

**1 APPLICATION SUMMARY**

| <b>Application information</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Address</b>                                    | 79-99 Courtney Drive, Upper Coomera<br>(79, 89, 91, 97 and 99 Courtney Drive)                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Lot and plan</b>                               | Lot 188, 189, 190, 191 and Lot 192 RP173728                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Site area</b>                                  | <ul style="list-style-type: none"> <li>• Lot 188 – 30,790m<sup>2</sup></li> <li>• Lot 189 – 30,340m<sup>2</sup></li> <li>• Lot 190 – 30,950m<sup>2</sup></li> <li>• Lot 191 – 37,390m<sup>2</sup></li> <li>• Lot 192 – 59,020m<sup>2</sup></li> </ul> Total site area - 188,490m <sup>2</sup> (18.849ha)                                                                                                                                                 |
| <b>Type of development and proposed use</b>       | Development permit for Reconfiguring a lot for a 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot)                                                                                                                                                                                                                          |
| <b>Categories of development and assessment</b>   | Impact assessment                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Properly made date</b>                         | 22 May 2019                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Decision due date</b>                          | 28 April 2023                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Applicant and Applicant's consultancy team</b> | <ul style="list-style-type: none"> <li>• HB Land Pty Ltd – Applicant;</li> <li>• Zone Planning Group – Planning consultancy;</li> <li>• Bennett + Bennett – Surveyor;</li> <li>• Morton's Engineering Group – Civil engineer;</li> <li>• Biome – Environmental assessment and Hydraulic engineer;</li> <li>• Wollemi Eco-Logical – Bushfire consultant;</li> <li>• Group GSA – Landscape consultant; and</li> <li>• SLR – Transport engineer.</li> </ul> |
| <b>Owner details</b>                              | HB Land Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>City Plan version</b>                          | Version 6                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Zone / Precinct</b>                            | <ul style="list-style-type: none"> <li>• Rural residential zone; and</li> <li>• Rural zone (including the Rural, Rural landscape and environment precinct)</li> </ul>                                                                                                                                                                                                                                                                                    |
| <b>Overlays</b>                                   | <ul style="list-style-type: none"> <li>• Airport environs (PAN-OPS contour);</li> <li>• Bushfire hazard (potential impact buffer, medium</li> </ul>                                                                                                                                                                                                                                                                                                      |

|                                         |                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
|                                         | hazard and high hazard);<br><ul style="list-style-type: none"> <li>• Dwelling house;</li> <li>• Environmental significance (local &amp; state significant species, koala habitat area, general &amp; medium priority vegetation, minor waterway &amp; associated buffer, watercourse 30m buffer area); and</li> <li>• Landslide hazard (moderate hazard).</li> </ul> |                                                             |
| <b>Submissions</b>                      | <b>Objections</b>                                                                                                                                                                                                                                                                                                                                                    | <b>Support</b>                                              |
|                                         | 10 including 6 properly made objections and 4 not properly made objections                                                                                                                                                                                                                                                                                           | 1 submission in support however, this was not properly made |
| <b>Key matters raised by submitters</b> | Siting of public notification signage, yield and density, the Courtney Drive road extension, provision of off street car parking, environmental impacts, sewer infrastructure alignment, delivery of open space areas and timing for the development.                                                                                                                |                                                             |
| <b>Referral agencies</b>                | The application was originally referred to SARA as the proposed Reconfiguring a lot includes more than 200 allotments. Alternations to the development footprint has reduced the overall lot yield. As such, the referral to SARA is no longer applicable. This is further discussed in Section 7.2                                                                  |                                                             |
| <b>Officer's recommendation</b>         | Approval, subject to conditions                                                                                                                                                                                                                                                                                                                                      |                                                             |

## 2 BACKGROUND

- On 21 June 2017, the Applicant attended a prelodgement meeting with Officers. The proposal included 248 lots to support 252 dwellings including 244 Dwelling houses and 4 Dual occupancies within the subject site. The proposal included a net developable area of 15.4ha to support a residential density of 1 dwelling / 309m<sup>2</sup> (16.4 dwellings / ha) and a total public open space area of 3.447ha (including 2.016ha for drainage and 1.431ha for environmental). The prelodgement layout is displayed in Figure 1 below

As identified above, the subject site is identified in the Rural residential and Rural zone (including the Rural, Rural landscape and environment precinct). City Plan (Version 4) was the categorising instrument at the time of the prelodgement meeting request. Officers identified within the prelodgement meeting the clear non-compliance the proposal had with City Plan (Version 4) as it did not support an outcome commensurate with the strategic intent for the subject sites.

The discussion confirmed that draft amendments to City Plan, being City Plan (Version 10) proposes a new Emerging community zone with a precinct for the Upper Coomera investigation area including within Courtney Drive. Whilst the proposed layout generally aligns with the Courtney Drive investigation area study, further refinement was required to address site based constraints as well as ensure the development only facilitates low density residential style

allotments consistent with the requirements of the forthcoming future Emerging community zoning for the site.

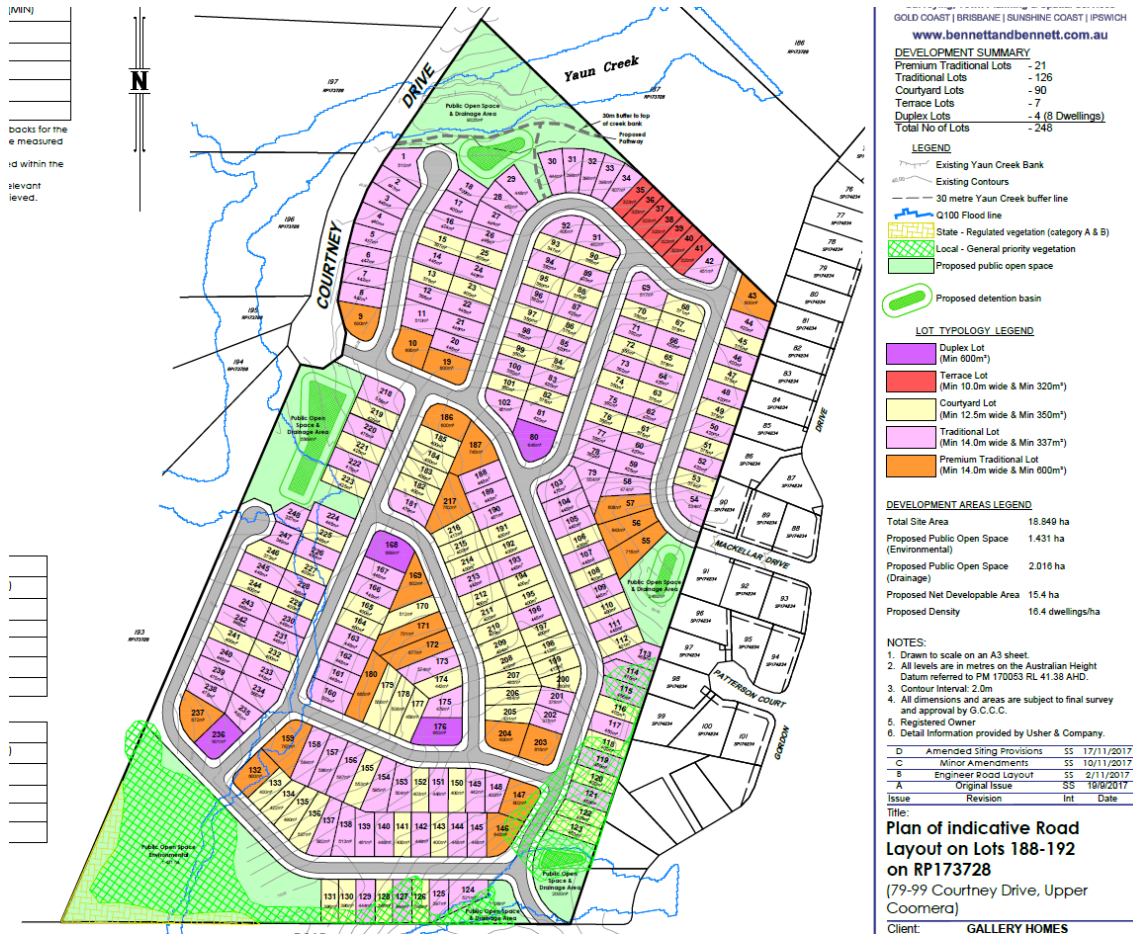


**Figure 1 - Proposed lot layout to support prelodgement meeting (Source: Bennett + Bennett)**

- On 22 May 2019, the Applicant lodged an application for a Combined Material change of use and Reconfiguring a lot for Dwelling houses in accordance with a Plan of development and subdivision to create 237 lots, park and new road pursuant to City Plan (Version 6). Officers provided the Applicant with a Confirmation notice on 5 June 2019. The lot layout is reflected below in Figure 2.

The proposal included a net developable area of 14.723ha to support a residential density of 1 dwelling / 381m² (16.1 dwellings / nett ha) and a total public open space area of 4.252ha (including 2.41ha for drainage, 1.57ha for conservation and 2708m² for recreation). Residential allotments ranged in size from 350m² – 1031m². The development was proposed to be delivered over 6 stages as shown in Figure 3.

**CITY DEVELOPMENT BRANCH** **DELEGATED AUTHORITY**  
**DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (IMPACT ASSESSMENT) FOR 5 INTO**  
**208 LOT SUBDIVISION (INCLUDING 196 RESIDENTIAL LOTS, 4 OPEN SPACE**  
**(ENVIRONMENTAL) LOTS, 5 OPEN SPACE (DRAINAGE) LOTS, 2 OPEN SPACE (RECREATION)**  
**LOTS AND 1 UTILITY LOT) AT 79-99 COURTNEY DRIVE, UPPER COOMERA**  
**COM/2019/82** **DIVISION**

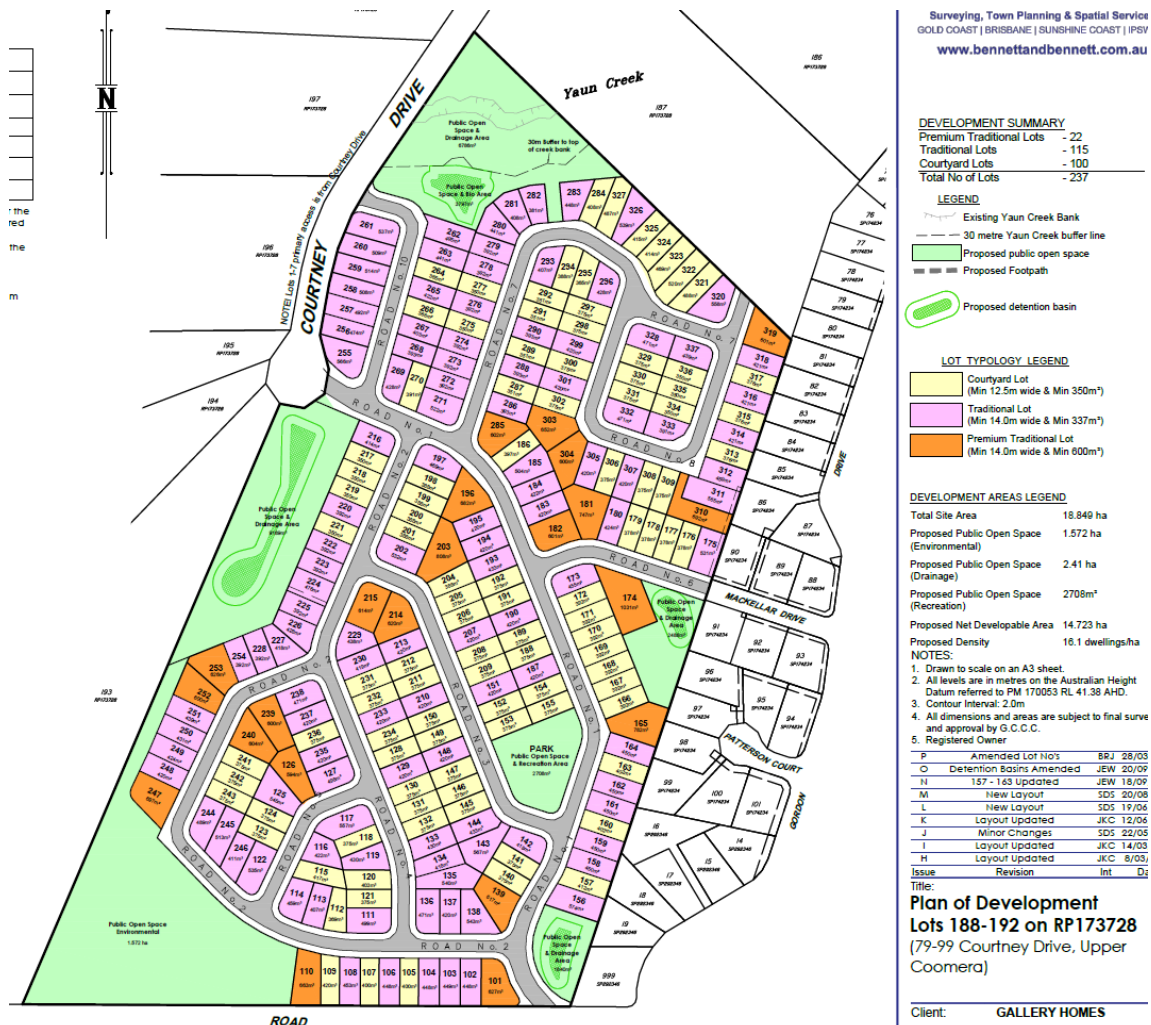


Figure 2 - Proposed lot layout at lodgement (Source: Bennett + Bennett)



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issuing the Information request, the categorising instrument had not been amended. As such, Officers confirmed the assessment could not give weight to draft City Plan amendments.

Within the Information request, a number of other matters were also raised including environmental management, open space requirements, refinement of built form outcomes and infrastructure related considerations.

- 8 November 2019, the Applicant provided a response to the Information request. The Applicant maintained the proposed lot layout which they considered aligns with the future Emerging community zoning within the subject site as per proposed Draft City Plan (Version 10). It is noted at the time of responding to the Information request, Draft City Plan (Version 10) had not been adopted nor commenced.

The amended proposal sought to support 220 residential allotments, 6 drainage lots, 2 recreational lots, 3 conservation lots and new roads. The amended proposal included a nett developable area of 14.257ha to support a residential density of 1 dwelling / 468m<sup>2</sup> (21.3 dwellings / nett ha) and a total public open space area of 4.594ha (including 2.01ha for drainage, 2.28ha for conservation and 3563m<sup>2</sup> for recreation). Residential allotments ranged in size from 326m<sup>2</sup> – 1359m<sup>2</sup> (excluding bushfire setback area). The development was proposed to be delivered over 6 stages.



Figure 4 - Proposed lot layout in response to Information request (Source: Bennett + Bennett)

- 19 November 2019, public notification commenced. Public notification was carried out for 15 business days and ceased on 10 December 2019. During the public notification period, a total of 11 submissions were received including 10 objections (6 properly made objections and 4 not properly made objections) and 1 in support (not properly made). The matters raised by submitters related to siting of public notification signage, yield and density, the Courtney Drive road extension, provision of off street car parking, environmental impacts, sewer infrastructure alignment, delivery of open space areas and timing for the development.
- 2 January 2020, following the review of the submissions in response to public notification, the application entered the decision making period.

- Between 1 April 2020 and 21 April 2020, Officers issued a series of Further advice notices in regard to the Applicant's response to the Information request and matters raised by submitters from a variety of internal stakeholders. Matters of concern related to the non-compliances with City Plan (Version 6) provisions, lot layout, plan of development provisions, infrastructure delivery and matters of environmental management.
- Between 1 May 2020 and 6 August 2020, a series of discussions and workshops were held with the Applicant in response to the identified concerns.
- On 3 July 2020, the Applicant submitted an amended lot layout plan in response to the identified concerns (while maintaining the proposal was still fundamentally an outcome which could not be considered favourable until draft amendments had pressed to a more definitive policy position).

As demonstrated by Figure 5 below, the amended proposal sought to support 197 residential allotments, 5 drainage lots, 2 recreational lots and new roads. The amended proposal included a net developable area of 13.333 ha to support a residential density of 1 dwelling / 410m<sup>2</sup> (20.8 dwellings / nett ha) and a total public open space area of 4.594ha (including 1.83ha for drainage, 3.23ha for conservation and 4626m<sup>2</sup> for recreation). Residential allotments ranged in size from 375m<sup>2</sup> – 892m<sup>2</sup> (excluding bushfire setback area). The development was proposed to be delivered over 5 stages.

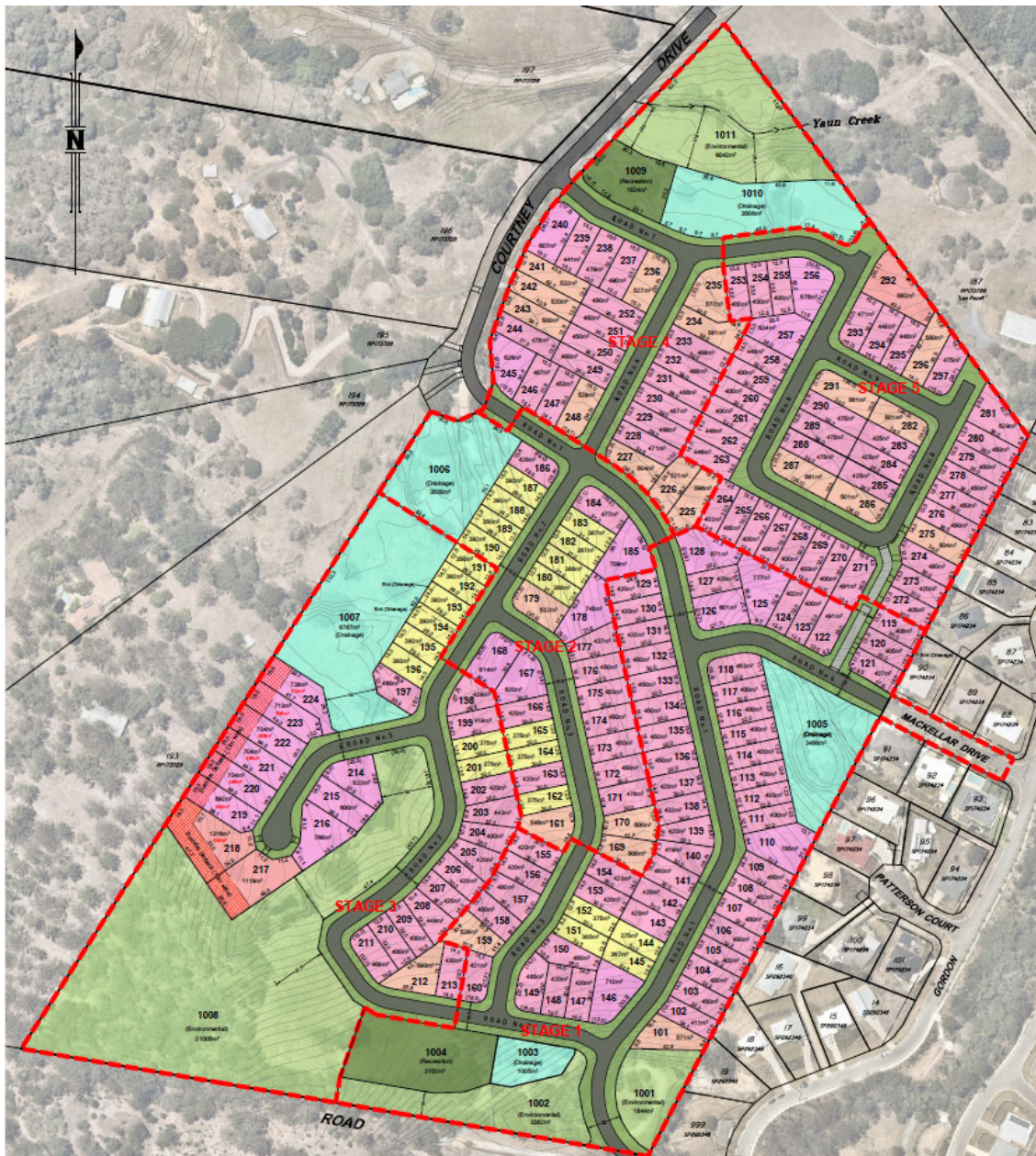


Figure 5 - Amended lot layout as of 3 July 2020 (Source: Bennett + Bennett)

- 14 December 2020, following continued discussion with Officers, the Applicant submitted a full response to Council's Further advice notices. The lot layout was generally consistent with the plan submitted on 3 July 2020 (as per Figure 5 above) however, the layout no longer supported small lots (lots less than 400m<sup>2</sup>). Residential lots now range between 400m<sup>2</sup> – 1316m<sup>2</sup>.

