Planning Scheme 2006*. Had the previous amendment not occurred, a higher density of development may have resulted on the site than what is currently proposed.

Given the abovementioned factors, it is considered the proposed amendment does not conflict with the SPP – State Interest Biodiversity (Policy 4 and 5) and that the current extent of urban zoning will not have a significant impact on koala habitat values.

Change 26

| Requested Change |
|------------------------------------------------------------------------------------------------------------------------------------------------|
| The subject land contains significant Matters of State Environmental Significance, including Koalas and is subject to several natural hazards. |

The proposed change will result in the clearing of Matters of State Environmental Significance and has the potential to impact upon Koala habitat. Further information is required to demonstrate consistency with the SPP, July 2017 State interest for Biodiversity (policy 2, 4 and 5).

It is recommended that the council provide further supporting information demonstrating how the impacts to Koala habitat have been avoided and mitigated and changes are made to the extent of the urban zoning.

It is also recommended that the council provides the department with a draft response for this change prior to formally responding to these state interest comments.

To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

In the report that was presented to Council at the General Meeting dated 10 October 2018, Council officers did not recommend that a zoning amendment proceed over the site in the General Major Amendment Package. It was therefore recommended that that the subject site was retained in the Environmental Management zone due to the limited development potential of the site associated with the following constraints:

- The site contains Matters of State Environmental Significance, and is almost entirely mapped as containing regulated vegetation and high ecological significance wetlands;
- The entire site is mapped as containing koala habitat values, predominantly in the medium value bushland category and the low value rehabilitation category;
- Almost all of the site is mapped as 'High Potential Bushfire Intensity' in the State Planning Policy mapping;
- Approximately half of the site is mapped within the Flood and Storm Tide Hazard overlay of City Plan 2018.

However, at the General Meeting dated 10 October, Council resolved submit an amendment to remove the site from the Environmental Management zone and include it in the Low Density Residential zone (in part) and the Conservation zone (in part). An indicative proposed zoning map is shown below (Note – this is an indicative zoning map and when Council's mapping team have completed the finalised zoning maps, a comparison of the proposed zoning and Koala habitat value mapping can be provided to the department).



SPP State Interest: Matters of Environmental Significance and Koala Habitat

It is noted that the department requires additional information from Council:

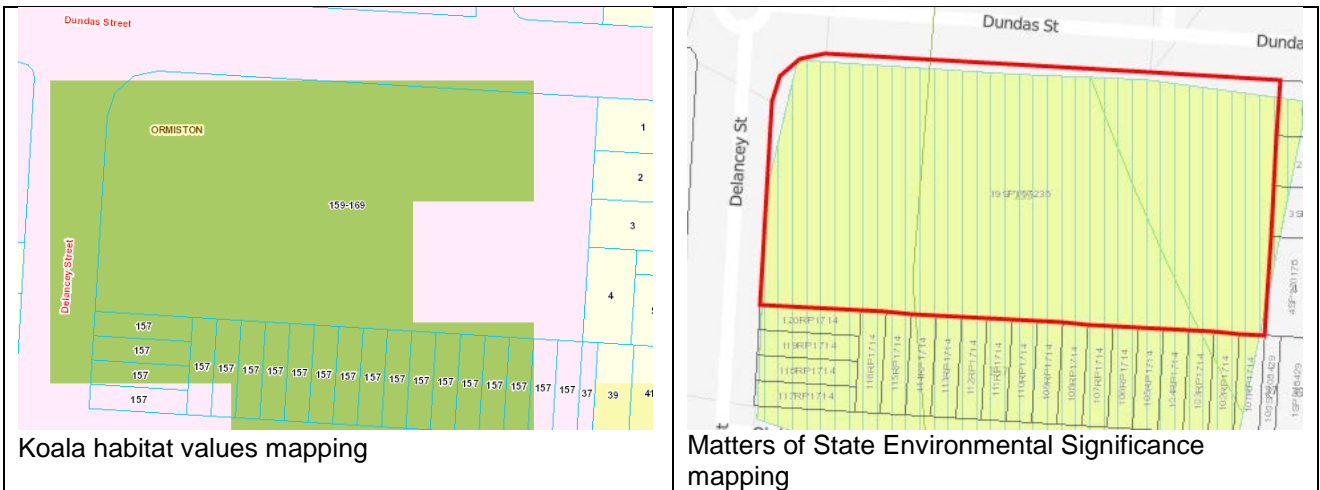
- To demonstrate the proposed amendment is consistent with State Planning Policy, July 2017 State interest for Biodiversity:
 - Policy 2: Matters of State Environmental Significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised
 - Policy 4: Ecological processes and connectivity is maintained or enhanced by avoiding fragmentation of matters of environmental significance, and;
 - Policy 5: Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.
- To demonstrate how the impacts of Koala habitat have been avoided and mitigated and changes are made to the extent of urban zoning proposed over the site.

