

19.6 AUSTRALIAN INNOVATION CENTRE PTY LTD V REDLAND CITY COUNCIL (PLANNING & ENVIRONMENT COURT APPEAL 4515/17)

Objective Reference:

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

Responsible Officer: Kim Sweeper, Acting Group Manager City Planning and Assessment

Report Author: Christy Englezakis, Senior Appeals Planner

Attachments:

1. Location - Confidential
2. Original Development Proposal - Confidential
3. Resolution 20180124
4. General Meeting Report 20180124 - Confidential
5. Amended Development Proposal - Confidential
6. Draft Conditions - 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:

(f) *starting or defending legal proceedings involving the local government.*

PURPOSE

This report provides an update in respect of the **abovementioned** appeal, to inform the provision of further instructions by Council regarding its position on the proposed development and progress of the appeal.

BACKGROUND

On 18 August 2016, Australian Innovation Centre Pty Ltd (**AIC**) lodged a development application for a Reconfiguration of a Lot over the land at 289-301 Redland Bay Road, Thornlands (**Attachment 1**). Following a minor change, AIC proposed a Standard Format 1 into 19 Lot subdivision with road and open space (**Attachment 2**). Redland City Council (**Council**) sought further information from AIC on numerous occasions to support the assessment of the application, however the information provided was inadequate and the application was consequently subject to a deemed refusal by Council.

AIC lodged an appeal against the deemed refusal on 23 November 2017 and Council subsequently resolved to oppose the approval of the development at its General Meeting of 24 January 2018 (**Attachment 3**). A comprehensive summary of the development proposal and assessment issues was provided in the report presented at this General Meeting (**Attachment 4**).

ISSUES

The application was assessed under the Redlands Planning Scheme version 7.1 (**the planning scheme**). Council refused the application on a range of grounds, including, primarily, that the development:

- Was contrary to orderly development as contemplated by the South-East Thornlands Structure Plan Overlay (**SETSPO**);

- Failed to protect the amenity of the Park Residential Zone adjoining the Structure Plan Area;
- Prevented the provision of a four-way signalised intersection at the junction of Redland Bay Road, Waterline Boulevard and the collector street, as envisaged by the SETSPO; and
- Proposed lots with frontages less than 10 metres in width and therefore conflicted with the Urban Residential Zone Code.

Negotiations

The parties have participated in three facilitated mediations - in March 2018, September 2018 and April 2019 – and have also engaged in informal discussions throughout this period, in order to resolve the appeal. These negotiations have resulted in the provision by AIC of a number of alternative development proposals seeking to address Council’s reasons for refusal, [REDACTED]

As agreed at the most recent mediation, AIC has provided a further amended layout intended to address the outstanding issues raised by Council officers (**Attachment 5**).

Grounds for Refusal

Table 1 details Council’s grounds for refusal under the planning scheme, describes how the AIC proposal addresses the relevant planning provisions and sets out the officers’ analysis of the amended layout.

Table 1: Amended proposal – Officers’ assessment

Redlands Planning Scheme
South East Thornlands Structure Plan Overlay
Grounds for Refusal
<u>Overall Outcomes – 5.14.7 (2)(b)(i)(a)-(d) and (ii) (Movement Network)</u> Require a safe, integrated, highly accessible and interconnected road network, with high quality streetscapes and landscaping, and pedestrian linkages
<u>Specific Outcomes – S1.1 (Land Use Precincts), S2.1(1), S2.3(1), S2.8(1) and (2) (Movement Network), S3.3(1) (Land Use Conflict Mitigation)</u> Provide for a range of uses and development that contribute to an integrated urban community; streets should be generally in accordance with the Movement Network Plan and incorporate pedestrian and cycling linkages, minimise impacts on Greenspace and achieve a low speed environment; protect the amenity of adjacent Park Residential areas
<u>Maps 1, 2 and 3 – Land Use, Movement Network and Pedestrian/Cycleway and Public Transport Network</u> Provide for orderly development in accordance with the overlay; protect the amenity of adjoining Park Residential residents; provide a four-way, signalised intersection

AnalysisMovement Network

The original proposal provided only an internal cul-de-sac, and did not reflect the Road Movement Network as envisaged for the Structure Plan area. This required a collector street connection to Redland Bay Road with left in-left out intersection, also with a contiguous Pedestrian Cycle Link. The original road further conflicted with the overlay, as it did not separate urban development from the Greenspace Precinct.

The amended proposal addresses these conflicts by providing an extension of Connie Way from Harrington Boulevard, through the development site and connecting to Redland Bay Road by way of a left in-left out signalised intersection, which will be constructed by AIC. Provision of the intersection was of particular importance to Council, to address the current illegal U-turn safety issue on Redland Bay Road, and was raised during the public notification period by local residents. A footpath will be constructed along Connie Way, providing for the extension of the footpath along Harrington Boulevard and across Redland Bay Road.

CONCLUSION: Council's relevant grounds for refusal in respect of the Movement Network under the SETSPO no longer apply.

Land Use and Conflict Mitigation

Council refused the original proposal as the layout conflicted with that contemplated under the SETSPO Land use Precincts map. Urban residential lots were proposed within and immediately adjoining the Greenspace Network, with no separation between open space and urban land to be provided by a collector street and esplanade treatment. Small lots were proposed directly adjacent to the Park Residential zone to the north, which would have resulted in amenity impacts on Park Residential dwellings.

Under the amended proposal, 25 small, urban residential lots will be provided within the Structure Plan area designated for housing (the Urban Residential zone). These lots do not encroach on the Greenspace Precinct and the Connie Way extension provides for the separation of open space and urban land. This also results in the removal of lots directly adjacent to the northern Park Residential zone. The Connie Way extension encroaches on the Greenspace area to a small extent, however this is not considered to be entirely inconsistent with the overlay code, as it facilitates the provision of the collector street in accordance with the SETSPO and overcomes the conflict between the Park Residential zone and proposed urban development.

One large lot (Lot 26) is proposed within the Greenspace Precinct, in conflict with the relevant overall outcome of the SETSPO code ((2)(a)(ii)(d)), which requires the protection and enhancement of habitat within the Thornlands Creek Corridor. AIC proposes to overcome this conflict by designating a building envelope within the lot, over the area of land that is already cleared. This lot is mapped High Value Bushland and Medium Value Rehabilitation Habitat under the South East Queensland Koala Conservation State Planning Regulatory Provisions [repealed] mapping. Although the nominal location of the building envelope encompasses an area of the land that is partially cleared, development on this lot is still likely to impact upon koala habitat. A future dwelling house would be accepted development under City Plan, however vegetation clearing will have a zero threshold, thereby triggering an operational works application. The koala habitat provisions under the *Planning Regulation 2017* will apply. Further, the location of the lot in the 'High Potential Bushfire Intensity' area of the Bushfire Hazard overlay suggests that exempt clearing works could be undertaken, leading to further loss of vegetation and habitat and edge effects greater than originally anticipated.

Specific Outcome S1.6(g) of the overlay code also specifies that Greenspace be progressively transferred to public ownership. The development, which will maintain approximately 4,200m², or 17%, of this land in private ownership, conflicts with this provision and must therefore be considered against the overall outcome. The proposed lot is not located within the buffer area of Thornlands Creek, although falls partially within the boundary of the flood overlay. This balance area does not contain the building envelope and appropriate conditions could be applied to prohibit vegetation clearing in this area. It is therefore considered that the proposal could comply with the overall outcome.

CONCLUSION: The amended proposal addresses some of the identified conflicts with the SETSPO, however conflict persists, particularly in respect of the large residential lot in the Greenspace Network, which Officers consider unlikely to be manageable through the application of relevant conditions.

Redlands Planning Scheme
OPEN SPACE ZONE CODE
<p>Grounds for Refusal <u>Specific Outcomes – S1.1 and S1.3(1)</u> Inconsistent uses should not be established in the zone; reconfiguration facilitates the dedication of open space to Council, enhances social, cultural and recreational opportunities, provides linkages between open space areas and does not prejudice the use of the land for open space purposes</p>
<p>Analysis Under the original proposal, AIC sought to dedicate approximately 26,000m², or 90%, of the Open Space zoned land to Council. Officers considered that, despite the encroachment of 10 lots into open space, the dedicated land would act as an important connection between Council land to the south, dedicated as part of the Esperance development, and the vegetated corridor protected by covenants on the adjoining Park Residential lots. By locating a lot in the Open Space zone, the amended proposal continues to conflict with the zone code, under which a dwelling house is considered an inconsistent use. The extent of the conflict is also greater, with 17% of the area in private ownership. This lot, and significantly, the proposed building envelope, also conflicts with an Enhancement Wildlife Habitat Corridor, mapped under Council’s Wildlife Connections Plan.</p>

Redlands Planning Scheme
URBAN RESIDENTIAL ZONE CODE
<p>Grounds for Refusal <u>Specific Outcome – S1.1</u> Inconsistent uses should not be developed in the zone</p>
<p>Analysis Under the zone code, small lots with a frontage of less than 10 metres created through reconfiguration are inconsistent development. The original proposal included lots that did not meet this specific outcome and officers recommended against approval on this basis (in addition to the other grounds). The amended proposal achieves the minimum 10 metre frontage requirement. CONCLUSION: Council’s relevant ground for refusal no longer applies.</p>

Redlands Planning Scheme
RECONFIGURATION CODE
<p>Grounds for Refusal <u>Overall Outcomes – 7.11.3(2)(b), (e)(ii)(a), (f)(iii) and (vi)</u> Reconfiguration makes a positive contribution to the formation of neighbourhoods, is consistent with the outcomes for the zone, provides for integrated and safe movement networks and efficient use of existing infrastructure <u>Specific Outcomes – S1.1(1)(k) and S1.2</u> Reconfiguration enhances safety and minimises the potential for crime through the achievement of surveillance by drivers, pedestrians and occupants</p>
<p>Analysis</p>