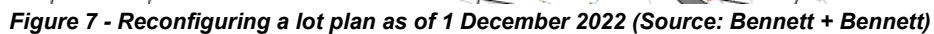


Figure 6 - Amended plan of subdivision as of 5 November 2020 (submitted 14 December 2020) (Source: Bennett + Bennett)

- 8 March 2021, Officers communicated with the Applicant the recommendation to refuse the development application due to an inability to consider all legislatively prescribed assessment benchmarks which may apply to the site when the amended planning instrument contemplates development such as that proposed over the site has commenced. Officers confirmed that for a favourable outcome to be considered, assessment anew at a time where there is a planning instrument that allows a favourable outcome to be achieved (inclusive of all other relevant state level assessment considerations) was required. While Officers facilitated ongoing discussions and negotiations with the Applicant to assist in guiding some of the technical considerations for

development of the site to date; this was in the absence of any relevant assessment benchmarks Officers could rely on for the consideration of any favourable development over the site.

- 12 July 2021, following a request for advice, Officers advised the Applicant that the application could not be progressed until such time as Major update 2 & 3 was adopted and commenced. The ability to consider the Courtney Drive investigation area within the assessment of the application would be through s45(5) as other relevant matters and s45(7) as the ability to give weight to an amended statutory instrument before deciding an application under the *Planning Act* 2016.
- Between August 2021 and November 2022, a series of discussions and workshops were held with Officers to further deliberate on outstanding matters of concern.
- On 1 December 2022, the following Reconfiguring a lot plan was submitted (Figure 7 below). This would be the last iteration of the proposed plan of subdivision before finalising the assessment of the application. A breakdown of the proposed lot sizes, density etc is provided below within Section 3.



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The Officers assessment report herein is against the final iteration of the proposal as outlines in Section 3 of this report.

### 3 PROPOSAL

The purpose of this report is to assess an application for a Development permit for Reconfiguring a lot for a 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) at 79-99 Courtney Drive, Upper Coomera.

Table 5.6.1 of the City Plan (Version 6) categorises the proposed lot sizes as subject to Impact assessment as it seeks allotments which do not meet the required minimum lot size for the Rural and Rural residential zoned lots and also proposes additional allotments in the Rural, rural landscape and environmental zoned portion of the subject site.

The Applicant requests consideration of the proposal pursuant to the draft City Plan (Version 10) scheduled to commence on 4 July 2023.

#### 3.1 Brief description of proposed development

The development key details of the proposal are outlined in the table below:

| Development proposal |                                                                                                                                                                                                                                                                        |                    |                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------|
| Lot yield            | 208 lots including: <ul style="list-style-type: none"> <li>• 196 freehold residential lots;</li> <li>• 4 open space (Environmental) lots;</li> <li>• 5 open space (Drainage) lots;</li> <li>• 2 open space (Recreation) lots; and</li> <li>• 1 utility lot.</li> </ul> |                    |                        |
| Total site area      | 18.851ha                                                                                                                                                                                                                                                               |                    |                        |
| Net developable area | 13.499ha<br>This area excludes roads, Open space lots (environmental, drainage and recreational) and the utility lot                                                                                                                                                   |                    |                        |
| Lot sizes            | <b>Residential lots</b>                                                                                                                                                                                                                                                |                    |                        |
|                      | <b>Lot size</b>                                                                                                                                                                                                                                                        | <b>No. of lots</b> | <b>% of allotments</b> |
|                      | 400m <sup>2</sup> -449m <sup>2</sup>                                                                                                                                                                                                                                   | 94                 | 48%                    |
|                      | 450m <sup>2</sup> -499m <sup>2</sup>                                                                                                                                                                                                                                   | 55                 | 28%                    |
|                      | 500m <sup>2</sup> -599m <sup>2</sup>                                                                                                                                                                                                                                   | 21                 | 11%                    |
|                      | 600m <sup>2</sup> -699m <sup>2</sup>                                                                                                                                                                                                                                   | 13                 | 7%                     |
|                      | 700m <sup>2</sup> +                                                                                                                                                                                                                                                    | 13                 | 7%                     |
|                      | Minimum residential lot size: 400m <sup>2</sup><br>Maximum residential lot size: 1316m <sup>2</sup> (including bushfire setback exclusion area)                                                                                                                        |                    |                        |

|                                                                                                                      |                                                                                                                                                              |                                                                                                                                                                                                                          |                      |                         |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|
|                                                                                                                      | Open space / infrastructure lots                                                                                                                             |                                                                                                                                                                                                                          |                      |                         |
|                                                                                                                      | Lot                                                                                                                                                          | No. of lots                                                                                                                                                                                                              | Lot area             |                         |
|                                                                                                                      | Open space (Environmental)                                                                                                                                   | 4                                                                                                                                                                                                                        | 2.689ha              |                         |
|                                                                                                                      | Open space (Drainage)                                                                                                                                        | 5                                                                                                                                                                                                                        | 2.292ha              |                         |
|                                                                                                                      | Open space (Recreation)                                                                                                                                      | 2                                                                                                                                                                                                                        | 0.445ha              |                         |
|                                                                                                                      | Utility lot (sewer pump station)                                                                                                                             | 1                                                                                                                                                                                                                        | 0.018ha              |                         |
|                                                                                                                      | Total                                                                                                                                                        |                                                                                                                                                                                                                          | 5.444ha              |                         |
| Stages                                                                                                               |                                                                                                                                                              |                                                                                                                                                                                                                          |                      |                         |
|                                                                                                                      | Stage                                                                                                                                                        | Lots delivered                                                                                                                                                                                                           |                      |                         |
|                                                                                                                      | 1                                                                                                                                                            | Lot 101 – 118, Lot 119 – Lot 126, Lot 131 – 149, Lot 160, 2 Open space (drainage) lots (Lot 1003 and 1005), 2 Open space (environmental) lots (1001 and 1002), 1 Open space (recreation) lot (Lot 1004), Road 1, 2 and 3 |                      |                         |
|                                                                                                                      | 2                                                                                                                                                            | Lot 150 – Lot 159, Lot 161 – Lot 193, Lot 129 – Lot 130, 1 Open space (drainage) lot (Lot 1006), Road 3 as well as a continuation of Courtney Drive and Road 2                                                           |                      |                         |
|                                                                                                                      | 3                                                                                                                                                            | Lot 194 – Lot 223, 1 Open space (environmental) lot (1008) and 1 Open space (drainage) lot (Lot 1007), Road 5 and continuation of Road 2                                                                                 |                      |                         |
|                                                                                                                      | 4                                                                                                                                                            | Lot 224 – Lot 251, 1 Open space (drainage) lot (Lot 1009), 1 Open space (recreation) lot (Lot 1010), 1 Open space (environmental) lot (Lot 1011), 1 sewer pump station lot (Lot 1012), Road 6 and 7                      |                      |                         |
|                                                                                                                      | 5                                                                                                                                                            | Lot 252 – Lot 296, Road 8 and 9                                                                                                                                                                                          |                      |                         |
| Precinct density as generally identified in the Courtney Drive investigation area pursuant to City Plan (Version 10) |                                                                                                                                                              |                                                                                                                                                                                                                          |                      |                         |
|                                                                                                                      |                                                                                                                                                              | Net Ha                                                                                                                                                                                                                   | Lots within precinct | Net residential density |
|                                                                                                                      | Courtney West                                                                                                                                                | 1.490ha                                                                                                                                                                                                                  | 25                   | 16.8d/ha                |
|                                                                                                                      | Courtney South-east                                                                                                                                          | 8.020ha                                                                                                                                                                                                                  | 171                  | 21.3d/ha                |
| Net residential density for the development                                                                          | 1 dwelling / 403m <sup>2</sup> (20.6 dwelling / net ha)                                                                                                      |                                                                                                                                                                                                                          |                      |                         |
| Gross density (total site area)                                                                                      | 1 dwelling / 961.7m <sup>2</sup> (10.4 dwelling / ha)                                                                                                        |                                                                                                                                                                                                                          |                      |                         |
| Frontage                                                                                                             | The subject site includes frontage to Courtney Drive (west), Mackellar Drive (east) and Rangeview Road (south-east), and an unformed road to the south which |                                                                                                                                                                                                                          |                      |                         |

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|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | provides bushfire and stormwater asset access only                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Road access                                                   | Achieved from Courtney Drive, Rangeview Road and Mackellar Drive. The proposal delivers a continuation of Courtney Drive through to Rangeview Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| New roads                                                     | 9 new roads are proposed internal to the subject site resulting in a total area of 3.989ha of new public roads                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| New easements within proposed residential lots                | Stormwater easement within Lot 193 as well as along the rears of Lots 119-121                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Water                                                         | <p>The proposal includes the following water servicing strategy:</p> <ul style="list-style-type: none"> <li>• Connection to existing DN100 pipe along Mackellar Drive; and</li> <li>• Connection to existing DN200 main (note: cross-connection between existing reticulation main along Gordon Drive and the DN200 main along Rangeview Road).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Sewer                                                         | <p>The proposal includes the following sewer servicing strategy:</p> <ul style="list-style-type: none"> <li>• Stage 1 to connect to the existing 1050mm manhole in Mackellar Drive and will gravitate east to Gordon Drive;</li> <li>• Stage 2, 3 and 4 – developer to construct a temporary pump station in the low site (adjacent to Yuan Creek within proposed utility lot 1012) which will pump to the top of Mackellar Drive and then gravitate into the existing Gordon Drive network; and</li> <li>• Stage 5 – Prior to plan sealing, developer is required to remove temporary pump station, decommission the rising main and deliver the ultimate sewer connection to the east.</li> </ul> <p><i>Note : Officers have recommended a condition for the delivery of necessary Trunk infrastructure (non-identified LGIP) for Sewer infrastructure from Courtney Drive through the site along Lot 186 RP173728 and Lot 187 RP173728 to connect to the Council's existing sewer network at Richardson Crescent (ultimate sewer connection).</i></p> <p>This is further discussed in section 6.2.1</p> |
| Solid waste management                                        | <p>The Applicant submitted a swept path analysis certified by an RPEQ engineer to confirm that solid waste management servicing is achievable for each applicable stage of the proposed development.</p> <p>For lots connected to the new roads (short access) as a continuation of Road 4 and 8, bin pads have been agreed to within the road reserve. This will service proposed Lots 119-121 and 271-273.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Provision of electricity and telecommunication infrastructure | The existing electricity and telecommunication infrastructure will need to be augmented to service the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Environmental                                                 | In support of the application, the Applicant submitted an Ecological assessment, by Biome Consulting Pty Ltd, dated October 2019, reference BC-16090 which identified that 70% of general priority vegetation is proposed to be retained in a conservation area with some fabrication of the regional ecosystem along the drainage corridor. Small area of medium priority vegetation is proposed to be protected within conservation area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                              |                                                                                                                                                                                                                                                                                                                                                               |                        |                                |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|
|                              | All areas to be dedicated as public open space for conservation purposes are to undergo rehabilitation consistent with the Statement of rehabilitation intent, by Biome Consulting Pty Ltd, dated November 2020, reference BC-16090                                                                                                                           |                        |                                |
| Wetlands and waterways       | A major tributary of Yaun Creek is being protected in the north of the site. A primary watercourse is being modified as a result of the proposed development footprint. A natural channel design with a chain of ponds and buffers of 12m to 15m width either side is being fabricated as an alternate outcome within proposed Lot 1006.                      |                        |                                |
| Bushfire                     | <p>In support of the application, the Applicant provided a “Bushfire Management Plan for 77-99 Courtney Drive, Upper Coomera, prepared by Wollemi Eco-Logical, dated 31 March 2023, Version 9”</p> <p>The Bushfire management plan identifies setback requirements for Lots 101, and Lots 216-223. The setbacks are wholly contained in each lot.</p>         |                        |                                |
| Public open space dedication | A total area of 54,437m <sup>2</sup> (5.443ha) is to be dedicated for public open space including:                                                                                                                                                                                                                                                            |                        |                                |
|                              | Land to be dedicated as Park                                                                                                                                                                                                                                                                                                                                  | Purpose                | Area (m <sup>2</sup> )         |
|                              | Lot 1001 (Environmental)                                                                                                                                                                                                                                                                                                                                      | Conservation           | 1261m <sup>2</sup>             |
|                              | Lot 1002 (Environmental)                                                                                                                                                                                                                                                                                                                                      | Conservation           | 3358m <sup>2</sup>             |
|                              | Lot 1003 (Drainage)                                                                                                                                                                                                                                                                                                                                           | Drainage Reserve       | 1005m <sup>2</sup>             |
|                              | Lot 1004 (Recreation)                                                                                                                                                                                                                                                                                                                                         | Recreation – non trunk | 3102m <sup>2</sup>             |
|                              | Lot 1005 (Drainage)                                                                                                                                                                                                                                                                                                                                           | Drainage Reserve       | 3456m <sup>2</sup>             |
|                              | Lot 1006 (Drainage)                                                                                                                                                                                                                                                                                                                                           | Drainage Reserve       | 1.023ha                        |
|                              | Lot 1007 (Drainage)                                                                                                                                                                                                                                                                                                                                           | Drainage Reserve       | 4700m <sup>2</sup>             |
|                              | Lot 1008 (Environmental)                                                                                                                                                                                                                                                                                                                                      | Conservation           | 16226m <sup>2</sup>            |
|                              | Lot 1009 (Drainage)                                                                                                                                                                                                                                                                                                                                           | Drainage Reserve       | 3532m <sup>2</sup>             |
|                              | Lot 1010 (Recreation)                                                                                                                                                                                                                                                                                                                                         | Recreation – non trunk | 1344m <sup>2</sup>             |
|                              | Lot 1011 (Environmental)                                                                                                                                                                                                                                                                                                                                      | Conservation           | 6042m <sup>2</sup>             |
|                              | Lot 1012 (Utility – Pump Station)                                                                                                                                                                                                                                                                                                                             | Utility                | 181m <sup>2</sup>              |
|                              | Total                                                                                                                                                                                                                                                                                                                                                         |                        | 54,437m <sup>2</sup> (5.437ha) |
|                              | <p><u>Summary:</u></p> <ul style="list-style-type: none"><li>• Conservation – 26,899m<sup>2</sup> (5.437ha);</li><li>• Recreation – 4450m<sup>2</sup> (0.445ha) (an additional 181m<sup>2</sup> of space will be provided following the decommissioning of the temporary sewer pump station); and</li><li>• Drainage – 22920m<sup>2</sup> (2.292ha)</li></ul> |                        |                                |
| Street trees                 | Street trees will be established internal to the site as well as along Courtney Drive. Within the road reserve of Courtney Drive, specific conditions have been included within the Officers recommendation for the installation of <i>Melaleuca linarifolia</i> as the primary street tree which has as increased canopy depth                               |                        |                                |
| Landslide                    | In support of the application, the Applicant provided a Geotechnical Report,                                                                                                                                                                                                                                                                                  |                        |                                |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| hazard          | <p>Broadscale Geotechnical Investigation and Landslide Risk Assessment for Proposed Residential Subdivision, End of Courtney Drive, Upper Coomera", prepared by Pacific Geotech, Ref: PG-4116A, 2022-12-13, GR VER 1, dated 10 January 2023.</p> <p>The report provided a landslide susceptibility assessment for the proposed Lots 101-296 following Council guidelines and determines Lots 167-168, 191-196 and 232-234 with a 'Moderate to High' landslide risk. The remaining Lots 101-166, 169-190, 197-231, and 235-296 were assessed with a 'Low to Very Low' landslide risk.</p> <p>In order to reduce the landslide risk to Low, the report provided a set of engineering recommendations and risk mitigation measures regarding earthworks, cut/fill batters requirements, retaining walls and drainage requirements (ref: Sections 8 to 18 of the report). The report also included additional recommendations for any future building works on the lots (ref: Section 19 of the report). The report also included global stability assessment results for the indicative bulk earthworks confirming achieving a long-term factor of safety in excess of 1.5 for the proposed cut/fill batters and retaining walls providing the recommendations of the report are implemented.</p> <p>Specific conditions have been included within the Officers recommendation to ensure the above outcomes are achieved</p> |
| Retaining walls | <p>Retaining wall structures are required throughout the development and vary in height from 0.6 metres – 3 metres.</p> <p>To ensure a high quality visual amenity outcome of all retaining walls, specific conditions have been included within the Officers recommendation requiring all retaining walls be of concrete sleeper construction, be dark grey in colour (standard concrete colour is not acceptable) and that retaining walls exceeding 1.5 metres must be tiered and have a minimum bench width of 1 metre to support landscaping.</p> <p>Specific to Lot 121, Officers have supported a single tiered 2.3 metre high option for this allotment subject to the wall including a split face, stone or wood pattern finish (unless otherwise approved by Council) (in addition to the requirements above) and that the property boundary is setback an additional 1 metre to provide a 5.5 metre wide verge to facilitate a 1 metre wide public landscaping buffer.</p> <p>Specific conditions have been included within the Officers recommendation to ensure the above outcomes are achieved.</p>                                                                                                                                                                                                                                                                                                         |
| Entry statement | Any entry statement must be located within private land and will be subject to an Operational works approval (subsequent development application)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Wildlife        | In response to concerns identified by the community, a specific condition has been included within the Officers recommendation requiring the installation of wildlife signage at the Courtney Drive and Rangeview Road entrances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

The following drawings identifies the proposed development.



