

APPEALS 1963 J T GEORGE NOMINEES PTY LTD AND 2675 L M WIGAN OF 2009

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|-----------------------------|---|
| Objective Reference: | A189375 Reports and Attachments (Archives) |
| Attachments: | <u>Attachment 1 – Aerial Map</u> <u>Attachment 2 – JT George Master Plan</u> <u>Attachment 3 – LM Wigan Master Plan</u> <u>Attachment 4 – Habitat Overlay</u> <u>Attachment 5 – JT George Conditions</u> <u>Attachment 6 – LM Wigan Conditions</u> |
| Authorising Officer: | Louise Rusan General Manager Community and Customer Services |
| Responsible Officer: | David Jeanes Group Manager City Planning and Assessment |
| Report Author: | Chris Vize Service Manager Planning Assessment |

PURPOSE

These appeals are referred to the General Meeting for Council to decide on the conditions to be put to the Court for a Consent Order.

BACKGROUND

The two appeals are:

- Appeal 1963 of 2009, involving JT George, is located at 157-195 & 197 Woodlands Drive, Thornlands
- Appeal 2675 of 2009, involving LM Wigan, is located at 84-122 Taylor Road, Thornlands

The relevant land is shown in **Attachment 1**.

Application Background

The original development applications involved preliminary approvals to effectively override the planning scheme to establish urban development, comprising residential uses, a neighbourhood centre and open space. Both applications were refused by Council, on the primary bases that they were inconsistent with the zoning of the land, they did not adequately consider implications on infrastructure and did not provide land in an orderly sequenced development pattern. These refusals were appealed by the applicants.

Appeal Progress

One of the major stumbling blocks to the development of this land is the ability to provide sewerage infrastructure to service the development.

As a means of addressing this issue, both appellants now propose larger lot residential development that can be serviced via on-site effluent disposal.

The matter was brought to Council on 8 October 2014 to determine Council's position on the amended larger lot proposals. At this meeting Council resolved as follows:

1. *Advise the appellants that Council supports the larger lot residential proposals in principle, subject to the following matters being addressed during negotiation:*
 - a) *Provide details for the preliminary approval for material change of use that identifies how the planning scheme is sought to be affected, including details on the proposed uses, their levels of assessment and assessment criteria.*
 - b) *Demonstrate that the proposed residential lots will be sufficient in size to suitably address on-site effluent disposal. This may be dealt with by including this matter as assessment criteria in the plan of development.*
 - c) *Demonstrate that the lot layout and sizes are sufficient to enable habitat enhancement and fauna permeability through the lots.*
 - d) *Demonstrate that the lot sizes are sufficient to achieve a semi-rural bushland setting.*
 - e) *Facilitate an internal road connection between the JT George and the Wigan land.*
 - f) *Design the development to retain open space land within private ownership and management, and incorporate assessment criteria within the plan of development that facilitates this outcome.*
 - g) *Provide an assessment report to establish the impacts of odour from neighbouring poultry farms on the development layout and staging of the development.*

In relation to point (d) above, officers brought the matter to a Workshop on 3 December 2014 to decide on the minimum lot size required to achieve a semi-rural bush land setting. This was sought due to the fact that, at around the same time as Council's resolution on these appeals, Council had made certain resolutions about the future intent of the broader area in its draft City Plan. The draft City Plan identifies a minimum of 1 hectare lot sizes for this area.

support a minimum lot size of 6000m² for these appeals.

With these decisions of Council in hand, Council officers continued negotiations with the appellants.

ISSUES

Current Proposals

For both appeals, the proposals remain preliminary approvals to override the planning scheme. They do not authorise development to occur; instead they establish Plans of Development (PoD) that will be used to assess future development applications and will override the planning scheme to the extent of any conflicts between the two documents.

These Plans of Development establish their own land use precincts that replace the planning scheme zoning, their own tables of assessment to determine levels of assessment for certain uses and their own assessment codes.

JT George (157-195 & 197 Woodlands Drive, Thornlands)

The appellant has provided a plan of development that proposes the following (refer **Attachment 2**):

- A Residential Large Lot Precinct, with a prescribed minimum lot size of 6000m²;
- The table of assessment for the Residential Large Lot Precinct generally adopts the current Park Residential Zone table, which is generally intended to accommodate dwelling houses and low-key home businesses. One exception is the inclusion of Aged Persons and Special Needs Housing as code assessable for a maximum of 200 beds;
- A 1 hectare area on the corner of Woodlands Drive and Taylor Road in the Neighbourhood Centre Precinct, which is intended to accommodate farmer's markets;
- The table of assessment for the Neighbourhood Centre Precinct identifies the following uses as code assessable:
 - a market (which is defined in the PoD as sale of goods to the public primarily from temporary structures); and
 - shops (as a permanent use) up to a maximum 400m² gross floor area.
- A 60 metre wide Open Space Precinct running north to south along the waterway and a 30 metre wide Open Space Precinct running along the northern boundary to provide a secondary vegetated corridor; and
- The intent of the Open Space Precinct is to be free of development and structures and be rehabilitated to facilitate fauna movement.

