

1 APPLICATION SUMMARY

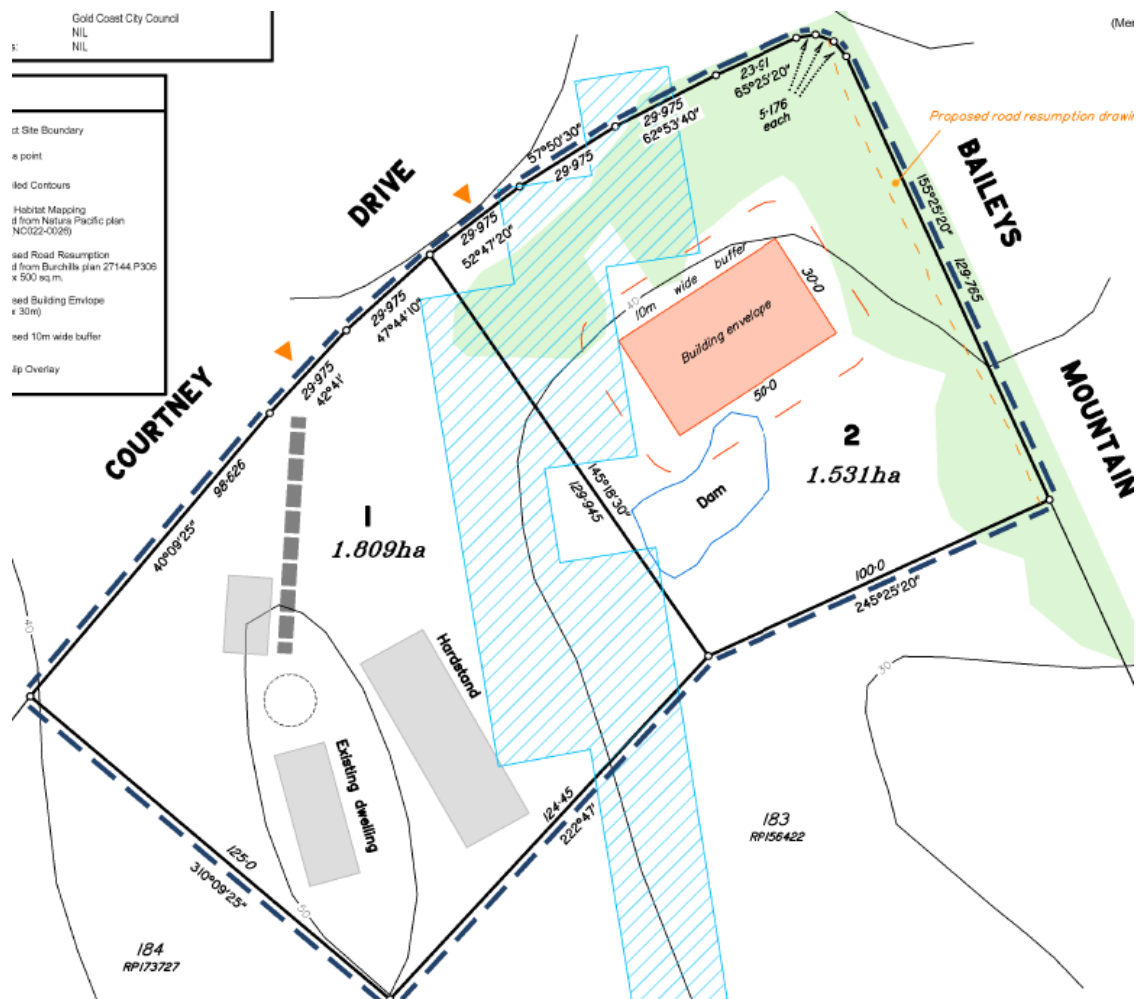
Application information		
Address	17 Courtney Drive, UPPER COOMERA QLD 4209	
Lot and plan	Lot 182 RP156422,	
Site area	33,410m ²	
Type of development and proposed use	Reconfiguring a lot (1 into 2 lot subdivision)	
Categories of development and assessment	Code assessment	
Properly made date	18 January 2023	
Decision due date	17 April 2023	
Applicant and Applicant's consultancy team	Mo Chen and Ying Yuan – Applicant Elevate Development Solutions Pty Ltd– Town Planning Trilogy – Survey and Subdivision Plan Taylor Environmental – Effluent Management Eldon Botcher Architects – Bushfire Management Natura Consulting – Ecological Assessment	
Owner details	Mo Chen and Ying Yuan	
City Plan version	Version 9	
Zone / Precinct	Rural residential	
Overlays	- Airport environs - Procedures for Air Navigation Services, Aircraft Operational (PANS-OPS) surfaces. - Bushfire hazard area. - Dwelling house overlay area. - Environmental significance –priority species, Matters of state environmental significance and Koala habitat areas - Environmental significance – wetlands and waterways - Landslide hazard overlay	
Submissions	Objections	Support
	Not applicable.	Not applicable.
Key matters raised by submitters	Not applicable.	
Referral agencies	Not applicable.	
Officer's recommendation	Approval, subject to conditions.	

2 PROPOSAL

The purpose of this report is to assess an application for a Development permit for Reconfiguring a lot (Code assessment) for a One into two lot subdivision at 17 Courtney Drive, Upper Coomera. Table 5.6.1 of the City Plan categorises the land use as subject to code assessment as the development meets the minimum lot size of 4000m². The development key details of the proposal are outlined in the table below:

Development proposal	
Lot sizes	Lot 1: 18,090m ² (1.809ha) Lot 2: 15,310m ² (1.531ha)
Road access	Access to proposed Lot 1 will be maintained through an existing crossover to Courtney Drive. Access to proposed Lot 2 can be provided via a vehicle crossover to Courtney Drive.
Frontage	Lot 1: 98 metres to Courtney Drive Lot 2: 129 metres to Baileys Mountain Road and 173 metres to Courtney Drive.
Water	Proposed Lot 1 is to retain the existing private water storage, and proposed Lot 2 is to establish a new private water storage system within the proposed building envelope.
Effluent	The existing private effluent is proposed to be retained for proposed Lot 1. Proposed Lot 2 is to be serviced by an onsite effluent system.