The site is identified as containing koala habitat values in accordance with the *Planning Act 2016*. These are shown on the image below and are as follows:

- Medium value bushland (centre of the site);
- Low value rehabilitation (eastern part of site).

Furthermore, the site is identified as containing Matters of State Environmental Significance – Regulated vegetation as shown on the image below, and are as follows:

- MSES – Regulated vegetation (essential habitat);
- MSES – Regulated vegetation (wetland).



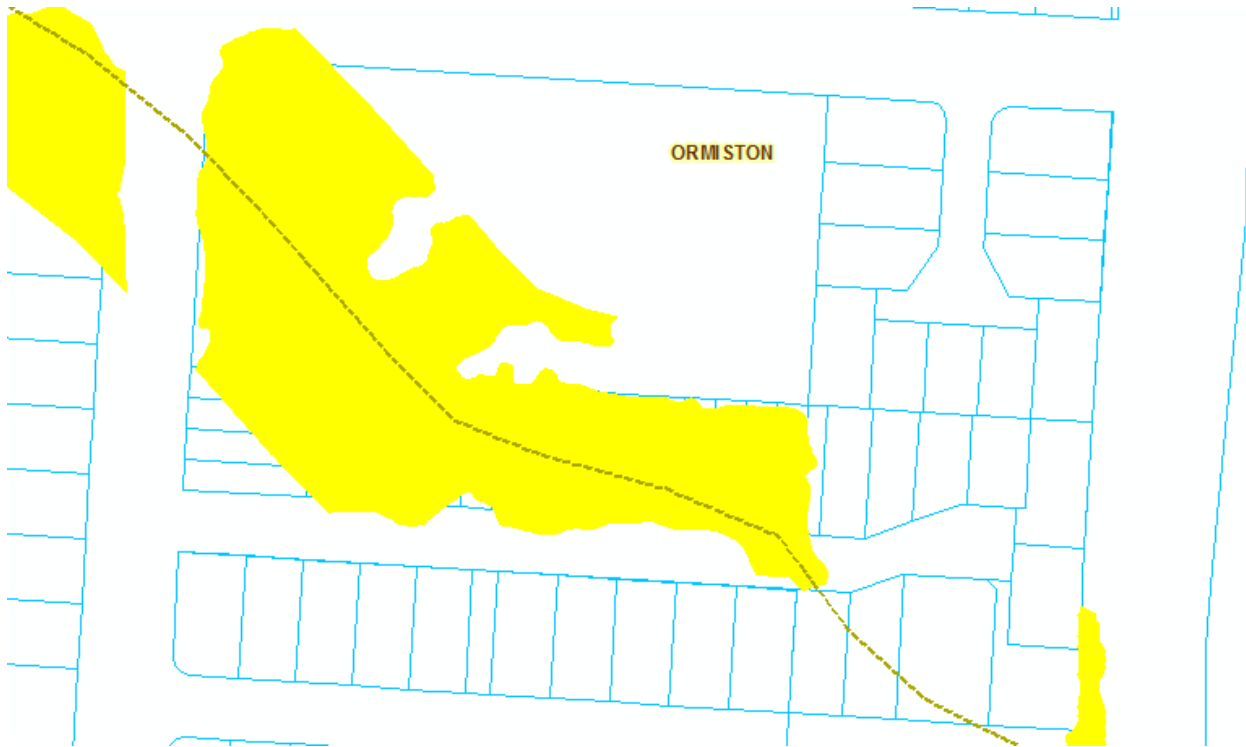
The portion of the site proposed for urban zoning is situated in the eastern of the site which contains a Dwelling house and is generally relatively clear of vegetation (which was captured on Nearmap on 3 November 2018). Additionally, the portion of the site proposed for urban zoning adjoins an established residential area to the east. Furthermore, it is noted that the western parts of the site contain a large amount of vegetation. The adjoining properties to the south of the site are also densely vegetated. The connection of the vegetation on the western part of the site and the adjoining allotments to the south are likely to provide opportunities for wildlife movement and habitat connectivity.

To achieve the SPP State Interest - Biodiversity (Policy 2), it can be confirmed that when this option was presented to Council, the proposed zoning amendment was subject to an assessment of all matters of environmental significance (state, local and koala habitat values) over the site. These matters of environmental significance were identified to ensure any future development on the site would avoid adverse impacts, as outlined below. It is noted above that almost the entire site is mapped under the SPP mapping as containing 'MSES – Regulated Vegetation', however, a large portion of the site within the mapped area has been cleared in the eastern part of the site, and this is where the proposed urban zoning is situated. On this basis, it is considered the proposed zoning will not have any implications to any mapped MSES.