**DEVELOPMENT SUMMARY**

|                                 |         |
|---------------------------------|---------|
| Residential Lots                | 46      |
| Open Space Lots (Environmental) | 2       |
| Open Space Lots (Drainage)      | 2       |
| Open Space Lots (Recreation)    | 1       |
| Total Lots                      | 51      |
| Total Stage Area                | 4.420ha |
| Open Space (Environmental)      | 0.462ha |
| Open Space (Drainage)           | 0.446ha |
| Open Space (Recreation)         | 0.310ha |
| Area of New Road                | 1.060ha |
| Residential Lot Area (Net Ha)   | 2.142ha |



Figure 9 - Stage 1 of Reconfiguring a lot (Source: Bennett + Bennett)

**DEVELOPMENT SUMMARY**

|                                 |         |
|---------------------------------|---------|
| Residential Lots                | 47      |
| Open Space Lots (Environmental) | 0       |
| Open Space Lots (Drainage)      | 1       |
| Open Space Lots (Recreation)    | 0       |
| Total Lots                      | 48      |
| Total Stage Area                | 3.988ha |
| Open Space (Environmental)      | -       |
| Open Space (Drainage)           | 1.023ha |
| Open Space (Recreation)         | -       |
| Area of New Road                | 0.819ha |
| Residential Lot Area (Net Ha)   | 2.146ha |

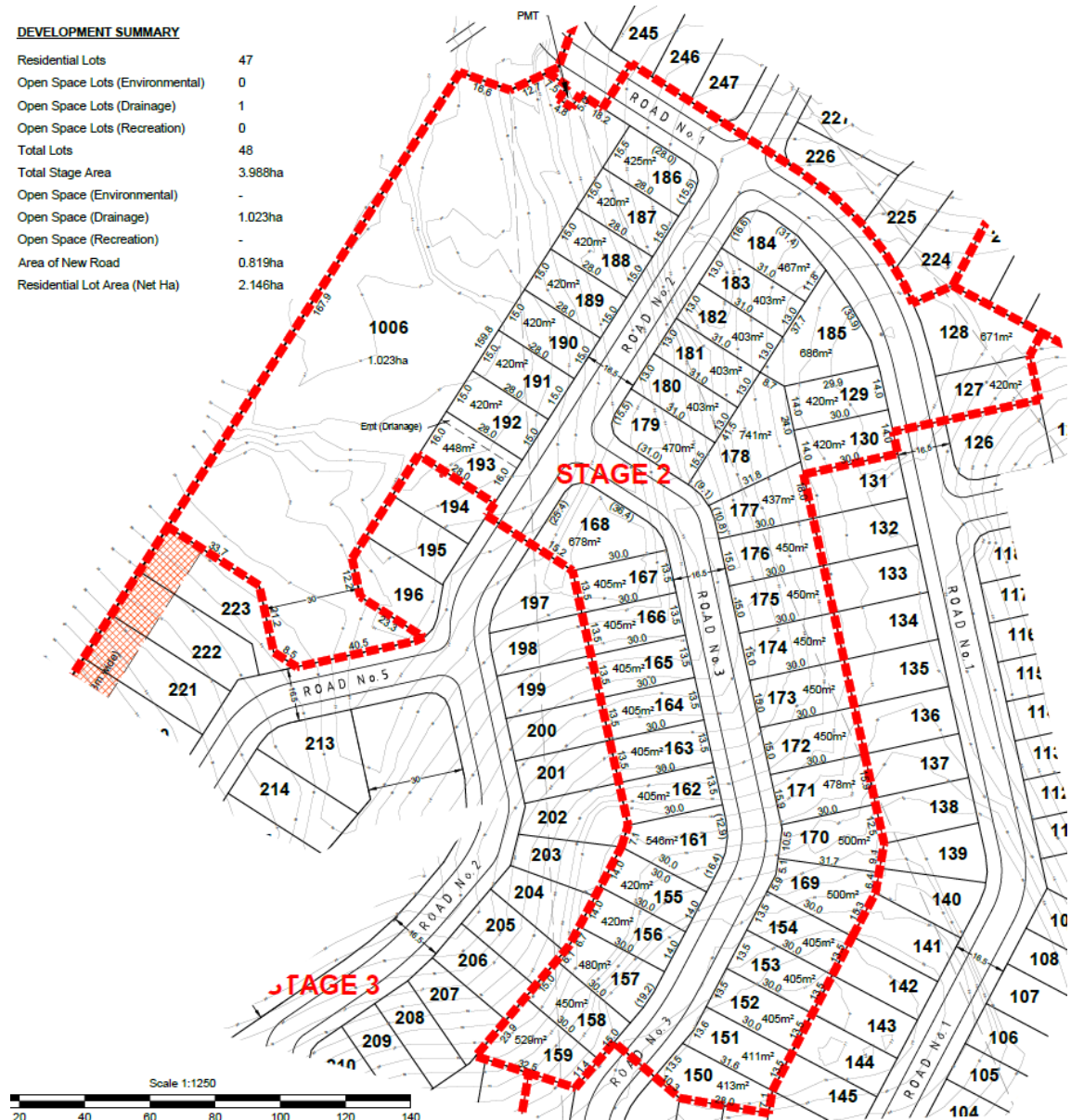


Figure 10 - Stage 2 of Reconfiguring a lot (Source: Bennett + Bennett)

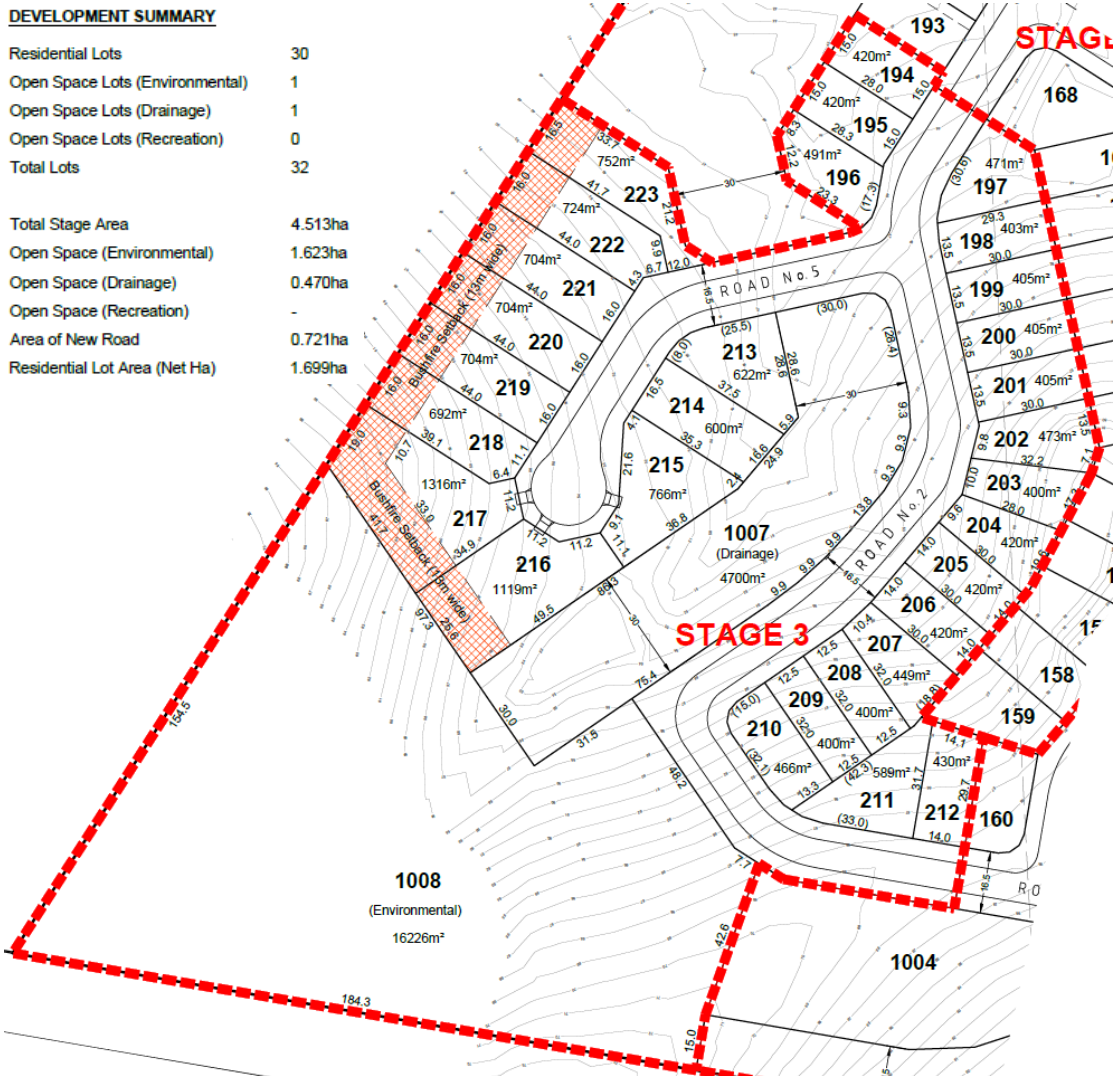


Figure 11 - Stage 3 of Reconfiguring a lot (Source: Bennett + Bennett)

DEVELOPMENT SUMMARY

|                                 |    |
|---------------------------------|----|
| Residential Lots                | 28 |
| Open Space Lots (Environmental) | 1  |
| Open Space Lots (Drainage)      | 1  |
| Open Space Lots (Recreation)    | 1  |
| Pump Station Lots               | 1  |
| Total Lots                      | 32 |

|                               |         |
|-------------------------------|---------|
| Total Stage Area              | 2.931ha |
| Open Space (Environmental)    | 0.604ha |
| Open Space (Drainage)         | 0.353ha |
| Open Space (Recreation)       | 0.134ha |
| Pump Station                  | 0.018ha |
| Area of New Road              | 0.409ha |
| Residential Lot Area (Net Ha) | 1.413ha |



Figure 12 - Stage 4 of Reconfiguring a lot (Source: Bennett + Bennett)



Figure 13 - Stage 5 of reconfiguring a lot (Source: Bennett + Bennett)



Figure 14 - Statement of landscape intent (Source: Zone Landscape Architecture)

#### **4 KEY CONSIDERATIONS**

The key considerations of the proposal include the following:

- Non-compliance with existing zoning;
- Adoption of amended statutory instrument – City Plan (Version 10);
- Consideration of other relevant matters;
- Site based constraints;
- Delivery of necessary infrastructure; and
- Submissions

As demonstrated within the history of the development application, the proposed development demonstrates a clear non-compliance with the sites current zoning being Rural residential and Rural (including the Rural, Rural landscape and environment precinct). The lodgement of the development application was premature of any changes to City Plan, which have been proposed to facilitate a low density residential development outcome such as that proposed. The application was lodged against City Plan (Version 6) and therefore, the assessment must be carried out against the assessment benchmarks in the categorising instrument for the development.

Officers have utilised Section 45 of the *Planning Act 2016* to consider the adoption of an amended statutory instrument and other relevant matters within the assessment of the application. Overall, it is considered that the proposed development is appropriate for the New communities element of the Creating liveable places theme of the Strategic framework, Emerging community zone and the applicable development and overlay codes of City Plan (Version 10), to commence on 4 July 2023. The development footprint is responsive to existing matters of environmental significance and the development layout is considered to appropriately respond to identified site based constraints. This is further discussed below.

##### **a. Non-compliance with existing zoning**

The proposed development seeks the establishment of 196 residential lots varying in size from 400m<sup>2</sup> – 1316m<sup>2</sup> as well as 5.444ha of public open space. All allotments proposed frontages comprise of a minimum 12.5m width (with the exception of lots located on inverted corners).

The proposed development seeks to facilitate an urban development outcome which is not conducive to the intention of the Rural residential or Rural zoned sites as per City Plan (Version 6). The development footprint does not maintain the very low intensity environment which supports the lifestyle and amenity aspirations of residents and removes the site's ability to support a range of sustainable rural enterprises. The proposal is unable to comply with specific outcomes of the Rural residential areas element of the 'Creating liveable places theme', the 'Rural production areas and rural enterprises element' and the 'Landscape character element' of the Strategic framework as well as the Rural and Rural residential zone codes.

##### **b. Adoption of amended statutory instrument – City Plan (Version 10)**

Notwithstanding the identified non-compliance with the existing zoning for the subject site, pursuant to Section 45 of the *Planning Act 2016*, the assessment manager may have regard to another statutory instrument which is amended after the development application is properly made. In this instance, Officers have had regard to City Plan (Version 10) which includes the Upper Coomera investigation area. City Plan (Version 10) was adopted by Council on 28 February 2023 with a commencement date of 4 July 2023. Officers acknowledge that Version 10 has not yet commenced, however, given that it has been adopted by Council, the planning intention of this area is clear in the Courtney Drive investigation area seeks to facilitate addition housing in the City consistent with the current identified housing shortage. Officers have in this utilised their ability to consider Version 10.

The Upper Coomera investigation area was identified to accommodate future residential opportunities within the City. City Plan (Version 10) identifies the subject site within the Emerging community zone (rather than the current zone of Rural and Rural residential).

Officers determined that the proposed development is responsive to the requirements of the Courtney south-east and Courtney west sub-precincts of the Upper Coomera (Courtney Drive) precinct. Despite the proposed residential density exceeding the nominated prescribed densities for each applicable sub-precinct, the proposed development layout is:

- responsive to site based constraints;
- supports housing choice through the provision of lot sizes;
- provides sufficient public open space;
- extends the existing road network to provide increased connectivity;
- facilitates a strong pedestrian network within the site; and
- provides a lot footprint which protects matters of environmental significance.

**c. Consideration of other relevant matters**

As per Section 45 of the *Planning Act* 2016, the assessment manager may have regard to any other relevant matter. In support of the application, the Applicant identified a number of relevant matters confirming that the proposal:

- is consistent with the Liveable Communities and Housing State Interest conveyed within the State Planning Policy;
- the sites designation within the urban footprint;
- that the proposal is consistent with the intention of the Courtney Drive investigation area which aims to facilitate urban land for the City;
- that the development provides an appropriate environmental outcome;
- responds to site based constraints; and
- will deliver to the much needed greenfield housing to support the current demand for housing in the City.

Officers identified Schedule 12A of the *Planning Regulations* 2017 as an other relevant matter to consider within the assessment of the application. Assessment benchmarks 4-8 of Schedule 12 of the *Planning Regulations* 2017 – Walkable neighbourhoods ensures that reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot. Whilst Schedule 12A states that it does not apply for lots identified within the Rural residential zone, given that Officers have provided weight to City Plan (Version 10), which identifies the subject site within the Emerging community zone, Officers consider it necessary to provide assessment to ensure compliance.

The proposed development layout is considered to facilitate connectivity for pedestrians by providing a continuous footpath network within the development layout which connects to roads and footpaths within the surrounding area, includes the provision of street trees and provides areas of public open space within the development site. The development layout provides two parks rather than one consolidated park being Lot 1010 within the north of the subject site and Lot 1004 within the south of the subject site with a total area of 4626m<sup>2</sup>. Future park lot 1004 will include a playground (with shade sail), pathway, open turf areas, bollards and landscaped garden beds and will be delivered in Stage 1. Future park lot 1010 will include open turf areas, bollards and shade trees and will be delivered in Stage 4.

**d. Site based constraints**

**Bushfire**

The subject site is identified on the Bushfire hazard overlay map with a potential impact buffer, medium hazard and high hazard. The development layout includes necessary building setbacks (where required) ensuring an appropriate bushfire hazard response. A specific condition and property notification have been included within Officers recommendation, which requires all future lot owners to be provided with a copy of the approved Bushfire management plan to ensure future built form is provided in accordance with any requirements identified by the approved plan.

**Slope**

The subject site is constrained by slope. As such, retaining walls and earthworks batters are required throughout the development footprint. Officers have recommended specific requirements for retaining walls to secure a high quality visual amenity outcome, for certain identified allotments, the developer must also carry out earthworks to ensure future driveway grades allow for safe vehicular access and within public open space areas. The Applicant must provide batters which allow for safe access to carry out necessary maintenance.

Batters are also associated with road corridors within the development. In instances, to achieve the necessary grade requirements of road corridors and acknowledging the slope of the site, batters may extend into Open space (environmental) lots. Officers have included specific conditions within the recommendation requiring any batters within the Open space (environmental) lots must be reflected within a subsequent rehabilitation management plan. All batters must be minimised to the greatest extent possible.

**Environment**

The development supports an outcome which protects and rehabilitates matters of environmental significance within the subject site consistent with the 'Living with nature theme' of the Strategic framework and the Environmental significance overlay code. This includes the refabrication of Yaun Creek, which is identified within the north of the subject site by way of a 30 metre wide dedicated conservation buffer area, refabrication of a minor waterway along the western boundary, retention of priority species habitat (koala habitat), as well as greater than 70% of the mapped general priority vegetation retained within the subject site. The development layout supports connectivity to the existing greenspace network to the south. All public open space lots for conservation will be rehabilitated and transferred to Council.

**e. Necessary infrastructure**

As per the 'New communities element' of the Liveable places theme and the Sustainable infrastructure provisions of 'A safe, liveable city theme' of the Strategic framework as well as the Emerging community zone, the establishment of new communities must provide necessary and adequate infrastructure to service the development. Within Officers recommendation, conditions have been included to ensure the delivery of this necessary infrastructure including roads, water, sewer, telecommunications, electricity etc.

From a network servicing arrangement for sewer infrastructure, the proposed development is considered out of sequence. As such, the Applicant has proposed an outcome which relies on the development requiring a temporary pump station to service the development for Stages 2, 3 and 4. The ultimate sewer infrastructure arrangement (identified as trunk infrastructure), requires a connection to be established along the adjoining northern properties, to then connect into the existing connection on Richardson Crescent. This arrangement is required to be delivered within Stage 5 of the proposed development. Officers have recommended a condition which does not allow plan sealing of stage 5 to occur until the ultimate sewer infrastructure is delivered.

The subject site is constrained by existing slope and as such, to ensure a developable building pad is achievable, earthworks and retaining walls are required. It is anticipated that retaining walls will vary in height from 0.6 metres up to 3 metres. To ensure a high quality interface, Officers have recommended specific conditions for materials and finishes of retaining walls structures. Specifically, dark grey concrete, tiering where walls exceed 1.5 metres and include a minimum bench width of 1 metre (unless otherwise specified).

#### **f. Submissions**

In response to public notification, a total of 11 submissions were received including 10 objections and 1 submission in support. The matters raised by submitters included:

- the siting of public notification signage;
- yield and density;
- the Courtney Drive road extension;
- provision of off street car parking;
- recreational parkland;
- sewer infrastructure alignment; and
- timing for the development.

The matters raised by submitters have been considered within the assessment of the application and responded to within Section 8.4 of this report.

Overall, through the ability to give weight to City Plan (Version 10), consideration of other relevant matters and by way of specific conditions, Officers consider the proposed development is appropriate for the subject site. The proposed development is therefore recommended for approval, subject to conditions.