The following identifies the proposed lot layout of the development:



3 KEY CONSIDERATIONS

The key considerations of the proposal include:

City Plan Version 10

On 28 February 2023, Council adopted City Plan Version 10 to commence on 4 July 2023. City Plan Version 10 makes amendments to part of the Courtney Drive area. Specifically, the zoning of the subject site is identified to be changed to Emerging community zone within the Upper Coomera (Courtney Drive) precinct, and Courtney north-east sub precinct. Once commenced, this precinct (and subsequently the entirety of the subject site) anticipates a residential density of 19 to 23 dwellings per net hectare. In accordance with s45(8) of the *Planning Act 2016*, an assessment manager is able to give weight to an amended statutory instrument if the statutory instrument is amended after the development application is properly made, but before it is decided. As such, City Officers have given consideration to City Plan Version 10 to determine future planning direction for the Upper Coomera (Courtney Drive) area, which then also impacts the standard of infrastructure required to service the area for future development.

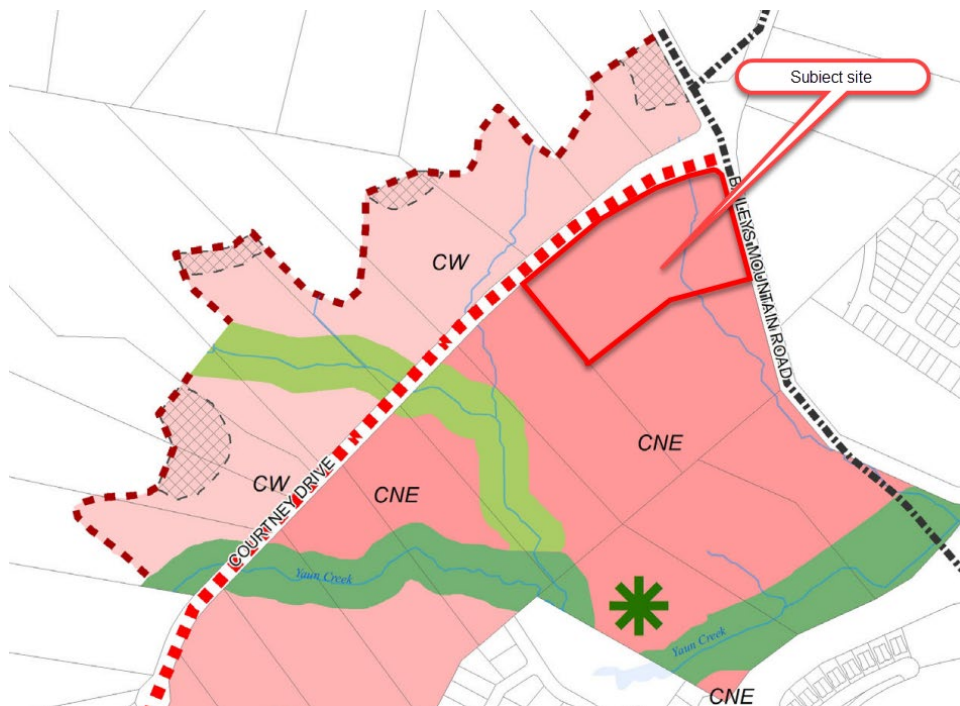


Figure 2: Upper Coomera (Courtney Drive) Sub Precinct Mapping (Source: City Plan Version 10)

4 SITE CONTEXT

4.1 Subject site and immediate context

The subject site is:

- Legally described as Lot 182 on RP156422;
- Includes a total site area of 33,410m²;
- Includes frontage to Courtney Drive and Baileys Mountain Road;
- Currently improved by a Dwelling house, pool and associated outbuildings;
- Relatively flat topography (40AHD to 50AHD);
- Characterised by mature vegetation, predominately around the perimeter; and
- Not burdened by any easements or encumbrances.



Figure 3: Aerial view of subject site (Source: EPE Mapping)



Figure 4: Subject site at the corner of Courtney Drive and Baileys Mountain Road

4.2 Local context

The subject site is located within the suburb of Upper Coomera, which is categorised by a mix of residential and commercial developments. The immediate locality predominantly comprises large lots with single detached dwellings. More broadly, the suburb is characterised by medium density residential developments with dispersed Centre and Community facilities zoning to service the area.

Reserve Road connects the subject site to the north and south of the rest of the city through public transport networks and connection with the Pacific Motorway.

