

19.5 DOUBLE JUMP ROAD, VICTORIA POINT - THREE (3) INTO THREE (3) LOT BOUNDARY REALIGNMENT

Objective Reference:

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

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

Report Author: Charlotte Hughes, Principal Planner

Attachments:

1. Site locality plan
2. Proposed Lot Reconfiguration
3. Land zoning under the RPS v2
4. Habitat Protection Overlay
5. Flood prone area under the RPS
6. Environmental significance overlay mapping
7. Assessment Manager Conditions

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:

- (g) *any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.*

PURPOSE

Council has received an application seeking a development permit for reconfiguring a lot on land at 36 – 44 Double Jump Road, formally described as Lot 3 on RP 148004, Lot 7 on RP 57455 and Lot 2 RP 169475 (see **attachment 1** – locality plan) for the purposes of a three (3) into three (3) lot boundary realignment (see **attachment 2** – proposed plan of subdivision). The application has been lodged by [REDACTED] and the owners of the land are [REDACTED]

The application has been assessed against the relevant provisions of the *Redlands Planning Scheme* (RPS) *version 7.1* and having regard to the City Plan. The key issues identified in the assessment are:

- fragmentation of land
- land use intent
- environmental impacts

The application is code assessable and did not require public notification.

The above issues have been discussed in the report. It is recommended that the application be refused for the reasons identified in the Officer's Recommendation.

BACKGROUND

Planning history

[REDACTED] has lodged a total of five (5) development applications within the area of south west of Victoria Point (listed below). The purpose of this proposed boundary realignment is to allow [REDACTED] to acquire a large portion of the land occupied by these lots (being proposed Lot 23); in order to progress application RAL18/0127. The owners of existing Lot 7 intend to construct a new dwelling on proposed Lot 22 so that they can continue to live in the area.

- **ROL006166** – Reconfiguring a lot – 8 into 160 lots (impact assessable) – in decision stage and currently a ‘deemed refusal’.
- **RAL18/0126** – Reconfiguring a lot - 2 into 37 lots (impact assessable). Currently within decision stage.
- **RAL18/0127** – Reconfiguring a lot – 9 into 296 lots (including 3 balance lots, 1 local centre lot, 2 local park lots, 2 open space lots, 3 drainage lots, 1 pedestrian connection, 1 multi-function spine lot – across 9 stages). Impact assessable. Currently within decision stage.
- **RAL18/0128** – Reconfiguring a lot – 3 into 157 lots (impact assessable). Currently within decision stage.
- **OPW18/0130** – Operational works for the clearing of vegetation. This application is currently awaiting a response to the Information Request.

ISSUES

Development Proposal

The proposal is for a Development Permit for Reconfiguring a Lot on land at 36 - 44 Double Jump Road Victoria Point QLD 4165 for the purpose of a three into three (3 into 3) boundary realignment. The proposal is a ‘management reconfiguration’ that is common when developers are seeking to consolidate land in multiple ownership to enable future reconfiguration and other forms of development to occur. The intent in this case is to consolidate the majority of the developable land into [REDACTED] ownership for future development (proposed Lot 23), and for proposed lots 21 and 22 to be within the ownership of [REDACTED]

A summary of the proposal is provided below:

Aspect of proposal	Detail/comment
Total site area	18.197ha.
No. of existing lots	3
No. of proposed lots	3 comprised of: Lot 23 – 15.44ha Lot 22 – 2.2ha Lot 21 – 5547m ²

Site & Locality

The application relates to 36 – 44 Double Jump Road (formally described Lot 3 on RP 148004, Lot 7 on RP 57455 and Lot 2 RP 169475), which are located on the northern side of Double Jump Road, approximately 680m to the west of the intersection with Redland Bay Road (see attachment 1). Each existing lot is occupied by an existing dwelling house with associated outbuildings.

Under the provisions of the RPS v7.1, Lot 2 is located in the Conservation Zone, Environmental Protection Zone and Rural Non-Urban Zone (no.36-40 Double Jump Rd). Lot 7 is located in the Conservation Zone and Rural-Non-Urban Zone (no.42 Double Jump Rd) and Lot 3 is located wholly within the Rural Non-Urban Zone (no.44 Double Jump Rd) (see **attachment 3**).

The ownership of the three lots that form the subject site are shown in figure 1 below:



Figure 1: Subject site land ownership details

APPLICATION ASSESSMENT

Planning Act 2016

The application has been made in accordance with the *Planning Act 2016 (PAct) Development Assessment Rules* and constitutes a code assessable application for reconfiguring a lot under the Redlands Planning Scheme (RPS) v7.1.

Assessment Framework

Under s45 (3) of PAct a code assessment is an assessment that must be carried out only –

- (a) against the assessment benchmarks in a categorising instrument for the development; and
- (b) having regard to any matters prescribed by regulation for this paragraph.

Matters prescribed by regulation for this paragraph are outlined in section 27 of the *Planning Regulation 2017* as follows:

- (1) For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—
 - (a) The matters stated in schedules 9 and 10 for the development; and
 - (b) if the prescribed assessment manager is the chief executive—
 - (i) the strategic outcomes for the local government area stated in the planning scheme; and

- (ii) *the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and*
- (iii) *the strategic intent and desired regional outcomes stated in the regional plan for a region; and*
- (iv) *the State Planning Policy, parts C and D; and*
- (v) *for premises designated by the Minister—the designation for the premises; and*
- (c) *if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*
- (d) *if the prescribed assessment manager is a person other than the chief executive—*
 - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *for designated premises—the designation for the premises; and*
- (e) *any temporary State planning policy applying to the premises;*
- (f) *any development approval for, and any lawful use of, the premises or adjacent premises;*
- (g) *the common material.*

Further to the above, in accordance with s45 (6) 'subsections (7) and (8) apply if an assessment manager is, under subsection (3) or (5), assessing a development application against or having regard to –

- (a) *a statutory instrument; or*
- (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.'*

Subsections (7) and (8) state:

- (7) *The assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.*
- (8) *However, the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—*
 - (a) *if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or*
 - (b) *another statutory instrument—*
 - i) *that comes into effect after the development application is properly made but before it is decided by the assessment manager; and*
 - ii) *that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.'*

Decision making framework

In accordance with s60(2) of PAct 'to the extent the application involves development that requires code assessment, and subject to section 62, the assessment manager, after carrying out the assessment—

- (a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and
 - (b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and
 - (c) may impose development conditions on an approval; and
- may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance cannot be achieved by imposing development conditions.

SEQ Regional Plan 2017

The site is located within the Urban Footprint in the SEQ Regional Plan 2017 (SEQRP), which came into effect on 11 August 2017. The proposal does not conflict with the regional plan policies associated with this classification.