Given that the extent of the proposed urban zoning is in a relatively cleared area, it is not considered the proposed urban zoning will have any significant impacts on habitat connectivity and is considered to avoid

fragmentation of mapped matters of environmental significance. Furthermore, Council's Wildlife Connections Plan 2018-2028 (as shown below) identifies that the existing vegetation on the western part of the site is part of a 'stepping stone corridor' that connects to adjoining allotments with koala habitat south of the site. As the image shows, the proposed area for urban zoning does not encroach into the area mapped as an environmental corridor. On this basis, it is considered the proposed urban zoning will not have any implications on wildlife movement and connectivity and is not considered to compromise the SPP State Interest – Biodiversity (Policy 4).



It is noted the department has requested Council review the extent of urban zoning on the site, to reduce the impacts of development on koala habitat. As evident in the proposed zoning map, the area for proposed urban zoning is predominantly situated within the part of the site mapped as the 'low value rehabilitation' category under the Koala habitat values mapping, the lowest category of koala habitat vegetation present on the site. A small portion of the urban zoning does encroach into the mapped bushland habitat area to the south, however, as shown in the aerial imagery above, this area is currently clear of any vegetation. Under the *Planning Regulation 2017* (Schedule 11, Part 2, Section 7), removal of non-juvenile koala habitat trees in the areas containing bushland habitat is prohibited. These provisions do not apply for the low value rehabilitation category, rather, clearing of non-juvenile koala habitat trees would be subject to assessment of provisions in the Regulation. As the extent of the area proposed for urban zoning does not encroach into areas mapped as containing bushland habitat values, it is considered the proposed urban zoning won't result in impacts on the protection of koala populations and conservation of koala habitat. On this basis, the proposed location of urban zoning will not encroach into existing koala bushland habitat areas or result in fragmenting existing movement opportunities within the site for wildlife, particularly koalas. Therefore, the proposed amendment is not considered to compromise the SPP State Interest – Biodiversity (Policy 5).

Furthermore, the proposed amendment will result in the zoning of the balance lot changing from Environmental Management to Conservation. This is considered to further protect and enhance any Matters of State Environmental Significance (including koala habitat) by applying stricter parameters for development over the balance of the site. For example under City Plan, a Dwelling house would trigger impact assessment in the Conservation zone. However, a Dwelling house would not trigger a development application in the Environmental Management zone and clearing would not be subject to assessment against the koala habitat provisions in the Regulation, as it would be a 'domestic housing activity'. This means, that if the balance of the allotment remained in the Environmental Management zone, further development may be able to occur for uses such as a Dwelling house. Therefore, while a portion of the site will be subject to urban

zoning, the protection of core bushland habitat areas will be further strengthened in the remaining parts of the site with this proposed amendment.

SPP State Interest: Natural Hazards, Risk and Resilience

It is noted that the department have also requested more information from Council on the following matter:

- To achieve compliance with the SPP, July 2017 State interest for Natural Hazards, Risk and Reliance (policy 2). The council is requested to confirm that a fit-for-purpose risk assessment has been undertaken. The council must be satisfied that the proposed change achieves an acceptable or tolerable level of risk for person safety and property in natural hazard areas.

As part of the assessment of the proposed zone change, Council officers undertook a comprehensive review of the site's constraints and presented this to Council in report for the General Meeting on 10 October 2018. The review presented to Council is considered to have presented the risks associated with a change in zoning over the site (acting as the fit-for-purpose risk assessment required by the SPP). It identified the following site constraints (representing potential hazard risks) as follows:

- Bushfire hazard (High Potential Bushfire Intensity sub-category as identified on the SPP Mapping); and
- Flood hazard (identified in the Flood and storm tide hazard overlay mapping of City Plan).

Bushfire hazard

The report identified that the site was mapped within the 'High Potential Bushfire Intensity' sub-category of the SPP mapping, and that this mapping prevailed overlay mapping in City Plan. The extent of the hazard mapping, compared with aerial of the site depicting the proposed extent of urban zoning is shown below. Evidently, while the SPP mapping shows a large portion of the proposed urban zoning area is in the High Potential Bushfire Intensity sub-category, this area is mostly cleared in current state and contains improvements such as a Dwelling house. Furthermore, any future development application lodged for Council for a reconfiguration within the proposed urban zoning area would trigger assessment against the Bushfire hazard overlay in City Plan. To demonstrate compliance, an applicant would generally provide a Bushfire Management Report from a suitably qualified specialist, as well meet relevant bushfire hazard requirements identified in the overlay code.

Upon analysis of the identified bushfire hazards, Council is satisfied that the proposed change achieves an acceptable or tolerable level of risk for personal safety and property in natural hazard areas.