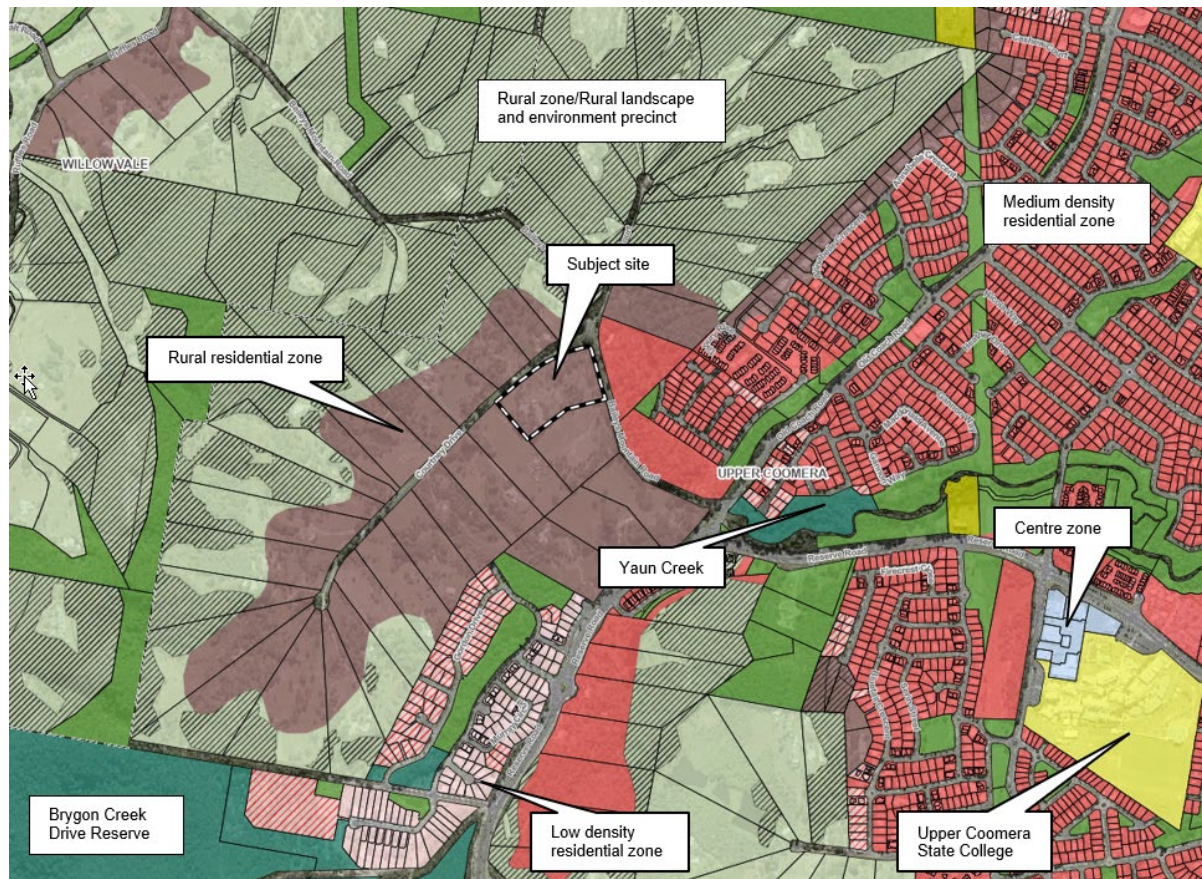


Figure 5: Local context (Source: City Plan Interactive Mapping)

5 PLANNING ASSESSMENT

The proposed development triggers code assessment and has been assessed in accordance with Section 45(3) of the *Planning Act 2016*.

Section 45(3) of the *Planning Act 2016* identifies:

- (3) 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.

5.1 State Planning instruments

The application has been assessed against the following instruments:

Instrument	Comment
State Planning Policy	The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
Planning Regulation 2017	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the Planning Regulation 2017.

5.2 Local categorising instruments

The application has been assessed against the following instruments:

Local categorising instrument	Comment
Temporary Local Planning Instrument	The proposal does not trigger assessment against any temporary local planning instruments.
Variation approval	The proposal does not trigger assessment against a variation approval.
City Plan (Version 9)	The proposal is within the City Plan area of the City of Gold Coast. This is discussed in section 5.3 below. <u>Local Government Infrastructure Plan</u> The proposal triggers requirement for upgraded trunk infrastructure to service the development. This is discussed in section 5.2.1 within this planning report.

5.2.1 Assessment against the Local Government Infrastructure Plan

The following comments were provided by Traffic and Transport branch of Council:

“The subject site is identified on The Local Government Infrastructure Plan – Map 5 (LGIP-PFTI-TRN-5) and LGIP Extrinsic Material Report Transport Network table 3-1 identifies construction of the Old Coach Road / Reserve Road intersection upgrade (INT_011).

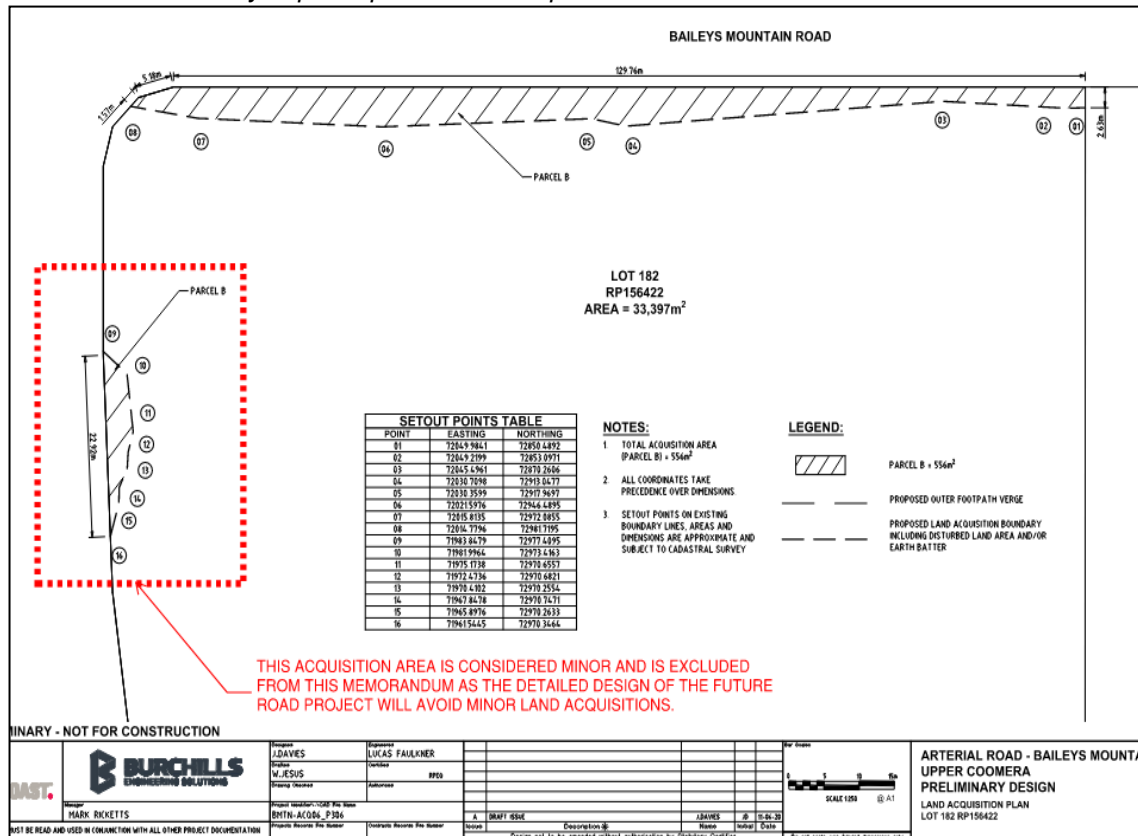
The proposed development triggers the dedication of land required for the future upgrade of Baileys Mountain Road and includes:

- Dedicate 503m² of land adjacent to Baileys Mountain Road for future road widening in accordance with City of Gold Coast plan titled Arterial Road – Baileys Mountain Road Upper Coomera Preliminary Design Land Acquisition Plan, drawing number: 277144.P306 (see Figure 6).
- This application includes trunk roadworks with an estimated value of \$57,300. While timing is uncertain, this is likely to be payable/offset by the City in the FY 2022-23. The trunk transport infrastructure work is identified in the LGIP and Power budget.