Redlands Planning Scheme																				
RECONFIGURATION CODE																				
<p><u>Design</u></p> <p>In failing to provide the collector connection and achieve consistency with the Open Space and adjacent Park Residential zones, it was considered that the original reconfiguration design did not make a positive contribution to the formation of this, or adjacent neighbourhoods, nor did it facilitate the development of an integrated and safe movement network. Officers also noted, in the original assessment, that the proposed development did not incorporate Crime Prevention Through Environmental Design (CPTED) principles, as the reconfiguration resulted in residential lots within the Greenspace Precinct, combined with lots without road frontage and immediately adjacent to the Park Residential zone. This did not provide for sufficient passive surveillance by through-traffic, pedestrians and occupants.</p> <p>Under the amended proposal, each lot has frontage observable either along the interior cul-de-sac or Connie Way extension, providing for surveillance by vehicles or those using the pedestrian-cycleway. The establishment of the collector road and four-way signalised intersection will also ameliorate the illegal U-turn issue, providing for the safer movement of traffic through the road network.</p> <p>It is further considered that, as the amended proposal better reflects the planning intent of the SETSPO, it provides for the establishment of a neighbourhood that is generally consistent with the character of the structure plan area and zones across the site. Notably, the urban development is contained within the Urban Residential zone and is separated from the Open Space zone by the collector street, in accordance with the SETSPO. Whilst the collector road is located partially within the Open Space zone, this complies with the zone code, as roads are exempt development.</p> <p>Conversely, the location of a lot within the Open Space zone is inconsistent with the overall outcomes of the zone, as it constrains the dedication of land to Council and fetters its future use for open space purposes. This lot may however, be considered Park Residential in character and encompasses a building envelope to bound development. The balance of the lot could be protected through the imposition of conditions that provide for the protection of scenic, amenity and environmental values consistent with the open space zoning, however it is noted the exemptions for vegetation clearing may apply under the <i>Planning Regulation 2017</i>, in respect of bushfire management. This means the Open Space values are compromised by the location of the inconsistent urban use.</p> <p>Uses within this zone must also minimise adverse impacts on environmental and scenic values. In their assessment of the original proposal, officers indicated that the balance of the zoned area to be transferred to Council is that part of the site containing significant koala habitat and the wildlife corridor. This is also the case under the amended proposal, despite a larger area of open space land remaining in private ownership. Environmental values may be impacted by the location of a residential use within a vegetated Open Space area, where clearing is required to facilitate building work and provide adequate bushfire mitigation for the dwelling and associated buildings.</p> <p><u>Density</u></p> <p>In contrast to the original proposal, the amended layout proposes a considerably higher yield, resulting in smaller lot sizes. The deemed-to comply-minimum lot size under the Reconfiguration code is 350m².</p> <table border="1"> <thead> <tr> <th></th> <th>Original Proposal</th> <th>Amended Proposal*</th> </tr> </thead> <tbody> <tr> <td>Yield</td> <td>19 lots</td> <td>25 lots</td> </tr> <tr> <td>Density</td> <td>1 dwelling per 452m²</td> <td>1 dwelling per 344m²</td> </tr> <tr> <td>Minimum lot size</td> <td>303m²</td> <td>150m²</td> </tr> <tr> <td>Maximum lot size</td> <td>729m²</td> <td>399m²</td> </tr> <tr> <td>No. lots less than 350m²</td> <td>6</td> <td>22</td> </tr> </tbody> </table> <p>*figures exclude large lot in Greenspace (Lot 26)</p> <p>Lot size under the original proposal was considered acceptable by Council officers, as it achieved the specific outcomes of the Reconfiguration Code with respect to environmental protection, filling, dwelling design and parking. It was also considered to meet market demand.</p>				Original Proposal	Amended Proposal*	Yield	19 lots	25 lots	Density	1 dwelling per 452m ²	1 dwelling per 344m ²	Minimum lot size	303m ²	150m ²	Maximum lot size	729m ²	399m ²	No. lots less than 350m²	6	22
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Redlands Planning Scheme
RECONFIGURATION CODE
In respect of the amended proposal, Council officers are of the opinion that the proffered lot sizes provide product choice for purchasers seeking a small dwelling without a body corporate. This is also consistent with the lot sizes established in the subdivision along Harrington Boulevard. By locating the lots within the designated urban area, environmental values will be maintained and onsite parking will be achieved. Officers also noted that proposed lot 26 (in the Open Space zone) is reasonable, as the building envelope is located over the cleared area. The acquisition of the majority of the Open Space land represents a positive environmental outcome, albeit less so than under the original proposal.

Redlands Planning Scheme
Grounds for Refusal
<u>Section 1.2.5(9)(g)</u>
Inconsistent development – inappropriate or not preferred in the relevant zones; inconsistent with the zone’s purpose, code assessment criteria and DEOs
Analysis
A number of aspects of the amended layout are inconsistent with the relevant zones, codes and DEOs, including lot size, density, development in the Open Space/Greenspace area and road dimensions. In all aspects except development in the Open Space/Greenspace, officers have concluded that the amended plans are consistent with the relevant zones, codes and DEOs, and where any inconsistency remains, it may be addressed by conditions.

Council also specified grounds for refusal under the Draft Redland City Plan. These were consistent with the corresponding provisions of the planning scheme set out above and included the following aspects:

1. The proposed development would prevent the planned allocation of open space, urban development, collector road and esplanade treatment, and pedestrian, cycle and public transport network;
2. The proposed development fails to protect the amenity of adjacent Low Density residential lots by locating small residential lots within the Open Space zone in the north;
3. Safety would be compromised by the failure to provide the Redland Bay Road intersection and the existing illegal U-turn issue would persist;
4. Lots smaller than 400m², with frontages less than 10m were proposed;
5. Conflict arose from the inclusion of urban development in the Recreation and Open Space zone
6. The creation of a cul-de-sac and planned non-grid pattern layout conflicted with the Reconfiguring a Lot code;
7. By failing to provide the Redland Bay Road intersection, the proposed development conflicted with the Transport, Servicing, Access and Parking code; and

8. The proposed development was contrary to the reasonable expectations of the community, as per the above-listed matters and as demonstrated by the submissions lodged in relation to the application.

Similar to the outcome of the Officer review in Table 1, many of the grounds under the Draft Redland City Plan have been addressed by AIC through the provision of their amended plans. In summary;

- Provision of the intersection and collector addresses the grounds with respect to 1, 3 and 7 above. It also addresses the issues raised by many of the submissions (as noted in 8, above), relating to road safety, traffic and illegal U-turns;
- Amenity concerns arising from the location of small lots immediately adjacent to the northern Low Density zone (point 2, above) are no longer an issue under the amended proposal, under which the proposed urban development is separated from the Low Density area by the collector road and open space;
- Although lots smaller than 400m² are still proposed, lot frontages are equal to, or exceed 10m. Officers have indicated that small lots are acceptable in the urban residential area and are consistent with development to the south, and it is considered that the proposal adequately addresses the grounds in respect of point 4, above;
- The conflict identified in point 5, above, remains from the inclusion of a private lot in the Recreation and Open Space zone;
- The amended proposal retains a cul-de-sac and non-grid pattern layout design, thereby remaining in conflict with the Reconfiguring a Lot code, as noted in point 6, above. Officers have indicated that the planning and engineering aspects of the proposal are acceptable, despite the conflict.

The detailed analysis undertaken in Table 1 provides further information relevant to these grounds.

Officers' Advice

Officers have concluded that, generally, the amended proposal adequately addresses Council's grounds for refusal and, where conflict remains with the relevant planning instruments, suitable conditions could be applied to mitigate this conflict. A draft conditions package is included at **Attachment 6**. The exception to this is the proposal to locate a large, urban lot within the Open Space/Greenspace area. Officers do not believe conditions can adequately mitigate the impacts on environmental and scenic values.

However, under section 45(5)(b) of the *Planning Act 2016*, the assessment manager, and the Court in this instance, may have regard to any other relevant matters in the assessment of a development proposal, for example, a planning need. In this case, there are a number of important relevant matters that Council may take into account, such as the provision of the four-way, signalised intersection at Redland Bay Road at the Appellant's expense and in accordance with the SETSPO. Council may balance this, and other such matters, against any potential conflicts with the planning scheme.

Expert Review and Advice

Council engaged [REDACTED] a Traffic and Transport expert, to review the traffic and road design aspects of the amended proposal. [REDACTED] provided advice in respect of the proposed road design and:

- Compliance with Council's planning scheme and standards, and other applicable standards and guidelines;
- Safety;
- Parking; and
- Pedestrian connectivity.

Following a number of amendments to the road network design, [REDACTED] concluded that it was satisfactory and in accordance with mediation discussions. Any residual issues could be addressed with conditions and/or at detailed design.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the Order made by the Planning and Environment Court on 17 April 2019, Council is required to notify the Appellant of its position in respect of the amended plans by 21 June 2019.

Risk Management

Financial

[REDACTED] This is a broad estimate and is dependent on the proposal the Appellant elects to rely on in the appeal and, subsequently, the extent of preliminary work required during the initial stages of hearing preparation.

People

Not applicable.

Environmental

The amended proposal establishes a greater footprint within the Open Space/Greenspace area than that under the original plan of development. This may result in a greater impact on vegetation and will result in a smaller area of land being transferred to Council.

Social

Not applicable.

Alignment with Council's Policy and Plans

The officers' assessment confirms that the amended development proposal generally aligns with Council's relevant development assessment policies and plans, with the exception of the large lot within the Open Space/Greenspace area. Council's Environmental Assessment Officers have concluded that this aspect of the development proposal cannot comply with the planning scheme.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Legal Services (Council)	Ongoing	<ul style="list-style-type: none"> ▪ Coordinated external legal and expert services ▪ Provided advice in the progress of the appeal ▪ Attended mediations
Solicitor (Hopgood Ganim)	Ongoing	<ul style="list-style-type: none"> ▪ Managed the progress of the appeal for Council ▪ Provided legal, prospects and costs advice ▪ Attended mediations
Traffic expert (Traffic Transport Plus)	Ongoing	<ul style="list-style-type: none"> ▪ Provided advice with respect to road and intersection design

OPTIONS**Option One**

That Council resolves as follows:

1. To support the amended development proposal.
2. To instruct its solicitors to take all necessary steps to settle the appeal, generally in accordance with the amended layout and draft conditions package.
3. That this report and attachments 1, 2, 4, 5 and 6 remain confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Two

That Council resolves as follows:

1. To reject the amended development proposal:
 - a. Instruct its solicitors to seek to enter into further without prejudice negotiations with the Appellant to amend the development.
 - b. Instruct its solicitors to prepare the matter for a hearing.

2. That this report and attachments 1, 2, 4, 5 and 6 remain confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

- 1. To support the amended development proposal.**
- 2. To instruct its solicitors to take all necessary steps to settle the appeal, generally in accordance with the amended layout and draft conditions package.**
- 3. That this report and attachments 1, 2, 4, 5 and 6 remain confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.**