Flood hazard

Furthermore, the site is mapped in the Flood and storm tide hazard overlay under City Plan. The extent of the hazard mapping, compared with aerial of the site depicting the proposed extent of urban zoning is shown below. Evidently, the extent of the urban zoning area (including where access would be sought for any future development) does not encroach into the mapped flood hazard area. It is considered that on this basis, the proposed area for urban zoning is not at risk of flood hazard.

Upon analysis of the identified flood hazards, Council is satisfied that the proposed change achieves an acceptable or tolerable level of risk for personal safety and property in natural hazard areas.



Officer recommendation

It is recommended Council respond to the requested changes in the notice given under chapter 2, part 14, section 17.3 of the Minister's Guidelines and Rules in accordance with the above response.

Attachment 4: General Major Amendment Package (02/19) - Response to Request for Further Information for State Interest Review

The proposed response to the Department of State Development, Manufacturing, Infrastructure and Planning is as follows:

Proposed Response

| Requested Change |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Condition 1 of the Minster's approval to adopt the Draft Redland City Plan, dated 9 June 2018, required that wording was inserted within the City Plan that stated "<i>unless resultant lots are consistent with the density and character of the surrounding established neighbourhood</i>"</p> <p>The inclusion of the note in section 6.2.1.2 of the purpose statement in the Low Density Zone Code "<i>surrounding established neighbourhood for the purposes of the above overall outcome is taken to be land within the same zone and precinct, and within a defined street block or within 100m of the subject site</i>", this definition creates a prescriptive purpose statement and does not provide for performance-based planning outcomes. Further, the purpose statement creates a prohibition on development which is assessable and bounded against the Low-Density Zone Code, unless development is impact assessable.</p> <p>From a practical perspective, the definition itself should be included in the administrative definitions of Part 10, Schedule 1.2 of the City Plan. It therefore would apply city wide and would have implications on the interpretation of the whole scheme.</p> <p>These comments further reflect the departments concerns raised in item 14 of the pause notice for General Major Amendment 1 (dated 19 December 2018).</p> |

Noted – in response to the Department's request, the proposed overall outcomes in section 6.2.1.2 Low Density Residential Zone code have been amended to withdraw the proposed note that stated the following:

Note – The 'surrounding established neighbourhood' for the purposes of the above overall outcome is taken to be land within the same zone and precinct, and within a defined street block or within 100m of the subject site.

As a result of the change, the proposed amendments to the Low Density Residential Zone code are as follows:

6.2.1.2 Purpose

1. The purpose of the low density residential zone code is to provide for residential areas with a high level of amenity and characterised by dwelling houses on a range of lot sizes which achieve a general sense of openness and low density streetscapes.
2. The purpose of the code will be achieved through the following overall outcomes:
 - a) the low density residential zone consists predominantly of dwelling houses with some dual occupancies (other than in the LDR1 large lot, and LDR2 park residential and LDR4 Kinross Road precincts within this zone);

- b) development maintains a low density streetscape character;
 - c) where not within a particular precinct, lot sizes are not reduced below 400m², unless the resultant lots are consistent with the density and character of the surrounding established neighbourhood;
 - d) where not within a particular precinct, the density of dual occupancy development is not to exceed one dwelling per 400m² of site area, unless the resultant development is consistent with the density and character of the surrounding established neighbourhood;
 - e) uses which provide a community service function, such as a community use may be established where they are small scale, do not significantly detract from residential amenity, do not compromise the role of any centre and are located on a collector or higher order road;
 - f) shops, offices and food and drink outlets are not established;
 - g) buildings are of a house-like scale;
 - h) home based businesses are undertaken where they do not detract from the residential amenity of the area; and
 - i) development creates a safe, comfortable and convenient pedestrian environment within and external to the site, and facilitates a high level of accessibility and permeability for pedestrians and cyclists.
3. The purpose of the zone will also be achieved through the following additional overall outcomes for particular precincts:
- a) Precinct LDR1: large lot residential:
 - i. the precinct retains a very low density residential character;
 - ii. retention of habitat within the precinct is maximised;
 - iii. housing forms are limited to dwelling houses; and
 - iv. lot sizes are not reduced below 2,000m², unless the resultant lots are consistent with the density and character of the surrounding established neighbourhood.