Total estimated value of Transport Network Infrastructure

Summary	Amount
Land dedication at 182RP156422 (503m ² @ \$100m ²)	\$50,300
Survey	\$5,000
Registration	\$2,000
Total estimated works:	<u>\$57,300</u>

The works are scheduled to be undertaken in the 2021 – 2026 cohort. This is the best information regarding timing available to the city. The construction will be determined by external and internal influences which may impact upon this development.”



The Draft Infrastructure Notice reflects the above offset requirements.

5.3 City Plan

The following is an assessment of the application against the City Plan.

5.3.1 Assessment against the Strategic framework

The proposal is code assessment and does not trigger assessment against the strategic framework.

The *Planning Act 2016* requires codes assessable development (bounded assessment) to be carried out only against the assessment benchmarks stated in the categorising instrument (City Plan) and have regard to matters prescribed by the regulation.

Section 43 (2) (c) of the *Planning Act 2016* states for code assessment, a strategic outcome (strategic framework) is not an assessment benchmark.

5.3.2 Zone

The site is located within the Rural residential zone. The purpose of this zone is to:

“provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of residential development is generally dispersed”

The proposal is for a Reconfiguring a lot, and subject to meeting the outcomes of the zone code, is an envisaged development for the zone.

5.3.3 Assessment against the codes

Under the City Plan, compliance with a code can be achieved by either compliance with the purpose and overall outcomes of the code, or, compliance with either the performance outcomes or acceptable outcomes. Acceptable outcomes are generally quantifiable provisions, with the performance and overall outcomes generally qualitative and performance based.

The following assessment benchmarks identified in the City Plan for the site are listed below.

Zone code	Overlay / Overlay codes	Development codes
• Rural residential zone code	• Bushfire hazard overlay code; • Environmental significance overlay code; and • Landslide hazard overlay code.	• Reconfiguring a lot code; • General development provisions code; • Healthy waters code; and • On-site sewerage facilities code.

This is a 'report by exception' and only discusses issues where the development does not meet the relevant acceptable outcomes or where a relevant performance outcome does not have a stated corresponding acceptable outcome. This is outlined in the table below:

Code	Acceptable / Performance Outcome	Subject matter
Rural residential zone code	Performance outcome PO7/PO9/PO10	Lot size
	Performance outcome PO5	Density
Bushfire hazard overlay code	Performance outcome PO1	Bushfire hazard
	Performance outcome PO3/PO5	Development design and layout
	Performance outcome PO6	Vehicular access
Environmental significance overlay code	Performance outcome PO1	Ecological site assessment
	Performance outcome PO5	Wetland and waterway
	Performance outcome PO23	Tenure, ownership and management arrangements
	Performance outcome PO26	Rehabilitation
Reconfiguring a lot code	Performance outcome PO15	Circulation and street access design
General development provisions code	Performance outcome PO1 / PO2	Amenity protection

5.3.3.1 Assessment against the Rural residential zone code

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

Lot size- Rural residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO7 Where not on the Minimum lot size overlay map or Rural residential landscape and environment precinct Average lot size is no less than 8,000m ² and no lots have an area less than 4,000m ² . Note: this provision does not apply to land that is to be dedicated to Council or State for open space or infrastructure purposes.	AO7 No acceptable outcome provided.
PO9 Minimum lot size overlay map Lot size is not less than that shown on the Minimum lot size overlay map .	AO9 Minimum lot size overlay map No acceptable outcome provided.

PO10 Minimum lot size overlay map Lot configuration is as follows: <table border="1"> <tr> <th>Minimum lot size</th><th>Minimum frontage width</th></tr> <tr> <td>2000m²</td><td>15m</td></tr> <tr> <td>2500m²</td><td>15m</td></tr> <tr> <td>3500m²</td><td>15m</td></tr> <tr> <td>4000m²</td><td>50m</td></tr> </table>	Minimum lot size	Minimum frontage width	2000m ²	15m	2500m ²	15m	3500m ²	15m	4000m ²	50m	AO10 Minimum lot size overlay map No acceptable outcome provided.
Minimum lot size	Minimum frontage width										
2000m ²	15m										
2500m ²	15m										
3500m ²	15m										
4000m ²	50m										

Officer's comment

As no Acceptable outcome is provided for the abovementioned benchmarks, assessment is elevated to the corresponding Performance outcomes.

The development is for a one into two lot subdivision, with proposed Lot 1 comprising of 18,090m² and proposed Lot 2 comprising 15,310m². Both lots include frontages of 98 metres and 129 metres respectively.

Based on the above assessment it is considered the development complies with Performance outcomes PO7, PO9 and PO10 of the Rural residential zone code.

Density – Rural residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO5 Residential density is limited to a dwelling house.	AO5 No acceptable outcome provided.

Officer's comment

As no Acceptable outcome is provided, assessment is elevated to the corresponding Performance outcome.

The proposed development provides a single building envelope within proposed Lot 2, zoned in the Rural residential zone. As such the residential density of the proposed development is limited to a dwelling house.