Waterline Boulevard

Freshwater Street

Petroleum

Test Street

Unnamed

Weir Street

Arctic Street

Redland Bay Road

Harrington Boulevard

Cardwell Circuit

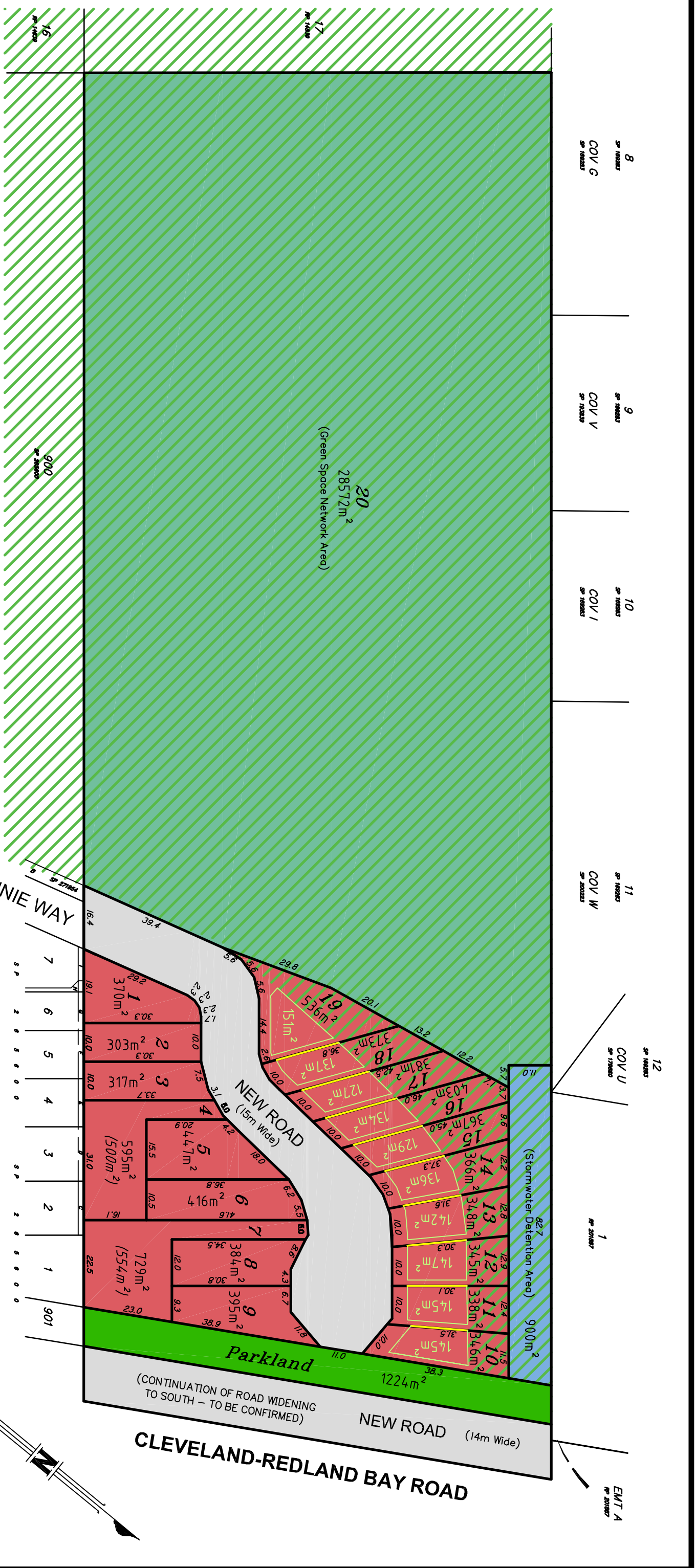
Newport Place

Kiama Circuit

Donnie Way

THORNLANDS

Pinecone Place



LEGEND

- Single Detached Dwelling (500m²) Lot area excluding access handle.
- Building Envelope (130m²)
- Total Frontage (70)
- Precinct 4d (As taken from page 28 of 05_14 - SET - ADOPTED)
- Zero Lot Line

ARNOLD DEVELOPMENT CONSULTANTS

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North Queensland: Level 1/25 Sturt Street, Townsville
 Phone: (07) 4722 2721, Facsimile: (07) 4722 2778

DEVELOPMENT SUMMARY

Lot 5	Lot 5
Site Area (Combined)	4.27 ha
Road Reserve (Approx)	4239m ²
Open Space	30696m ²
Net Developable Area	7759m ²
No. of Lots	19
No. of Dwellings Detached	19
No. of Dwellings Attached	-
Gross Density = Dwellings/ha	4.45
Net Density = Dwellings/ha	24.5

TITLE

PLAN OF DEVELOPMENT

Residential, Management, Green Space Network & New Road

PROJECT

289-301 Cleveland-Redland Bay Road
 Thornlands
 Lot 5 on RP 14839

CLIENT

Mark Winfield

Scale: 1:1000 @ A3

Planner: MGA/ASC

Drawn: DGF/MLT

REVISION: --

PROJECT No.	7092.12_POD	SHEET	1 of 1	DATE	10/08/2016
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**16.2.2 P&E APPEAL 4515/17 - AUSTRALIAN INNOVATION CENTRE VS
REDLAND CITY COUNCIL**

Objective Reference: A2802537
Reports and Attachments (Archives)

Authorising Officer: Louise Rusan
General Manager Community and Customer
Services

Responsible Officer: David Jeanes
Group Manager City Planning and Assessment

Report Author: Emma Martin
Senior Appeals Planner

EXECUTIVE SUMMARY

A confidential report from the General Manager Community & Customer Services was presented to Council for consideration.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr W Boglary
Seconded by: Cr T Hugues

That Council resolves as follows:

- 1. To oppose the approval of the development application for Standard Format 1 Lot into 19 Lots plus open space at 289-301 Redland Bay Road, Thornlands, for reasons generally in accordance with the following:**
 - a) The proposed development is contrary to orderly development as contemplated by the South-East Thornlands Structure Plan in that:**
 - i. The proposed development will prevent the subject site from achieving the road connection through the subject site shown on Map 1 - Land Use Precincts and Map 2 - Road Movement Network;**
 - ii. The proposed development will prevent the subject site from achieving the esplanade treatment (separating that part of the subject site within the Greenspace precinct from urban development) shown on Map 2 - Road Movement Network;**
 - iii. The proposed development will prevent the subject site from achieving the pedestrian and cycle link shown on Map 3 - Pedestrian/Cycleway and Public Transport Network Plan.**
 - b) That the proposed development fails to protect the amenity of the residents of the existing dwelling houses on the Park Residential zone land adjoining the structure plan area in that:**

- i. The proposed development includes residential lots within that part of the subject site located within both the Open Space Zone and the Greenspace Precinct (4d Thornlands Creek Corridor);
 - ii. The lot sizes proposed are inconsistent with the park residential nature of the adjoining development to the north.
- c) That the proposed development fails to ensure an appropriate level of safety by preventing the provision of a 4 way signalised intersection at the intersection of Cleveland Redland Bay Road, Waterline Boulevard and the Collector Street through the subject site shown on Map 2 - Road Movement Network in the South-East Thornlands Structure Plan; and
- d) That the development proposes lots with frontages of less than 10m in width (lots 15 to 18 which have frontages of approximately 8.8m) and consequently the development is inconsistent in the zone and in conflict with the Urban Residential Zone Code; and

2. That this report and its attachments remain confidential.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

17 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 12.13pm.

Signature of Chairperson: _____

Confirmation date: _____

P& E APPEAL 4515/17 – AUSTRALIAN INNOVATION CENTRE V REDLAND CITY COUNCIL – DEEMED REFUSAL FOR STANDARD FORMAT 1 LOT INTO 19 LOTS PLUS OPEN SPACE AT 289-301 REDLAND BAY ROAD, THORNLANDS

Objective Reference: **A2814553**
Reports and Attachments (Archives)

Attachments:

1. [Locality Map](#)
2. [Site Map](#)
3. [Briefing Note](#)
4. [Proposed Layout](#)
5. [Plan of Development - Precinct 4d \(Greenspace Overlay\)](#)
6. [Thornlands Creek Corridor](#)
7. [DTMR Response](#)
8. [Surrounding Approvals](#)
9. [Non Standard Lot](#)
10. [Road Movement Network Plan](#)
11. [DILGP position on appeal](#)

Responsible Officer: **Louise Rusan**
General Manager, Community and Customer Services

Responsible Officer: **David Jeanes**
Group Manager City Planning and Assessment

Author: **Emma Martin**
Senior Appeals Planner, Planning Assessment

PURPOSE

This report is referred to Council in order to confirm its position on the development proposal in the Planning and Environment Court appeal.

The site is located at 289-301 Redland Bay Road, Thornlands (refer **Attachments 1 and 2**) and forms part of the wider South East Thornlands Structure Plan area. Council received an application seeking approval for Reconfiguring a Lot for a 1 into 19 lot subdivision, road and open space on the 18 August 2016. The application was referred to the State as it adjoins a State-controlled road.

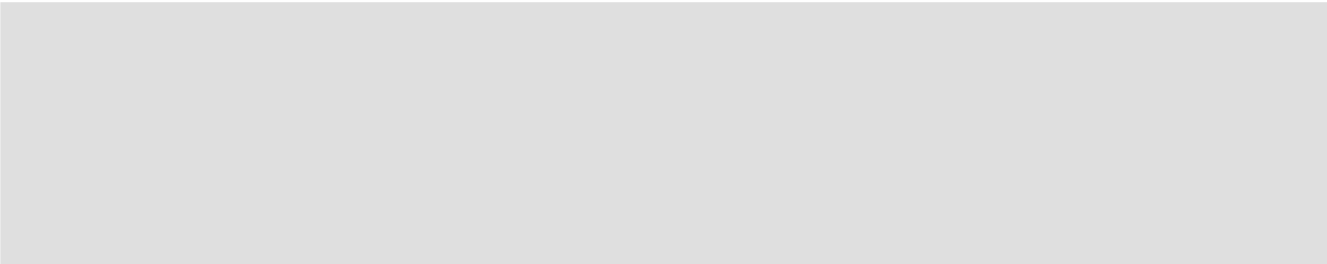
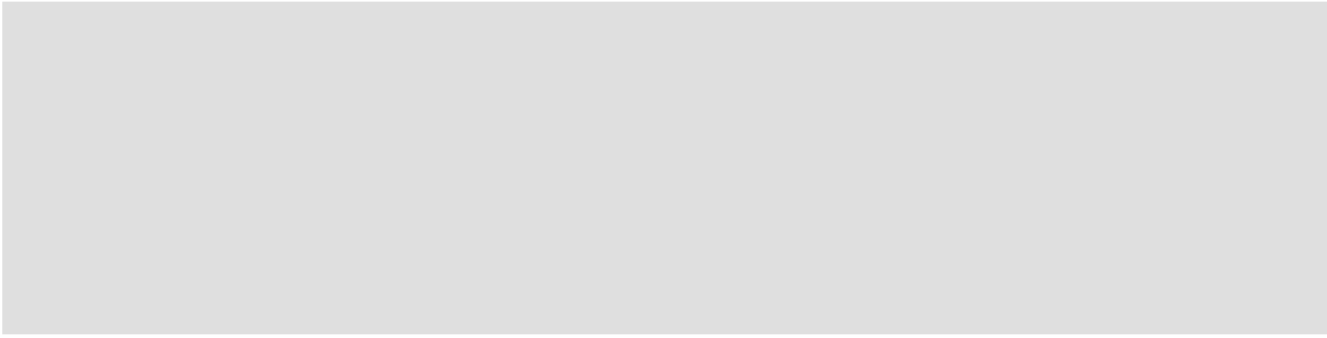
Council's decision on the application was due on 22 November 2017. The applicant did not agree to extend the decision due date. On the 23 November 2017, the applicant filed an appeal with the Planning & Environment (P&E) Court against the deemed refusal of the development application. The Chief Executive, Department of Infrastructure, Local Government and Planning, has elected to co-respond to the Notice of Appeal.

On 17 January 2018, the co-respondent (DTMR) notified the parties of its position in relation to the appeal and reaffirmed its support for the proposal, subject to unspecified conditions. By 31 January 2018 the respondent (Council) is to notify the parties whether it supports or opposes the approval of the development application the subject of this appeal.

If Council notifies that it opposes the approval of the development application, reasons for this opposition are to be provided.

BACKGROUND

There are no previous planning approvals for the site relevant to this proposal. The site contains an existing dwelling house and ancillary structures.



A development application was lodged in October 2013 over land to the south, which is now known as the Esperance Estate. This development was approved with a left in and left out access onto Redland Bay Road (Council Ref: ROL005695).