## **5 SITE CONTEXT**

### **5.1 Subject site and immediate context**

The subject site:

- is described as Lot 188, 189, 190, 191 and Lot 192 on RP173728;
- includes a total area of 18.849ha;
- is irregular in shape and comprises of five allotments;
- includes an approximate frontage to Courtney Drive of 303 metres;
- is unimproved;
- includes existing medium priority vegetation along the rear boundaries of 89-99 Courtney Drive;
- includes an existing minor waterway which transverses 99 Courtney Drive;
- includes a sloped terrain from RL 35m AHD in the north-eastern corner of the site to RL 84m AHD in the south-western corner of the site;
- is not encumbered by any easements; and
- is currently connected to Council's water network however do not have existing connection to the Council sewer network.



Figure 15 - Aerial of subject site (Source: Nearmaps)



**Figure 16 - Site from the end of Courtney Drive (Source: Officer site inspection)**



**Figure 17 - McKellar Drive frontage (Source: Officer site inspection)**



## 5.2 Local context

The subject site is located in the Gold Coast suburb of Upper Coomera and is well positioned in regard to urban infrastructure, transport options, schools, sporting facilities, employment opportunities, retail options and recreational amenity all of which has been relatively established as part of this growth area. The property is located at the end of Courtney Drive and adjoins urban residential development to the east and rural and environmental designated land to the west

**North:** The adjoining property to the north is of a similar size to the subject site and also contains a single detached dwelling in the southern-most corner of the site. This development pattern is consistent throughout the remainder of the properties to the north.

**South:** Stockland's Highland Reserve residential development is located to the south with the final stages of the development adjoining the subject site. This is a large residential estate which is been developed in a similar approach to that proposed by the subject development in that lot amalgamation has occurred with an amalgamated earthwork approach undertaken to reduce slope across the development site enabling a higher density outcome to be achieved.

**West:** The properties to the west are all of a similar rural residential character and primarily contain a single dwelling and outbuildings.

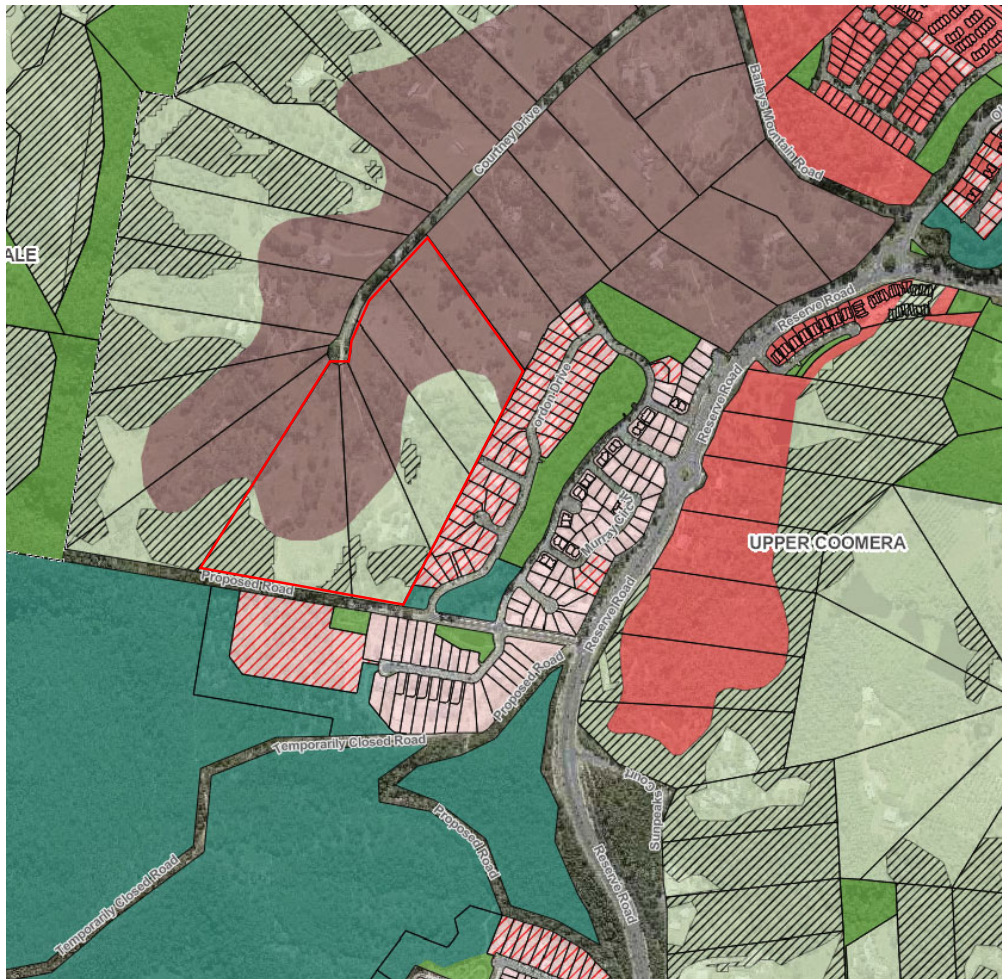


**Figure 19 - Immediate context (Source: CoGC)**

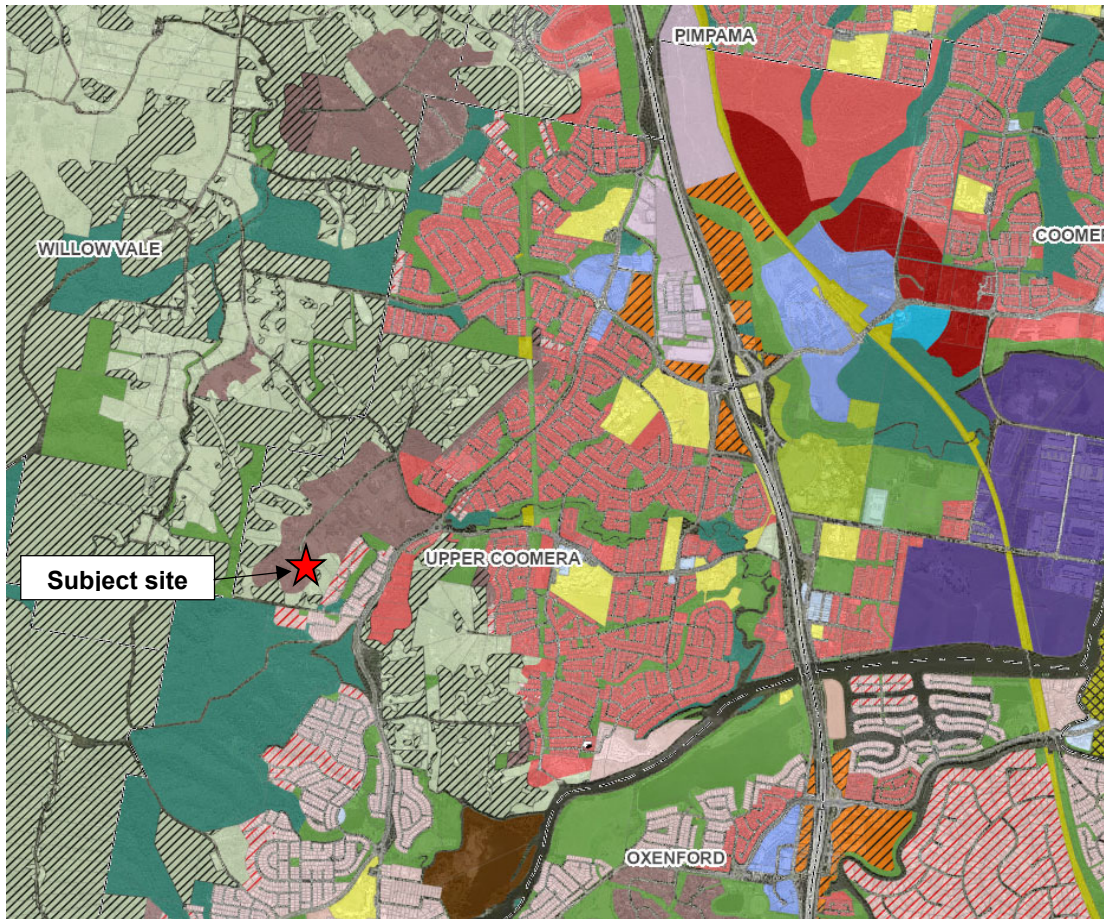


Figure 20 - Surrounding context (Source: CoGC)

## 6 PLANNING ASSESSMENT

The proposed development triggers impact assessment and has been assessed in accordance with Section 45(5) of the *Planning Act 2016*.

Section 45(5) of the *Planning Act 2016* identifies:

- (5) An **impact assessment** is an assessment that –
  - (a) must be carried out –
    - (i) against the assessment benchmarks in a categorising instrument for the development; and
    - (ii) having regard to any matters prescribed by regulation for this subparagraph; and
  - (b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

## 6.1 State Planning instruments

The application has been assessed against the following instruments:

| Instrument                          | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State Planning Policy               | <p>The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards).</p> <p>The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| South East Queensland Regional Plan | <p>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). This is discussed further in Section 9 of this report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Planning Regulation 2017            | <p>The original proposal triggers assessment against the State development assessment provisions for Aspects of development stated in schedule 20 for the proposal including more than 200 lots (Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Material change of use of premises near a State transport corridor).</p> <p>The application was referred to SARA who was identified in Schedule 10 to act as a Concurrence agency.</p> <p>As discussed within section 7.2.1 within this planning report, this referral is no longer applicable.</p> <p>Through other relevant matters, Officers have also provided assessment against the provisions of Schedule 12A Assessment Benchmarks for particular reconfiguring a lot of the <i>Planning Regulation 2017</i> in accordance with:</p> <ul style="list-style-type: none"> <li>Assessable development under s21 Schedule 10, Part 14, Division 2, Table 1</li> </ul> <p>This is discussed in section 7.2.1 within this planning report</p> |

## 6.2 Local categorising instruments

The application has been assessed against the following instruments:

| Local categorising instrument       | Comment                                                                                           |
|-------------------------------------|---------------------------------------------------------------------------------------------------|
| Temporary Local Planning Instrument | <p>The proposal does not trigger assessment against any temporary local planning instruments.</p> |
| Variation approval                  | <p>The proposal does not trigger assessment against a variation approval.</p>                     |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City Plan (Version 6) | <p>The proposal is within the City Plan area of the City of Gold Coast.</p> <p>This is discussed in section 6.3 below.</p> <p><u>Local Government Infrastructure Plan</u></p> <p>The proposal triggers requirement for new trunk sewer infrastructure to service the development; however, the infrastructure is not LGIP identified.</p> <p>This is discussed in section 6.2.1 within this planning report.</p> |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### 6.2.1 Assessment against the Local Government Infrastructure Plan

Although not identified within the Local Government Infrastructure Plan (LGIP), Officers have recommended a condition for the developer to deliver necessary sewer infrastructure.

The necessary sewer infrastructure provides connection through the subject site along Lot 187 RP173728 (65 Courtney Drive) and Lot 186 RP173728 (53 Courtney Drive) to connect to Council's existing sewer network at Richardson Crescent generally as per the following asset identification numbers:

- GPI34 – 150mm sewer main
- GPI08B – 225mm sewer main
- GPI08A (partial) – 225mm sewer (*in order to connect GPI08 to the existing sewerage network in Richardson Crescent*)

| LGIP infrastructure item identified | Desired Standard of Service | Drawing Title & Drawing No                                             | Author          | Date        | Ver |
|-------------------------------------|-----------------------------|------------------------------------------------------------------------|-----------------|-------------|-----|
| Sewer infrastructure                | City Plan 4.4.2             | Pimpama Sewerage Catchment<br>Map Sheet D1_3 - 12.001<br>Page 12 of 15 | Water and Waste | 15 Nov 2019 | 1   |

As the proposal is delivered within 5 stages, the ultimate sewer connection is not required to be delivered until Stage 5. Officers have recommended a condition which does not facilitate plan sealing of Stage 5 until such time as the sewer infrastructure is delivered.

The proposed alignment of the DN225 gravity main is identified within Figure 21.



Figure 21 - Sewer hydraulic model pipe layout (Source:H2One)

### 6.3 City Plan

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

#### 6.3.1 Assessment against the Strategic framework

The Strategic framework requires balanced consideration of the provisions to best achieve the purpose and objectives of the City Plan. The strategic framework sets the policy direction for the City Plan and has a planning horizon of 2031.

This Policy direction is structured in the following way:

- The strategic intent describes the planning vision for the Gold Coast over the coming decades; in particular, what our city will look like and how it will function, potential for major development over the next 20 years and areas for growth and protection.
- The following six city shaping themes play an important role in shaping future growth and managing change across the city, and collectively represent the policy intent of the City Plan:
  - Creating liveable places;
  - Making modern centres;
  - Strengthening and diversifying the economy;

- iv Improving transport outcomes;
  - v Living with nature; and
  - vi A safe, well designed city.
- (c) Strategic outcomes for each theme.
- (d) Elements that refine and further describe the strategic outcomes.
- (e) Specific outcomes sought for each of the elements.

### Strategic intent

The strategic intent flows through to the themes (strategic outcomes), elements (specific outcomes) and applicable codes. The strategic intent is achieved through assessment against these outcomes.

### Theme/s and Elements

The following is an assessment of the application against the relevant theme/s and elements of the strategic framework identified in the table below:

| Theme/s                                    | Related element                                                | Maps                                                                                                                                                                                                                 |
|--------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Creating liveable places                   | 3.3.7 Element – Rural residential areas                        | Strategic framework map 1 – designated urban area<br><br>• Non-urban area<br>• Investigation area<br><br>Strategic framework map 2 – settlement pattern<br><br>Strategic framework map –<br>• Rural residential area |
| Strengthening and diversifying the economy | 3.5.6 Element – Rural production areas and rural enterprises   |                                                                                                                                                                                                                      |
| A safe, well designed city                 | 3.8.2 Element – Landscape character                            |                                                                                                                                                                                                                      |
|                                            | 3.8.3 Element – Urban design, character and community identity |                                                                                                                                                                                                                      |
|                                            | 3.8.5 Element – Safe, healthy and cohesive communities         |                                                                                                                                                                                                                      |
|                                            | 3.8.7 Element – Natural hazards                                |                                                                                                                                                                                                                      |
|                                            | 3.8.8 Element – Sustainable infrastructure provision           |                                                                                                                                                                                                                      |
| Living with nature                         | 3.7.2 Element – Natural landscape areas                        | Strategic framework map 4 – greenspace network<br>• Hinterland core habitat<br>• Major ridgeline                                                                                                                     |
|                                            | 3.7.3 Element – Green space network                            |                                                                                                                                                                                                                      |
|                                            | 3.7.4 Element – Nature conservation                            |                                                                                                                                                                                                                      |
|                                            | 3.7.5 Element – Coastal, wetland and waterway areas            |                                                                                                                                                                                                                      |
|                                            |                                                                |                                                                                                                                                                                                                      |

The subject site is conceptually located within a non-urban area (investigation area) and a Rural residential area.

The planning intent for the subject site is broadly guided by the relevant Strategic framework mapping shown in Figure 22 below. Specifically, the mapping identifies the site within a non-urban area pursuant to Strategic framework map 1 (designated urban area) and a Rural residential area pursuant to Strategic framework map 2 (settlement pattern).