Under the now superseded SEQRP 2009-2031 the site was identified as the *Victoria Point Local Development Area* (VPLDA). However, this designation is not applicable under the SEQRP 2017.

State Policies & Regulations

State Planning Policy / Regulation	Applicability to Application
Koala Habitat Area	The site is within a Priority Koala Assessable Development Area and designated as 'medium value rehabilitation'. However, Schedule 11 is not applicable for development that does not create additional lots, as identified by Part 1, Section (1)(b).
State Planning Policy 2017 (SPP)	Natural Hazards, Risk & Resilience Parts of the subject site are mapped as 'Potential Impact Buffer' under the SPP. As the application is for boundary realignment only and no further lots are being created, the development would not be increasing the risk to people or property, in accordance with the assessment benchmarks of the SPP.

Redlands Planning Scheme

The application has been assessed under the RPS v7.1. In accordance with the tables of assessment in part 4.21.5 of the RPS, an application to rearrange the boundaries of a lot is subject to code assessment. The following codes are identified as being applicable to this assessment:

- Reconfiguration code
- Rural non-urban zone code
- Acid sulfate soils overlay
- Bushfire hazard overlay
- Habitat protection overlay
- Flood storm and drainage constrained land overlay
- Landslide hazard overlay
- Protection of poultry industry overlay

- Road and rail noise impact overlay
- Waterways wetlands and Moreton Bay overlay

Areas that require examination are considered in this report. Beyond matters raised it may be taken that the proposed development is considered compliant with the relevant provisions and no further comment is provided or reference made.

Fragmentation of land

Outcomes sought within the reconfiguration code, specifically overall outcome (2)(j) & (2)(n) and specific outcomes S1.6 (3), S2.7 and S7, seek to maintain rural land in useable parcels by reducing the fragmentation of land so that it can facilitate the uses expected in the zone. Further, if rearranging the boundaries of a lot, the usability of the lots affected is to be improved or maintained.

Overall outcome (2)(a) of the rural non-urban zone code identifies that uses within the zone are to promote productive rural activities or encourage enjoyment of the rural environment.

As a result of the proposed boundary realignment, lot 7 and lot 2 will be reduced in size by 62,918m² and 58,338m² respectively, to:

Lot 7 – 21,988m²

Lot 2 – 5547m²

The resultant lots will become irregular in shape and would result in the fragmentation of rural land, which would no longer be suitable for agricultural or other productive uses. Consequently, the proposal is considered to be inconsistent with overall outcome (2)(a) of the rural non-urban zone code, and overall outcomes (2)(j) & (2)(n) and specific outcomes S1.6 (3) and S2.7 of the reconfiguration code, which seek to ensure rural land parcels are not further fragmented so that they can facilitate the uses expected in the zone, being those that promote productive rural activities.

Land use intent

In accordance with s45 (8) of the *Planning Act 2016* the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to the statutory instrument that is amended or replaced after the development application is properly made but before it is decided.

While the subject application was properly made while the RPS v7.1 was in effect, the City Plan was adopted on 8 October 2018 and consequently the assessment manager may give the weight it considers appropriate to the replacement statutory instrument.

In this particular case, the change in planning policy direction and land use intent for the subject site in the newly adopted City Plan is considered highly relevant in the assessment of this application, as the land is no longer intended for agricultural or other productive rural land uses, and is now located within the emerging community zone. The purpose of the emerging community zone is to *'guide the creation of functional, efficient and attractive communities in the newly developing parts of the city, and to ensure interim development does not compromise the ability to establish these communities or detract from their quality'*.

Overall outcomes of the emerging community zone code seek to ensure that structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes. Further, interim development is not to compromise or constrain the potential for well-

designed future urban communities, and is to maximise the retention of natural habitat areas and corridors and provide effective buffers to wetlands and waterways.

A structure plan has not been provided with this application. Although one has been provided as part of the RAL18/0127 (9 into 296 lots including 3 balance lots, 1 local centre lot, 2 local park lots, 2 open space lots, 3 drainage lots, 1 pedestrian connection, 1 multi-function spine lot – across 9 stages), this application is still under assessment and the structure plan proposed cannot therefore be given weight in the assessment of this application.

Council is currently undertaking a Council-led structure planning process for the entire Victoria Point Structure Plan area, within which the site is located. This work is currently still underway however and a formal structure plan for the area has yet to be finalised. A draft Victoria Point Structure Plan will be considered by Council as a separate agenda item at this General Meeting, seeking a Council resolution to adopt the draft Victoria Point Structure Plan and submit the plan to the State Government for First State Interest Review.

In support of their application the applicant has provided a letter which outlines why the applicant considered the proposed boundary realignment is necessary to achieve the outcomes sought by the structure plan prepared by Fiteni Homes (submitted in support of their other development applications within the area); and would not prejudice the provision of a primary ecological corridor through the site.

A summary of these reasons is provided below together with an assessment of the relevance of these comments in the assessment of this application:

1. This application seeks approval for a management subdivision only and will create no additional lots.

It is noted that no new lots are being created. The assessment must however consider the material impacts of the proposed boundary realignment. The proposal will create a new vacant lot within an area that is identified as a primary ecological corridor in the applicant's own ecological report, which was submitted in support of the structure plan developed by [REDACTED]. This area is also identified as an ecological corridor within Council's proposed structure plan. The impacts of this are discussed further in the 'environmental values' section of this report below.

2. The proposal would allow for 9.37ha of land to be amalgamated into one larger management lot of 15ha in size.

The benefits of having one large management lot, (being proposed Lot 23 with a total of 15ha) for the outcomes of the structure plan are acknowledged. However, it is considered that this benefit may be outweighed by the potential impacts on a primary ecological corridor likely to be provided through the subject land as part of the structure planning work currently being undertaken by Council, discussed further below.

3. Under the structure plan proposed by [REDACTED] this larger lot will accommodate the regional stormwater infrastructure solution, 5.37ha of parkland/open space, an ecological corridor, a centre and residential land. This will provide Council with reduced future stormwater infrastructure maintenance costs and an optimal place making outcome, providing significant environmental and community benefit at no cost to Council or the rate payer.

While the [redacted] structure plan shows a regional stormwater solution within the subject land, it is known at this stage that a regional stormwater solution is not the recommended outcome for the Council-led structure plan. A peer review of the stormwater management strategy proposed by [redacted] has been undertaken as part of Council’s structure planning work and it is considered that, due to the site topography and available area, bio-retention basins would only be required to treat stormwater runoff, significantly reducing their size. As a result, a regional stormwater solution is unlikely to be required on the subject land and is not contingent on the proposed lot layout.