ISSUES

Development Proposal & Site Description

Proposal

The application as originally lodged consisted of a 1 into 22 lot reconfiguration, including new road and open space. A minor change to the application was made during the assessment, and the proposal now comprises a 1 into 19 lot reconfiguration, with new road and open space (refer **Attachment 4**). The proposed lot sizes range from 303m² to 729m² and are arranged around a new cul-de-sac street, which is a continuation of Connie Way to the south.

The subdivision also includes dedication of land for park (29796m²), and a 14m wide road widening, acoustic fence and buffer planting along Redland Bay Road. Pedestrian movement between the site and public areas has been provided for, with pedestrian links to Redland Bay Road from the end of the cul-de-sac street.

Site & Locality

The site is located within the northern portion of the South East Thornlands Structure Plan (SETSP) Overlay area and is bounded by Redland Bay Road to the east, which is a State-controlled road. The site is part of the wider SETSP area which includes land zoned for residential purposes appropriate to accommodate expected future population growth within this area of the City. As such, the site forms part of an emerging residential community.

The part of the site zoned for residential purposes is predominantly clear of vegetation while the remainder of the site contains a heavily vegetated creek corridor.

Adjoining sites to the north consist of larger Park Residential zoned lots containing dwelling houses. Development to the south consists of a large approved residential development of varying lot sizes that is currently being developed in accordance with the approval; and is known as the Esperance Estate.

The current use of the site is for rural residential living and contains a dwelling and associated outbuildings. All existing structures will be removed from the site to facilitate the subdivision.

Application Assessment

Sustainable Planning Act 2009

The application was made in accordance with the *Sustainable Planning Act 2009* (SPA) Chapter 6 – Integrated Development Assessment System (IDAS) and constituted an application for Reconfiguration of Lots under the Redlands Planning Scheme.

SEQ Regional Plan 2009-2031

The site is located within the Urban Footprint in the SEQ Regional Plan 2009-2031.

State Planning Policies & Regulatory Provisions

State Planning Policy / Regulatory Provision	Applicability to Application
SEQ Koala Conservation SPRP	<p>The site is within Division 3 (now Planning Regulation Schedule 11 Part 2 (2)) Broadhectare - South East Thornlands Structure Plan.</p> <p>Aerial photography indicates that about 2500m² of vegetated land adjacent to the western and southern boundaries will be impacted in some way by the proposed layout. This is the location of the Connie Way extension, proposed Lots 1 and 19 and the rear of proposed Lots 16-18. From on-site visual inspection and aerial photography, some trees in this area appear to be viable koala habitat. This is supported by observations discussed in the ecology report of koala habitat trees, as well as some exotic and weed species.</p> <p>In respect of koala habitat, the applicants' ecological consultant stated that:</p> <p><i>“Sclerophyll bushland area of the [parent] site could potentially comprise some temporary/transitory habitat value for the Koala and Grey-headed Flying-fox within a broader home-range, however a targeted direct/trace search revealed no current/recent presence at time of survey and they are considered a sporadic / uncommon occurrence at most”.</i></p> <p>This is at odds with known data including individual koala tracking records and independently-compiled vehicle strike statistics that indicate frequent koala use of the vegetated creek corridor to the rear of the proposed development footprint, which links via Redland Bay Road to the Pinklands site opposite. The crossing point is about 150-200m to the north of the subject site where koala movements are known to be frequent. The parent site's native vegetation to the rear of the proposed development footprint is directly connected to a known koala habitat area within the creek</p>

	<p>corridor.</p> <p>Given the historical clearing of the proposed development footprint itself, it is considered reasonable to conclude that koala usage of the cleared area would be minimal.</p> <p>From the information provided with the application, it appears that there may be 2-3 non-juvenile koala habitat trees impacted by the development. A detailed plan showing species, height, trunk diameter and canopy spread of trees within a 10m radius of all structures will be required at operational works. Where non-juvenile koala trees are shown to be impacted and require removal, they will be required to be replaced at a ratio of three new koala habitat trees for every one non-juvenile koala habitat tree removed or a financial contribution, in accordance with the Offsets Act.</p>
SPRP (Adopted Charges)	<p>The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council's adopted resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.</p>
State Planning Policy April 2016	<p><u>Biodiversity – MSES – Wildlife habitat</u></p> <p>The proposed development is largely located outside the area designated as MSES – Wildlife Habitat. Further assessment has been undertaken regarding fauna movement and protection of vegetation within the habitat area. This land would be dedicated to Council as part of any approval. Therefore there are no further issues requiring assessment against the SPP.</p> <p><u>Water Quality – Climatic regions – stormwater management design objectives</u></p> <p>The applicant provided a Site Based Stormwater Management Plan, prepared by DNBS Consulting Engineers, which proposes a bio-retention system along the north west boundary of the lot. The calculations indicate a surface area of 480m² and a filter area of 345m². The modelling indicates that the system would meet the SPP water quality standard.</p> <p><u>Hazards & Safety – Bushfire hazard</u></p> <p>The development is located within the potential impact buffer which adjoins a high potential bushfire intensity designation. The submitted Bushfire Hazard Management Plan adequately demonstrates that the SPP requirements in relation to bushfire hazard would be met. The proposal avoids natural hazard areas, does not unduly burden disaster management response capacity and avoids risks to public safety.</p>

Redlands Planning Scheme

The application was assessed under the Redlands Planning Scheme version 7.1.

The application was subject to impact assessment and is therefore assessable against the entire planning scheme. However it was recognised that the following codes are most relevant to the application:

- Urban Residential Zone Code
- Open Space Zone Code
- Community Purposes Zone Code
- Reconfiguration Code
- Development Near Underground Infrastructure Code
- Excavation and Fill Code
- Infrastructure Works Code
- Stormwater Management Code
- Overlays: Acid Sulfate Soils Overlay Code, Bushfire Hazard Overlay Code, Habitat Protection Overlay Code, Flood Prone Storm Tide and Drainage Constrained Land Overlay Code, Road and Rail Noise Impact Overlay Code, South East Thornlands Overlay Code and Waterways Wetlands and Moreton Bay Overlay Code.

The proposal is on a site zoned Urban Residential, Open Space and Community Purposes. Reconfiguring a Lot is code assessable within the Urban Residential zone and impact assessable within the Open Space zone. The proposed development has been assessed against the applicable codes and is considered to conflict with the Redlands Planning Scheme. The key issues in this regard are discussed below.

Access

Specific Outcome S2.1 of the SETSP overlay code states that “(1) *Principal streets that include trunk collector and collector streets are provided generally in accordance with Map 2 – Road Movement Network Plan*” (**Attachment 10**) and “(2) *Trunk collector and collector streets are designed to accommodate the safe and efficient movement of public transport buses*”. Map 2 shows a left in and left out intersection is anticipated to the north eastern corner of the lot, which allows a collector street to run through the subject site and connect to Redland Bay Road.

The proposed subdivision layout only provides an internal cul-de-sac and does not provide a left in left out intersection onto Redland Bay Road; consequently the development does not comply with specific outcome S2.1 of the code. The proposal must therefore be assessed against the overall outcome as follows:

Overall outcome “(2)(b) *Movement Network (Map 2, Map 3)*” states that:

“(i) *Uses and other development reinforce a safe, integrated, highly accessible and interconnected road network that:*

- a. *provides high levels of legibility, connectivity and permeability for all street uses, while ensuring appropriate levels of safety, amenity and protection from the impact of traffic movements;...*

It is noted that the intersection of Harrington Boulevard and Redland Bay Road to the south of the site, was approved as a permanent access to the Esperance development under application (ROL005695). This provided an alternative outcome to the anticipated intersection with Redland Bay Road (refer to Map 2 in **Attachment 10**), and was approved by the State government as part of their concurrence agency responsibility for this development. It is noted that an extension of Connie Way was included as part of this

development, and an approximately 18m wide road verge was approved (and which has been constructed) to facilitate access through the subject site in the future.

A further development located across the road to the east of the site (Waterline Estate, **Attachment 8**), which was approved by a Court order, required the construction of traffic lights to provide access to the site from Redland Bay Road. It was envisaged as part of this application that any future development on the lots to the west and south west would ultimately result in this three way intersection being upgraded to a four way intersection, allowing for access through the subject site in accordance with the anticipated road layout in the SETSP (**Attachment 10**).

It is noted that in relation to the proposed development application, the concurrence agency (DTMR) after assessing the development and considering impacts on State transport infrastructure (Redland Bay Road), advised Council to impose conditions, which endorsed the proposed layout, with no direct access to Redland Bay Road. This severely hampered Council's ability to not approve the proposed access arrangements, as the State government has jurisdiction for access to its own State-controlled road network.

However, after receiving the State's concurrence agency response, Council officers met with DTMR officers to discuss concerns with their decision. As part of these discussions, DTMR officers indicated that a signalised four way intersection along Redland Bay Road would be preferable in order to facilitate a safe and efficient road network and improve accessibility for residents within the estates accessing to and from Redland Bay Road.

DTMR could not however amend their concurrence agency response once issued and so DTMR officers, including the Director-General of the Department, instead confirmed their intention to support Council should the matter proceed to Court. Following the filing of the appeal the Department of Infrastructure, Local Government and Planning (DILGP), which handles appeals affecting all state agencies, elected to co-respond to the Notice of Appeal. DILGP advised Council and other parties of its position in the appeal on 17 January 2017, confirming that the application could be approved, subject to undisclosed conditions (**Attachment 11**) which appears to maintain their original concurrence agency response. The letter also confirmed that DILGP would not oppose a solution that incorporated a 4-way signalised intersection so long as it is provided at no cost to the State.

In light of the above, and despite the position of the State in the appeal, it is considered that the development would not comply with overall outcome (2)(b)(i) of the SETSP Overlay Code by providing a safe, integrated, highly accessible and interconnected road network for the area.

It is noted that, should a four way intersection be required on this site, further works to the current left in left out arrangement at the intersection of Harrington Boulevard and Redland Bay Road may be required, due to its proximity to the future intersection.

Open Space under Private Ownership

The table of assessment within the Open Space Zone Code identifies reconfiguring a lot as Impact Assessable where not being undertaken by local government or where the land within the Open Space zone is not contained in a single lot. The proposal is not considered to be inconsistent within the zone, however a number of outcomes need to be satisfied as residential lots would be located partly within the Open Space zone.

The site has a split zoning of Urban Residential, Open Space and Community Purposes. The eastern part of the site is zoned Community Purposes and will be dedicated to the State and Council for road widening and landscaping/acoustic treatments. The majority of

the land zoned Open Space is proposed to be dedicated to Council as open space. However, ten (10) of the proposed residential lots (Lots 10-19) are located partly within the Open Space zone along with the stormwater bio retention system.

Specific Outcome S1.3 of the Open Space Zone Code states:

“(1) reconfiguration –

- (a) facilitates the dedication of open space land to Council as non-trunk or trunk infrastructure as identified in Part 10 – Priority Infrastructure Plan;*
- (b) enhances social, cultural and recreational opportunities;*
- (c) provides linkages between existing and/or open space areas;*
- (d) does not prejudice the future use of this land for open space purposes.*

The proposal dedicates the majority of the open space zoned land to Council as non-trunk infrastructure, which comprises land that is heavily vegetated and will be protected through this dedication. It will act as an important connection between the Council-owned land to the south, which was dedicated as part of the Esperance development, and the vegetated corridor protected by covenants on the adjoining lots to the north.