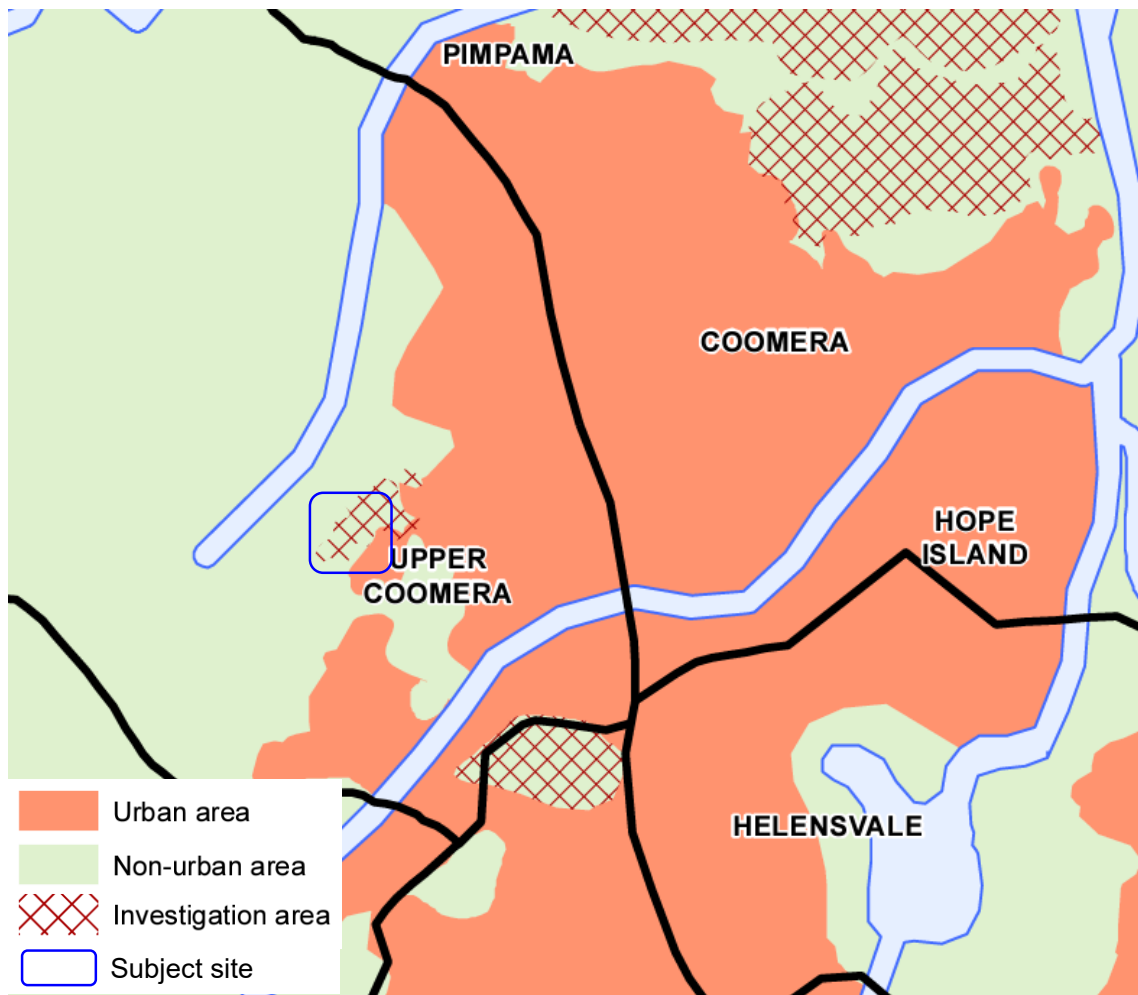


*Figure 22 - Strategic framework map 1 – designated urban area (Source: CoGC)*

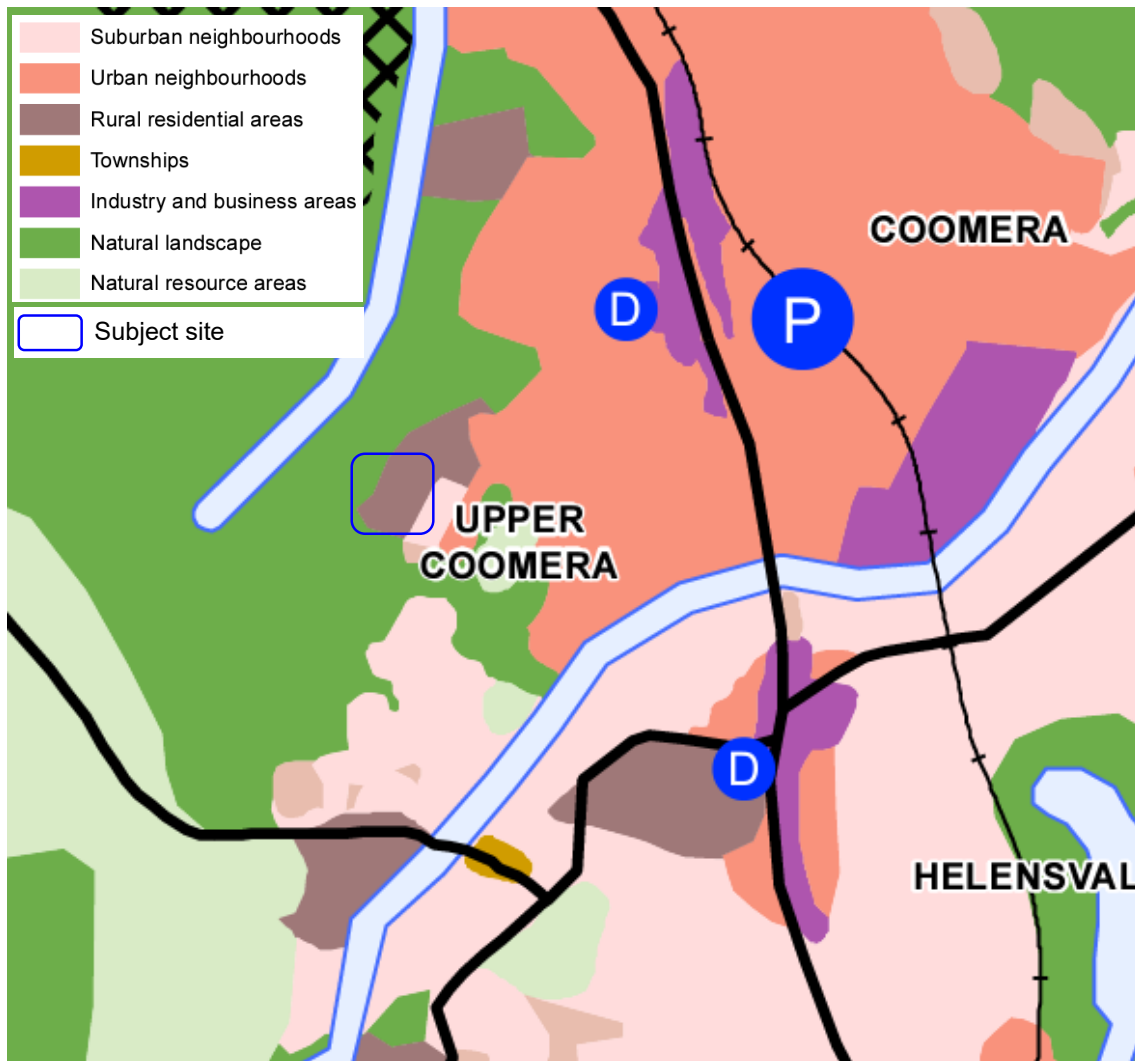


Figure 23 - Strategic framework map 2 - settlement pattern (Source: CoGC)

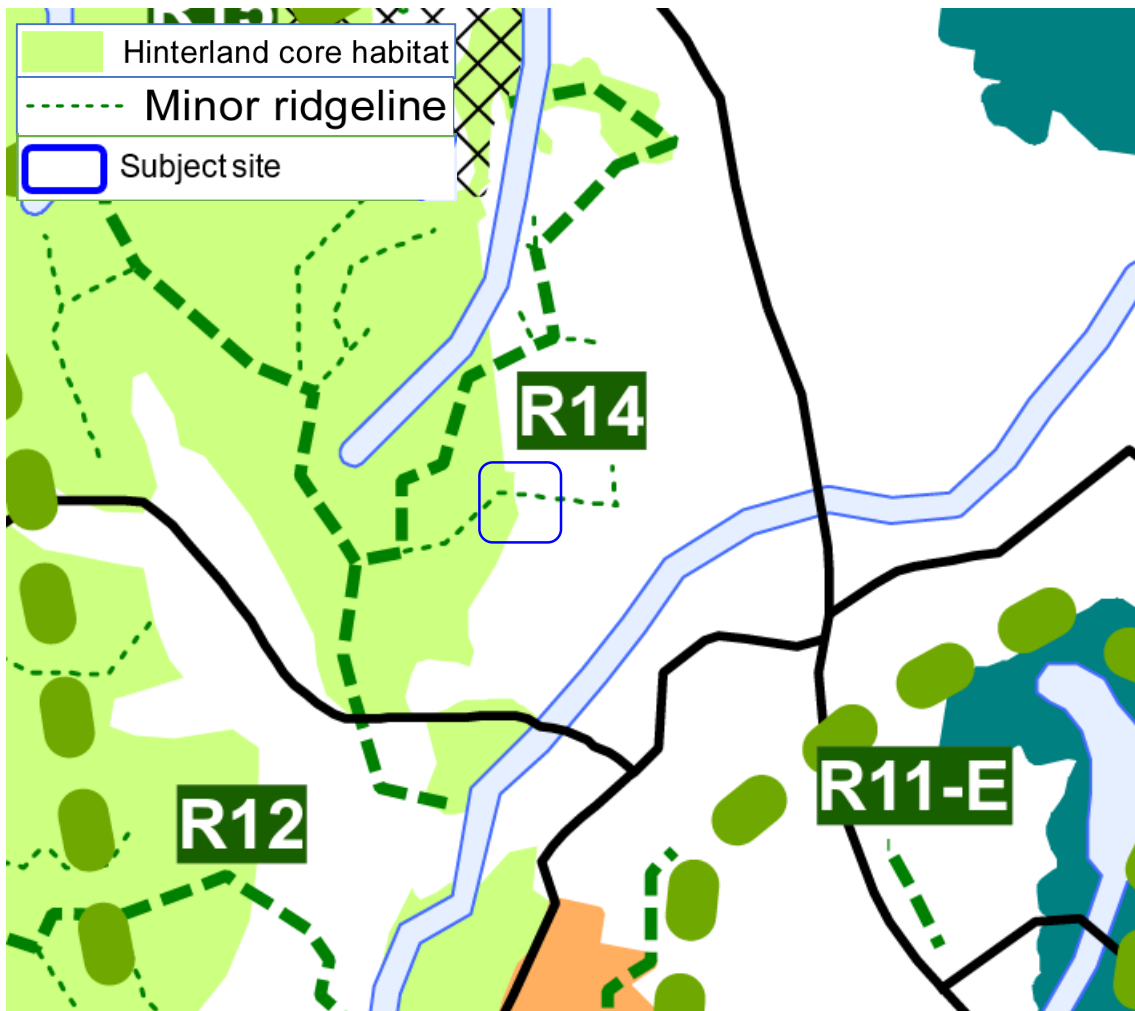


**Figure 24 - Strategic framework map 4 - greenspace network (Source: CoGC)**

Pursuant to the mapping above, the development proposal is required to be assessed against the relevant benchmarks in the Strategic framework relating to Rural residential areas under the Creating liveable places theme. These benchmarks provide requirements for the protection of existing rural residential areas to ensure they are not expanded. As the subject site is also identified in the Rural zone, consideration of the Rural production areas and rural enterprises element under the Strengthening and diversifying the economy theme is also required.

The subject site is also identified within the Greenspace network. The development proposal is required to be assessed against the relevant benchmarks in the Strategic framework relating to greenspace areas under the Living with nature theme. These benchmarks provide requirements for the protection and enhancement of greenspace network and to positively contribute to existing linkages.

The proposed land use in the context of the immediate locality is also a main consideration. Officers must consider the appropriateness of the land use within a Rural residential area and ensure the development footprint positively contributes to the existing greenspace network linkage.

The subject site is identified on the Bushfire hazard map with a potential to high potential bushfire hazard. As such, Officers must consider the appropriateness of the proposed lot layout, ensuring it provides an outcome which appropriately addresses and mitigates the bushfire risk to future residents.

As such, the following themes have been identified for assessment which appropriately address the assessment benchmarks relevant to the site context and the proposed development subject to this assessment:

- Strategic intent for the subject site;
- Environmental values;
- Natural hazards; and
- Development layout

Officer's further note that the development application was subject to a period of public notification, which occurred between 19 November 2019 and 10 December 2019. During this period, 11 submissions were received including 10 objections and 1 in support. Officers have reviewed the submissions for the application in accordance with the requirements of the *Planning Act 2016*. A review of submissions indicates the following key themes and matters identified by the community as being important to the assessment of the proposal:

- Siting of public notification signage;
- Yield and density;
- Courtney Drive road extension;
- Provision of off street car parking;
- Recreational parkland;
- Sewer infrastructure alignment; and
- Timing for the development.

Officer's assessment of the Strategic framework provided below includes consideration of matters raised by submitters where relevant to specific assessment benchmarks.

#### **Strategic intent for the subject site**

#### **3.3 Creating liveable places theme**

Strategic outcome 3.3.1(15) reads as follows:

*"Rural residential areas are very low intensity and low-rise environments with a semi-rural landscape character and protected natural features. They are not expanded."*

#### **Officer comment:**

The proposed development results in the expansion of the existing Rural residential area. The proposed lot layout does not support very low intensity lots in a semi-rural landscape character. Existing natural features of the site will be protected and rehabilitated by this proposal assessed in environmental considerations further on. Overall, the proposed lot layout is unable to comply with Strategic outcome 3.3.1(15) of the Creating liveable places theme.

### 3.3.7 - Rural residential areas element

Specific outcome 3.3.7.1(1) reads as follows:

*“Rural residential areas continue to support the lifestyle and amenity aspirations of residents in a semi-rural or bushland environment on very low intensity lots. They are not part of the urban area.”*

#### **Officer comment:**

The proposed development does not facilitate very low intensity lots consistent with the intent of the Rural residential areas element. Whilst the proposal does seek the retention and rehabilitation of existing bushland environment in parts of the site, overall, the proposed lot layout does not support the amenity aspirations of residents in a semi-rural or bushland environment on very low intensity lots. The proposal seeks the establishment of a development that is consistent with an urban area outcome. Overall, the proposal is unable to comply with Specific outcome 3.3.7.1(1) of the Rural residential areas element of the Creating liveable places theme.

Specific outcome 3.3.7.1(2) reads as follows:

*“Rural residential areas protect and enhance bushland, waterways and wetlands, habitat trees and wildlife corridors. They help maintain the city’s green frame, particularly on the Hinterland ranges and foothills. These areas may be subject to private conservation agreements.”*

#### **Officer comment:**

The subject site includes four existing vegetation communities and an existing waterway (further discussed below within the assessment against the Living with nature theme). Whilst the proposed development does protect and enhance elements of existing bushland and habitat trees, these retained areas are not consistent with the intention of the rural residential area. Existing waterways are proposed to be realigned to accommodate the development footprint. Overall, the proposal is unable to comply with Specific outcome 3.3.7.1(2) of the Rural residential areas element of the Creating liveable places theme.

Specific outcome 3.3.7.1(3) reads as follows:

*“Rural residential areas maintain their amenity and very low intensity and low-rise living environment. Subdivision is limited to existing rural residential areas. Development does not disrupt local amenity and character. Sustainable eco-villages may be appropriate where landscape character and ecological values are maintained.”*

#### **Officer comment:**

The proposed development layout does not maintain the amenity and very low intensity living environment of a Rural residential area. The proposed development intensity will disrupt the local amenity and character. Overall, the proposal is unable to comply with Specific outcome 3.3.7.1(3) of the Rural residential areas element of the Creating liveable places theme.

### **3.5 Strengthening and diversifying the economy**

#### **3.5.6 - Rural production areas and rural enterprises element**

Specific outcome 3.5.6.1(1) reads as follows:

*“Rural production areas are maintained to contribute to the scenic amenity and green space values of the Gold Coast, including to assist in maintaining a green frame to the city’s urban areas, and to support a range of sustainable rural enterprises in appropriate locations, including:*

- a. agriculture;*
- b. aquaculture;*
- c. forestry for wood production;*
- d. animal husbandry;*
- e. intensive animal industries;*
- f. intensive horticulture;*
- g. cropping;*
- h. renewable energy facilities;*
- i. rural industry;*
- j. wholesale nursery; and*
- k. wine production.”*

#### **Officer comment:**

The proposed reconfiguring a lot does not maintain the sites rural production values and removes the sites ability to support a range of sustainable rural enterprises as it introduces an urban area outcome. Overall, the proposal is unable to comply with Specific outcome 3.5.6.1(1) of the Rural production areas and rural enterprises element of the Strengthening and diversifying the economic theme.

### **3.8 A Safe, well designed city**

#### **3.8.2 - Landscape character element**

Specific outcome 3.8.2.1(1) reads as follows:

*“The distinctive rural, semi-rural and natural character of the city’s river valleys, hinterland settlements, extensive natural landscape areas, rural production areas and rural residential areas provide a clear hard edge to, and natural backdrop setting for, the city’s urban area.”*

Specific outcome 3.8.2.1(7) reads as follows:

*“Rural production areas and rural residential areas are protected for their contribution to the city’s scenic amenity.”*

The subject site currently provide a clear hard edge to an urban area to the east. The proposed development removes the natural backdrop setting for the city’s urban area, taking away the sites ability to contribute to the city’s scenic amenity. The proposal is therefore unable to comply with Specific outcome 3.8.2.1(1) and 3.8.2.1(7) of the Landscape character element.

#### **Environmental values**

##### **Living with nature theme**

Strategic outcome 3.7.1.1 reads as follows:

*"A comprehensive green space network of natural landscape areas is enhanced, maintained and protected for the nature conservation and recreation needs of the city and enhances the city's powerful image of green, gold and blue."*

**Officer's comment**

The following comments were provided by Open space assessment:

*"The subject site contains the following matters of environmental significance (under the City Plan) including:*

- *Medium priority vegetation (MPV)*
- *General priority vegetation (GPV)*
- *Natural waterways*
- *Koala habitat*

*Matters of environmental significance are protected and maintained within the subject site through the dedication to Council of 4 park lots as public open space (refer table below). An additional park lot (lot 1007) which is a realigned and fabricated minor waterway will also be amalgamated into the conservation lots. The total area to be protected for conservation purposes is approximately 3.16ha which is 16.7% of the subject site. This does not include areas dedicated for recreation or drainage purposes. These areas will be enhanced through ecological restoration including assisted natural regeneration and fabrication.*

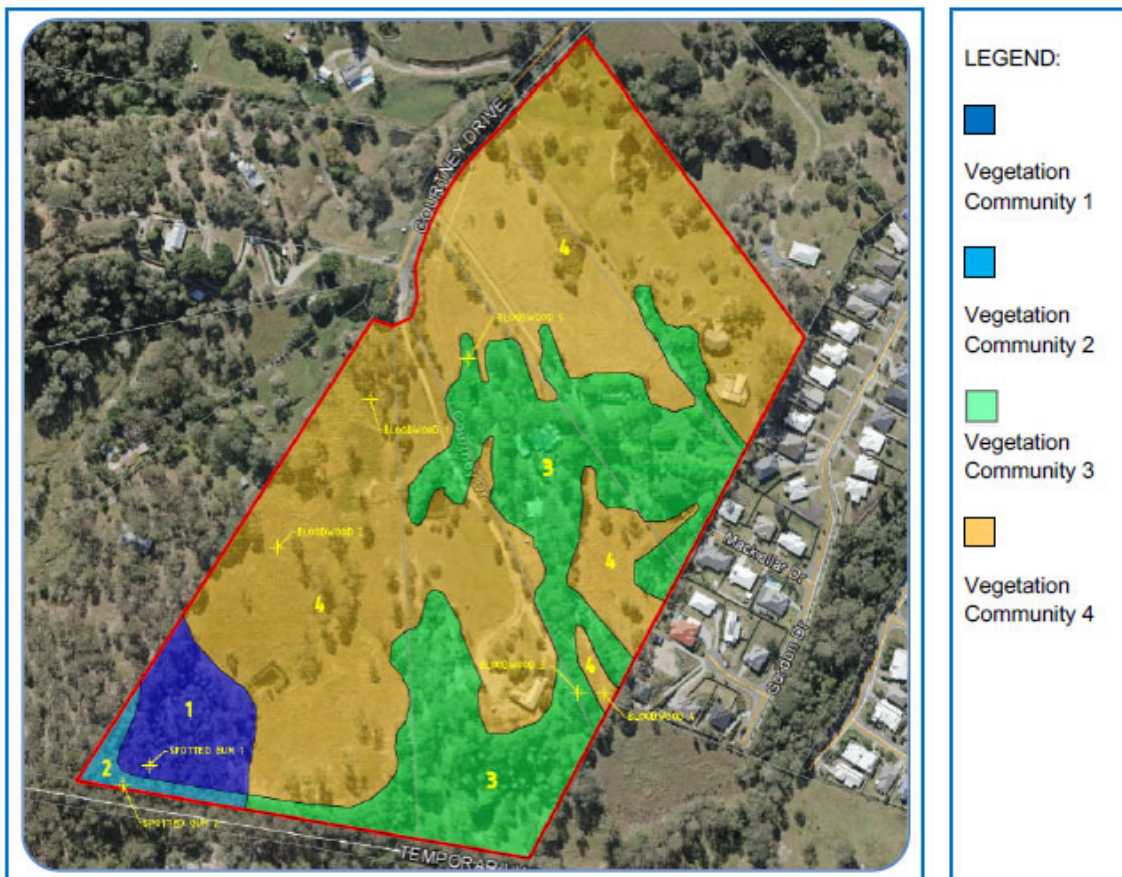


**Figure 25 - Vegetation types (Source: Biome)**

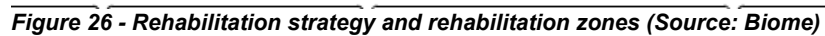




Figure 27 - Landscape Masterplan (Source: Zone Landscape Architecture)