Further, the provision of a neighbourhood centre is also not contingent on the proposed lot layout. Based on the structure plan proposed by [redacted] and that proposed by Council, it is noted that the location of the neighbourhood centre falls predominately within Lot 3, which is already under the ownership of the applicant.

In terms of the ecological corridor it is relevant to identify the proposed lots in relation to the extent of the corridor. Figure 2 below shows the corridor as proposed by Council officers and the location of the proposed Lot 22 in relation to the corridor.

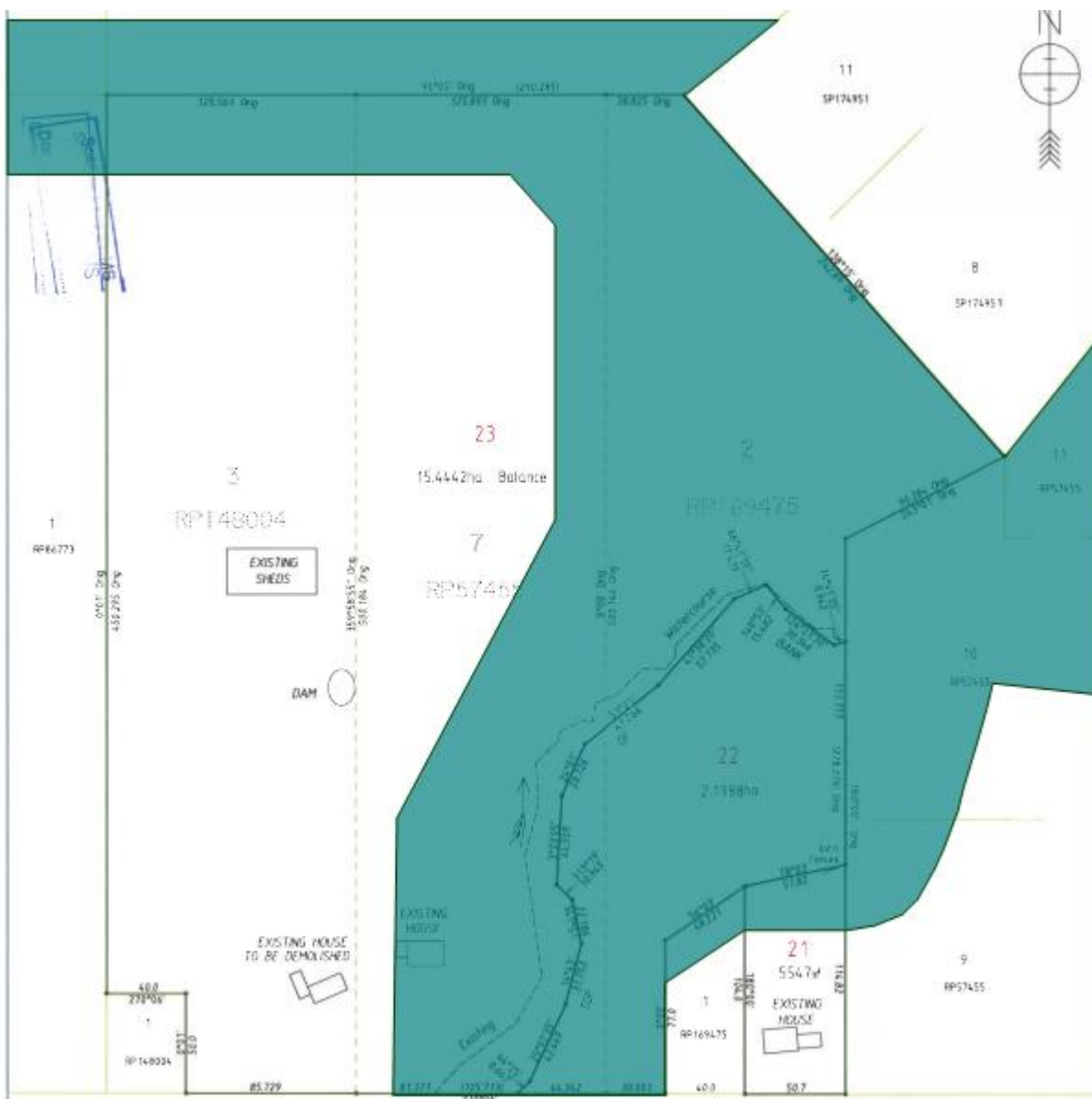


Figure 2: Approximate location of Council-led structure plan conservation corridor mapped over proposed reconfiguration

As can be seen from these figures, proposed Lot 22 is sited in the middle of the corridor and will have an impact on the functioning of this corridor. This is discussed further in the 'environmental values' section of this report.

The proposed lot layout would ensure that the western flank of the creek is transferred into public ownership, albeit the width of this dedication will be limited. This dedication could be facilitated as part of an approval of the development application for the area in question (Council ref: RAL18/0127). Alternatively, dedication of all or part of this portion of the corridor could be a condition as part of this boundary realignment, if Council were minded to approve the application. The risk associated with this second approach is that this condition needs to be reasonable and relevant to the approval being given. It is likely that a condition requiring the full dedication of the western portion of the corridor would be unreasonable and prone to challenge by the applicant. The land on the eastern side of the creek however, within proposed Lot 22, would remain in private ownership and approving this boundary realignment would likely make it more difficult for Council to acquire this land in the future. Therefore this decision would effectively be accepting that the land on the eastern side of the creek line can remain in private ownership.

The applicant contends that this layout will be sufficient to achieve the ecological outcomes sought for the area. However, a dwelling house on proposed Lot 22 may increase edge effects, restrict safe movement of wildlife and restrict passive recreational uses for the public; all of which may impact on the ability of an ecological corridor to effectively function and perform as an active movement corridor or habitat linkage.

Therefore, whilst it is acknowledged that the proposed boundary realignment would assist in realising the provision of an ecological corridor on the western side of the creek, officers are not satisfied that this would be sufficient to achieve the ecological outcomes sought by Council through the structure planning work being undertaken.

4. The current landowner is a long term resident of the local area and wishes to continue living in the locality. They have therefore entered into a contract on the basis that they are able to retain two of the land parcels, being proposed lots 21 and 22.

Noted. Council is likely to experience similar hurdles in securing the land if it sought this as part of a market transaction with the existing landowner. Therefore if Council did seek to acquire the land for the corridor, it is possible that this would need to be through a compulsory acquisition process.

5. Based on the underlying characteristics of existing lots 2 and 7 (the land owned by [REDACTED] they have limited commercial viability as a standalone development site. Its acquisition is therefore only commercially viable if purchased by the applicant as the adjoining landowner as part of a wider development area, whereby the costs of the works and land can be offset by the yield and revenue generated by the proposed [REDACTED] developments.