Table 6.2.1.3.1—Benchmarks for development that is accepted subject to requirements and assessable development

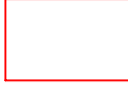


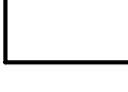
| Performance outcomes | Acceptable outcomes |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| For development that is accepted subject to requirements and assessable development | |
| Dual occupancies | |
| PO1 Housing in the precinct LDR1 large lot or precinct LDR2 <u>park</u> residential or precinct LDR4 Kinross is limited to <u>dwelling</u> houses. | AO1.1 Dual occupancies are not established in precinct LDR1 large lot or precinct LDR2 <u>park</u> residential or precinct LDR4 Kinross Road. |
| PO2 In all other areas, dual occupancies occur on larger lots and in a form that is consistent with the low density, open and <u>low-rise</u> character of the locality. The density of development is not to exceed one <u>dwelling</u> per 400m ² of <u>site</u> area. | AO2.1 Density does not exceed one <u>dwelling</u> per 400m ² of <u>site</u> area. |
| | AO2.2 The <u>site</u> has a minimum frontage of 20m. |


Officer recommendation

It is recommended Council respond to the requested changes in the notice given under chapter 2, part 14, section 17.3 of the Minister's Guidelines and Rules in accordance with the above response.

Attachment 5: Distribution of Lots Less than 400m2 in the Low Density Residential Zone across the City

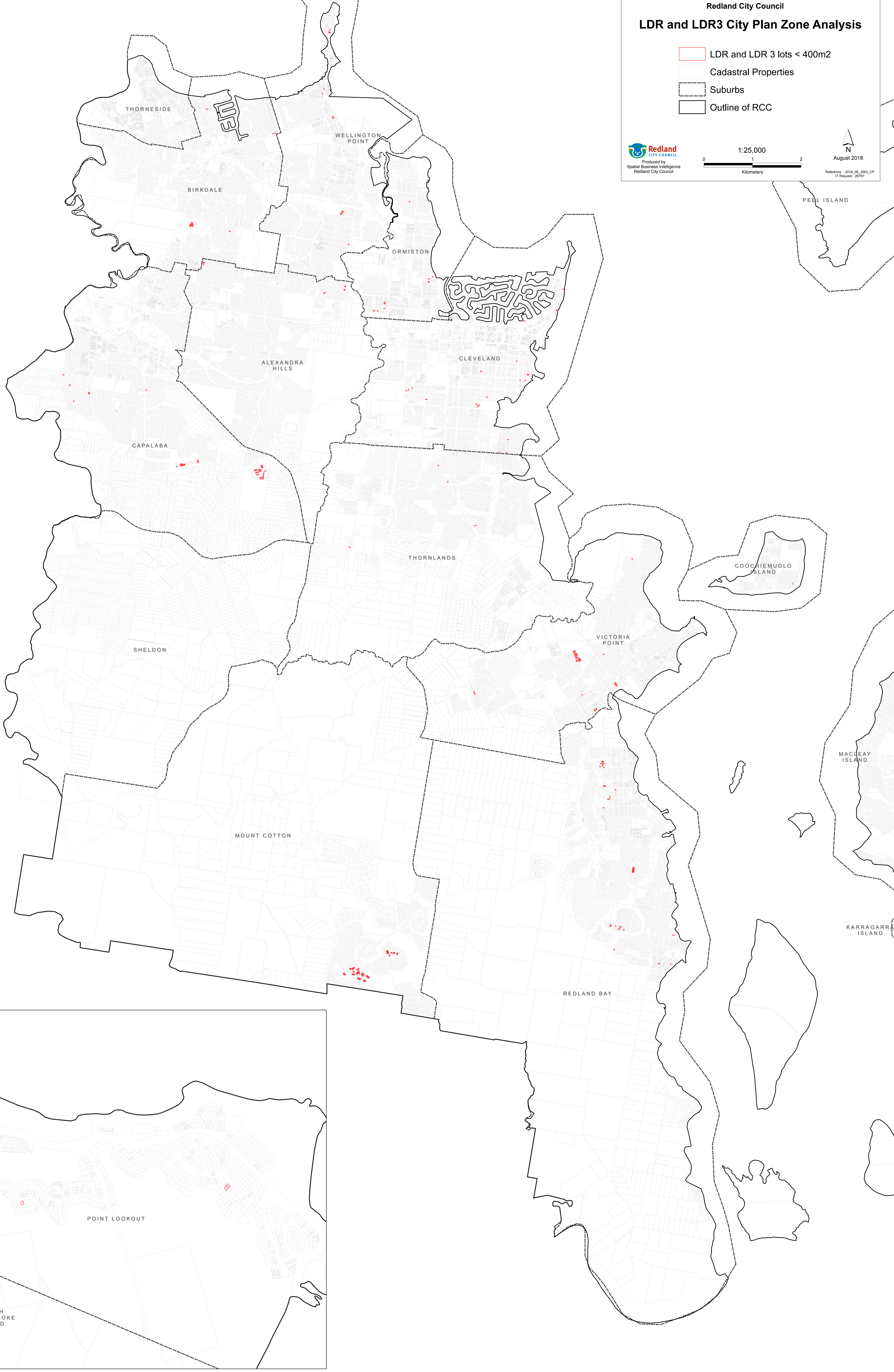
Redland City Council
LDR and LDR3 City Plan Zone Analysis