This area of open space zoning is also identified as Precinct 4d (Thornlands Creek Corridor) in the SETSP overlay map. (**Attachment 5**)

Specific Outcome S1.6 (g) of SETSP overlay code specifies that where in Sub-precincts 4a, 4b, 4c, 4d and 4f - be progressively transferred to public ownership. The proposal does not comply with this as it includes approximately 3,000m² (10% of the Open Space zoned part of the lot) of Precinct 4d which will be in private ownership and will form part of proposed Lots 10 to 19. The proposal must therefore be considered against the relevant overall outcome of this code.

Overall outcome (2)(a)(ii)(d) of SETSP overlay code stipulates that *“Sub-precinct 4d Thornlands Creek Corridor protects and enhances publicly owned land that:*

- buffers the ecologically sensitive habitats and receiving waters of Thornlands Creek;*
- maintains the hydraulic capacity of Thornlands Creek and its riparian flood plains to accommodate local flooding and overland stormwater flows;*
- incorporates an important habitat and movement corridor for koalas and other fauna.”*

Thornlands Creek does traverse the site (refer **Attachment 6**) and the entire area that buffers this creek is proposed to be dedicated to Council as open space. Additionally, the fauna movement corridor follows this creek corridor and buffer area, and therefore will be protected in accordance with the overall outcome. It is therefore considered that the proposal meets overall outcome (2)(a)(ii)(d) of SETSP overlay code.

Esplanade Road

Notwithstanding the section above regarding development in the Open Space zone, Specific Outcome S2.3 and Overall Outcome 2(b)(i)c of the South East Thornlands Structure Plan Overlay code requires the provision of esplanade roads to separate urban development from the Greenspace Precinct. These provisions are intended to ensure that Council's open space areas are safe and accessible and incorporate CPTED principles by increasing passive surveillance of public spaces, footpaths and cycleways. It also serves to reduce the impact of urban encroachment into open space areas that can occur as a result of back fence fly tipping and garden boundary encroachment.

The proposed development incorporates rear gardens of proposed lots within the Greenspace Precinct and as such conflicts with these provisions. The application is therefore considered to conflict with the South East Thornlands Structure Plan Overlay in this regard.

Pedestrian connectivity to Redland Bay Road

Specific Outcome S2.8 of the South East Thornlands Structure Plan Overlay code requires the provision of an integrated network of pedestrian and cycle paths in accordance with Map 3 – Cycling and Public Transport Network Plan to ensure safe and convenient access in accordance with CPTED principles. The proposed development could be conditioned to provide a pedestrian link to Cleveland Redland Bay Road via the proposed cul-de-sac head, however this is not considered to comply with the requirements of the Overlay. Overall Outcome 2(b)(i) and (ii) seek a pedestrian and cycle network with a high level of legibility, connectivity and permeability for all street uses, while ensuring appropriate levels of safety, amenity and protection from the impact of traffic movements.

As discussed above, in this location the Overlay anticipates the provision of an esplanade road that incorporates the extension of the existing footpath along Harrington Blvd. The proposed development is not a legible extension to this existing infrastructure, and whilst it represents a low-speed traffic environment, given it is the primary route for a large number of residents to the planned regional recreational park across Redland Bay Road, it is not considered to meet the level of amenity and safety planned for by the Redlands Planning Scheme.

Frontage Width and Density

The proposal includes construction of a new road and therefore constitutes a major reconfiguration in accordance with the planning scheme.

Probable Solution P2.1(2)(a) of the Reconfiguration Code identifies a deemed-to-comply minimum lot size of 350m² for medium and major reconfigurations.

Based on the Urban Residential zoned part of the site which is approximately 8,600m², the proposal will achieve a residential density of approximately 1 dwelling per 452m², with lot sizes ranging between 303m² to 729m². The proposed lot size for Lots 2 and 3 are 303m² and 317m² respectively and Lots 10 to 13 are between 338m² to 348m² which are less than the deemed to comply solution of 350m².

Specific Outcome S2.1(2) states:

“(2) The creation of Standard Format Plan lots results in a mix of lot sizes that suit a variety of needs with areas and dimensions that –

- (a) use land efficiently and allow amalgamation of lots to suit specific needs;*
- (b) protect environmental values, and cultural and scenic features;*
- (c) address site constraints such as identified hazards, slope and site drainage;*
- (d) retain significant features, such as native plants;*
- (e) take into account the slope of the land to minimise the need for excavation and fill;*
- (f) for housing, are of a size and width that -*
 - (i) take advantage of microclimatic benefits;*

- (ii) have dimensions to allow on-site solar access and access to breezes;*
- (iii) provide locations for private outdoor places;*
- (iv) provide convenient vehicle access and onsite parking;*
- (v) where reticulated sewer is not available, have a sufficient area for on-site wastewater management systems;”.*

Specific Outcome S2.2(1) states:

“In Urban Residential Zone, lots are of a size and width that –

- (a) achieve a density that meets expected population growth;*
- (b) maintains a quality lifestyle;*
- (c) meets the requirements of people with different housing needs;*
- (d) provides housing choice*

The proposal is considered to achieve the specific outcomes as the proposal will protect environmental values and scenic features through the dedication of the majority of the open space zoned part of the lot, filling is required only to achieve drainage to sewer, there will be minimal impact on vegetation and will provide lots of a size and width to achieve sufficient solar access and breeze, provide sufficient private open space and dwelling design will be able to provide necessary onsite parking. The proposal will also provide lot sizes to suit specific housing needs in demand in the current market.

Further, all lot frontages are at least 10m wide, except for proposed Lots 15 to 18 which have frontages of approximately 8.8m when measured at a 90° degree angle, in accordance with Diagram 5 of the Reconfiguration Code for a non-standard lot (**Attachment 9**). These frontages do not meet the probable solution of 10m and, more importantly, do not meet specific outcome S1.1 of the Urban Residential zone code, which identifies that lots with frontage less than 10m are inconsistent development in this zone. It is recommended that Council identify this as an additional issue in dispute for the appeal. In order to achieve specific outcome S1.1 of the Urban Residential zone code, the applicant should provide a lot layout which achieves lots with frontages of 10m or greater.

Infrastructure Works

New infrastructure is to be provided as part of the subdivision works. The latest sewer plans demonstrate that a gravity sewer can service the development with acceptable earthworks undertaken to achieve this. The current design does not comply with the SEQ Code as some of the proposed sewer grades are too flat. This could be resolved at operational works which may require minor additional filling to get grade where required.

Stormwater is proposed to be directed to the north into a basin which is sufficient in size to cater for the development and will achieve stormwater quality in accordance with the Stormwater Management Code. Detailed designs will be assessed as part of any operational works application.

All other services can be provided on standard alignments in the proposed road reserve.

Excavation and Fill

Probable Solution P1 of the Excavation and Fill Code seeks that excavation and fill maintains the amenity of adjoining properties by ensuring that retaining walls are setback at

least half the height of the wall from any boundary of the site, do not exceed 2.5m in height and are stepped or terraced .75m for every 1.5m in height to incorporate landscaping.

Further detailed assessment of any retaining walls, if required, will be undertaken as part of any future operational works application which will be conditioned as part of this approval.

Road and Rail Noise Impact Overlay

The eastern boundary adjoins Redland Bay Road which is a State-controlled road. The DTMR has conditioned acoustic attenuation by including the “*Environmental Noise Impact Assessment*” report, dated 07/08/2017, prepared by CRG Acoustics, in their conditions. The DTMR response provided to Council will form part of Council’s conditions package, if approved. Landscaping will be provided in front of this acoustic fence to provide screening to reduce impact on the road.

Infrastructure Charges

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The total charge applicable to this development is:

[REDACTED]

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

Notice #001547

[REDACTED]

Offsets

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

Refunds

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

State Referral Agencies

• **State Assessment & Referral Agency (SARA) (Attachment 7)**

SARA provided a referral agency response dated 25/08/2017 in regards to the State-controlled road in response to the amended layout. The Department indicated no objection to the proposed development subject to referral agency conditions in regards to stormwater management and noise attenuation measures. The Department’s referral response, including conditions, must be attached to Council’s Decision Notice if approved.

Consultation

The assessment officer consulted with internal assessment teams and advice was received which formed part of the assessment process and is included in this report where appropriate.

Copies of the application were provided to the local Councillor on 4 August 2016.

Council officers also consulted with officers from the Department of Transport and Main Roads as discussed above.

Public Consultation

The proposed development is Impact assessable and required public notification. The application was publicly notified for 15 business days from 30/11/2016 to 20/12/2016. A notice of compliance for public notification was received on 21/12/2016.

Submissions

There were three (3) properly made submissions received during the notification period. However, a further two (2) submissions were received which were not properly made but which were accepted under section 305(3) of SPA. Other issues were raised in further submissions which were not properly made and discussed and supported by the divisional Councillor.

The matters raised within these submissions are outlined below:

1.	<p>Issue High density development.</p> <p>Officer's Comment The lot sizes proposed are considered to comply with the planning scheme.</p>
2.	<p>Issue Adequate buffer to be provided between property to the north and the proposed development due to noise associated with vehicle movements.</p> <p>Officer's Comment An amended layout now proposes residential lots between the road and the lot to the north which will reduce noise associated with vehicle movements. However, this arrangement removes the esplanade road that is sought by the structure plan overlay code in the vicinity of this boundary. This is discussed in the Issues section of this report.</p>
3.	<p>Issue Ensure that adequate measures put in place to prevent stormwater impacting on adjoining land.</p> <p>Officer's Comment An amended site-based stormwater management plan has been provided demonstrating that no net worsening of stormwater will occur to the adjoining land to the north as a basin is proposed along the northern boundary. Further design detail will be provided as part of an application for operational works.</p>
4.	<p>Issue Street lights to be positioned and directed away from bedrooms of the adjoining lot to the north.</p> <p>Officer's Comment</p>