LM Wigan (84-122 Taylor Road, Thornlands)

The appellant has provided a plan of development that proposes the following (refer **Attachment 3**):

- A Residential Area, with a prescribed minimum lot size of 6000m²;
- The table of assessment for the Residential Large Lot Precinct adopts the current Park Residential Zone table, which is generally intended to accommodate dwelling houses and low-key home businesses; and
- An 80 metre wide Environmental Corridor Area running north to south along the waterway and a 30 metre wide Open Space Precinct running along the northern boundary to provide a secondary vegetated corridor.
- The intent of the Environmental Corridor Area is to be free of development and structures and be rehabilitated to facilitate fauna movement.

Consideration of Issues

The matters set out by Council in its resolution of 8 October 2014 and subsequent workshop on 3 December 2014, have been addressed as follows for each appeal:

| Subject matter | Response |
|---|--|
| a) Details of the preliminary approvals, including tables of assessment and assessment criteria | <p><u>JT George & LM Wigan</u></p> <p>Information has been provided by both appellants and forms part of the recommended approval package.</p> |
| b) Sufficient lot size to address on-site effluent disposal | <p><u>JT George & LM Wigan</u></p> <p>In both appeals, the appellants have amended their proposals to identify a minimum lot size of 6000m². This is achieved through identifying 6000m² as a probable solution and overall outcome in the zone code, and making reconfiguring a lot (ROL) to create lots less than 6000m² impact assessable.</p> <p>Council's hydraulic expert has confirmed that 6000m² is more than adequate to provide sufficient area for individual on-site effluent disposal.</p> |
| c) Sufficient lot size to address habitat enhancement and fauna permeability | <p><u>JT George & LM Wigan</u></p> <p>The 6000m² minimum lot size is considered to be sufficient to allow fauna movement through the lots, in conjunction with two primary fauna movement corridors within the Open Space/ Environmental Corridor Precincts.</p> <p>In both appeals, it is recommended that a rehabilitation management plan be provided as part of a subsequent application to identify enhancement plantings to the ecological corridor areas.</p> |
| d) Sufficient lot size to achieve a semi-rural bush land setting (Workshop confirmed minimum 6000m ² lot size) | <p><u>JT George & LM Wigan</u></p> <p>As discussed at point (c), the proposals have been amended to specify a minimum lot size of 6000m². A condition is recommended to add a further means of ensuring this minimum lot size is achieved.</p> |
| e) Internal road connection between JT George and LM Wigan land | <p><u>JT George & LM Wigan</u></p> <p>Both proposals identify an indicative connection between the two development sites, which are aligned. A condition is recommended to ensure that this intention is carried through by both developments in subsequent development applications.</p> |
| f) Retain open space in private ownership | <p><u>JT George & LM Wigan</u></p> <p>Both proposals seek to maintain the fauna corridor areas in private ownership. A condition is recommended to ensure that this intention is carried through by both developments in subsequent development applications.</p> |
| g) Provide assessment report to address odour from neighbouring poultry farms | <p><u>JT George</u></p> <p>The appellants are proposing to vary the poultry overlay code to make a dwelling house self assessable where it complies with an air quality report approved as part of an ROL. It is noted that this does not vary the overlay spatially, nor change the assessment criteria for the</p> |

| Subject matter | Response |
|----------------|--|
| | <p>subsequent ROL. The appellant has then suggested a condition that requires the air quality report as part of the subsequent ROL. It is considered that this is a suitable way to address the issue, as it does not change Council's ability to assess any future applications against the poultry overlay and ensure that any created lots are afforded suitable amenity. The change simply removes an unnecessary "second" assessment of this issue at the dwelling house stage.</p> <p><u>LM Wigan</u></p> <p>The appellants are not proposing to amend the poultry overlay affecting the property, which will mean that it must be addressed as part of any future development application. In saying that, the following is noted:</p> <ul style="list-style-type: none"> • The poultry overlay over the Wigan land results from three poultry shed locations. • Two of the poultry shed locations are on the George's land, and will therefore be removed over time as the land develops. Therefore the poultry issue is appropriately dealt with through sequencing of development. • The third poultry shed location no longer exists, and the use has been abandoned, with the sheds having been removed at least before 2006. This is confirmed through review of aerial photographs and evidenced by a statutory declaration from the owners of that land dated 7 June 2005. |

Assessment matters

Neighbourhood Centre Precinct

While the George proposal does involve a Neighbourhood Centre Precinct, it is recognised that the intention of this precinct is not to open up the full range of centre/ commercial uses. It is proposed that this precinct accommodates a farmer's market and a small scale shop use. All other commercial and retail uses will be impact assessable in this precinct. In addition, this precinct's assessment code identifies criteria that specifically focus the outcomes towards achieving a market space, while discouraging other forms of commercial development. This will ensure the development of this precinct does not prejudice the City's centres hierarchy.