Based on the above assessment it is considered the development complies with Performance outcome PO5 of the Rural residential zone code

5.3.3.2 Assessment against the overlay codes

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

Bushfire hazard- Bushfire hazard overlay code

Performance outcome	Acceptable outcome
PO1 In a bushfire hazard area, the fire mitigation methods used at the site are adequate for the bushfire hazard of the individual site, having regard to: (a) vegetation type; (b) slope;	AO1 A written assessment by a suitably qualified and experienced bushfire management consultant confirms that the site is not in a bushfire hazard area. OR The development complies with an approved Bushfire

(c) aspect; (d) bushfire history; (e) conservation values of the site; (f) ecological restoration, including forest succession; (g) ongoing maintenance; (h) climate change; and (i) on site and off-site¹ fire hazard implications. <i>Note 1: This includes potential hazard from land up to 10kms away from the site. For example, how might large tracts of forest away from the site impact on the bushland that surrounds the site.</i>	management plan prepared in accordance with SC6.3 City Plan policy – Bushfire management plans. OR The development complies with an existing approved Bushfire management plan as referenced within the approved reconfiguration of a lot. <i>Note: Prior to:</i> (a) plan sealing for a Reconfiguration of a lot; or (b) the issue of a Building final or Certificate of classification for Building work; or (c) the commencement of use where building work is not proposed. <i>Whichever comes first, the applicant must submit to Council, certification from an appropriately qualified and experienced person that the development has been completed in accordance with, and complies with the approved Bushfire management plan and that all risk treatments are functioning in accordance with the approved plan.</i>
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Officer's comment

Bushfire Assessment provide the following comment:

The proposed development does not comply with Acceptable outcome AO1 as the site is within a bushfire hazard area. The proposed development demonstrates compliance with Performance outcome PO1 as a Bushfire management plan (BMP) has been submitted.

Based on the above assessment it is considered the development complies with Performance outcome PO1 of the Bushfire hazard overlay code.

Development design and lot layout- Bushfire hazard overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO3 In a bushfire hazard area, developments, including lot layout are designed to avoid bushfire hazard and provide safe sites for people, property and buildings. Editor's note – The development should be located: (a) away from the most likely direction of a fire front (refer Figure 8.2.3-1: Preferred house site location in bushfire hazard areas); and (b) so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.	AO3.1 Development, Lots and/or building envelopes are not located within bushfire hazard areas. OR The development is located in accordance with the approved Bushfire management plan as referenced within the approved reconfiguration of a lot. OR The development is designed to adequately demonstrate that the risk to life and property is minimised to achieve acceptable levels and ensure ongoing site management.
	AO3.2 The development design incorporates bushfire radiation zone/s that: (a) use existing or natural fire breaks & minimise the need to clear native vegetation; (b) do not impact matters of environmental

	significance; (c) are located entirely within the boundaries of the private property of the development site; and (d) incorporates landscaping species that are less likely to exacerbate a bushfire event.
PO4 In a bushfire hazard area, when designing for bushfire hazard mitigation the lot layout must avoid impacts on matters of environmental significance.	AO4 Development design, Lot size, and layout avoids impact on matters of environmental significance and minimises impacts such as fragmentation, habitat loss and edge effects for any matters of environmental significance.

Officer's comment

Bushfire Assessment provide the following comment:

The proposed development demonstrates compliance with Performance outcome PO3 of the Bushfire hazard overlay code as the layout of the subdivision incorporates a 10 metre buffer zone surrounding the proposed building envelope to mitigate fire hazard and to reduce the threat to property and infrastructure.

As the building envelope on proposed Lot 2 is situated over a mapped waterway, compliance with Acceptable outcome AO4 cannot be achieved. The submitted Ecological Site Assessment, prepared by Natura Consulting, recommends that the waterway is retained in its current location. As such, Environmental Assessment Officers will condition for the building envelope to be situated away from the waterway, with a minimum 10m buffer, resulting in minimal impacts to matters of environmental significance and compliance with Performance outcome PO4 of the Bushfire hazard overlay code.

Notwithstanding Bushfire Assessment's recommendation, Planning Officers are satisfied that compliance with Performance outcome PO4 can adequately be conditioned through the inclusion of Further development permit (Operational Works- Vegetation clearing), Covenant and Rehabilitation Management plan approval, erosion and sediment control, and Overland flow paths and hydraulic alterations conditions. These will ensure matters of environmental significance are protected from any negative impacts as a result of the proposed development.

Based on the above assessment it is considered the development complies or can be conditioned to comply with Performance outcomes PO3 and PO4 of the Bushfire hazard overlay code.

Vehicular access- Bushfire hazard overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO6 In a bushfire hazard area, vehicular access (including internal roads) is designed to mitigate against bushfire hazard by ensuring adequate access for: (a) fire-fighting and other emergency vehicles, and (b) the evacuation of residents and emergency personnel, during a bushfire event.	AO6.1 The development design incorporates a perimeter road that: (a) is located between the boundary of the lots and/or buildings and the adjacent natural area and/or bushfire hazard area; (b) has a minimum cleared width of 20m; (c) has a constructed minimum road width of 6m; (d) has a maximum gradient of 12.5%; (e) is constructed to an all-weather standard; and (f) is constructed to ensure all culverts and bridges have a minimum load bearing of 15 tonnes (if applicable). (refer Figure 8.2.3-2b).
	AO6.2 The road design is capable of providing access for firefighting and other emergency vehicles, in accordance with SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards.
	AO6.3 The road design does not include dead end roads (refer Figure 8.2.3-2a).

Officer's comment

Bushfire Assessment provide the following comment:

The proposed development is compliant with Performance Outcome PO6 of the Bushfire hazard overlay code as the submitted Bushfire Management Plan has outlined that the following minimum requirements are required for vehicle access: a minimum trafficable width of 4m, a minimum midstory vegetation width of 6m, a maximum gradient of 16% that has been satisfactorily test driven with the type of fire service appliance that would be utilised on site during a fire event with adequate drainage to prevent soil erosion and minimise ongoing maintenance. The applicant is also required to provide vehicle access in accordance with Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots. Published by QFES and the Queensland government.

Based on the above assessment it is considered the development complies with Performance outcome PO6 of the Bushfire hazard overlay code.

Ecological site assessment- Environmental significance overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO1 All matters of environmental significance on and adjacent to the development site are identified and protected. Note - An Ecological Site Assessment prepared in accordance with SC6.7 City Plan policy – Ecological site assessments, is Council's preferred method for addressing this performance outcome.	AO1 Proposed works do not impact on: (a) areas identified on Environmental significance – vegetation management overlay map; (b) buffers to wetlands and waterways being: (i) 100m from the mapped boundary of a State significant aquatic area, as identified on Environmental significance – wetlands and waterways overlay map; (ii) 100m from the outer landward boundary of a State significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; (iii) 100m from the outer landward boundary of a Local significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; (iv) 60m from the outer bank of a Major Waterway identified on Environmental significance – wetlands and waterways overlay map; or (v) 30m from the outer bank of a Waterway identified on Environmental significance – wetlands and waterways overlay map; and (c) individual trees within areas mapped on the Environmental significance – priority species overlay map.