Approval of the boundary realignment as proposed will ensure the western side of the creek falls into the ownership of one landowner and an environmental corridor on the western side of the creek will be realised. Arguably, the location of the centre and park/open space areas would also be realised, although this is not considered to be wholly contingent on the proposed lot layout. The costs associated with this option however would be to accept that the eastern side of the creek will likely remain in private ownership and that the ecological outcomes sought as part of the structure planning work may not be fully realised.

An alternative scenario would require Council to acquire the land directly from the owners themselves in order to realise these outcomes, particularly an environmental corridor which would not be compromised by the construction without the edge effects associated with the construction of a dwelling house located centrally within it. An initial valuation indicates a cost to acquire the ecological corridor over existing lots 2 and 7 of \$1.5 million.

In addition to the two options above, if the application is refused and the corridor were to remain within private ownership, there is potential risk for development within the environmental corridor for the purposes of a secondary dwelling associated with the existing house at 36-40 Double Jump Road. A dwelling in this instance is considered accepted development within the emerging community zone and the relevant overlays mapped over the site do not give rise to assessable development. It is noted that the site is located within the mapped flood prone area, however a flood study provided by the applicant to Council in response to the information request has demonstrated that the location for a dwelling within the cleared area is above the 1% Annual Exceedance Probability (AEP) flood event and flood free access can be maintained. This would ultimately be a similar outcome to approving the proposed lot layout in terms of fragmenting the environmental corridor and may not realise the ecological outcomes sought as part of Council’s structure planning for the local plan area.

Further, with respect to the commercial viability of the site, and in particular the [redacted] owned lots, it is noted that the [redacted] draft Victoria Point Structure Plan provides areas for low density residential (traditional detached residential housing as described in their structure plan mapping) in the northern part of this site, medium density residential in the western portion of the site and primary ecological corridor as the balance (as depicted in figure 3). The developable area within the [redacted] owned land is approximately 40,800m² as part of the [redacted]

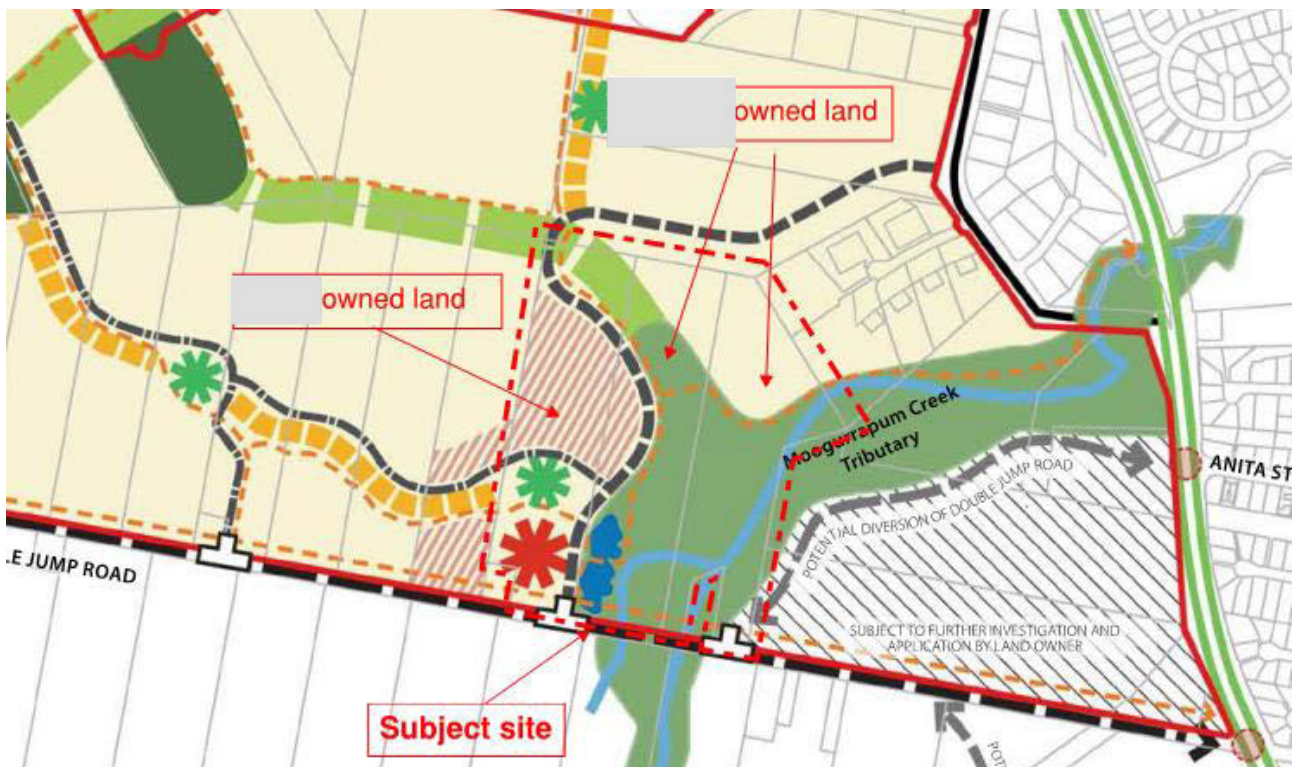


Figure 3: Subject site as mapped within the [redacted] draft structure plan

The South West Victoria Point Local Plan (figure 4) proposed as part of the City Plan Major Amendment Package (05/19) provides an alternate layout for the site, with low-medium density residential to the north-west, neighbourhood centre in the west, medium density residential to the south-east and conservation for the balance of the site. The developable area within the Council-led structure plan is approximately 30,000m².