The assessment code also identifies that the markets are intended to operate on Thursday to Sunday. The code identifies the following operating hours:

- Thursday and Friday – 8:30am to 6:00pm
- Saturday and Sunday – 6:00am to 6:00pm

Concerns are raised with the finishing times for Thursday and Friday being during peak hour afternoon traffic. A condition is therefore recommended that requires an amendment to the PoD to identify a finishing time of 4:00pm on Thursday and Friday in the probable solution. An amendment is also recommended to the Specific Outcome to better represent what is sought as an outcome in this regard.

This market space is considered to be a positive part of the development, which allows reuse of the existing poultry sheds. Furthermore, at one hectare in size, the precinct will not prejudice its future use for rural residential purposes, should the markets cease to operate.

Ecological Corridors

The development proposals include two key ecological corridors through the sites; one running north-south, the other running east-west. The corridors are appropriately aligned between the two sites. For the east-west corridor both proposals identify a 30 metre wide section, giving a total width of 60 metres, which connects the north-south corridor to existing habitat to the east. The north-south corridor has a 60 metre width on the George land and an 80 metre width on the Wigan land. This difference in width is in order to respond to the Habitat Protection Overlay, which identifies a more significant corridor on the Wigan land as it adjoins a core habitat area to the north. The overlay is shown at **Attachment 4**.

Areas of Disagreement with the appellants

The following matters are recommended as conditions of approval, but have not been agreed by the appellants. The proposed conditions packages are included at **Attachments 5 and 6** for reference.

George

- Neighbourhood Centre Precinct Code – As discussed, a change to the PoD is recommended to establish operating hours that do not interrupt peak hour traffic flow on weekdays.
- Aged Persons and Special Needs Housing Code – The appellant seeks 50% site coverage as a probable solution. Council officers recommend a change to the PoD to identify 40% site coverage, which is consistent with the Residential Large Lot Precinct and the Dwelling House Code. Greater site coverage for this development type has the potential to impact on the anticipated amenity of this area. It is recognised that an applicant has the opportunity to demonstrate compliance with the relevant specific outcome(s) as part of future applications.

Wigan

- Residential Area Code – The appellant seeks a probable solution that identifies a minimum lot size of 6000m², “or as approved by the Council subject to the availability of suitable infrastructure”. This additional portion to the probable solution is considered to pre-empt a performance assessment by Council and is vague in terms of what “suitable infrastructure” is and what the basis is for Council considering it to be suitable. While a condition will require a minimum 6000m² lot size, it is considered important to ensure that the PoD and the conditions do not conflict and allow ambiguity in assessment of future

applications. It is therefore recommended that the PoD be amended to remove this additional element to the probable solution.

- Rehabilitation and Bushfire Management Plan – The appellant does not agree to the condition requiring this rehabilitation plan to be provided as part of the first development application. The appellant argues that this will be relevant to any assessment of future applications anyway. However, those applications will be piecemeal and assessed only on the aspects applied for at the time, whereas this condition requires an overall rehabilitation plan for the entire site, which will then be used as the overarching tool for future applications over different parts of the site. It is therefore recommended that the condition be retained.

Co-Respondent's comments

Both appeals involve a co-respondent that was a submitter to the applications. They have advised the following in a letter to Council:

- They have not received any meaningful engagement from the appellants.
- Their agreement to the variations to the application is premised on the right to a final review of the application and conditions and that there is a clear minimum lot size of 6000m².
- They reserve their position on the application until they have had an opportunity to review the final applications and conditions.

STRATEGIC IMPLICATIONS

Legislative Requirements

The JT George and LM Wigan matters are currently listed for review on 29 July and 22 July 2015 respectively. A decision by Council on the conditions will allow the parties to seek a Consent Order from the Court to settle the appeals.

Risk Management

The appellants must subsequently seek the views of the co-respondent to the appeals. This co-respondent may or may not agree to the approach and proposed conditions.

Financial

Seeking Consent Orders to settle the appeals will mean minimal further legal costs are expended. Should Council decide to amend its position and oppose the appeals, further legal and expert costs will be involved.

People

No comment.

Environmental

Conditions are recommended that require enhancement plantings to the development site to establish fauna movement corridors and fauna permeability through the lots. This is considered to be an improved outcome on the existing situation, which comprises predominantly cleared rural land.

Social

The approval of these proposals will result in a new semi-rural community in this part of the City.

Alignment with Council's Policy and Plans

The intent to provide a semi-rural residential development in this precinct is generally consistent with the draft City Plan, though it is noted that the minimum lot size of 6000m² is less than the 1 hectare lot size specified in the draft City Plan for the rural residential precinct.

CONSULTATION

The intent to provide a semi-rural residential development in this precinct is generally consistent with the draft City Plan, though it is noted that the minimum lot size of 6000m² is less than the 1 hectare lot size specified in the draft City Plan for the rural residential precinct.

OPTIONS

The following options are available to Council:

1. That Council resolves to seek settlement of the appeals through a Consent Order of the Court in accordance with the conditions contained within Attachments 5 and 6.
2. That Council resolves to seek settlement of the appeals through a Consent Order of the Court in accordance with different or amended conditions.
3. That Council resolves to inform the appellants that it opposes the appeals (reasons would need to be established in order to inform the appellants).