Officer's comment

Environmental Assessment provide the following comment:

The proposed development is unable to comply with Acceptable outcome AO1 of the Environmental significance overlay code as proposed Lot 2 is situated directly on top of a waterway flow path and within the buffer area of the mapped waterway. Compliance with Performance outcome PO1 can be achieved, however, as the applicant will be conditioned to situate the proposed building envelope at least 10m away from any functioning waterways, as recommended in the submitted Ecological Site Assessment.

Notwithstanding Environmental Assessment's recommendation, Planning Officers are satisfied that compliance with Performance outcome PO1 can adequately be achieved through conditions of approval. It should be noted that, in order to protect matters of environmental significance, approved drawings have been amended in red by Officers to clearly identify the area of the subject site nominated as an environmental covenant and rehabilitation area. This area additionally covers a large portion of the mapped waterway at the truncation of Courtney Drive and Baileys Mountain Road. The building envelope is 1,500m² and provides a 10 metre wide buffer around the perimeter and specific conditions have been recommended which ensure future development of the site is designed considerate of potential impacts to the waterway.

It can be concluded that, despite the proposed developments non-compliance with the quantitative buffers identified in Acceptable outcome AO1, the provision of a large building envelope, protection of a large portion of the waterway under the conditioned environmental covenant are, and specific requirements for future development, it is considered that City Officers have secured an acceptable outcome which will ensure all matters of environmental significance on and adjacent to the development site are identified and protected.

Based on the above assessment it is considered the development can be conditioned to comply with Performance outcome PO1 of the Environmental significance overlay code.

Wetland and waterway- Environmental significance overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO5 Buffers are provided to wetlands and waterways identified on the Environmental significance – wetlands and waterways overlay map to ensure the: (a) protection of matters of environmental significance mapped onsite or identified through an ecological site assessment; (b) unimpeded movement of fauna along the waterway; (c) water quality is maintained; (d) bank stability; and (e) protection of property and infrastructure. Note: The buffer width for wetlands is measured from the outer, landward boundary of the mapped wetland, as shown on Environmental significance – wetlands and waterways overlay map. Note: Recommendations provided in an ecological site assessment (prepared in accordance with SC6.7 City Plan policy – Ecological site assessments) is Council's preferred method for determining alternative buffer widths. Note: Artificial waterways are to be addressed through the Coastal erosion hazard overlay code and map. Where a waterbody contains both natural and artificial banks, the natural banks are to be assessed in accordance with this performance outcome.	AO5.1 Buffers at least 100m wide are provided between the development and the mapped boundary of a State significant aquatic area, as identified on Environmental significance – wetlands and waterways overlay map. AO5.2 Buffers at least 100m wide are provided between the development and the outer landward boundary of a State significant wetland, as identified on Environmental significance – wetlands and waterways overlay map. AO5.3 Buffers at least 100m wide are provided between the development and the outer landward boundary of a Local significant wetland as identified on the Environmental significance – wetlands and waterways overlay map. AO5.4 Buffers at least 60m wide are provided between the development and the outer bank of a Major Waterway as identified on the Environmental significance – wetlands and waterways overlay map. AO5.5 Buffers at least 30m wide are provided between the development and the outer bank of a waterway as identified on the Environmental significance – wetlands and waterways overlay map.

Officer's comment

Environmental Assessment provide the following comment:

The proposed development is unable to comply with AO5.5 of the Environmental significance overlay code as proposed Lot 2 is situated directly on top of a waterway flow path and within the buffer to the mapped waterway. Compliance with PO1 can be achieved however as the applicant will be conditioned to situate the proposed building envelope at least 10m away from any functioning waterways, as recommended in the submitted Ecological Site Assessment. A 10m buffer will provide enough distance to ensure that flow is uninterrupted and bank stability

is maintained.

Notwithstanding Environmental Assessment's recommendation, Planning Officers are satisfied that compliance with Performance outcome PO5 can adequately be achieved through conditions of approval. As discussed above, City Officers are satisfied that the proposed development (and any future development) will ensure matters of environmental significance are identified and protected. In respect to water quality and bank stability, specific conditions of approval have been recommended requiring development to not increase the quality and quantity of stormwater, and also implement erosion and sediment control measures.

Based on the above assessment it is considered the development can be conditioned to comply with Performance outcome PO5 of the Environmental significance overlay code.

Tenure, ownership and management arrangements- Environmental significance overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO23 (a) Matters of environmental significance and associated buffers, mapped areas as identified on the Environmental significance – vegetation management overlay map proposed for retention and areas requiring rehabilitation are suitably protected in perpetuity and will: (b) enable necessary fire management in accordance with an approved fire management plan and any adopted bushfire management plan; (c) allow unimpeded movement of native fauna through matters of environmental significance and associated buffers; (d) enable maintenance access and regular management; (e) enable auditing and reporting of maintenance and management activities; (f) provide for public access along major waterways, where such access is consistent with the ecological functions; (g) allow for linkages and buffers to adjacent areas of ecological significance; and (h) allow for a coordinated approach to the management of adjacent areas of conservation estate.	AO23 Matters of environmental significance and associated buffers, mapped areas as identified on the Environmental significance – vegetation management overlay map proposed for retention and areas requiring rehabilitation are transferred to Council ownership as Public Open Space. OR Where not required for public access, matters of environmental significance and associated buffers, and mapped areas as identified on the Environmental significance – vegetation management overlay map proposed for retention and areas requiring rehabilitation are retained in private ownership and protected under a statutory covenant (under the <i>Land Title Act 1994</i>). Note: Where the area is adjacent to existing public open space, or is a buffer to a major waterway, Council's preference is for the land to be dedicated as Public Open Space.
PO25 A Covenant Management Plan is prepared for areas to be protected under a statutory covenant. The management plan must include the following details: (a) rehabilitation area and strategy of works; (b) weed eradication and control requirements; (c) how the covenant area will be maintained and managed in perpetuity; (d) feral and domestic animal exclusion requirements; and	AO25 No acceptable outcome provided.

(e) required maintenance access.