	<p>The amended layout now proposes dwellings to be located between the road and the boundary and therefore street lighting should not present any issues to the adjoining lot.</p>
5.	<p>Issue</p> <p>Dust minimisation during construction phase.</p> <p>Officer's Comment</p> <p>This will be addressed as part of operational works.</p>
6.	<p>Issue</p> <p>Connecting adjoining land to reticulated sewer.</p> <p>Officer's Comment</p> <p>This matter is not relevant to the proposed development.</p>
7.	<p>Issue</p> <p>Development does not propose an intersection as indicated in the structure plan.</p> <p>Officer's Comment</p> <p>This is discussed in detail in the report.</p>
8.	<p>Issue</p> <p>Vehicles performing U-turns on Redland Bay Road on a daily basis to gain access to Harrington Boulevard which is illegal and dangerous.</p> <p>Officer's Comment</p> <p>Whilst illegal U-turns are generally a police matter, they are also a symptom of an inefficient road network. Some of these U-turns may be alleviated by the construction of the planned four way intersection at Beveridge Road, however it is likely that illegal manoeuvres into the estate at this point will remain an attractive option for residents living closer to the subject site.</p>
9.	<p>Issue</p> <p>Pedestrian/cycle movements are restricted and dangerous. Continuation of a footpath along Redland Bay Road should be provided to the signalised intersection to provide safe crossing.</p> <p>Officer's Comment</p> <p>The proposal includes the extension of the existing footpath on the western side of Redland Bay Road to continue to the signalised intersection and therefore will provide a safe crossing.</p>
10.	<p>Issue</p> <p>Important remnant vegetation will be protected in perpetuity through its transition into public ownership. However the Environmental Impact Report greatly underestimates the value of this remnant both in the vegetation and fauna use. There are veteran trees in this patch including a Eucalyptus tereticornis that is estimated to be 400 years of age.</p> <p>Officer's Comment</p> <p>Approximately 2.8 hectares of largely remnant vegetation will be transferred to public ownership. This is the area containing the waterway system and is considered to contain the most viable wildlife corridor. The submitter acknowledged that this is a good outcome and indicated support for the transfer to public ownership. This is also</p>

	discussed further in this report.
11.	<p>Issue</p> <p>Fauna usage is downplayed as koalas have been seen and heard in abundance for many years as neighbours would testify. Gliders, in particular squirrel gliders, are frequently seen with a spotlight from neighbouring properties and fairly uncommon birds such as whipbirds and rufous night heron have also been seen.</p> <p>Officer's Comment</p> <p>The presence or absence of koalas has been discussed within the assessment section of this report. The ecological report appears to have been based on a relatively brief field survey over a limited time period. Given the seasonal patterns in native fauna use, it is not surprising that the report recorded limited direct evidence of fauna use at the time. Observations by members of the public and Council over a long time period have noted usage of the general vicinity by a number of significant native species. Casualty data alone has identified frequent koala crossings of Redland Bay Road 200 metres to the north-west. This is the point where the waterway in the future public portion of the site crosses under the road, and is where fauna movement in general would be expected to occur. Regardless of the report's level of detail, it is acknowledged that fauna usage is significant, and is a reason in itself for transfer of the balance of the site to public ownership.</p>
12.	<p>Issue</p> <p>The Open Space zoning (RPS) / Greenspace (SETSP) on the northern side of the block towards Cleveland Redland Bay Road appears far wider than the 4 metres shown in the application. According to the SETSP, access streets are not supposed to extend into the Greenspace Network. This area is clearly meant to form a wildlife corridor as it is the nearest part of the structure plan area to access the Pinklands Reserve and parkland over the road. This is supported by the Open Space and Recreational Areas and Facilities Diagram 5 in the SETSP which shows the area as part of the "Urban Habitat Corridor".</p> <p>Officer's Comment</p> <p>It is not considered desirable to encourage fauna movement through the narrow corridor at the north of the site which adjoins a major road. Fauna movement is encouraged along the waterway alignment where it crosses into the Pinklands reserve about 200 metres to the north-west of the subject site. The development will maintain a habitat and movement corridor for Koalas and other fauna within the Thornlands Creek catchment area further to the west.</p>
13.	<p>Issue</p> <p>A koala tracked by UQ researchers in 2010 was found to cross Cleveland Redland Bay Road many times. This gives the lie to the belief that koalas are "encouraged" into areas of danger by the planting of trees. Koalas cross roads because of hunger and the absence of trees only exacerbates the problem.</p> <p>Officer's Comment</p> <p>Matters relating to the presence or absence of koalas, vegetation retention and enhancement are discussed in the assessment section of this report. It is assumed that the submitter is referring to a radio tracking exercise that recorded an individual koala's regular movements back and forth across Redland Bay Road over a 3 month</p>

period. The tracking data shows that the individual regularly moved between the Pinklands reserve, the Park Residential lots to the north west of the site and the waterway alignment to the rear of the development area. There were several road crossing points centred on the waterway alignment where it crosses into the Pinklands reserve about 200 metres to the north-west of the subject site. It is expected that other koalas and fauna generally also follow the same route as there is vegetation on both sides of the road.

Appeal

Council's decision on the application was due on 22 November 2017. The applicant did not agree to extend the decision due date. On the 23 November 2017, the applicant filed an appeal with the Planning & Environment (P&E) Court against the deemed refusal of the development application. The Chief Executive, Department of Infrastructure, Local Government and Planning, elected to co-respond to the Notice of Appeal.

On 17 January 2018, the co-respondent (DTMR) notified the parties of its position in relation to the appeal and reaffirmed its support for the proposal, subject to unspecified conditions (**Attachment 11**). By 31 January 2018 the respondent (Council) is to notify the parties whether it supports or opposes the approval of the development application the subject of this appeal. If Council notifies that it opposes the approval of the development application, reasons for this opposition are to be provided.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the Planning & Environment Court Order, Council is to notify the parties whether it supports or opposes the approval of the development application the subject of this appeal, by 31 January 2018. If Council notifies that it opposes the approval of the development application, reasons for this opposition are to be provided.

Risk Management

Not applicable.

Financial

Council will incur legal costs associated with being party to this appeal. If Council chooses to oppose the development, it would take a more active role in the appeal and likely incur higher costs as a result.

People

Not applicable. There are no implications for staff.

Environmental

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

Social

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

Alignment with Council's Policy and Plans

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

CONSULTATION

The assessment manager consulted with other internal assessment teams where appropriate. Advice has been received from relevant officers and forms part of the assessment of the application. Officers also consulted with the relevant asset owners in City Spaces, City Infrastructure and Redland Water.

OPTIONS

Option One

That Council resolves as follows:

1. To oppose the approval of the development application for Standard Format 1 Lot into 19 Lots plus open space at 289-301 Redland Bay Road, Thornlands, for reasons generally in accordance with the following:
 - a. The proposed development is contrary to orderly development as contemplated by the South-East Thornlands Structure Plan in that:
 - i. The proposed development will prevent the subject site from achieving the road connection through the subject site shown on Map 1 - Land Use Precincts and Map 2 - Road Movement Network;
 - ii. The proposed development will prevent the subject site from achieving the esplanade treatment (separating that part of the subject site within the Greenspace precinct from urban development) shown on Map 2 - Road Movement Network;
 - iii. The proposed development will prevent the subject site from achieving the pedestrian and cycle link shown on Map 3 - Pedestrian/Cycleway and Public Transport Network Plan.
 - b. That the proposed development fails to protect the amenity of the residents of the existing dwelling houses on the Park Residential zone land adjoining the structure plan area in that:
 - i. The proposed development includes residential lots within that part of the subject site located within both the Open Space Zone and the Greenspace Precinct (4d Thornlands Creek Corridor);
 - ii. The lot sizes proposed are inconsistent with the park residential nature of the adjoining development to the north.

- c. That the proposed development fails to ensure an appropriate level of safety by preventing the provision of a 4 way signalised intersection at the intersection of Cleveland Redland Bay Road, Waterline Boulevard and the Collector Street through the subject site shown on Map 2 - Road Movement Network in the South-East Thornlands Structure Plan; and
- d. That the development proposes lots with frontages of less than 10m in width (lots 15 to 18 which have frontages of approximately 8.8m) and consequently the development is inconsistent in the zone and in conflict with the Urban Residential Zone Code; and

2. That this report and its attachments remain confidential.

Option Two

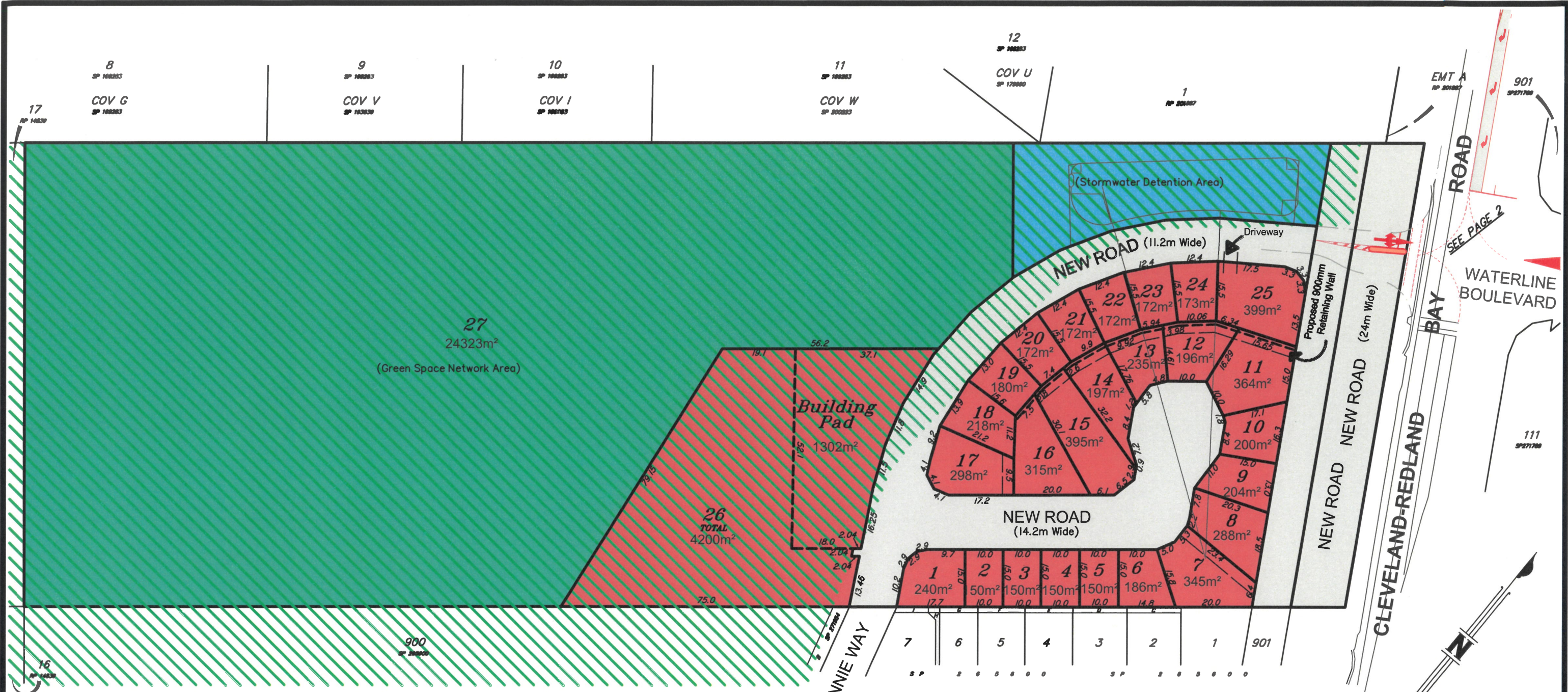
That Council resolves to advise the relevant parties in the appeal that it supports the approval of the development application, subject to appropriate conditions.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. To oppose the approval of the development application for Standard Format 1 Lot into 19 Lots plus open space at 289-301 Redland Bay Road, Thornlands, for reasons generally in accordance with the following:
 - a) The proposed development is contrary to orderly development as contemplated by the South-East Thornlands Structure Plan in that:
 - iv. The proposed development will prevent the subject site from achieving the road connection through the subject site shown on Map 1 - Land Use Precincts and Map 2 - Road Movement Network;
 - v. The proposed development will prevent the subject site from achieving the esplanade treatment (separating that part of the subject site within the Greenspace precinct from urban development) shown on Map 2 - Road Movement Network;
 - vi. The proposed development will prevent the subject site from achieving the pedestrian and cycle link shown on Map 3 - Pedestrian/Cycleway and Public Transport Network Plan.
 - b) That the proposed development fails to protect the amenity of the residents of the existing dwelling houses on the Park Residential zone land adjoining the structure plan area in that:
 - iii. The proposed development includes residential lots within that part of the subject site located within both the Open Space Zone and the Greenspace Precinct (4d Thornlands Creek Corridor);
 - iv. The lot sizes proposed are inconsistent with the park residential nature of the adjoining development to the north.
 - c) That the proposed development fails to ensure an appropriate level of safety by preventing the provision of a 4 way signalised intersection at the intersection of Cleveland Redland Bay Road, Waterline Boulevard and the Collector Street through the subject site shown on Map 2 - Road Movement Network in the South-East Thornlands Structure Plan; and

- d) That the development proposes lots with frontages of less than 10m in width (lots 15 to 18 which have frontages of approximately 8.8m) and consequently the development is inconsistent in the zone and in conflict with the Urban Residential Zone Code; and
2. That this report and its attachments remain confidential.