AMENDED OPTION 1 AS PROPOSED BY CR TALTY AT GM 29.7.2015

That Council resolves to:

1. Adopt Option 1 presented in this report, subject to the following changes:

(a) An additional condition be imposed on both appeals that requires the respective Plans of Development to be amended as follows:

- Specific outcome S2.6 of the Reconfiguration Code in the JT George matter and specific outcome S2.2 of the Reconfiguration Code in the LM Wigan matter be amended to read as follows:

In the Residential Large Lot Precinct – lots are of a size and shape that maximises opportunities to maintain, enhance and manage rural living and environmental values.

- Probable solution P2.6 of the Reconfiguration Code in the JT George matter and probable solution P2.2 of the Reconfiguration Code in the LM Wigan be amended to read as follows:

No probable solution identified.

- (b) Condition 9 in the JT George matter and Condition 7 in the LM Wigan matter be amended to include a note at dot point 4 stating: Planting is not intended to screen along frontage buffers.

2. Maintain this report and its attachments as Confidential until the appeal is resolved.

OFFICER'S RECOMMENDATION

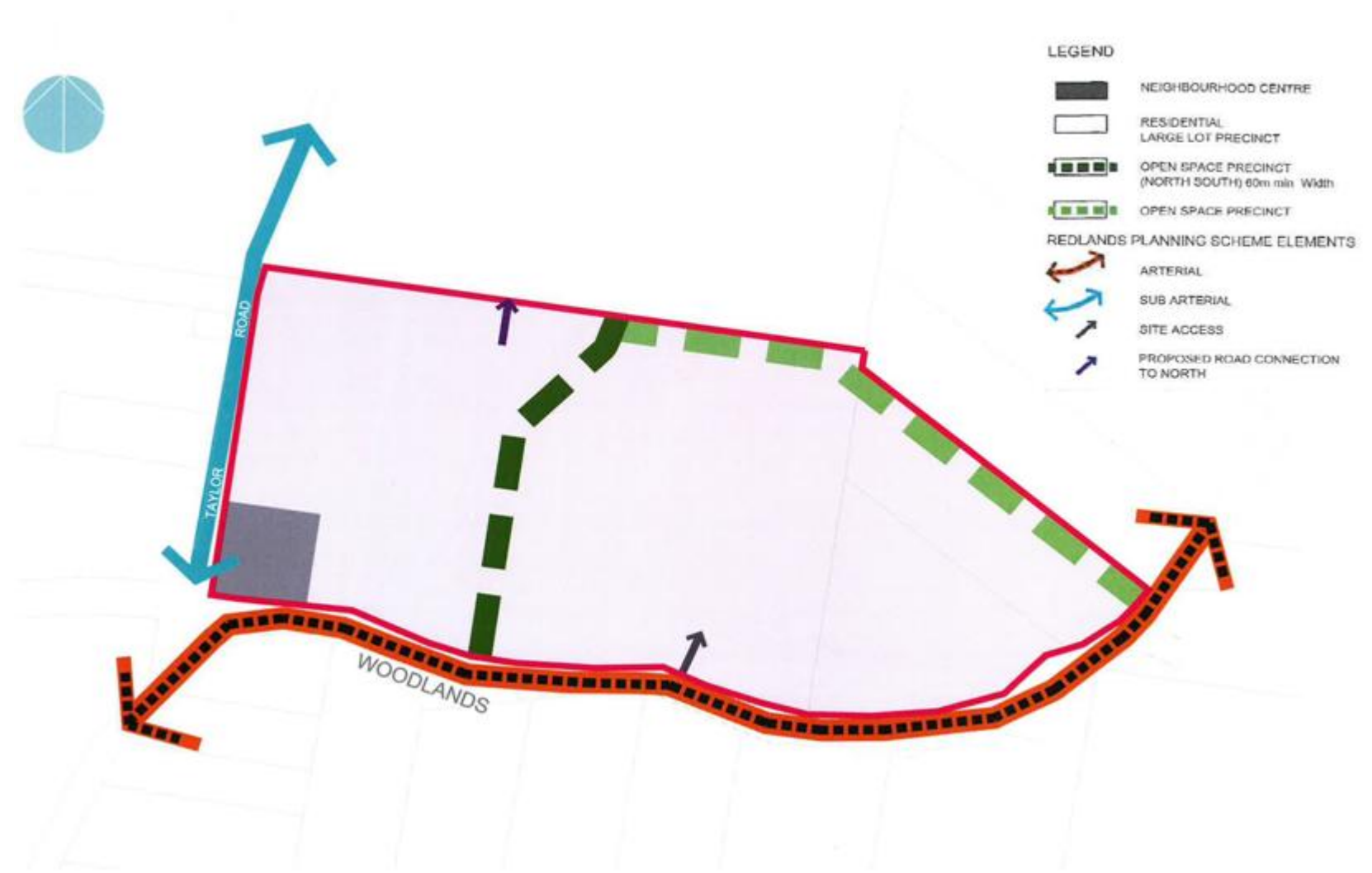
That Council resolves to:

1. Adopt Option 1 **(AS AMENDED ABOVE)** presented in this report; and
2. Maintain this report and its attachments as Confidential until the Appeal is resolved.