*The prominent position of the conservation park lots within the landscape of the subject site will help to reinforce the powerful hinterland image of green behind the gold and blue."*

| Land to be dedicated as Park | Purpose          | Area (m <sup>2</sup> )                  |
|------------------------------|------------------|-----------------------------------------|
| Lot 1001 (Environmental)     | Conservation     | 1261m <sup>2</sup>                      |
| Lot 1002 (Environmental)     | Conservation     | 3358m <sup>2</sup>                      |
| Lot 1007 (Drainage)          | Drainage Reserve | 4700m <sup>2</sup>                      |
| Lot 1008 (Environmental)     | Conservation     | 16226m <sup>2</sup>                     |
| Lot 1011 (Environmental)     | Conservation     | 6042m <sup>2</sup>                      |
| <b>Total</b>                 |                  | <b>31,587m<sup>2</sup><br/>(3.16ha)</b> |

Strategic outcome 3.7.1.2 reads as follows:

*"Land, freshwater, estuarine and marine ecological processes and other matters of environmental significance are protected and supported through a connected green space network."*

#### **Officer's comment**

The following comments were provided by Open space assessment:

*"Four (4) park lots (including Lot 1001, 1002, Lot 1008 and Lot 1011) are to be dedicated to Council as public open space for the purposes of conservation. Management of these areas aims to conserve and enhance regulated vegetation, Koala habitat areas, wildlife movement corridors and riparian zones. Connectivity to bushland external to the site is maintained through these open space areas. Of significant importance are the following park lots:*

#### **Park Lot 1008**

*Lot 1008 is located in the southwestern portion of the subject site and contains elevated areas up to 80m high. Two (2) vegetation communities are identified in this park. Vegetation community 1 consists of mature Acacia disparrima regrowth with occasional emergent Corymbia citriodora, Eucalyptus siderophloia, E. propinqua, and E. tereticornis. Other common species in the mid stratum include Lophostemon suaveolens and Allocasuarina littoralis. Lantana (Lantana camara) dominates the shrub layer. Low level livestock grazing is presently occurring.*

*Vegetation community 2 comprises a small area of the total subject site in the south-west corner and is an extension of a larger area of the same vegetation type beyond the site boundary. The composition of canopy trees is generally representative of RE 12.11.5. Low level grazing is presently occurring with negligible weed incursion.*

*A minor tributary will also be incorporated into this reserve thereby extending the areas for conservation and ecological buffers."*

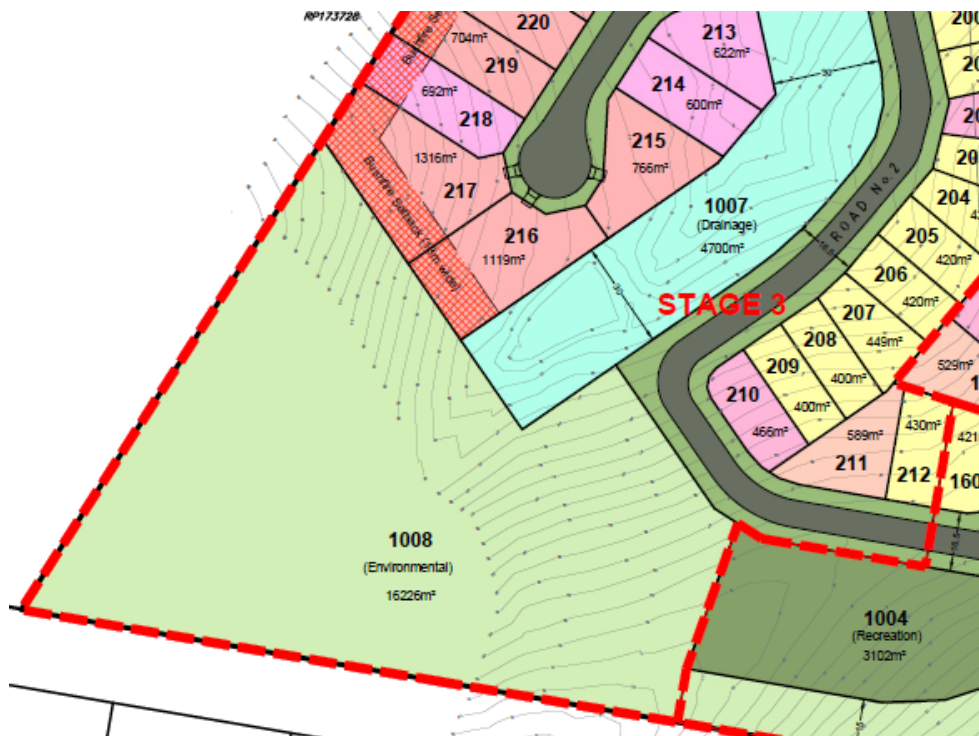


Figure 28 - Proposed Park Lot 1008 (Source: Bennett + Bennett)

#### Park Lot 1011

Lot 1011 is located in the northern portion of the subject site and primarily acts as an ecological buffer to Yaun Creek. Distances of 30m are provided to the creek. A non-trunk local recreation park and drainage reserve provide additional buffers to the waterway. This park will also undergo ecological restoration works to enhance degraded areas."

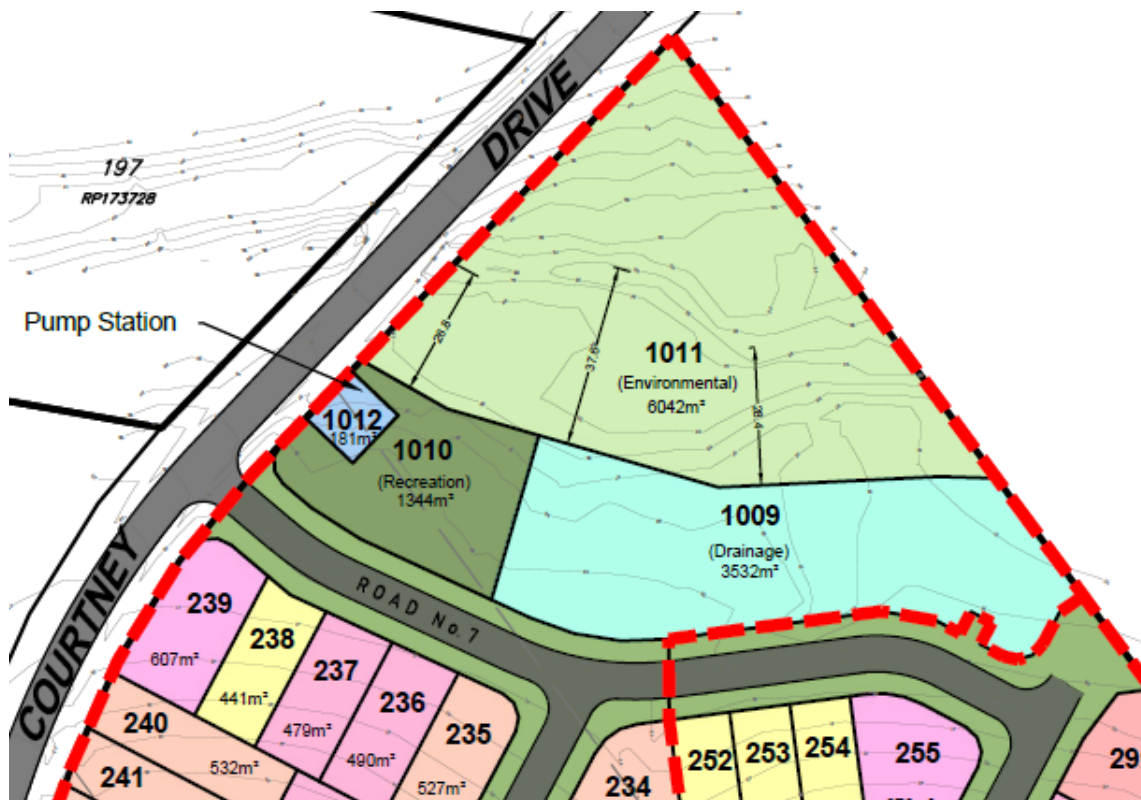


Figure 29 - Proposed Park Lot 1011 (Source: Bennett + Bennett)



Figure 30 - Recreational open space area of proposed Park Lot 1011 (Source: Bennett + Bennett)

The following comments were provided by Environmental assessment:

*"The proposed development provides a variety of connected parks including conservation, recreation and drainage. A 4<sup>th</sup> order water course is being protected and enhanced in conservation park to the north of the site. Protection of the ecologically significant section of a primary watercourse and refabrication including natural channel design (chain of ponds) of a*

*degraded primary order watercourse ensures the proposed development protects and supports matters of environmental significance”.*

The proposal is therefore considered to comply with Strategic outcome 3.7.1.2.

Strategic outcome 3.7.1.5 reads as follows:

*“Outside of biodiversity areas high priority vegetation is protected in situ. Regulated, medium and general priority vegetation is maintained and disturbance is minimised.”*

#### **Officer’s comment**

The following comments were provided by Environmental assessment:

*“The proposed development is retaining over 70% of the mapped General priority vegetation and is fabricating an area of vegetation similar in size to offset the loss of approximately 6,000m<sup>2</sup> of General priority vegetation.”*

The proposal is therefore considered to comply with Strategic outcome 3.7.1.5.

#### **3.7.2 Natural landscape areas element**

Specific outcomes 3.7.2.1(1) reads as follows:

*“Natural landscape areas are retained and enhanced to perform essential functions such as nature conservation, cultural heritage, scenic amenity and other green space values, which are vital to protecting the city’s matters of environmental significance, including biodiversity areas and landscape character.”*

Specific outcomes 3.7.2.1(2) reads as follows:

*“Development is of a scale and intensity that does not dominate the natural landscape within its context and locality.”*

#### **Officer’s comment**

The following comments were provided by Open space assessment:

*“Matters of environmental significance including Priority species habitat (including koala habitat) as well as greater 70% of mapped general priority vegetation (GPV) is protected and rehabilitated within a dedicated conservation area. The majority of GPV being removed for development is to be refabricated (compensatory) along a drainage corridor. Yaun Creek in the north of the site is protected and rehabilitated with a 30m wide dedicated conservation area.*

*Whilst the scale and intensity of the development may dominate the landscape it is expected this to be offset through the dedication and rehabilitation of 2.689ha for conservation purposes which is 14.3% of the subject site. An additional 2.27ha will be dedicated for recreation and drainage purposes which will also soften the built form and provide additional public open space.”*

The proposal is therefore considered to comply with Strategic outcome 3.7.2.1(1) and (5).

### 3.7.3 Green space network element

Specific outcomes 3.7.3.1(2) reads as follows:

*"The green space network links local and regional green space, including linking matters of environmental significance and extending hinterland to coast critical corridors."*

Specific outcomes 3.7.3.1(9) reads as follows:

*"Development does not erode, and, wherever practicable, contributes to, the expansion of the extent, function and values of the green space network."*

#### Officer's comment

The following comments were provided by Open space assessment:

*"The dedication of public open space within the southwestern portion of the subject site establishes a connection (separated by unformed road reserve) to the Upper Coomera Conservation Area which achieves Specific outcome (2) by linking local and regional green space areas. This will establish a consolidated ecological corridor from within the subject site to a significantly large and extensive tract of native bushland."*

*The green space network is expanded upon within the subject site through dedication and rehabilitation of areas of environmental significance, recreation and drainage areas totalling 5.4256ha."*

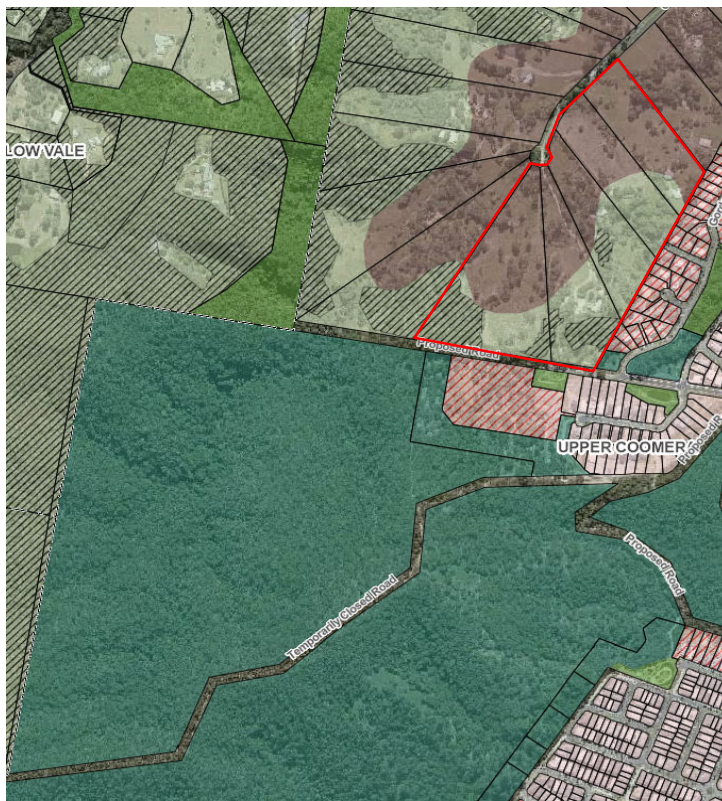


**Figure 31 - Site context including the adjoining Upper Coomera Conservation Area (Source: CoGC)**

*"The proposed development protects Yaun Creek in the north of the site by providing a 30m conservation buffer to recreation park and a stormwater treatment basin which then is bordered by road frontage. This sets a template for future conservation park and other green space border along Yaun Creek with future development to the east."*

The proposal is therefore considered to comply with Specific outcomes 3.7.3.1(2) and (9).

#### **3.7.4 – Nature conservation element**

Specific outcomes 3.7.4.1(1) reads as follows:

*"The Gold Coast's biodiversity areas and other matters of environmental significance are conserved, protected, enhanced and managed to maintain a diversity of terrestrial, aquatic and marine species, ecosystems and ecological processes. Poorly protected regional ecosystems and habitat for threatened species, such as koalas, are enhanced."*

Specific outcomes 3.7.4.1(3) reads as follows:

*"The city's matters of environmental significance include:*

- (a) native vegetation of national, state or local significance;*
- (b) coastal environments, wetlands and waterways;*
- (e) habitat for threatened species, such as koalas."*

Specific outcome 3.7.4.1(5) reads as follows:

*"Outside biodiversity areas: high priority vegetation is protected in situ; buffers are provided to wetlands and waterways; degraded areas are restored where this improves habitat or connectivity; and development includes the consideration of alternative designs and the separation of incompatible activities to minimise the impacts on matters of environmental significance."*

Specific outcome 3.7.4.1(6) reads as follows:

*"Outside biodiversity areas, significant residual impacts on medium priority vegetation are managed, in order of priority, by:*

- (a) avoiding significant adverse environmental impacts;*
- (b) mitigating significant adverse environmental impacts where these cannot be avoided; and*
- (c) offsetting any significant residual impacts."*

Specific outcome 3.7.4.1(7) reads as follows:

*"Matters of environmental significance in the city's non-urban area are protected from urban encroachment by containing urban activity within the city's urban area."*

Specific outcome 3.7.4.1(8) reads as follows:

*"Matters of environmental significance and rural production activities co-exist in a number of hinterland localities, including the areas of Currumbin, Tallebudgera, Springbrook, Lower Beechmont, Guanaba, Clagiraba, Wongawallan and Numinbah Valleys. Compatible rural production activities only occur on existing cleared land."*

#### **Officer's comments**

The subject site benefits from matters of environmental significance. As previously discussed, the proposal supports an outcome which conserves, protects, enhances and manages the environmental site values to maintain a diversity of existing ecosystems and ecological processes. This includes rehabilitation of existing koala vegetation and a refabrication of an existing watercourse within the subject site.

The following comments were provided by Environmental assessment:

*"Priority species habitat including koala habitat is protected and rehabilitated within a dedicated conservation area.*

*Over 70% of mapped General priority vegetation is protected and rehabilitated within a dedicated conservation area. The majority of General priority vegetation being removed for development is to be refabricated (compensatory planting proposed) along a drainage corridor.*

*Yaun creek in the north of the site is protected and rehabilitated with a 30m wide dedicated conservation area.*

*A primary order watercourse is protected in an area of ecological significance and refabricated with rehabilitated buffers in degraded areas."*

The proposal is therefore considered to comply with Specific outcomes 3.7.4.1(1), (3), (5), (6), (7) and (8).

#### **3.7.5 – Coastal, wetland and waterway areas element**

Specific outcomes 3.7.5.1(1) reads as follows:

*"Coastal terrestrial, aquatic and marine ecosystems and their ecological processes are protected to sustain their viability. This includes the conservation and enhancement of endemic vegetation on beaches, dunes and coastal headlands, and along natural waterways and floodplains."*

Specific outcomes 3.7.5.1(6) reads as follows:

*"Water quality and quantity in all catchments is maintained to support water body health and biodiversity, and support compatible water-based leisure opportunities."*

Specific outcomes 3.7.5.1(7) reads as follows:

*"The integrity of catchment areas is maintained in natural landscape areas, rural production areas and rural residential areas. Disturbance to existing landforms, ecological features, surface drainage, waterways and groundwater movement is avoided or minimised. Water is used and managed as part of a total water cycle in which:*

- (a) natural drainage regimes and hydrological processes are maintained as far as possible;*
- (b) ecosystem health and water quality is protected or enhanced;"*

#### **Officer's comments**

The following comments were provided by Environmental assessment:

*"There are two mapped watercourses within the subject site. Yaun Creek is a 4th order watercourse and will be protected and enhanced with a 30m wide rehabilitated riparian corridor (each side of watercourse) within a dedicated conservation area.*

*A 1st order tributary of Yaun Creek located in the southwest of the site will be protected within a dedicated conservation area where it is an ecological significant watercourse and refabricated in the section of the site where it has been heavily degraded from decades of cattle grazing."*

The proposal is therefore considered to comply with Specific outcomes 3.7.5.1(1), (6) and (7).

#### **Natural hazards**

##### **3.8.7 – Natural hazards element**

Specific outcome 3.8.7.1(1) of the Natural hazards element reads as follows:

*"Development avoids natural hazard areas where the risk to life and property, the likely cost of damage, or the measures needed to effectively mitigate the risk are unacceptable. Natural hazards include bushfire, flooding, landslide and coastal risks."*

Specific outcome 3.8.7.1(2) of the Natural hazards element reads as follows:

*"Development in natural hazard areas only occurs if it:*

- a. is located, designed and managed to mitigate the risk to life and property;*
- b. does not occur at the expense of other environmental values; and*
- c. supports, and does not unduly burden, disaster management response or recovery capacity and capabilities."*

Specific outcome 3.8.7.1(3) of the Natural hazards element reads as follows:

*"Development in bushfire hazard areas is avoided where conservation and landscape protection constraints preclude necessary risk-reduction measures, including clearing and provision of adequate access."*

#### **Officer's comment**

In support of the application, the Applicant provided a Bushfire management plan.