Note: A Covenant Management Plan is prepared by a suitably qualified person and in accordance with SC6.8 City Plan policy – Environmental management plans is Council's preferred method for addressing this performance outcome.

Officer's comment

Environmental Assessment provide the following comment:

The proposed development is compliant with Performance outcome PO23 and PO25 of the Environmental significance overlay code as the applicant will be conditioned to submit a Covenant and Rehabilitation Management Plan that identifies a nominated statutory covenant area along the entirety of the eastern boundary line. The covenant area is to be at least 15m in width.

In order to safeguard the delivery of an acceptable outcome, Planning Assessment have additionally included amendments in red to the stamped approved drawings with details of the specific minimum area and dimensions of the environmental covenant and rehabilitation area. This area is to be at least:

- 15 metres wide, measured outside of the *Proposed road resumption* area (see *Figure 4*) along the Baileys Mountain Road frontage; and
- 30 metres wide at the Courtney Drive frontage measured outside of the *Proposed road resumption* area (see *Figure 4*) for a length of 30 metres.

Based on the above assessment it is considered the development can be conditioned to comply with Performance outcome PO25 of the Environmental significance overlay code.

Rehabilitation- Environmental significance overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO26 Disturbed, cleared or modified areas are rehabilitated where they form part of: (a) an ecological corridor; or (b) matters of environmental significance and associated buffers; or (c) areas identified within an Ecological Site Assessment as requiring rehabilitation. Note: A Rehabilitation Management Plan prepared in accordance with the <i>South East Queensland Ecological Restoration Framework</i> and SC6.8 City Plan policy – Environmental management plans is Council's preferred method for addressing this outcome.	AO26 No acceptable outcome provided.

Officer's comment

Environmental Assessment provide the following comment:

The proposed development can achieve compliance with Performance outcome PO26 of the Environmental significance overlay code as the applicant has been conditioned to submit a

Covenant and Rehabilitation Management plan that outlines a basic weed removal strategy to assist with natural regeneration within the covenant area.

Based on the above assessment it is considered the development complies with Performance outcome PO26 of the Environmental significance overlay code.

5.3.3.3 Assessment against development codes

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

Circulation and street access design- Reconfiguring a lot code

Performance outcome	Acceptable outcome
PO15 An overall street network is provided which: (a) prioritises pedestrians and cycling over motor vehicles; (b) establishes a connected and legible street network; (c) provides a high level of internal accessibility and high-quality external connections for pedestrians and cyclists and appropriate external connections for vehicles; (d) creates safe conditions for pedestrians, cyclists and vehicles for both day and night-time usage; (e) caters for the extension of existing or future public transport routes to provide services that are convenient and accessible for all the community; (f) facilitates connections for future development, minimising travel distances; (g) are designed to be responsive to the natural contours of the land; (h) facilitates safe and efficient access for service vehicles including refuse collection; and (i) does not compromise future development to achieve the same outcomes listed above.	AO15 Streets are designed to: (a) comply with design standards in SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards; (b) establish a safe walkable and permeable street network that provides clear pedestrian and cycle access to commercial, public transport, parks and community service areas; (c) provide street trees in accordance with SC6.12 City Plan policy – Landscape work; (d) allow for efficient, safe and unimpeded movement of buses alongside pedestrians, cyclists and other motorists; (e) incorporate signals, pedestrian refuge and splitter islands for the safe crossing of pedestrians and cyclists for intersections and long roads; (f) accommodate service vehicle requirements; (g) have footpaths that link to existing footpaths, road crossings, parks and public transport facilities, and designed in accordance with SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards; (h) provide street lighting in accordance with SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards; and (i) provide for future extensions to the street network.

Officer's comment

Subdivision Engineering provide the following assessment against Performance outcome PO15:

Officers consider that in order to demonstrate compliance with the applicable assessment benchmarks, upgrade roadworks at the full frontage of the site to Courtney Drive are necessary. Both Proposed Lots 1 and 2 are located within the Rural residential zone. The Courtney Drive frontage of the site has a pavement of two coating seal bitumen surface with table drainage systems. This section of Courtney Drive does not comply with the Rural residential street profile which is required to consist of a pavement of Asphalt Concrete (AC) with kerb & channel. Subdivision Engineering raised an Information Request item requesting

an upgrade of Courtney Drive at the full frontage of the site to fit a Rural residential street profile in accordance with SC6.11 City Plan policy – Land development guideline. As such, compliance with Performance outcome PO15 can be achieved by including Existing road (upgrade) conditions in the decision notice.

Whilst the current road profile does not meet the City Plan Policy, and Subdivision Engineering have recommended the inclusion of road upgrade conditions to demonstrate compliance with Performance outcome PO15, Planning Assessment consider a road upgrade condition for the full frontage of Courtney Drive an unreasonable imposition.

In accordance with s45(8) of the *Planning Act 2016*, an assessment manager is able to give weight to an amended statutory instrument if the statutory instrument is amended after the development application is properly made, but before it is decided. At the time of assessment, amendments to the zoning of the subject site have been adopted under City Plan Version 10, which is set to commence 4 July 2023. City Plan Version 10 identifies the entirety of the subject site in the Emerging community zone within the Upper Coomera (Courtney Drive) precinct, and Courtney north-east sub precinct. Once commenced, this precinct (and subsequently the entirety of the subject site) anticipates a residential density of 19 to 23 dwellings per net hectare.

As such, it can be reasonable assumed that the commencement of the City Plan Version 10 will afford the subject site further development potential and a significantly increase anticipated density. As such, it can also be assumed that the road profile of Courtney Drive (as a whole) will be amended to adequately reflect this increase in density. This is corroborated through comments provided by Council's Traffic and Transport Branch, in which the dedication of a portion of the subject site was conditioned along the Baileys Mountain Road frontage to facilitate future road upgrades which are consistent with a Residential collector street profile. The Residential street collector profile creates a higher standard of road which is capable of accommodating an increased number of vehicle movements as well as including footpaths for pedestrians and cyclists.

Until the City Plan Version 10 is formally adopted by Council, Officers are unable to condition upgrades which are reflective of the ultimate design for Courtney Drive (i.e., Residential collector street profile). In addition, it is considered that requesting upgrades to the full frontage of Courtney Drive to reflect the current zoning (i.e., Rural residential street profile) redundant considering the anticipated zoning change. Thus, burdening the proposed one (1) into (2) lot subdivision with a road upgrade condition is considered unreasonable, and no condition is recommended to be included for the upgrade of Courtney Road for the full frontage of the subject site.