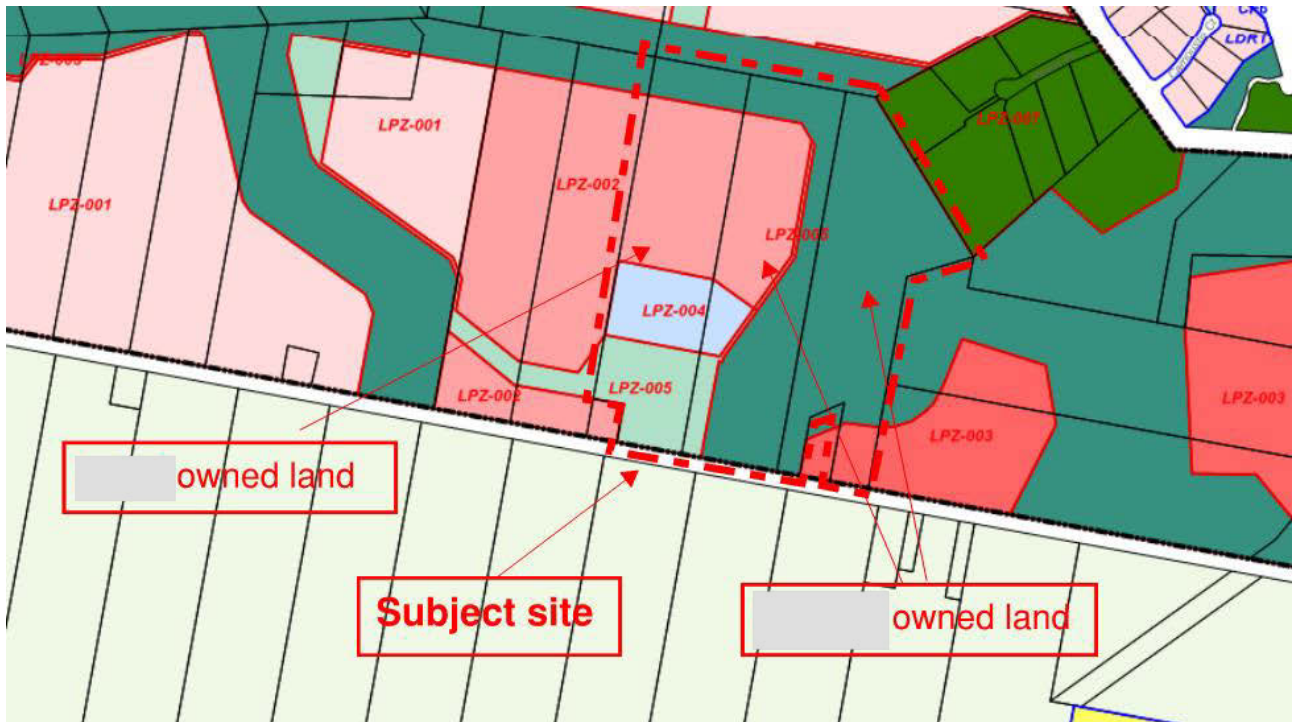


Figure 4: Subject site as mapped within the Council-led South West Victoria Point local plan area

In either scenario there is still a commercial viability for the owned lots. In the scenario there is a greater provision of land overall for residential purposes, however the land is predominantly zoned for low density residential purposes. The possible development yield expected under either draft structure plan will be similar, given the proposed zoning designations. There is therefore developable area within the land, which would need to be realised through a development application. As part of this application Council would have the opportunity to require the dedication of land within the ecological corridor.

6. The number of dwellings within the corridor will not increase and Council can mitigate against impacts by conditioning a building location envelope and enhancement planting.

The applicant's material indicates that they proposed to retain all existing dwelling houses on the site. This would mean that the number of dwellings within the corridor would increase from 1 to 2. Nonetheless, should Council approve this application it could condition that the existing dwelling house on existing Lot 7 be removed. However, the location of the existing dwelling on existing Lot 7 is considered to result in less impact on the proposed environmental corridor than a newly constructed dwelling house on proposed Lot 22. The existing house is located on the periphery of the ecological corridor, whereas the proposed house on proposed Lot 22 is located in the centre of the corridor. This is discussed further in the 'environmental values' section below.

7. Proposed Lot 22 would not impact on public access as it is located on an isolated peninsular between two branches of the creek – which would not be desirable for community access purposes. The proposal would not therefore jeopardise public access along the corridor.

This is agreed. There is no east to west pedestrian connection proposed through this part of the corridor. This is able to be facilitated along Double Jump Road to the south. The purpose of the corridor is primarily environmental value.

8. If Council were to reject the application and the contract of sale were not to be carried out, Council would have two alternatives to achieve a similar outcome:

- a) **Market transaction – Council could approach the land owner directly and seek to negotiate a sale. However Council may encounter similar hurdles as the applicant in that the land owner has fixed expectations in terms of price and wishing to stay in the area.**
- b) **Compulsory acquisition - Council’s most likely alternative for securing the environmental corridor, however this is typically met with community and political resistance.**

The eastern most lot is constrained by vegetation and flooding, however, as discussed previously it does have some development potential under either draft structure plan. There is therefore potential that the land could be dedicated as part of a future development application(s). As also discussed previously, there is a risk that the land owner could complete accepted development and construct a secondary dwelling in the cleared portion in the middle of the ecological corridor. This would achieve a similar outcome to the boundary realignment with similar impacts.

Should Council decide to refuse this application and seek to guard against the risk outlined above, it would need to secure the land through either a market transaction or compulsory acquisition, as outlined in the applicant’s material. It is agreed that Council would likely confront the same issues as the applicant in negotiating a sale.

The compulsory acquisition of the land comprising the corridor on existing lots 2 and 7 will come at a financial cost to Council, estimated to be in the region of [REDACTED] and may be met with community/political resistance.

Environmental values

The lots are mapped under the habitat protection overlay under the RPS (see **attachment 4**) and consist of bushland habitat, enhancement corridor and enhancement areas.

The proposed boundary realignment will result in a proposed dwelling house to be constructed on proposed Lot 22, which is mapped bushland habitat and enhancement area under the habitat protection overlay. There is sufficient cleared area within this lot to accommodate a dwelling house and associated infrastructure without the need for clearing vegetation. If Council was minded to approve this boundary realignment conditions could be imposed that impose a building envelope to contain the impacts of the dwelling house use on the site. The envelope size would likely be limited to 2500m², which is consistent with the accepted clearing threshold within the rural zone in City Plan.

The impact to be assessed, however, is not necessarily the impact on existing environmental values, but rather the values intended to be realised through redevelopment of the structure plan area. This area is intended to be a primary ecological corridor and this building envelope would be located in the middle of that corridor, which will have an impact on the function of the corridor.

The proposal is therefore considered to be inconsistent with overall outcome (2) and specific outcomes S1.2 and S2.1 of the habitat protection overlay code, which seeks to protect and provide for long-term management and enhancement of environmental values, prevent the clearing or fragmentation of viable habitat areas and incorporate adequate buffers to prevent degradation from edge effects. It is also considered to be inconsistent with performance outcomes PO5 and

PO13 of the emerging community zone code in the City Plan, which seek for development to facilitate ‘...*substantive networks of habitat...*’ and achieve a site layout that responds to the ‘...*natural values and development constraints such that... impacts on ecological corridors and native vegetation are minimised and mitigated...*’. Additionally, the proposal is considered to be inconsistent with performance outcomes PO3, PO13, PO14 and PO15 and associated overall outcomes (d) and (e) of the environmental significance overlay code in the City Plan, as it will fragment habitat areas and limit the width and functionality of the ecological corridor.