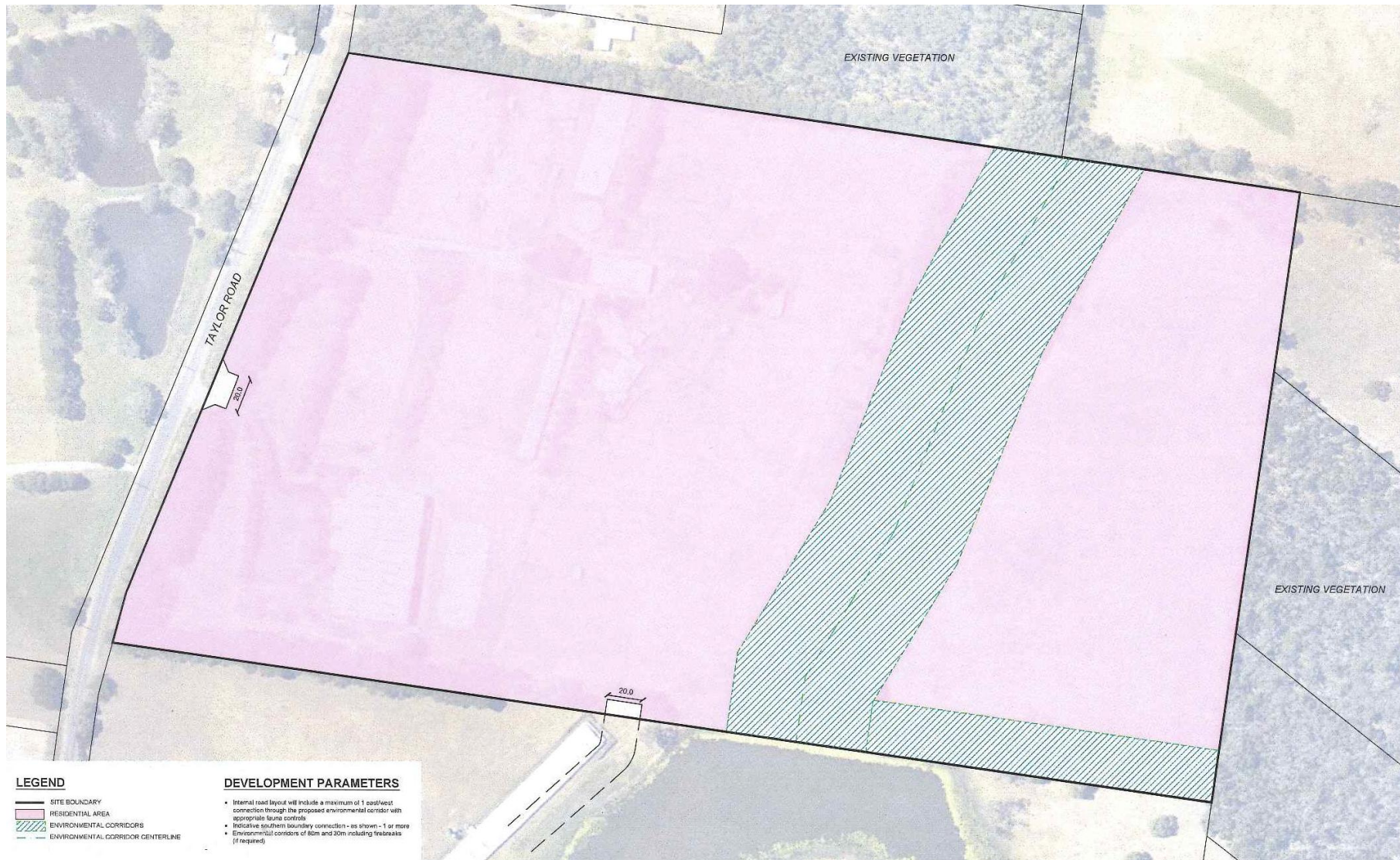
Attachment 1 – Aerial Map



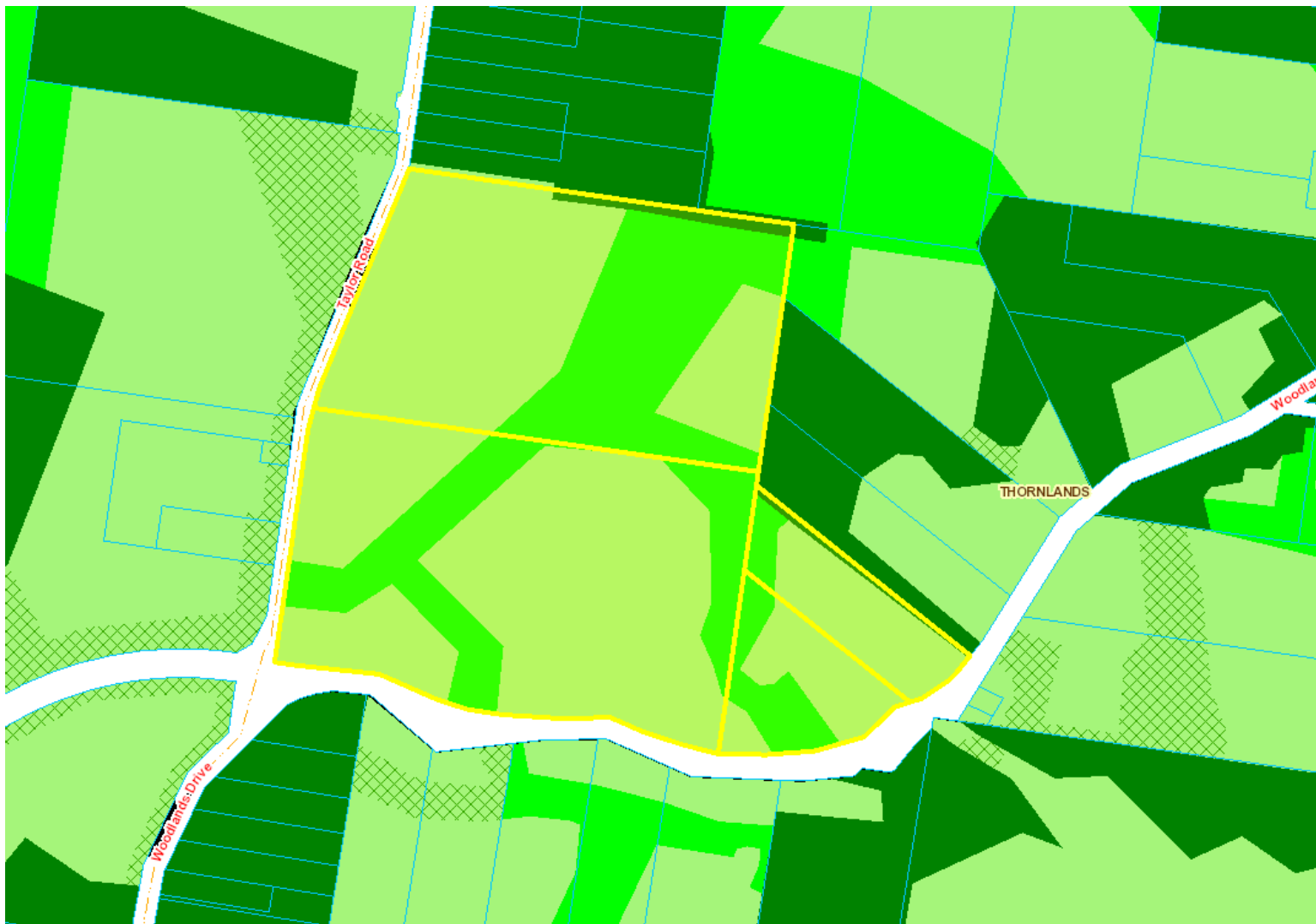
Attachment 2 – JT George Master Plan



Attachment 3 – LM Wigan Master Plan



Attachment 4 – Habitat Overlay



Attachment 5 – JT George conditions

| <u>ASSESSMENT MANAGER CONDITIONS</u> | <u>TIMING</u> |
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| <p>1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the preliminary approval.</p> | |
| <u>Future Applications</u> | |
| <p>2. Assess all development, for the purpose of this Preliminary Approval pursuant to Section 242 of the Sustainable Planning Act 2009, in accordance with the approved plans and documents in Table 1.</p> <p><i>Advice: The Plan of Development includes variations to the Redlands Planning Scheme, including to the Tables of Assessment that identify levels of assessment for certain uses and development types.</i></p> | Ongoing. |

| Plan/Document Title | Reference Number | Prepared By | Plan/Doc. Date |
|---|--------------------|--------------|----------------|
| Concept Master Plan | BR00 2598.001-003C | Landpartners | 2015 |
| Plan of Development: Tables of Assessment | George01 | Landpartners | 9 June 2015 |
| Plan of Development: Amended Assessment Codes (as amended by Council) | George01 | Landpartners | 9 June 2015 |

Table 1: Approved Plans and Documents

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|---|--|
| <p>3. This preliminary approval does not vary any of the spatial mapping for the overlays identified in the Redlands Planning Scheme.</p> | Ongoing. |
| <u>Future Applications</u> | |
| <p>4. Submit an amended Plan of Development with the following changes:</p> <p>a) Amend Table 1 in the Aged Persons and Special Needs Housing Code to identify a maximum site coverage of 40%, not 50%.</p> <p>b) Amend the Neighbourhood Centre Precinct Code to delete Specific Outcome S1.3 and Probable Solution P1.3.</p> <p>c) Amend the Neighbourhood Centre Precinct Code so that Specific Outcome S1.2 reads as follows:</p> <p><i>Non-residential uses will:</i></p> <p><i>a) provide convenience shopping catering for local residents' day to day needs;</i></p> <p><i>b) provide a "market space"; and</i></p> <p><i>c) operate at a scale, frequency and timing that is compatible with the locality and does not interrupt traffic flows along the external roads.</i></p> | <p>Prior to lodgement of the first development application for development permit.</p> |