The following comments were provided by Bushfire assessment:

*"The proposed development complies with 3.8.7.1 (2) as the development has been located and designed to manage the risk to life and property via the implementation of bushfire setbacks. 3.8.7.1 (3) Environmental values have been preserved within open space areas to be dedicated to council and the bushfire management plan has considered emergency access and response. The Bushfire Management Plan mitigates the bushfire risk associated with the proposed development."*

The development footprint and necessary building setbacks prescribed by the Bushfire management plan provides a development outcome which effectively mitigates the risk to life and property. The proposal is therefore considered to comply with Specific outcomes 3.8.7.1(1), (2) and (3).

### **Development layout**

#### **A safe, well designed city theme**

#### **Element – Urban design, character and community identity**

Specific outcome 3.8.3.1(2) reads as follows:

*“Development integrates neighbourhood, street, lot, building and landscape design to achieve:*

- a. attractive, shaded and safe streets;*
- b. integration with local green spaces and networks and urban landscape features, such as street trees, parks and waterway corridors;*
- c. a positive city image through a high quality public realm and shaded, attractive built environment;*
- d. a legible urban environment where the intended function of buildings is easily understood;*
- e. an enhanced local identity and sense of place for the various communities of the city, while respecting important elements of local character and amenity, and cultural heritage;*
- f. safe environments that discourage antisocial behaviour;*
- g. opportunities for social interaction through the use of shared and multiple-use areas and facilities;*
- h. appropriate protection against sun and heat exposure and subdivision designs that maximise solar access to new allotments, supports energy efficient buildings and is balanced with other environmental factors including slope-sensitive design to retain the natural geography;*
- i. high levels of permeability for all forms of transport; and*
- j. the real and perceived impression that open space areas and thoroughfares are safe public spaces.”*

Specific outcome 3.8.3.1(3) reads as follows:

*“Social infrastructure complements the surrounding environment in term of access, landscaping, building design and nature conservation.”*

#### **Officer’s comment**

The proposed development layout provides an overall design which:

- supports attractive, shaded and safe streets by the recommendation of conditions for street trees;
- integrates with local green spaces and networks by way of parks and waterway corridors which support opportunities for social interaction by extending the existing greenspace network;
- provides allotments which will maximum solar access supporting future energy efficient buildings;
- has addressed environmental factors by way of slope to support slope-sensitive design of specific lots and bushfire setback requirements; and
- provides a comprehensive footpath network throughout which connects through to existing public transport opportunities to the east.

The proposal is therefore considered to comply with Specific outcome 3.8.3.1(2) and (3).

**Element – Safe, health and cohesive communities**

Specific outcome 3.8.5.1(4) reads as follows:

*“Social, community and public infrastructure including recreation facilities maximises social, economic and physical accessibility. Provision occurs in the initial stages of the development of new communities. Stand-alone facilities only occur where there is a demonstrated community need and where alternative locations are unsuitable.”*

**Officer’s comment**

The proposed development facilitates social, community and public infrastructure by providing recreational facilities maximising social and physical accessibility. An open space area for the purpose of recreation is provided within Stage 1 (Lot 1004) and Stage 4 (Lot 1010) of the development. Lot 1004 will include playground equipment.

The proposal is therefore considered to comply with Specific outcome 3.8.5.1(4).

**Element – Sustainable infrastructure provision**

Specific outcome 3.8.8.1(1) reads as follows:

*“Development infrastructure and service networks are provided in a coordinated, environmentally responsibly and cost effective sequence, including:*

- a. water supply;*
- b. wastewater;*
- c. transport;*
- d. stormwater;*
- e. communications;*
- f. recreation facilities; and*
- g. land for community facilities.”*

Specific outcome 3.8.8.1(2) reads as follows:

*Development:*

- a. “achieves an orderly and economically efficient settlement pattern where urban growth is contained within the city’s urban area and sequenced with the planned provision of infrastructure and services including social infrastructure, active and public transport, communications networks and essential infrastructure; and*
- b. is provided with adequate infrastructure and services including social infrastructure, active and public transport, communications networks and essential infrastructure prior to the development commencing.”*

**Officer’s comment**

The proposed development provides infrastructure and service networks within a coordinated sequence including water, sewer, roads, footpaths, stormwater infrastructure, communications infrastructure and recreation facilities. Necessary conditions have been included within Officers recommendation to ensure all lots are afforded access to necessary infrastructure.

The proposal is therefore considered to comply with Specific outcome 3.8.8.1(1) and (2).

Specific outcome 3.8.8.1(3) reads as follows:

*“Out-of-sequence development only occurs where:*

- a. the development is contained within the city’s urban area and achieves an orderly and efficient settlement pattern;*
- b. adequate infrastructure and services are provided; and*
- c. the proponent is prepared to pay the full cost to offset the impact of out-of-sequence activity.”*

Specific outcome 3.8.8.1(7) reads as follows:

*“Development creating additional demand on trunk infrastructure networks contributes to its augmentation either directly through its construction or through infrastructure charges.”*

Specific outcome 3.8.8.1(8) reads as follows:

*“The substantive costs of servicing development with non-trunk infrastructure are met by the developer.”*

#### **Officer’s comment**

The proposed development is not located in the city’s urban area and is out of sequence.

Stage 1 will connect each lot within Stage 1 to Council’s existing infrastructure. Stages 2, 3 and 4 of the proposed development will utilise a temporary sewer pump station prior to decommission of the temporary infrastructure, with the delivery of the ultimate sewer servicing strategy in Stage 5. The temporary sewer pump station is non-trunk infrastructure which benefits only the development. As the City will be managing and servicing this infrastructure following its installation in Stage 2, Officers have recommended a condition for the Developer’s contribution for Temporary sewer pump station and an Extra payment condition for additional emergency storage at the sewer pump station.

The proposal is therefore considered to comply with Specific outcome 3.8.8.1(3), (7) and (8).

#### **Summary of the Strategic framework**

##### Strategic intent pursuant to City Plan (Version 6) for the subject site

The proposed development is not commensurate with the strategic intent for the subject site as it is identified within the Rural residential areas element of the ‘Creating liveable places theme’ and the ‘Rural production areas and rural enterprises element’ of the Strengthening and diversifying the economy theme. As such, Officers identified the following non-compliances:

- The proposal results in a development outcome which does not support very low intensity lots within a semi-rural landscape character.
- The development layout does not support the lifestyle and amenity aspirations of residents in a semi-rural or bushland environment on very low intensity lots.
- The proposed development removes the natural backdrop setting for, the city’s urban area taking away the sites ability to contribute to the city’s scenic amenity. This will disrupt local amenity and character.
- The proposal seeks a development outcome commensurate with an urban area.
- Existing waterways are proposed to be realigned to accommodate the development footprint.

- The proposed reconfiguring a lot does not maintain the sites rural production values and removes the sites ability to support a range of sustainable rural enterprises.

in relation to the following benchmarks:

- Strategic outcome 3.3.1(15) of the Creating liveable places theme;
- Specific outcome 3.3.7.1(1) of the Rural residential areas element of the Creating liveable places theme;
- Specific outcome 3.3.7.1(2) of the Rural residential areas element of the Creating liveable places theme;
- Specific outcome 3.3.7.1(3) of the Rural residential areas element of the Creating liveable places theme;
- Specific outcome 3.5.6.1(1) of the Rural production areas and rural enterprises element of the Strengthening and diversifying the economy theme;
- Specific outcome 3.8.2.1(1) of the Landscape character element of A safe, well designed city theme; and
- Specific outcome 3.8.2.1(7) of the Landscape character element of A safe, well designed city theme.

#### Environmental values

The proposed development footprint is considered to support and fulfil the requirements of the Living with nature theme by protecting and enhancing matters of environment significance through:

- The dedication of four open space lots for conservation with a total area of 3.16ha;
- An additional 2.27ha of open space land dedicated for recreation and drainage purposes;
- The realignment and fabrication of a minor waterway which will be amalgamated into the southern conservation lot;
- Refabrication of a degraded primary order watercourse being Yuan Creek within the northern conservation lot and the establishment of a 30 metre wide ecological buffer;
- Restoration of priority species habitat (including koala habitat) and retention of 70% of the site's mapped General priority vegetation;
- Ecological restoration works to be carried out to enhance degraded areas; and
- Connectivity to bushland external to the subject site providing an extended ecological corridor.

#### Natural hazards

The proposed development supports a development footprint which is responsive to the site's bushfire hazard requirements of the Natural hazards element of A safe, well designed city theme. The development footprint and associated lot layout is considered to mitigate risk to life and property and supports adequate access for a disaster management response or recovery in an emergency situation.

#### Development layout and necessary infrastructure

The overall development layout is considered to support and promote the requirements of A safe, well designed city theme by providing a development which supports safe access, greenspace, provides a slope-sensitive-design and a comprehensive footpath network. Infrastructure for social interaction is

provided within Stage 1 of the proposed development.

Despite being out of sequence, the proposed development provides adequate infrastructure to appropriately service the proposed development. Specific conditions have been included within the Officers recommendation to ensure the delivery of necessary infrastructure within each stage of the proposed development.

Whilst the development appropriately responds to the site's environmental values, natural hazards and provides a development layout and delivers necessary infrastructure, the proposal is not commensurate with the strategic intent for the subject site.

### **6.3.2 Zone**

The site is located within the Rural (including the Rural, rural landscape and environment precinct) and the Rural residential. The purpose of each zone is provided below.

#### Rural zone code

- “(a) provide for rural uses including Cropping, Intensive horticulture, Intensive animal husbandry, Animal keeping and other primary production activities;*
- (b) provide opportunities for non-rural uses that are compatible with agriculture, matters of environmental significance, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes; and*
- (c) protect or manage significant natural resources, and processes to maintain the capacity for primary production.”*

#### Rural landscape and environment precinct of the Rural zone in addition to the purpose of the Rural zone

- “(a) Land uses do not impact on the matters of environmental significance, landscape and scenic amenity values of the land.*
- (b) Natural landscape and matters of environmental significance are protected and conserved to assist in maintaining a green frame to the city's urban area, particularly on the Hinterland ranges and foothills, which contribute to the city's distinct form, visual attractiveness and role as a major tourist destination.”*

#### Rural residential zone code

*“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 as per the requirements of City Plan (Version 6) does not support the purpose of the identified zones.

### **6.3.3 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                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Rural zone code (including the rural landscape and environment precinct); and</li> <li>Rural residential zone code</li> </ul> | <ul style="list-style-type: none"> <li>Airport environs overlay code;</li> <li>Bushfire hazard overlay code;</li> <li>Environmental significance overlay code; and</li> <li>Landslide hazard overlay code</li> </ul> | <ul style="list-style-type: none"> <li>General development provisions code;</li> <li>Healthy waters code;</li> <li>Reconfiguring a lot code;</li> <li>Transport code; and</li> <li>Vegetation management code</li> </ul> |

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 zone code                         | Performance outcome PO6          | Lot design                        |
| Rural residential zone code             | Performance outcome PO7          | Lot design                        |
|                                         | Performance outcome PO8          | Lot design                        |
| Bushfire hazard overlay code            | Performance outcome PO1          | Bushfire hazard                   |
|                                         | Performance outcome PO3          | Development design and lot layout |
|                                         | Performance outcome PO4          | Development design and layout     |
|                                         | Performance outcome {P6          | Vehicular access                  |
|                                         | Performance outcome PO7          | Clearing                          |
|                                         | Performance outcome PO8          | Open space management plan        |
| Environmental significance overlay code | Performance outcome PO1          | Ecological site assessment        |
|                                         | Performance outcome PO5          | Wetland and waterway              |
|                                         | Performance outcome PO11         | Vegetation management             |
|                                         | Performance outcome PO16         | Priority species                  |
|                                         | Performance outcome PO20         | Priority species                  |
|                                         | Performance outcome PO22         | Fauna management                  |
| General development provisions code     | Performance outcome PO2          | Amenity                           |
|                                         | Performance outcome PO4          | Landscaping                       |

| Code                     | Acceptable / Performance Outcome | Subject matter                                  |
|--------------------------|----------------------------------|-------------------------------------------------|
|                          | Performance outcome PO6          | Casual surveillance                             |
|                          | Performance outcome PO9          | Earthworks and retaining walls                  |
| Reconfiguring a lot code | Performance outcome PO3          | Road access                                     |
|                          | Performance outcome PO11         | Housing diversity                               |
|                          | Performance outcome PO15         | Circulation and street access design            |
|                          | Performance outcome PO17         | Neighbourhood design, character and integration |
|                          | Performance outcome PO19         | Public transport integration                    |
|                          | Performance outcome PO24         | Staging of subdivision                          |

#### 6.3.3.1 Assessment against the Rural and Rural residential zone codes

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

##### Rural zone code

##### *Lot design*

| Performance outcome                                                                                                                                                                  | Acceptable outcome                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>PO6</b><br>New lots are not created.<br><b>Note: this provision does not apply to land that is to be dedicated to Council or State for open space or infrastructure purposes.</b> | <b>AO6</b><br>No acceptable outcome provided. |

##### **Officer's comment**

As no Acceptable outcome is provided, assessment against Performance outcome PO6 is required.

The proposed development results in the creation of new lots and therefore does not comply with Performance outcome PO6. Consideration of the applicable Overall outcomes is required.

Relating specifically to lot design, Overall outcome 2(d)(i) reads as follows:

*“prevents fragmentation of productive rural land and matters of environmental significance.”*

The proposal results in the fragmentation of productive rural land and results in impacts to matters of environmental significance. As such, the proposal is unable to comply with Overall outcome 2(d)(i).

**Rural residential zone code**

***Lot design***

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                          | Acceptable outcome                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>PO7</b><br><b>Where not on the Minimum lot size overlay map or Rural residential landscape and environment precinct</b><br>Average lot size is no less than 8,000m <sup>2</sup> and no lots have an area less than 4,000m <sup>2</sup> .<br><br><b>Note: this provision does not apply to land that is to be dedicated to Council or State for open space or infrastructure purposes.</b> | <b>AO7</b><br>No acceptable outcome provided.                                                    |
| <b>PO8</b><br><b>Where not on the Minimum lot size overlay map or Rural residential landscape and environment precinct</b><br>Lot configuration creates a very low intensity semi-rural or bushland residential environment.                                                                                                                                                                 | <b>AO8</b><br>Minimum road frontage is 50m.<br>OR<br>For rear lots the average lot width is 50m. |

**Officer's comment**

The subject site is not identified on the minimum lot size overlay map, the proposal does not provide lots with a minimum frontage of 50 metres nor does it provide lots with a minimum lot size of 16,000m<sup>2</sup> within the portion of the site mapped within the Rural residential landscape and environment precinct as per Acceptable outcome AO7 and AO8. Assessment is required against Performance outcome PO7 and PO8.

As stated above, the subject site is not identified on the Minimum lot size overlap map. The proposal results in residential lots ranging from 400m<sup>2</sup> – 1316m<sup>2</sup> (including bushfire setback areas) which does not meet the average lot size requirements. Lots are not commensurate to the requirements of the Rural residential landscape and environment precinct. The proposal does not comply with Performance outcome PO7 and PO8. Assessment against the applicable overall outcomes is required.

Relating specifically to lot design, Overall outcome 2(d)(i) and (ii) reads as follows:

*“(i) results in lot sizes and dimensions appropriate for the large lot residential locality that recognise the site’s inherent values, constraints and character and supports very low density;*

*“(ii) provides an average lot size of no less than 8,000m<sup>2</sup> to protect local amenity and character. To respond to the various constraints found in the zone the lot sizes may vary provided that no lot has an area less than 4,000m<sup>2</sup>”*

The proposed lot design does not recognise the site’s inherent values nor does it support a very low density outcome. The proposed lot sizes do not meet the minimum average lot size requirements of the Rural residential zone code. As such, the proposal is unable to comply with Overall outcome 2(d)(i) and (ii).

### 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 overlay code**

In support of the application, the Applicant submitted a Bushfire management plan (BMP).

#### ***Bushfire hazard***

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO1</b><br>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:<br>(a) vegetation type;<br>(b) slope;<br>(c) aspect;<br>(d) bushfire history;<br>(e) conservation values of the site;<br>(f) ecological restoration, including forest succession;<br>(g) ongoing maintenance;<br>(h) climate change; and<br>(i) on site and off-site fire hazard implications.<br><b>Note</b> 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. | <b>AO1</b><br>A written assessment by a suitably qualified and experienced bushfire management consultant confirms that the site is not in a bushfire hazard area.<br>OR<br>The development complies with an approved Bushfire management plan prepared in accordance with SC6.3 City Plan policy – Bushfire management plans.<br>OR<br>The development complies with an existing approved Bushfire management plan as referenced within the approved reconfiguration of a lot.<br><b>Note</b> Prior to:<br>(a) plan sealing for a Reconfiguration of a lot; or<br>(b) the issue of a Building final or Certificate of classification for Building work; or |

#### **Officer's comment**

The following comments were provided by Council's Bushfire Assessment section:

*"The Bushfire Management Plan (BMP) has determined that the site is within a Bushfire hazard area and therefore the proposed development does not comply with AO1 of the Bushfire hazard overlay code.*

*The BMP generally mitigates the bushfire risk. The provision of conditions providing appropriate setbacks and BAL construction results in the proposed development complying with PO1 of the Bushfire hazard overlay code.*

*The BMP states setbacks on Lot 101, and Lots 216 to 223 to be in accordance with the specifications of Table 5: BAL Minimum Setback Requirements Summary – APZ's of the bushfire management plan."*

Based on the above, it is considered the proposed development supports fire mitigation methods in accordance with Performance outcome PO1.

**Development design and lot layout**

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO3</b></p> <p>In a bushfire hazard area, developments, including lot layout are designed to avoid bushfire hazard and provide safe sites for people, property and buildings.</p> <p><b>Editor's note – The development should be located:</b></p> <p>(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</p> <p>(b) so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.</p> | <p><b>AO3.1</b></p> <p>Development, Lots and/or building envelopes are not located within bushfire hazard areas.</p> <p>OR</p> <p>The development is located in accordance with the approved Bushfire management plan as referenced within the approved reconfiguration of a lot.</p> <p>OR</p> <p>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.</p> <p><b>AO3.2</b></p> <p>The development design incorporates bushfire radiation zone/s that:</p> <p>(c) use existing or natural fire breaks &amp; minimise the need to clear native vegetation;</p> <p>(d) do not impact matters of environmental significance;</p> <p>(e) are located entirely within the boundaries of the private property of the development site; and</p> <p>(f) incorporates landscaping species that are less likely to exacerbate a bushfire event.</p> |

**Officer's comment**

The following comments were provided by Council's Bushfire Assessment section:

*"The proposed development complies with Performance outcome PO3 of the Bushfire hazard overlay code with the setbacks on Lots 101, and Lots 216 to 223 to be in accordance with the specifications of Table 5: BAL Minimum Setback Requirements Summary – APZ's of the bushfire management plan."*

Officers consider the development layout (inclusive of bushfire setbacks) has been designed in accordance with Performance outcome PO3.