INFRASTRUCTURE CHARGES

If recommended for approval, the proposed development would be subject to infrastructure charges in accordance with the [Adopted Infrastructure Charges Resolution \(No. 2.3\) August 2016](#).

STATE REFERRALS

The application did not trigger any referral requirements.

CONCLUSION

The proposed boundary realignment would conflict with the assessment benchmarks of the RPS, specifically outcomes sought within the reconfiguration code and rural non-urban zone code which seek to maintain rural land in useable parcels, so that they can facilitate the uses expected in the zone.

However, in accordance with s24 of PAct, considerable weight has been given to the recently adopted City Plan, being the statutory instrument in effect when the decision is made. The change in planning policy direction and land use intent for the subject site in the City Plan is considered to be significant and, in the absence of an adopted structure plan for the area, it is not known whether the proposed boundary realignment would compromise or constrain the potential for a well-designed urban community, or prejudice the provision of a primary ecological corridor through the site.

Based on the draft structure plans from both the applicant and Council officers, the boundary realignment would result in a new lot being sited within the middle of a primary ecological corridor. The benefits of having one large management lot owned by [REDACTED] are acknowledged, noting that this would result in a significant part of the corridor being brought into public ownership at no cost to Council. On the other hand, it would result in a significant portion of the ecological corridor remaining within private ownership, albeit constrained by a building envelope. There is a potential that the entire of the ecological corridor can be secured in public ownership through future development applications, without the need to approve the boundary realignment. There is also a potential that accepted development for a secondary dwelling could be carried out within the middle of the corridor. However, this risk is present now, regardless of the decision Council make on this application.

Ultimately it is considered that the benefits of ensuring that a functional primary ecological corridor is provided through the site, in accordance with the outcomes sought by the draft structure planning work being undertaken, and which would be compromised by the edge effects associated with a dwelling house being located centrally within it, would outweigh the benefits of the management lot and the potential costs associated with its realisation.

Consequently the proposal is considered to conflict with the assessment benchmarks contained within the emerging community zone, reconfiguring a lot code and the environmental significance overlay code of the City Plan and is not supported.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the *Planning Act 2016* this development application has been assessed against the Redlands Planning Scheme, Redland City Plan and other relevant planning instruments.

Risk Management

Standard development application risks apply. In accordance with the *Planning Act 2016* the applicant may appeal to the Planning and Environment Court against a decision to refuse or a provision of the development approval. A submitter also has appeal rights.

Financial

If an appeal against the decision is filed, subsequent legal costs will apply. Costs associated with the possible compulsory acquisition of the land in question are estimated to be in the region of [REDACTED]

People

There are no implications for staff.

Environmental

Refer to the Issues section of this report.

Social

There are no social implications.

Alignment with Council's Policy and Plans

Refer to the Issues section of this report.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Cr Talty	02/02/2018	Development applications are sent to the divisional Councillor for their reference as part of standard practice.
Senior property officer	22/08/2019	Advice provided on valuation of land if compulsory acquisition was pursued

OPTIONS

Option One

That Council resolves as follows:

1. To adopt the Officer's recommendation to refuse the application on the grounds below:
 - a) Land use intent
 - i) Overall outcomes of the emerging community zone code seek to ensure that structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes. Further, interim development is not to compromise or constrain the potential for well-designed future urban communities,

and is to maximise the retention of natural habitat areas and corridors and provide effective buffers to wetlands and waterways.

- ii) In lieu of a structure plan having been developed for the area, it is considered that the proposed boundary realignment would compromise and constrain the potential for a well-designed urban community and prejudice the provision of a primary ecological corridor through the site. The proposed boundary realignment does not therefore meet performance outcomes PO5 and PO13 and overall outcomes (2) (a), (b), (f), (h), (i) and (j) of the emerging community zone code and overall outcomes (1) and (2) (a) of the reconfiguring a lot code of the City Plan.

b) Environmental values

- i) The proposed boundary realignment may prejudice the ability of a future ecological corridor to be provided through the subject site, should it be required as part of the structure planning work being undertaken by Council. Should a dwelling house be constructed on proposed Lot 22 in particular, this may impact on the ability of the corridor to effectively perform and function as an active movement corridor. Consequently the proposal is considered to conflict with performance outcomes PO3, PO13, PO14 and PO15 and overall outcomes (d) and (e) of the environmental significance overlay code in the City Plan.

c) Fragmentation of land

- i) The proposed boundary realignment will result in the fragmentation of rural land by significantly reducing the lot size. Consequently, the proposal is considered to be inconsistent with overall outcome (2)(a) of the rural non-urban zone code, and overall outcomes (2)(j) & (2)(n) and specific outcomes S1.6 (3) and S2.7 of the reconfiguration code, which seek to ensure rural land parcels are not further fragmented so that they can facilitate the uses expected in the zone, being those that promote productive rural activities.

2. To maintain this report as confidential until the latter of the following occurs:

(a) Completion of the contract(s) between the landowners of the subject lots.

(b) Commencement of public notification for a major amendment to the City Plan for the South-west Victoria Point structure plan area.

Option Two

That Council resolves to refuse the application subject to different or amended grounds.

Option Three

That Council resolves to approve the application with or without conditions.