LEGEND

- Single Detached Dwelling
- Precinct 4d
(As taken from page 28 of 05.14 - SET - ADOPTED)



Land development strategies through excellence in Land Surveying & Town Planning
 Email: 'mail@adcqld.com.au' Web: adcqld.com.au

Brisbane: Level 1/55 Douglas Street, Milton
 Phone: (07) 3333 1985, Facsimile: (07) 3333 1986

Gold Coast: Level 1, 7/5 Executive Drive, Burleigh
 Phone: (07) 5593 4099, Facsimile: (07) 5593 8066

Rockhampton: 7/67 East Street, Rockhampton
 Phone: (07) 4199 6317, Facsimile: (07) 4922 6908

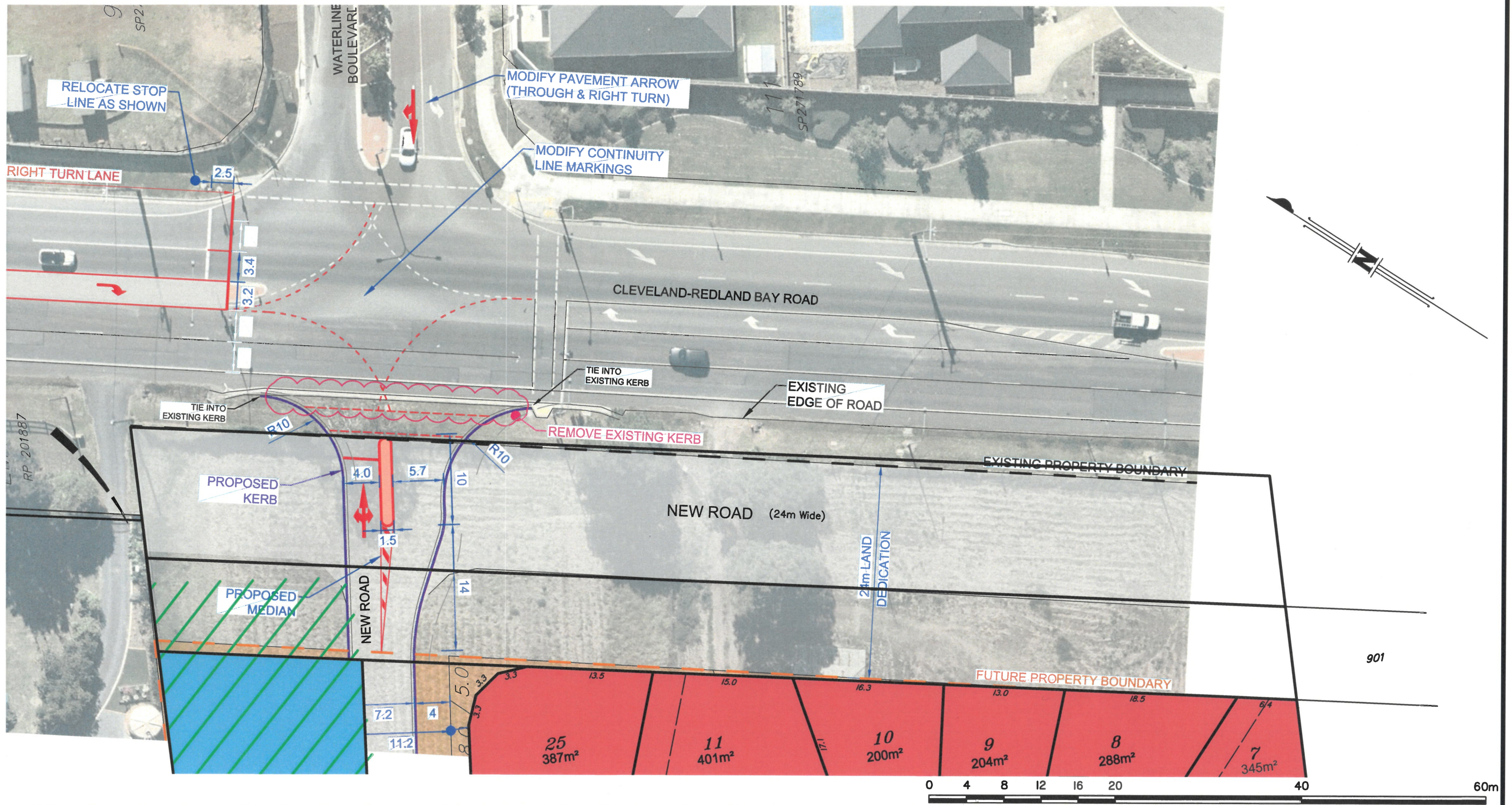
Townsville: Level 1/25 Sturt Street, Townsville
 Phone: (07) 4722 2721, Facsimile: (07) 4722 2778

DEVELOPMENT SUMMARY	
Site Area (Combined)	4.27 ha
Road Reserve (Approx)	6544m ³
Open Space	26173m ²
Net Developable Area	9981m ²
No. of Lots	26
No. of Dwellings	26
Detached	26
Attached	-
Gross Density = Dwellings/ha	6.09
Net Density = Dwellings/ha	26

TITLE
PLAN OF DEVELOPMENT
 Residential, Management,
 Green Space Network & New Road

PROJECT
 289-301 Cleveland-Redland Bay
 Road
 Thornlands
 Lot 5 on RP 14839

CLIENT		
Mark Winfield		
Scale:	1:1000 @ A3	REVISION:
Planner:	MGA/SC	--
Drawn:	DGF/MJT	
PROJECT No.	SHEET	DATE
7092.31_POD	1 of 2	13/05/2019



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TITLE
PLAN OF DEVELOPMENT
 Residential, Management,
 Green Space Network & New Road

PROJECT
 289-301 Cleveland-Redland Bay
 Road
 Thornlands
 Lot 5 on RP 14839

CLIENT Mark Winfield		
Scale: 1:400 @ A3	REVISION:	
Planner: MGA/SC	--	
Drawn: DGF/MJT		
PROJECT No. 7092.31_POD	SHEET 2 of 2	DATE 13/05/2019

DRAFT CONDITIONS – AUSTRALIAN INNOVATION CENTRE PTY LTD V REDLAND CITY COUNCIL (PLANNING AND ENVIRONMENT COURT APPEAL 4515/17)

ASSESSMENT MANAGER CONDITIONS	TIMING
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	
Approved Plans and Documents	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner. Ongoing condition.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Plan of Development (layout)	7092.31_POD Sheet 1 of 2	Arnold Development Consultants	13/05/2019
Preliminary Engineering Services Plan Sheet 1 of 2	2016030-DA-006/G	DNBS Consulting Engineers	29/05/2019
Preliminary Engineering Services Plan Sheet 2 of 2	2016030-DA-007/G	DNBS Consulting Engineers	29/05/2019
Site Sections and Details Sheet	2016030-DA-008/G	DNBS Consulting Engineers	29/05/2019
Road Longitudinal Sections and Intersection Detail Sheet	2016030-DA-008/G	DNBS Consulting Engineers	29/05/2019

Table 1: Approved Plans and Documents

Endorsed Plans and Documents	
3. Undertake the development in accordance with the endorsed plans and documents referred to in Table 2, subject to the conditions of this approval and any notations by Council on the plans.	Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner.

Ongoing condition.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Plan of Development (intersection)	7092.31_POD Sheet 2 of 2	Arnold Development Consultants	13/05/2019

Table 2: Endorsed Plans and Documents

- | | |
|---|---|
| <p>4. Submit to Council a Survey Plan for approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.</p> | <p>Prior to expiry of the currency period for the approved development.</p> |
|---|---|

Existing Structures

- | | |
|--|--|
| <p>5. Demolish or remove all existing structures on site, including all slabs and footings, in accordance with the approved plan(s) and cap all services prior to demolition commencing.</p> | <p>Prior to Council approval of the Survey Plan.</p> |
|--|--|

- | | |
|---|--|
| <p>6. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.</p> | <p>Prior to Council approval of the Survey Plan.</p> |
|---|--|

Road Naming

- | | |
|---|--|
| <p>7. Submit to Council, and gain approval for, a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.</p> | <p>Prior to submission of the Survey Plan.</p> |
|---|--|

Split Valuation

- | | |
|---|--|
| <p>8. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$37.80 (excl GST) per allotment (2018/2019 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p> | <p>Prior to Council approval of the Survey Plan.</p> |
|---|--|

Utility Services

<p>9. Relocate any services (e.g. water, sewer, electricity, telecommunications and roof water) that are not wholly located within the lots that are being serviced.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>10. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.</p>	<p>At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.</p>
<p>11. Design and install underground electricity and telecommunication conduits to service all lots in accordance with the requirements of the relevant service providers and the Redland City Plan Infrastructure Works Code and Planning Scheme Policy 2: Infrastructure Works. Provide Council with written confirmation from the service provider for the supply of electricity and telecommunication services.</p> <p><i>Note: you need to engage the services of a telecommunications carrier to install and operate a telecommunications network. It is recommended you do this immediately after receiving this development approval to ensure a connection will be available to future residents. To find out if NBN is currently available for this development, visit the NBN website: https://www2.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html</i></p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>Land Dedication and Design</p>	
<p>12. Dedicate land as shown on Plan of Development (7092.31_POD Sheet 1 of 2), prepared by Arnold Development Consultants (13 May 2019), for the purpose of:</p> <ul style="list-style-type: none"> a) Road; b) Open Space/Greenspace; c) Stormwater. <p>Dedication is to be undertaken at no cost to Council.</p>	<p>As part of the request for assessment of the Survey Plan.</p>
<p>13. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title:</p> <ul style="list-style-type: none"> a) Access purposes 1m wide to and around any sewer maintenance holes or structures in favour of Redland City Council and its agents. 	<p>As part of the request for assessment of the Survey Plan.</p>