As such the proposed development does not meet Acceptable outcome AO15, Performance outcome PO15 or the Purpose and overall outcomes of the Reconfiguring a lot code as the current Rural street profile is not compliant with the relevant assessment benchmarks.

The above assessment clearly shows the proposed development does not meet the purpose and overall outcomes of the code, specifically in respect to the road standard only. Coupled with its non-compliance with the applicable performance and acceptable outcomes, the proposed development does not meet the code. Despite non-compliance with the code, Council as assessment manager has a discretion at law as to whether or not it approves this application under Section 60(2) of the Planning Act 2016.

General development provisions code - Amenity protection

Performance outcome	Acceptable outcome
PO1 Development mitigates any negative effects to amenity, health and safety from existing surrounding activities having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) signage; (e) visual amenity; (f) wind effects; (g) privacy; (h) vibration; (i) contaminated substances; (j) hazardous chemicals; (k) odour and emissions; and (l) safety.	AO1 No acceptable outcome provided.
PO2 The proposed development prevents loss of amenity and threats to health and safety, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) signage; (e) visual amenity; (f) wind effects; (g) privacy; (h) vibration; (i) contaminating substances; (j) hazardous chemicals; (k) odour and emissions; and (l) safety.	AO2 No acceptable outcome provided.

Officer's comment

As no Acceptable outcome is provided, assessment against Performance outcome PO1/PO2 is required.

The proposed development is for a residential Reconfiguring of a lot and therefore, Officers consider assessment against mitigating any negative effects from surrounding/proposed activities and preventing the loss of amenity in regard to noise, hours of operation, signage, wind effects, privacy, vibration, contaminated substances, hazardous chemicals and odour and emissions to not be applicable to this development.

Subdivision Engineering have provided the following assessment relating to Traffic:

Officers consider that in order to demonstrate compliance with the applicable assessment benchmarks, upgrade roadworks at the full frontage of the site to Courtney Drive are necessary. Both Proposed Lots 1 and 2 are located within the Rural residential zone. The

Courtney Drive frontage of the site has a pavement of two coating seal bitumen surface with table drainage systems. This section of Courtney Drive does not comply with the Rural residential street profile which is required to consist of a pavement of Asphalt Concrete (AC) with kerb & channel. Subdivision Engineering raised an Information Request item requesting an upgrade of Courtney Drive at the full frontage of the site to fit a Rural residential street profile in accordance with SC6.11 City Plan policy – Land development guideline. As such, compliance with Performance outcome PO1 & PO2 can be achieved by including Existing road (upgrade) conditions in the decision notice.

As discussed above, Planning Assessment are not recommending the imposition of road upgrade conditions for the proposed development in order to avoid redundant upgrades. In relation to amenity protection, it is considered that the small scale one (1) into two (2) lot subdivision will not exasperate impacts to amenity specifically relating to traffic. It is considered that the imposition of covenant and rehabilitation conditions for the eastern boundary of the subject site will assist in mitigating any negative effects to amenity from existing surrounding activities. This covenant and rehabilitation area will act as a buffer for noise and traffic associated with the future Baileys Mountain Road upgrade.

Based on the above assessment it is considered the development complies with Performance outcome PO1 & PO2 of the General development provisions code.

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is \$31,996.28.

Charges Resolution No. 1 of 2022			
	Qty	Rate	Gross Charge Amount
Reconfiguring a lot	2 Lots @	\$ 31,996.28	\$ 63,992.56
			\$ 63,992.56
Net Charge Summary			
Gross Charge Amount	Applied Credit Amount	Net Charge Amount	
\$ 63,992.56	\$ 31,996.28	\$ 31,996.28	

Applied credit details	Credit applied for existing/previous Dwelling House.
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7 REFERRALS

7.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions. If not previously included, internal referral comments and an overview of the recommended conditions are provided in the table below:

Internal referral area	Conditions/Comments (if not included within report)
Traffic and Transport	Traffic and Transport have reviewed the proposed development and provide the following conditions: • General: ○ Timing • Trunk Development Infrastructure ○ Land dedication
Environmental Assessment	Environmental Assessment have reviewed the proposed development and provide the following conditions: • General: ○ Amended drawings ○ Amended plans • Property: ○ Covenant • Environment and Landscaping: ○ No damage to retained vegetation ○ Vegetation clearing • Construction management: ○ Certification of works ○ Rehabilitation management plan ○ Covenant area management plan ○ Hold point inspection Advice notes: i. Further development permits (OPW- Vegetation clearing) ii. Vegetation protection iii. Environmental covenant iv. Species management program <i>Note: Planning Officers acknowledge amended drawing conditions recommended by Environmental Assessment. Notwithstanding, Officers have amended the proposal plan in red to adequately address the relevant assessment benchmarks.</i>
Hydraulics and Water Quality	
Subdivision Engineering	Subdivision Engineering have reviewed the proposed development and provide the following conditions: • Engineering: ○ Existing roads ○ Electrical reticulation ○ Telecommunications network • Construction management: ○ Certification of works

7.2 External referrals

There is no concurrence or advice agency(s) triggered by this development application.

8 PUBLIC NOTIFICATION

No part of the application required public notification.

9 CONCLUSION

Council is in receipt of an application for a development permit for a Reconfiguring a lot to subdivide one (1) into two (2) lots at 17 Courtney Drive, Upper Coomera.

After a detailed assessment, it has been determined the proposal meets the purpose of the Rural residential zone and applicable overlay and development codes.

It is recommended the application be approved, subject to conditions.

10 NOTIFICATIONS

The following property notifications will be applied:

- Building envelope.
- Vegetation protection.
- Environmental covenant.

11 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Executive Coordinator Planning Assessment approves (with conditions) the issue of a development permit for Reconfiguring a lot (1 into 2 lots) in accordance with the Attachment entitled: Decision Notice- Approval.

Author:

Kyra Reid

Planner

April 2023

Authorised by:

Adam Brown

A/Executive Coordinator Planning Assessment