-  LDR and LDR3 lots < 400m2
-  Cadastral Properties
-  Suburbs
-  Outline of RCC

 Produced by Spatial Business Intelligence Redland City Council

1:25,000
0 1 2
Kilometers

August 2018
Reference: 2018_08_003_CP
IT Request: 26767




Attachment 6: Officer Assessment of Item 16 of General Major Amendment Package (01/19)

ITEM 16: PEAR STREET, REDLAND BAY


Amendment for Consideration

As per the Council resolution at the General Meeting dated 25 July 2018, this report will investigate removing Lots 59-63 and 88 on RP72092, Lots 70 and 89 on SL5946 and part of Lot 91 on SL5946 located in Pear Street, Redland Bay from the Conservation zone and including them in the Rural zone.

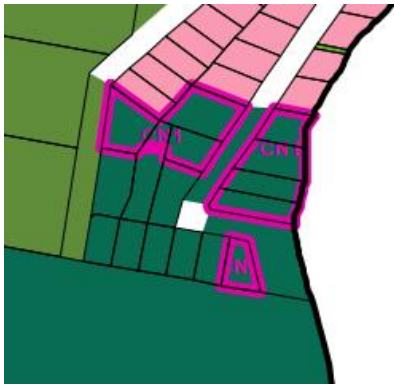
Property Details

| | | |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Site address | Pear Street, Redland Bay |  |
| Real property details | Lots 59-63 and 88 on RP72092, Lots 70 and 89 on SL5946, Part of Lot 91 on SL5946 | |
| Area | 9,000m ² | |
| Tenure | Freehold Land | |
| Owner | Combination of Redland City Council and Private Owners (See Appendix 1 for more detail) | |
| Embellishments | No | |
| Current zone | Conservation Zone | |
| Previous zone: Redlands Planning Scheme 2006 (V7.2) | Conservation Zone (CN1) | |
| Current Use | Vacant land (with significant vegetation coverage) | |

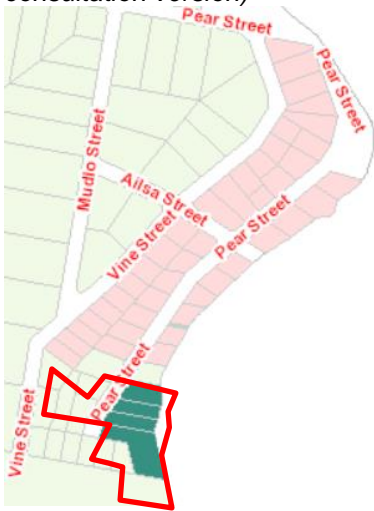
Assessment of Site

| Map | Summary of Values |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Locational Context</p>  | <ul style="list-style-type: none"> The area is characterised by low density residential housing (to the north east), rural residential (to the north west), agricultural land (to the north, east and south east) and bushland to the south. The subject land also adjoins Moreton Bay, which is situated to the east, with wetlands buffering the mainland and the water. The site is also situated within close proximity to Pannikin and Lagoon Islands, which are separated by a channel of water within Moreton Bay. |
| <p>2. Planning Context</p> <p>Superseded Redlands Planning</p> | <p><u>Superseded Redlands Planning Scheme 2006 (V7.2)</u></p> <ul style="list-style-type: none"> The site was identified within the Conservation Zone (CN1 sub-area) of the <i>Redlands Planning Scheme 2006</i>. |

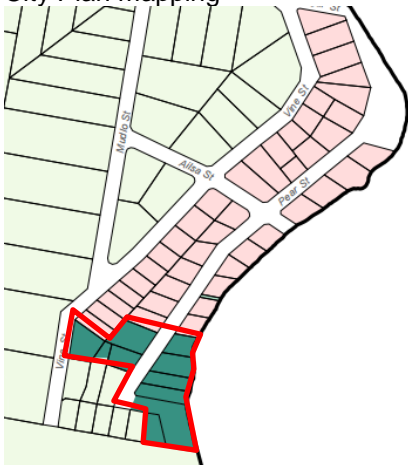
Scheme 2006 (V7.2)



Draft City Plan mapping (public consultation version)



City Plan mapping



Regional Plan mapping



The CN1 sub-area included sites with significant environmental and drainage constraints. In light of the limited development opportunities Council includes all land within the CN1 zone within a specific rating category which recognises its limited development potential.

Draft City Plan (public consultation version)

- The site was zoned part Conservation, part Rural in the public consultation version of the draft City Plan.

City Plan

- Following the public consultation period, Council resolved to reinstate conservation zoning on all privately owned land that had previously formed part of the Conservation Zone sub-area CN1 under the superseded Redlands Planning Scheme 2006. This revised mapping formed part of the City Plan documentation that was submitted to the Minister for approval.