Access and Roadworks	
<p>14. Design all roads in accordance with the provisions of Complete Streets, the Redland City Plan Infrastructure Works Code, Planning Scheme Policy 2 – Infrastructure Works – 3.0 Transport, Servicing, Access and Parking, unless otherwise stated as part of a specific condition of this approval.</p> <p><i>Note: Barrier kerb to be constructed along the full length of the Connie Way extension on the park side of the road.</i></p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>15. Provide traffic calming consistent with the provisions of Complete Streets, the City Plan Transport, Servicing, Access and Parking Code and Policy.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>16. Submit to Council, and receive Operational Works approval for the construction of a minimum 2.0m wide footpath along the full length of Connie Way (park side) between Cleveland Redland Bay Road and Harrington Boulevard frontage of the site, in accordance with the standard drawing R-RCC-4.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>17. Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, service and footpaths as specified in accordance with the standards in the City Plan Transport, Servicing, Access and Parking Code and Policy.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>18. Submit to Council, and receive Operational Works approval for the reconstruction of the Connie Way/ Harrington Boulevard intersection generally in accordance with the Preliminary Engineering Services Plan Sheet 1 of 2 drawing number 2016030-DA-006/G prepared by DNBS Consulting Engineers and dated 29/05/2019.</p>	<p>Prior to Council approval of the Survey Plan.</p>
Stormwater Management	
<p>19. Convey roof water and surface water to a lawful point of discharge in accordance with QUDM and the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>

<p>20. Manage stormwater discharge from the site in accordance with the City Plan Planning Scheme Policy 2 – Infrastructure Works, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>
<p>21. Submit to Council, and receive Operational Works approval for, a stormwater plan and report that addresses both quality and quantity in accordance with the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works and generally in accordance with Preliminary Engineering Services Plan Sheet 1 of 2 drawing number 2016030-DA-006/G and Preliminary Engineering Services Plan Sheet 2 of 2 drawing number 2016/030-DA-007/G both prepared by DNBS Consulting Engineers and dated 29/05/2019, including the following:</p> <ul style="list-style-type: none"> • Design of allotment drainage. • Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation • An electronic copy of the MUSIC model • A maintenance plan including estimates of asset and maintenance costs. 	<p>As part of the application for Operational Works or prior to Council approval of the Survey Plan, whichever is the sooner.</p>
<p>22. Provide detailed design drawings of the proposed post-construction bioretention system in accordance with the DNBS Consulting Engineers Site Based Stormwater Management Plan and Preliminary Engineering Services Report 2016030 dated 06/05/2019. Include:</p> <ul style="list-style-type: none"> • Either a sediment forebay upstream of the filter treatment area or alternate proposal to minimise the impact of coarse sediment on the filtration system and associated maintenance costs. • An electronic copy of a MUSIC model (as a SQZ file) that demonstrates compliance with State Planning Policy 2017. 	<p>As part of an application for Operational Works.</p>
<p>Water and Wastewater</p>	
<p>23. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the SEQ Water Supply and Sewerage Design and Construction Code, the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works and generally in accordance with Preliminary Engineering Services Plan Sheet 1</p>	<p>Prior to Council approval of the Survey Plan.</p>

<p>of 2 drawing number 2016030-DA-006/G and Preliminary Engineering Services Plan Sheet 2 of 2 drawing number 2016/030-DA-007/G both prepared by DNBS Consulting Engineers and dated 29/05/2019.</p>	
<p>24. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><u>Excavation and Fill</u></p>	
<p>25. Apply to Council and obtain Operational Works approval for any earthworks associated with the reconfiguration, including verge earthworks generally in accordance with Preliminary Engineering Services Plan Sheet 1 of 2 drawing number 2016030-DA-006/G, Preliminary Engineering Services Plan Sheet 2 of 2 drawing number 2016/030-DA-007/G and Site Sections and Details Sheet 2016030-DA-008/G all prepared by DNBS Consulting Engineers and dated 29/05/2019. Design and construct all retaining structures in accordance with AS4678:2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of an application for Operational Works.</p>
<p><u>Sediment and Erosion Control</u></p>	
<p>26. Design, implement and maintain measures and practices in accordance with “Best Practice Erosion and Sediment Control” published by the International Erosion Control Association (Australasian Chapter) (2008).</p>	<p>During the construction phase.</p>
<p><u>Environmental and Vegetation Management</u></p>	
<p>27. Restrict all clearing and development on Lot 26 to within the 1302m² Building Pad illustrated on Arnold Development Consultants Plan of Development 7092_31_POD dated 31/05/2019. No clearing is permitted outside the Building Pad.</p>	<p>Ongoing condition.</p>
<p>28. Provide to Council a survey plan of proposed Lot 26 that includes a covenant on title area of 2898m² external to the 1302m² Building Pad illustrated on Arnold Development Consultants Plan of Development 7092_31_POD dated 31/05/2019, for registration with the Titles Office.</p>	<p>As part of the request for assessment of the Survey Plan.</p>
<p>29. Provide the following documentation, in accordance with Section 3.2 (Disturbance Matrix and Sclerophyll Bushland Complex) and Section 3.3.4 (Declared Weeds) of the Byrns Lardner Environmental Impact Assessment CLE02 Revision A dated July 2016:</p>	<p>As part of an application for Operational Works.</p>

<ul style="list-style-type: none"> • A plan indicating the extent of areas containing the weed species referred to. • Proposed action and timing to remove and/or control weeds during the construction and on-maintenance periods. • Proposed measures to ensure maximum removal and control of weeds prior to plan sealing and transfer of the approximately 2.8ha balance land to public ownership. 	
<p>30. Engage an accredited fauna spotter to supervise vegetation clearing at the Operational Works stage, in accordance with Schedule 11, Part 3, Section 8 of the <i>Planning Regulation 2017</i>.</p> <p><i>Note: An accredited Fauna Spotter/Wildlife Consultant is a person or company holding a current Rehabilitation Permit – Spotter Catcher issued by the Department of Environment and Science under the Nature Conservation (Administration) Regulation 2017.</i></p> <p><i>Note: there are specific requirements and restrictions regarding Koalas, including relocation of animals that are injured or sick. Consult with the Department of Environment and Science for further information.</i></p>	<p>During any approved Operational Works involving vegetation clearing.</p>
<p>31. Erect fauna-proof fencing around the Building Pad illustrated on Arnold Development Consultants Plan of Development 7092_31_POD dated 31/05/2019, so as to enclose and restrict all domestic animals within the perimeters of the building envelopes.</p>	<p>Prior to Council approval of the Survey Plan and ongoing.</p>
<p>32. Erect wildlife-friendly fencing around the perimeter of Lot 26, as identified in the Koala Sensitive Design Guideline: A guide to koala sensitive measures for planning and development activities (November 2012), produced by the Qld Department of Environment and Heritage. Native vegetation should be retained and protected when erecting any fencing,</p> <p><i>Note: the Guideline is available from the Department of Environment and Science library catalogue:</i> https://qldgov.softlinkhosting.com.au/liberty/libraryHome.do</p> <p><i>Note : Further guidance can be found at:</i> https://www.redland.qld.gov.au/info/20287/wildlifefriendly_backyard/643/wildlife-friendly_fencing</p>	<p>Prior to Council approval of the Survey Plan. Ongoing condition.</p>
<p>Landscaping Works</p>	
<p>33. Submit a Landscape Plan, prepared in accordance with the City Plan Planning Scheme Policy 2 – Infrastructure Works, 4.0 Landscaping, 5.0 Parks, 6.0 Documentation, 7.0 Bonding, 8.0 Standard Drawings and Part 9 Development Codes – Landscape Code to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p>	<p>As part of an application for Operational Works.</p>

- a) Designs that are generally in accordance with the Plan of Development by Arnold Development Consultants;
- b) Provide a minimum 10 metre wide planted landscape buffer, wholly within current property boundaries, for the full length of the site to the frontage of Cleveland Redland Bay Road;
- c) Details of the 10 metre wide planted landscape buffer to the frontage of Cleveland Redland Bay Road;
- d) Provide a minimum 2.5m wide concrete shared use path along Cleveland Redland Bay Road frontage to connect to the existing path to the south;
- e) Provide a pedestrian entry access point from Cleveland Redland Bay Road;
- f) Details of stormwater facilities and include details of maintenance access points/tracks;
- g) Details of street tree planting in accordance with the Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the Operational Works approval;
- h) Details of a maintenance plan for the entire landscaping component of the development including stormwater facilities, revegetated areas etc;
- i) Details of all rehabilitation planting to the open space area; and
- j) Details of bollards provided along all roads that adjoin parkland, plus metal slide rail/folding bollards in the vicinity of Bio-Basin or Park areas to allow access for maintenance vehicles.

ADDITIONAL APPROVALS

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

- Operational Works approval is required for the following works as detailed in the conditions of this approval:
 - Road works;
 - Footpath works;
 - Stormwater works;
 - Landscaping works;
 - Water reticulation;
 - Sewerage reticulation; and
 - Earthworks.
- Building works – demolition:
 - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development.

Further approvals, other than a Development Permit, are also required for your development. This includes, but is not limited to, the following:

- Capping of Sewer – for demolition of existing buildings on site.
- Road Opening Permit – for any works proposed within an existing road reserve.

REFERRAL AGENCY CONDITIONS

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

The Department of Local Government, Infrastructure and Planning provided a concurrence agency response with conditions on 25 August 2017, in respect of the original proposal. Please be aware that you will be required to submit the amended proposal for assessment by the concurrence agency, to obtain an updated response with relevant conditions.

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**

Infrastructure charges apply to the development in accordance with the Adopted Infrastructure Charges Resolution (No. 2.3) 2016 levied by way of an Infrastructure Charges Notice. The Redland City Council Infrastructure Charges Notice will be issued upon an approval being granted.

- **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 07 3829 8999.

- **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.

- **Hours of Construction**

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

- **Performance Bonding**

Security bonds may be required in accordance with the City Plan Planning Scheme Policy 2 – Infrastructure Works. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.

- **Survey and As-constructed Information**

Redland City Council will be transitioning to ADAC XML submissions for all asset infrastructure. While current Redland Planning Scheme Policies do not mandate its use, RCC encourages the utilisation of this methodology for submissions.

- **Plan Sealing Information**

To expedite the processing of survey plans, a survey plan checklist is available on Council's website at: https://www.redland.qld.gov.au/info/20016/planning_and_development/348/forms_for_planning_and_development

You should complete this checklist and submit it to Council with your survey plan(s). Please be aware that Council may choose not to process the lodgement of a subdivision plan where outstanding rates and/or charges are applicable to the relevant property.

- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

- **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**

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land use activity to exercise a duty of care. Further information on cultural heritage duty of care is available on the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) website: <https://www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/cultural-heritage-duty-care.pdf>

The DATSIP has established a register and database of recorded cultural heritage matters, which is also available on the Department's website: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-search-request>

Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body in the Redland City local government area. It is recommended you consult with QYAC in relation to aboriginal and cultural heritage matters prior to the commencement of works on site. QYAC can be contacted on 07 3415 2816 or admin@QYAC.net.au

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. Please contact DATSIP for further information.

- **Fauna Protection**

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

- **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.

DRAFT