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| <p>d) Amend the Neighbourhood Centre Precinct Code so that Probable Solution P1.2 reads as follows:</p> <p><i>A) The gross floor area of a single retail tenancy does not exceed 400m².</i></p> <p><i>B) The maximum gross floor area for the market does not exceed 2000m².</i></p> <p><i>C) The market operates only between the following hours:</i> <i>Thursday and Friday 9:00am – 4:00pm</i> <i>Saturday and Sunday 6:00am – 6:00pm</i></p> | |
| <u>Open Space Precinct</u> | |
| <p>5. Submit to Council, and have approved, a revised Concept Master Plan to scale that spatially locates the Open Space Precinct and ensure that the portion of this precinct traversing the site north-south is a minimum of 60 metres in width and the portion traversing east-west is a minimum 30 metres in width.</p> <p><i>Advice: The purpose of this condition is to allow the zoning of particular parts of the land to be easily determined, in order to identify the level of assessment for future applications.</i></p> | <p>Prior to lodgement of the first development application for development permit.</p> |
| <p>6. Maintain all land identified within the Open Space Precinct in private property (whether that be under a community title scheme or not).</p> | <p>As part of any subsequent application for development permit.</p> |
| <u>Design</u> | |
| <p>7. Ensure that the development layout facilitates a road connection between the subject site and the property directly to the north.</p> | <p>As part of any development application for development permit.</p> |
| <u>Minimum Lot Size</u> | |
| <p>8. The development must achieve a minimum lot size of 6000m².</p> | <p>Ongoing for the life of this preliminary approval.</p> |
| <u>Rehabilitation and Bushfire Management Plan</u> | |
| <p>9. Submit to Council for approval a rehabilitation and bushfire management plan for the entire site that demonstrates compliance with the outcomes of the Habitat Protection Overlay Code, the Bushfire Hazard Overlay Code, the Waterways, Wetlands and Moreton Bay Overlay Code and the Residential Large Lot Precinct Code and the following:</p> <ul style="list-style-type: none"> • The development must facilitate fauna movement through the development site; • As much as practicable, firebreaks and fire trails must be located outside of the Open Space Precinct; • The plan must identify the design and extent of revegetation | <p>As part of the first development application for development permit.</p> |

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|--|--|
| <p>within the Open Space Precinct, and the conceptual staging of this revegetation that reflects development staging;</p> <ul style="list-style-type: none"> • The plan must achieve a minimum 10 metre wide vegetated buffer along Woodlands Drive and Taylor Road; • The plan must include species lists for revegetation, which includes groundcover, mid-storey and canopy species; and • The plan must identify the ongoing protection and maintenance of rehabilitated land, outlining the responsibilities of the relevant landowners. | |
| <p>10. Protect all vegetation that is planted and established in accordance with the approved rehabilitation and bushfire management plan.</p> | Ongoing. |
| <p><u>Geotechnical Report</u></p> | |
| <p>11. Submit to Council for approval a geotechnical report for the entire site that demonstrates compliance with the outcomes of the Landslide Hazard Overlay Code and the Residential Large Lot Precinct Code.</p> | As part of the first development application for development permit. |
| <p><u>Flood Report</u></p> | |
| <p>12. Submit to Council for approval a flood report, certified by a Registered Professional Engineer of Queensland (RPEQ), for the entire site that demonstrates compliance with the outcomes of the Flood Prone, Storm Tide and Drainage Constrained Land Overlay Code and the Residential Large Lot Precinct Code.</p> | As part of the first development application for development permit. |
| <p><u>Air Quality Report</u></p> | |
| <p>13. Submit to Council for approval an air quality report for the entire site that demonstrates compliance with the outcomes of the Protection of the Poultry Industry Overlay Code and the Residential Large Lot Precinct Code.</p> | As part of the first development application for development permit. |
| <p><u>Prescribed Period</u></p> | |
| <p>14. The prescribed period for this Preliminary Approval is seven (7) years, starting the day the Preliminary Approval takes effect.</p> <p><i>Advice: Pursuant to Section 343 of the Sustainable Planning Act 2009.</i></p> | N/A |

ADDITIONAL APPROVALS

This preliminary approval does not authorise development to occur.

The following further **Development Permits** and/or **Compliance Permits** are necessary to allow the development to be carried out.

- Any development listed as assessable development in the Tables of Assessment in the Plan of Development or Redlands Planning Scheme (where not varied by the Plan of Development).

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**

Infrastructure charges will apply to any subsequent application for a development permit in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice.