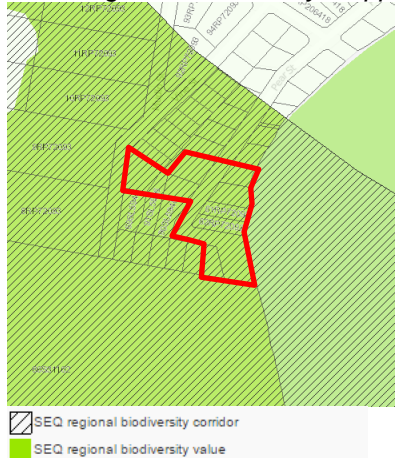
- The primary objective of the Conservation zone sub area CN1 is to provide for the protection of land which supports significant biological diversity and ecological functions. Provisions within the zone code also seek to ensure development is compatible with the flooding and storm tide constraints affecting the land.

South East Queensland Regional Plan

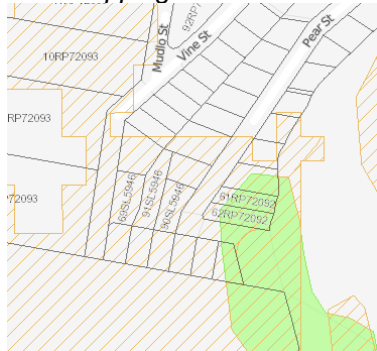
- The subject land is situated within the Rural Landscape and Rural Production Area overlay of the South East Queensland Regional Plan 2017.
- The subject land is also identified within the SEQ regional biodiversity corridor and SEQ regional biodiversity value categories of the South East Queensland Regional Plan 2017.

3. Environmental Context

SEQ Regional Biodiversity Mapping



SPP Mapping



City Plan: Environmental Significance Overlay



Koala Habitat Values Mapping

SEQ Regional Plan 2017 Biodiversity Values and Corridors

- The subject land is identified in the following categories within the South East Queensland Regional Plan 2017:
 - Regional Biodiversity Values, which are critical at a regional level to enable the protection of interacting ecosystem functions and their associated species and diversity.
 - Regional Biodiversity Corridors, which connect or improve connectivity through targeted rehabilitation of natural assets, including between existing areas of Matters of State Environmental Significance or regional biodiversity values.

City Plan: Environmental Significance Overlay

- The site is identified within the Environmental Significance overlay and is shown as containing Matters of State and Local Environmental Significance.

Matters of State Environmental Significance

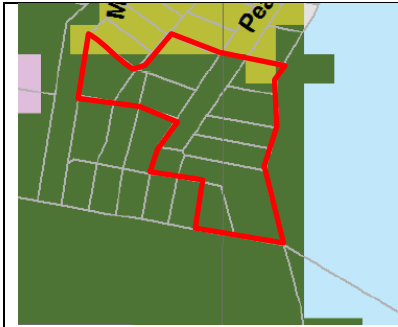
- The State Planning Policy mapping identifies the State Environmental significance as:
 - Wildlife habitat and Regulated vegetation (Category B – Remnant Vegetation), and;
 - Vegetation management regional ecosystem map (Category B – Endangered Regional Ecosystems).
- These matters have been reflected within the City Plan and provisions are in place to trigger the assessment of cleared vegetation as applicable.

Matters of Local Environmental Significance

- Council's mapping indicates the land contains remnant koala habitat vegetation and that a portion of the land contains remnant habitat vegetation for regional ecosystems. The site is identified as Core Habitat in the Wildlife Connections Plan.

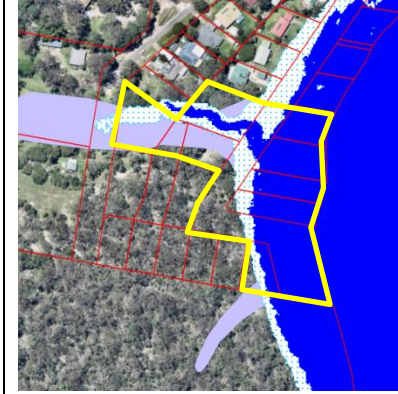
Koala Habitat Areas (Planning Act 2016 and Planning Regulation 2017)

- The *Planning Act 2016* regulates new development identified as having important koala habitat values.
- The subject site is identified as being situated within the priority koala assessable development area.
- The subject land is predominantly identified in the 'High Value Bushland' category in accordance with the Koala Habitat Values Mapping. A small portion of the subject land is identified in the 'High Value Other' category.
- 'High Value Bushland' is the highest order of vegetation in accordance with the koala protection provisions under the *Planning Regulation 2017*.
- Any development on the site would likely require removal of non-juvenile koala habitat trees.