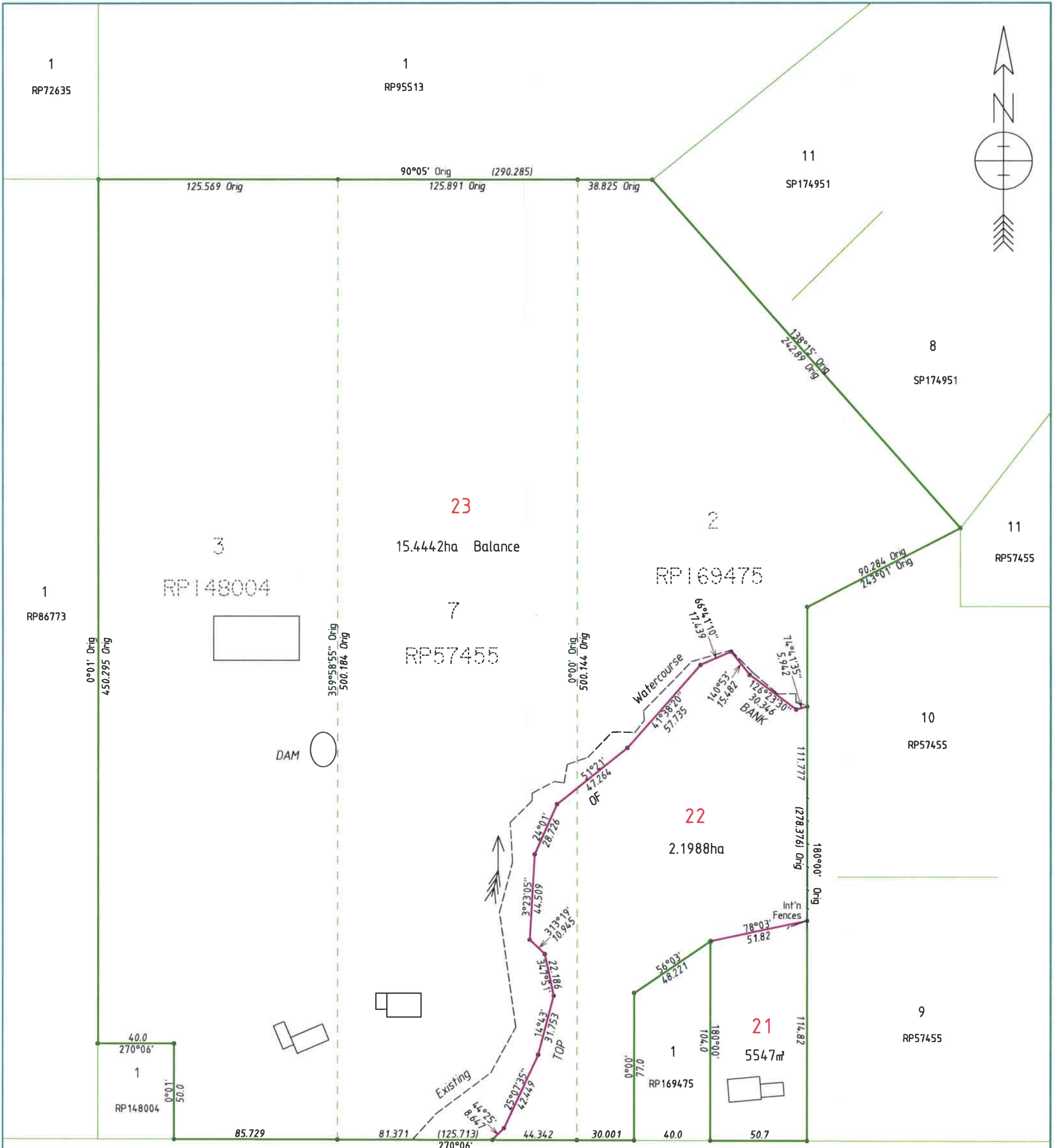
OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. To adopt the Officer's recommendation to refuse the application on the grounds below:
 - a) Land use intent
 - i) Overall outcomes of the emerging community zone code seek to ensure that structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes. Further, interim development is not to compromise or constrain the potential for well-designed future urban communities, and is to maximise the retention of natural habitat areas and corridors and provide effective buffers to wetlands and waterways.
 - ii) In lieu of a structure plan having been developed for the area, it is considered that the proposed boundary realignment would compromise and constrain the potential for a well-designed urban community and prejudice the provision of a primary ecological corridor through the site. The proposed boundary realignment does not therefore meet performance outcomes PO5 and PO13 and overall outcomes (2) (a), (b), (f), (h), (i) and (j) of the emerging community zone code and overall outcomes (1) and (2) (a) of the reconfiguring a lot code of the City Plan.
 - b) Environmental values
 - i) The proposed boundary realignment may prejudice the ability of a future ecological corridor to be provided through the subject site, should it be required as part of the structure planning work being undertaken by Council. Should a dwelling house be constructed on proposed Lot 22 in particular, this may impact on the ability of the corridor to effectively perform and function as an active movement corridor. Consequently the proposal is considered to conflict with performance outcomes PO3, PO13, PO14 and PO15 and overall outcomes (d) and (e) of the environmental significance overlay code in the City Plan.
 - c) Fragmentation of land
 - i) The proposed boundary realignment will result in the fragmentation of rural land by significantly reducing the lot size. Consequently, the proposal is considered to be inconsistent with overall outcome (2)(a) of the rural non-urban zone code, and overall outcomes (2)(j) & (2)(n) and specific outcomes S1.6 (3) and S2.7 of the reconfiguration code, which seek to ensure rural land parcels are not further fragmented so that they can facilitate the uses expected in the zone, being those that promote productive rural activities.
2. To maintain this report as confidential until the latter of the following occurs:
 - (a) Completion of the contract(s) between the landowners of the subject lots.
 - (b) Commencement of public notification for a major amendment to the City Plan for the South-west Victoria Point structure plan area.