- **Live Connections**

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

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

- **Coastal Processes and Sea Level Rise**

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

- **Fire Ants**

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

- **Cultural Heritage**

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

- **Environment Protection and Biodiversity Conservation Act**

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

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

Attachment 6 – LM Wigan

| <u>ASSESSMENT MANAGER CONDITIONS</u> | <u>TIMING</u> | | | | | | | | | | | | |
|---|--|---------------------|------------------|-------------|----------------|---|------------|-------|----------|---|-----|-----------|------------|
| <p>1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the preliminary approval.</p> | | | | | | | | | | | | | |
| <u>Future Applications</u> | | | | | | | | | | | | | |
| <p>2. Assess all development, for the purpose of this Preliminary Approval pursuant to Section 242 of the Sustainable Planning Act 2009, in accordance with the approved plans and documents in Table 1.</p> <p><i>Advice: The Plan of Development includes variations to the Redlands Planning Scheme, including to the Tables of Assessment that identify levels of assessment for certain uses and development types.</i></p> | Ongoing. | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Plan/Document Title</th> <th>Reference Number</th> <th>Prepared By</th> <th>Plan/Doc. Date</th> </tr> </thead> <tbody> <tr> <td>Preliminary Concept Plan – Land Uses and Development Parameters</td> <td>PP02 Rev J</td> <td>Urbis</td> <td>06.03.15</td> </tr> <tr> <td>Plan of Development (as amended by Council)</td> <td>N/A</td> <td>Applicant</td> <td>5 May 2015</td> </tr> </tbody> </table> | | Plan/Document Title | Reference Number | Prepared By | Plan/Doc. Date | Preliminary Concept Plan – Land Uses and Development Parameters | PP02 Rev J | Urbis | 06.03.15 | Plan of Development (as amended by Council) | N/A | Applicant | 5 May 2015 |
| Plan/Document Title | Reference Number | Prepared By | Plan/Doc. Date | | | | | | | | | | |
| Preliminary Concept Plan – Land Uses and Development Parameters | PP02 Rev J | Urbis | 06.03.15 | | | | | | | | | | |
| Plan of Development (as amended by Council) | N/A | Applicant | 5 May 2015 | | | | | | | | | | |
| Table 1: Approved Plans and Documents | | | | | | | | | | | | | |
| <p>3. This preliminary approval does not vary any of the spatial mapping for the overlays identified in the Redlands Planning Scheme.</p> | Ongoing. | | | | | | | | | | | | |
| <u>Open Space Precinct</u> | | | | | | | | | | | | | |
| <p>4. Maintain all land identified within the Environmental Corridor Area in private property (whether that be under a community title scheme or not).</p> | As part of any subsequent application for development permit. | | | | | | | | | | | | |
| <u>Design</u> | | | | | | | | | | | | | |
| <p>5. Ensure that the development layout facilitates a road connection between the subject site and the property directly to the south.</p> | As part of any development application for development permit. | | | | | | | | | | | | |
| <u>Minimum Lot Size</u> | | | | | | | | | | | | | |
| <p>6. The development must achieve a minimum lot size of 6000m².</p> | Ongoing for the life of this preliminary approval. | | | | | | | | | | | | |
| <u>Rehabilitation and Bushfire Management Plan</u> | | | | | | | | | | | | | |

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| <p>7. Submit to Council for approval a rehabilitation and bushfire management plan for the entire site that demonstrates compliance with the outcomes of the Habitat Protection Overlay Code, the Bushfire Hazard Overlay Code, the Waterways, Wetlands and Moreton Bay Overlay Code and the Residential Area Code and the following:</p> <ul style="list-style-type: none"> • The development must facilitate fauna movement through the development site; • As much as practicable, firebreaks and fire trails must be located outside of the Environmental Corridor Area; • The plan must identify the design and extent of revegetation within the Environmental Corridor Area, and the conceptual staging of this revegetation that reflects development staging; • The plan must achieve a minimum 10 metre wide vegetated buffer along Taylor Road; • The plan must include species lists for revegetation, which includes groundcover, mid-storey and canopy species; and • The plan must identify the ongoing protection and maintenance of rehabilitated land, outlining the responsibilities of the relevant landowners. | <p>As part of the first development application for development permit.</p> |
| <p>8. Protect all vegetation that is planted and established in accordance with the approved rehabilitation and bushfire management plan.</p> | <p>Ongoing.</p> |
| <p><u>Prescribed Period</u></p> | |
| <p>9. The prescribed period for this Preliminary Approval is seven (7) years, starting the day the Preliminary Approval takes effect.</p> <p><i>Advice: Pursuant to Section 343 of the Sustainable Planning Act 2009.</i></p> | <p>N/A</p> |

ADDITIONAL APPROVALS

This preliminary approval does not authorise development to occur.

The following further **Development Permits** and/or **Compliance Permits** are necessary to allow the development to be carried out.

- Any development listed as assessable development in the Tables of Assessment in the Plan of Development or Redlands Planning Scheme (where not varied by the Plan of Development).

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**
Infrastructure charges will apply to any subsequent application for a development permit in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice.

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

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

- **Coastal Processes and Sea Level Rise**

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

- **Fire Ants**

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

- **Cultural Heritage**

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

- **Environment Protection and Biodiversity Conservation Act**

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

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