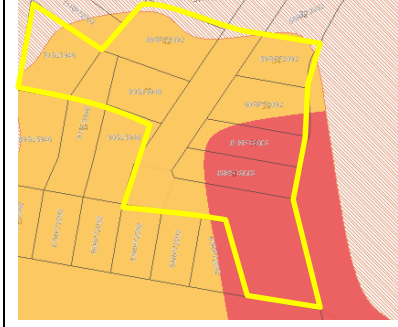


4. Development Constraints

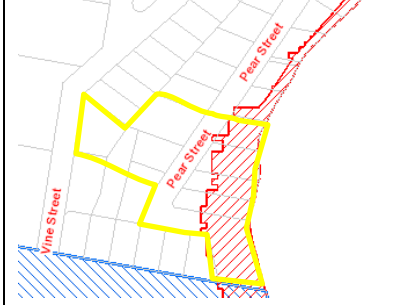
Flood and Storm Tide Hazard Overlay



Bushfire Hazard Overlay



Coastal Protection Overlay



Storm Tide and Flooding

- The subject land is significantly constrained by both storm tide inundation and flooding.
- In terms of storm tide hazard, a large portion of the subject site is constrained by the 1%AEP 2100 storm tide level. This category accounts for future storm tide inundation that may occur due to rises in sea level.
- The constrained allotments are situated within the eastern and southern parts of the subject site, as well as in the north western parts of the subject site.
- Additionally, the road reserve is covered by the 1%AEP 2100 storm tide level.
- The site is also subject to flood hazards. These constraints are situated within the northern and western parts of the site.
- Overall, it is considered that the storm tide inundation and flooding extent would make it difficult to undertake development that was not within the hazard area. While provisions in the planning scheme seek to minimise the impacts from flood and storm tide in locations that are already zoned for development, the State Planning Policy discourages identifying new development in constrained areas. This is consistent with the goal of minimising risks to human life, infrastructure and property.

Bushfire

- The subject land is identified as being impacted by the State Planning Policy mapping for bushfire hazards.
- The south eastern parts of the site are mapped as being at risk to 'High Potential Bushfire Intensity'.
- The rest of the site is mapped as being at risk to 'Medium Potential Bushfire Intensity'.
- Due to the extent of bushfire risk over the subject land, it would be difficult to undertake development that was not situated within the hazard area.

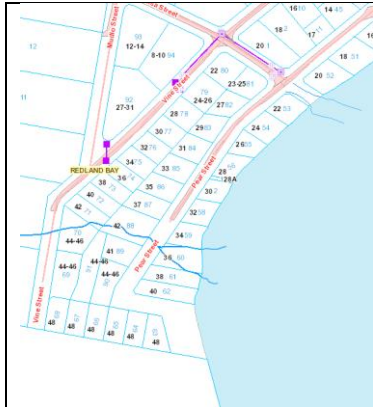
Coastal Protection

- The eastern part of the site is shown to be impacted by the erosion prone area category of the Coastal Protection (Erosion Prone Areas) Overlay
- While provisions in the planning scheme seek to minimise the impacts from erosion in locations that are already zoned for urban development, in accordance with the SPP new urban development is discouraged from occurring in such areas. This is consistent with the goal of minimising risks to human life, infrastructure and property.

5. Infrastructure Context

Water Supply Infrastructure

- None of the subject lots are connected to the water



APPENDIX 1 – LAND OWNERSHIP

| Address | | | Real Property Details | Tenure | Owner |
|---------|-----------------------------|--|-----------------------|---------------|---------------------------------------------------------|
| 34 | Pear Street, Redland Bay | | Lot 59 on RP72092 | Freehold Land | Breanna Joanne Stewart |
| 36 | Pear Street, Redland Bay | | Lot 60 on RP72092 | Freehold Land | Redland City Council |
| 38 | Pear Street, Redland Bay | | Lot 61 on RP72092 | Freehold Land | Redland City Council (City Infrastructure) |
| 40 | Pear Street, Redland Bay | | Lot 62 on RP72092 | Freehold Land | Redland City Council (City Spaces) |
| 48 | Vine Street, Redland Bay | | Lot 63 on RP72092 | Freehold Land | Raymond and Patricia Neilsen |
| 44-46 | Vine Street, Redland Bay | | Lot 70 on SL5946 | Freehold Land | Merino Super Pty Ltd as Trustee |
| 42 | Vine Street, Redland Bay | | Lot 88 on RP72092 | Freehold Land | Michael Anthony Ford and Patrea Louise O'Donoghue |
| 41 | Pear Street, Redland Bay | | Lot 89 on SL5946 | Freehold Land | Inner City Mercy Mission Community Life Ltd |
| 44-46 | Vine Street, Redland Bay | | Lot 90 on SL5946 | Freehold Land | Merino Super Pty Ltd as Trustee |