**ATTACHMENT 1:
RAL18/0012 - 36-44 Double Jump Road, Victoria Point. 3 into 3 lot boundary reconfiguration.**



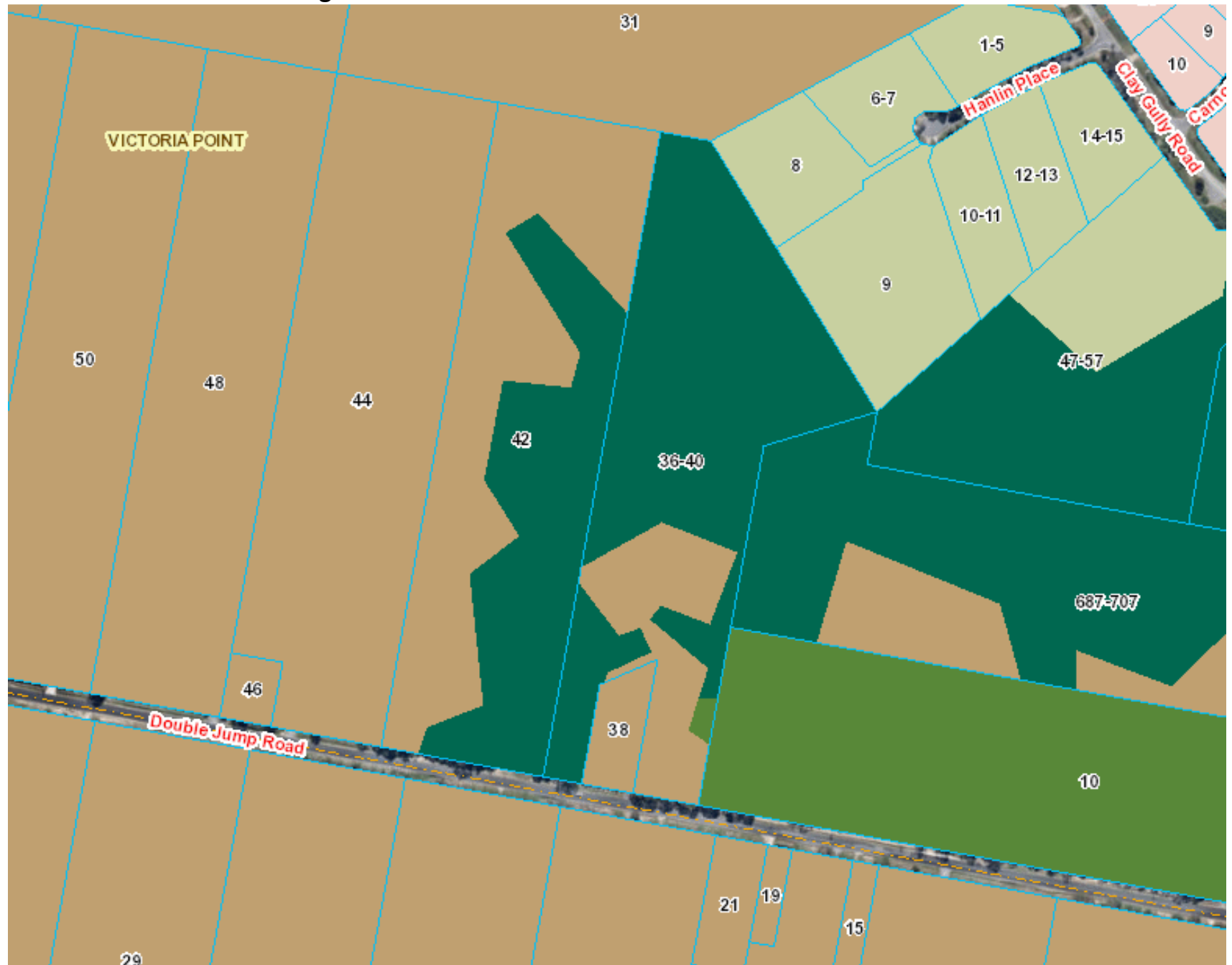


DOUBLE JUMP ROAD

NOTE
 DIMENSIONS AND AREAS
 ARE SUBJECT TO
 FINAL SURVEY

<p>OWNER:</p> <p>A. LOT 3 ON RP148003 INCLUDED 22.9.17 PF - FOR ISSUE 14/09/2017 PF</p> <p>AMENDMENTS</p>	<p>PROPOSED LOTS 21 -23 Cancelling Lot 7 On RP57455, Lot 3 On RP148004, And Lot 2 On RP169475 Locality. 36-42 Double Jump Road VICTORIA POINT Local Authority. REDLAND C. C. MERIDIAN. RP169475</p>	<p>L J HEWITT & CO PTY LTD CONSULTING SURVEYORS 4/13 STEEL ST CAPALABA PO BOX 4184 GUMDALE 4154 Phone 0418 721 530 Email len@ljhewitt.com.au</p>	<p>SCALE 1:2000 @A3 FORMAT</p> <p>PROPOSED LOT RECONFIGURATION</p> <p>Ref LH110-R/a</p>
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ATTACHMENT 3: Land zoning under the RPS v7.1



Key:

- Rural Non Urban
- Conservation
- Environmental Protection

ATTACHMENT 4: Habitat Protection Overlay Mapping



ATTACHMENT 5: Flood prone area under the RPS v7.1



ATTACHMENT 6: Environmental significance overlay mapping



KEY:
Environmental Significance Overlay

- MSES
- MLES

Attachment 7**RAL18/0012****Double Jump Road, Victoria Point - Three (3) into three (3) lot boundary realignment**

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>												
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.													
<u>Approved Plans and Documents</u>													
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 Council approval of the Survey Plan.												
<table border="1"> <thead> <tr> <th>Plan/Document Title</th> <th>Reference Number</th> <th>Prepared By</th> <th>Plan/Doc. Date</th> </tr> </thead> <tbody> <tr> <td>Proposed Lot Reconfiguration</td> <td>LH110-R/b</td> <td>L J Hewitt & Co Pty Ltd</td> <td>25.6.18</td> </tr> <tr> <td>Moogurrapum Creek Flood Study</td> <td>5136-02-R01-V01</td> <td>Water Technology</td> <td>19.03.19</td> </tr> </tbody> </table>		Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date	Proposed Lot Reconfiguration	LH110-R/b	L J Hewitt & Co Pty Ltd	25.6.18	Moogurrapum Creek Flood Study	5136-02-R01-V01	Water Technology	19.03.19
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Table 1: Approved Plans and Documents													
3. 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.	Prior to expiry of the currency period for the approved development.												
<u>Existing Structures</u>													
4. Demolish or remove the existing dwelling on Lot 3 on RP148004, including all slabs and footings, in accordance with the approved plan(s) and cap all services prior to demolition commencing.	Prior to Council approval of the Survey Plan.												
5. 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.	Prior to Council approval of the Survey Plan.												
<u>Split Valuation</u>													
6. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is [REDACTED] (excl GST) per allotment (2019/2020 Financial Year). The amount of contribution must be paid at the	Prior to Council approval of the Survey Plan.												

<p>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><u>Utility Services</u></p>	
<p>7. Relocate any services (e.g. water, effluent treatment and disposal, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>8. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid 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>9. Design and install electricity and telecommunication conduits to service proposed Lot 22 in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – 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:</i></p> <p>https://www2.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><u>Land Dedication and Design</u></p>	

<p>10. Grant easements in favour of Council 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> <p>a) Drainage easement for the 1% AEP overland flow path, in accordance with the approved flood study.</p>	<p>As part of the request for assessment of the Survey Plan.</p>
<p><u>Environmental</u></p>	
<p>11. Provide a plan of subdivision showing a building location envelope for proposed Lot 22 which includes a minimum 20m buffer to the vegetated areas on the lot covered by the Environmental Significance Overlay under City Plan.</p>	<p>As part of the request for assessment of the Survey Plan.</p>
<p><u>Access and Roadworks</u></p>	
<p>12. Design and construct a 3.0m wide concrete driveway to service proposed Lot 22.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>13. Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, services and footpaths.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><u>Stormwater Management</u></p>	
<p>14. Manage stormwater discharge from the site so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to Council approval of the Survey Plan.</p> <p>Ongoing condition.</p>
<p><u>Water and Wastewater</u></p>	
<p>15. Connect all lots to the existing reticulated water system in accordance with the SEQ Water Supply and Sewerage Design and Construction Code and the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>

<u>Sediment and Erosion Control</u>	
16. 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).	During the construction phase.
<u>Dust Control</u>	
17. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.	During any site works and construction phase.

ADDITIONAL APPROVALS

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

- 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.
- Operational Works – for the clearing of any native vegetation within the areas mapped under the Environmental Significance Overlay.

ASSESSMENT MANAGER ADVICE

- **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.

- **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.