**Development design and lot layout**

| Performance outcome                                                                                                                                                           | Acceptable outcome                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO4</b></p> <p>In a bushfire hazard area, when designing for bushfire hazard mitigation the lot layout must avoid impacts on matters of environmental significance.</p> | <p><b>AO4</b></p> <p>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.</p> |

### Officer's comment

The following comments were provided by Council's Bushfire Assessment section:

*"The proposed development does not comply with Acceptable outcome AO4 and Performance outcome PO4 of the Bushfire hazard overlay code as approximately 25% of mapped General priority vegetation is being cleared as a result of the development. Assessment against the applicable Overall outcomes is required.*

*Overall outcome 3(a) reads as follows:*

*Land use and development is located, designed and managed to mitigate the risk to life and property, but does not occur at the expense of other identified environmental values.*

*It should be noted that mapped General priority vegetation is not being cleared for bushfire mitigation but for development yield and is in accordance with the Environmental significance overlay code. The proposed development therefore complies with the Overall Outcomes of the Bushfire hazard overlay code."*

Overall, the proposed development does result in impacts to matters of environmental significance. However, these impacts are not due to bushfire requirements and are in accordance with the Environmental significance overlay code. The proposal is therefore considered to demonstrate compliance with Overall outcome 3(a).

### Vehicular access

| Performance outcome                                                                                                                                                                                                                                                                                               | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO6</b><br>In a bushfire hazard area, vehicular access (including internal roads) is designed to mitigate against bushfire hazard by ensuring adequate access for:<br>(g) fire-fighting and other emergency vehicles, and<br>(h) the evacuation of residents and emergency personnel, during a bushfire event. | <b>AO6.1</b><br>The development design incorporates a perimeter road that:<br>(i) is located between the boundary of the lots and/or buildings and the adjacent natural area and/or bushfire hazard area;<br>(j) has a minimum cleared width of 20m;<br>(k) has a constructed minimum road width of 6m;<br>(l) has a maximum gradient of 12.5%;<br>(m) is constructed to an all-weather standard; and<br>(n) is constructed to ensure all culverts and bridges have a minimum load bearing of 15 tonnes (if applicable).<br>(refer <b>Figure 8.2.3-2b</b> ). |
|                                                                                                                                                                                                                                                                                                                   | <b>AO6.2</b><br>The road design is capable of providing access for firefighting and other emergency vehicles, in accordance with <b>SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards</b> .                                                                                                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                   | <b>AO6.3</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|  |                                                                          |
|--|--------------------------------------------------------------------------|
|  | The road design does not include dead end roads (refer Figure 8.2.3-2a). |
|--|--------------------------------------------------------------------------|

**Officer's comment**

The following comments were provided by Council's Bushfire Assessment section:

*"A number of lots do not have road frontage in the southwest section of the site and therefore the proposed development does not comply with AO6.1 and AO6.3.*

*Internal roads are of a dimension that allows for firefighting access and the evacuation of residents and emergency personnel during a bushfire event. The proposed development complies with Performance outcome PO6 of the Bushfire hazard overlay code."*

Whilst not all lots have road frontage and Road 5 includes a cul-des-sac, the proposed lot layout is considered to facilitate adequate vehicular access for access by emergency vehicles and for the evacuation of residents during a bushfire event in accordance with Performance outcome PO6.

**Clearing**

| Performance outcome                                                                                                                                         | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO7</b><br/>In a bushfire hazard area, the development layout is designed to avoid the requirement to clear vegetation to achieve risk reduction.</p> | <p><b>AO7</b><br/>The Bushfire management plan details the required extent of vegetation clearing and landscaping and where required modify development design and/or lot layout to minimise clearing of vegetation.</p> <p><b>Note</b> A Bushfire management plan prepared by a suitably qualified person and in accordance with SC6.3 City Plan policy – Bushfire management plans is Council's preferred method for addressing this acceptable outcome.</p> |

**Officer's comment**

The following comments were provided by Council's Bushfire Assessment section:

*"There is no clearing of existing vegetation to achieve bushfire mitigation for the proposed development. However proposed landscaping will create an increased bushfire hazard area. The BMP has addressed the proposed rehabilitation and assessed appropriate setbacks required that will result in the proposed development complying with PO7 of the Bushfire hazard overlay code."*

Necessary setback requirements have been prescribed for Lot 101 and Lot 216-223 to ensure the development provides an appropriate outcome addressing bushfire risk. As such, the proposal has been designed in accordance with Performance outcome PO7.

***Open space management plan***

| Performance outcome                                                                                                                   | Acceptable outcome                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO8</b><br>For areas to be dedicated to Council as open space, management strategies to mitigate bushfire risk must be identified. | <b>AO8</b><br>The Bushfire management plan contains a separate section detailing management strategies for areas to be dedicated to Council that can be included within the Open space management plan.<br><br><b>Note</b> For guidance on how to prepare a Bushfire management plan refer to SC6.3 City Plan Policy – Bushfire management plans. |

**Officer's comment**

The following comments were provided by Council's Bushfire Assessment section:

*"The proposed dedication of approximately 2ha of conservation land along the southern boundary of the site has direct road frontage along the entire southern boundary and significant road frontage along the northern boundary of the conservation park.*

*There is some conflict with management of vegetation within Drainage Corridors 1006 and 1007 which is to be addressed with conditions.*

*The provision of conditions for vegetation management and setbacks to dwellings within Drainage Corridor 1006 and 1007 results in the proposed development complying with Performance outcome PO8 of the Bushfire hazard overlay code."*

Due to the delivery of conservation land and the requirement for necessary setbacks, it is considered the proposal demonstrates compliance with Performance outcome PO8.

**Environmental significance overlay code**

***Ecological site assessment***

| Performance outcome                                                                                                                                                                                                                                                                                                                       | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO1</b><br>All matters of environmental significance on and adjacent to the development site are identified and protected.<br><br><b>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.</b> | <b>AO1</b><br>Proposed works do not impact on:<br>(a) areas identified on <b>Environmental significance – vegetation management overlay map</b> ;<br>(b) buffers to wetlands and waterways being:<br>(i) 100m from the mapped boundary of a State significant aquatic area, as identified on <b>Environmental significance – wetlands and waterways overlay map</b> ;<br>(ii) 100m from the outer landward boundary of a State significant wetland, as identified on <b>Environmental significance – wetlands and waterways overlay map</b> ;<br>(iii) 100m from the outer landward boundary of a |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Local significant wetland, as identified on <b>Environmental significance – wetlands and waterways overlay map</b>;</p> <p>(iv) 60m from the outer bank of a Major Waterway identified on <b>Environmental significance – wetlands and waterways overlay map</b>; or</p> <p>(v) 30m from the outer bank of a Waterway identified on <b>Environmental significance – wetlands and waterways overlay map</b>; and</p> <p>(c) individual trees within areas mapped on the Environmental significance – priority species overlay map.</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Officer's comment**

The following comments were provided by Environmental Assessment:

*"The proposed development impacts on vegetation identified on the Vegetation management overlay map and impacts on a primary watercourse mapped on the wetlands and waterways overlay map. The proposed development does not comply with AO1 of the Environmental significance overlay map.*

*The Applicant has provided an Ecological site assessment in accordance with the Note as per Performance outcome PO1. Alternate outcomes have been proposed to mitigate impacts on matters of environmental significance."*

The submitted Ecological site assessment appropriately identified all matters of environmental significance. Officers are satisfied with the overall development outcome provided by the development.

Overall, Officers consider the proposed development demonstrates compliance with Performance outcome PO1.

**Wetland and waterway**

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                 | Acceptable outcome                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO5</b></p> <p>Buffers are provided to wetlands and waterways identified on the <b>Environmental significance – wetlands and waterways overlay map</b> to ensure the:</p> <p>(a) protection of matters of environmental significance mapped onsite or identified through an ecological site assessment;</p> <p>(b) unimpeded movement of fauna along the waterway;</p> <p>(c) water quality is maintained;</p> <p>(d) bank stability; and</p> | <p><b>AO5.1</b></p> <p>Buffers at least 100m wide are provided between the development and the mapped boundary of a State significant aquatic area, as identified on <b>Environmental significance – wetlands and waterways overlay map</b>.</p>    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>AO5.2</b></p> <p>Buffers at least 100m wide are provided between the development and the outer landward boundary of a State significant wetland, as identified on <b>Environmental significance – wetlands and waterways overlay map</b>.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(e) protection of property and infrastructure.</p> <p><b>Note:</b> 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.</p> <p><b>Note:</b> 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.</p> <p><b>Note:</b> 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.</p> | <p><b>AO5.3</b><br/>Buffers at least 100m wide are provided between the development and the outer landward boundary of a Local significant wetland as identified on the <b>Environmental significance – wetlands and waterways overlay map</b>.</p> <p><b>AO5.4</b><br/>Buffers at least 60m wide are provided between the development and the outer bank of a Major Waterway as identified on the <b>Environmental significance – wetlands and waterways overlay map</b>.</p> <p><b>AO5.5</b><br/>Buffers at least 30m wide are provided between the development and the outer bank of a waterway as identified on the <b>Environmental significance – wetlands and waterways overlay map</b>.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### Officer's comment

The subject site includes Yaun Creek which is identified on the wetlands and waterways overlay map of City Plan. The following comments were provided by Environmental Assessment:

*"The proposed development protects Yaun Creek in the north of the site by providing a 30m buffer to recreation park and stormwater treatment basin which then is boarded by road frontage. The proposal therefore seeks an alternative outcome. Assessment against Performance outcome PO5 is required.*

*A 360m long primary order watercourse in the southwest of the site is part protected in a conservation park for approximately 90m length. This is the upper section of the watercourse that is within a mapped General priority vegetation community and is of a higher ecological integrity.*

*A further 270m length of the primary order water course (downstream) is degraded from decades of cattle grazing. There are sections of the creek that do not exhibit channel features and refabrication of the creek is considered appropriate as an alternate outcome – as recommended in the Ecological Site Assessment by Biome Water and Environmental Consultants.*

*This 270m section of the creek is being realigned and refabricated into the following outcomes:*

- a 200m length of a 'chain of ponds natural channel design watercourse' with buffer of 12m to 15m width either side of the watercourse.*
- an approximate 100m length of instream stormwater basin which flows into Yaun creek (outlet location approximately 50m from northern extent of refabrication.*

*The refabricated watercourse and sediment basin area allows for movement of terrestrial fauna, bank stability and maintenance of water quality.*

*The proposed alternate outcome for the primary watercourse and the protection and buffering of*

*Yaun Creek complies with Performance outcome PO5 of the Environmental significance overlay code."*

Officers have determined that the proposed buffers to existing waterways within the subject site are adequate to provide an appropriate environmental outcome.

**Vegetation management**

| Performance outcome                                                                                                                                                                                                                                                                                                                                               | Acceptable outcome                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO11</b><br/> Disturbance to vegetation is minimised when it is:</p> <ul style="list-style-type: none"> <li>(a) identified as general priority vegetation on the <b>Environmental significance – vegetation management overlay map</b>; and</li> <li>(b) located outside the <b>Environmental significance – biodiversity areas overlay map</b>.</li> </ul> | <p><b>AO11</b><br/> Development avoids impacts on general priority vegetation. Any damage is minimised to the greatest extent possible.</p> |

**Officer's comment**

The following comments were provided by Environmental Assessment:

*"The proposed development is retaining over 70% of the mapped General priority vegetation and is fabricating an area of vegetation similar in size to the loss of approximately 6,000m<sup>2</sup> of General priority vegetation. The proposed development does not comply with AO11 of the Environmental significance overlay code as damage to General priority vegetation has not been minimised to the greatest extent possible.*

*The proposed development, however, complies with Performance outcome PO11 of the Environmental significance overlay code as damage to General priority vegetation has been minimised."*

The proposed development is considered to comply with Performance outcome PO11 as damaged to General priority vegetation identified within the subject site has been minimised.

**Priority species**

| Performance outcome                                                                                                                    | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO16</b><br/> During the clearing and construction phases, measures are incorporated to protect koalas from death or injury.</p> | <p><b>AO16</b><br/> Threats to koalas as a result of clearing and construction activities are mitigated by:</p> <ul style="list-style-type: none"> <li>(a) ensuring no tree in which a koala is present or a tree with a crown overlapping a tree containing a koala is cleared;</li> <li>(b) undertaking clearing of vegetation in stages, and ensuring: <ul style="list-style-type: none"> <li>(i) no more than 1 ha is cleared per day for sites less than 6 ha in size;</li> <li>(ii) no more than 2 ha is cleared per day for sites greater than 6 ha in size;</li> </ul> </li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                               | (iii) that between each stage there is at least 12 hours where no clearing occurs; and<br>(iv) koala habitat is always linked to allow koalas to move out of the site;<br>(c) use of qualified koala spotters;<br>(d) prohibition of domestic dogs and security dogs on site; and<br>(e) use of koala safety fencing                                                                        |
| <b>PO20</b><br>Development protects local significant species, and their habitat or is designed to minimise and mitigate impacts on habitat values when it is:<br>(a) identified on the <b>Environmental significance – priority species overlay map</b> ; and<br>(b) outside of biodiversity areas as identified on the <b>Environmental significance – biodiversity areas overlay map</b> . | <b>AO20.1</b><br>Development avoids impacts on local significant species, and their habitat.<br><b>AO20.2</b><br>Where development impacts on local significant species and their habitat, the following occurs:<br>(a) flora species are propagated and used in rehabilitation and landscaping onsite; and<br>(b) fauna species are safely relocated by a qualified fauna spotter catcher. |

#### ***Fauna management***

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Acceptable outcome                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>PO22</b><br>Where fauna habitat is proposed to be damaged, management strategies must be implemented to ensure:<br>(a) the native fauna is safely relocated to an area of similar habitat;<br>(b) the sequence of habitat disturbance ensures that fauna is not isolated from adjoining areas of habitat;<br>(c) fauna relocation occurs immediately prior to habitat disturbance;<br>(d) accredited and experienced spotter catchers, licensed by the Queensland Parks and Wildlife Service, are to be present on the site to direct and undertake the removal and relocation of fauna; and<br>(e) where possible, damaged habitat and nesting sites are rehabilitated outside of development areas.<br><br><b>Note:</b> A fauna management plan 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 outcome. | <b>AO22</b><br>No acceptable outcome provided. |

#### **Officer's comment**

The following comments were provided by Environmental Assessment:

*"Performance outcome PO16, PO20 and PO22 are generally relevant to OPW tree works applications.*

*An OPW Vegetation clearing application will be conditioned with a requirement for a Fauna Management Plan including detail of koala management.*

*The provisions of relevant conditions for fauna and koala management results in the proposed development complying with Performance outcome PO16, PO20 and PO22 of the Environmental significance overlay code."*

Through relevant conditions, the proposed development is considered to comply with Performance outcome PO16, PO20 and PO22.

**Landslide hazard overlay code**

***Cut and fill work***

| Performance outcome                                                                                    | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO3</b><br>Cut and fill work must not adversely affect slope stability or create erosion potential. | <b>AO3.1</b><br>Cuts and fills should be minimised. The height of cut and/or fill, whether retained or not, does not exceed:<br>(a) 900mm adjoining a public area (e.g. roads, public open space areas);<br>(b) 1200mm adjoining a residential site;<br>(c) 2500mm adjoining a non-residential site.<br>OR<br>Cuts greater than 900mm height are separated by terraces with a minimum width of 1.2m or equal to the height of the cut, whichever is greater, that incorporates drainage provisions in accordance with Council's <b>SC6.11 City Plan policy – Land development guidelines, Section 3 – Change to ground level standards and Section 4 – Stormwater drainage and water sensitive urban design standards.</b> |
|                                                                                                        | <b>AO3.5</b><br>Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, dense landscaping or other protective measures, in accordance with <b>SC6.11 City Plan policy – Land development guidelines, Section 3 – Change to ground level standards.</b>                                                                                                                                                                                                                                                                                                                                                                                       |

**Officer's comment**

The following comments were provided by Council's Geotechnical assessment section:

*"The submitted plans/drawings indicate that the proposed development requires cuts/fills exceeding 1200mm. As such, the proposed development does not comply with Acceptable outcome AO3.1 of the code. Whilst it is anticipated that Acceptable outcome AO3.5 will be achieved through landscaping and other protective measures, for transparency, Officers have completed assessment against Performance outcome PO3."*

Based on the above, through the submitted Geotechnical report, Officers do not consider the cut and fill work will adversely affect the slope stability or create erosion potential in accordance with Performance outcome PO3. Dense landscaping is proposed on batters to support slope stability. Conditions included within the Officer's recommendation will ensure the recommendations of the Geotechnical report are carried out throughout the development.

***Slope constraints and stability***

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PO5</b></p> <p>Development on any lot partially or completely mapped as moderate, high or very high landslide hazard, as identified on the <b>Landslide hazard overlay map</b>, is supported by an RPEQ certified geotechnical report, which adequately assesses and documents the site's geotechnical stability and constraints, and incorporates necessary mitigation measures so that the level of landslide risk to property and persons is low.</p> <p><b>Note: A geotechnical stability assessment report prepared in accordance with SC6.10 City Plan policy – Geotechnical stability assessment guidelines is Council's preferred method for addressing this performance outcome.</b></p> | <p><b>AO5</b></p> <p>A geotechnical stability assessment report, which is prepared and certified by an RPEQ, includes:</p> <p>(a) the following information:</p> <ul style="list-style-type: none"> <li>(i) boundary dimensions;</li> <li>(ii) location of easements;</li> <li>(iii) existing and proposed services, such as sewer, stormwater, gas, electricity, telephone, and other utility services;</li> <li>(iv) contour lines to AHD (500mm vertical intervals);</li> <li>(v) street front kerb locations, crossovers, side gully pit locations, driveway locations and slope;</li> <li>(vi) off-street parking locations, building locations and setback dimensions;</li> <li>(vii) earthwork details and building pad levels;</li> <li>(viii) retaining wall locations, type, extent, height, and offset from boundaries;</li> <li>(ix) existing and proposed onsite drainage systems;</li> <li>(x) identification of trees to be removed or retained;</li> <li>(xi) fencing extent, location, height and depth;</li> <li>(xii) swimming pool location, level and depth;</li> <li>(xiii) ancillary structures, such as pergolas and sheds;</li> <li>(xiv) landscaping, lawn areas, paved areas, mass planting areas and trees;</li> <li>(xv) slope angles;</li> <li>(xvi) slope shape and features;</li> <li>(xvii) parent rock type/soil type;</li> <li>(xviii) engineering properties of sub-surface materials;</li> <li>(xix) concentration of surface water;</li> <li>(xx) concentration of ground water;</li> <li>(xxi) evidence of instability on the site and adjoining areas;</li> <li>(xxii) history of instability on the site and adjoining areas; and</li> <li>(xxiii) geotechnical model of the site.</li> </ul> <p>(b) a site-specific landslip susceptibility frequency analysis, including analysis of each proposed lot;</p> <p>(c) if the outcome of the landslip susceptibility</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>frequency analysis is moderate or higher, a risk assessment in accordance with the <i>AGS Landslide Risk Management 2007 Guidelines</i>;</p> <p>(d) an assessment of the suitability of the site for the proposed development having regard to (a) – (c);</p> <p>(e) a foundation investigation report that determines the site classification for the lot/each proposed lot in accordance with <i>AS 2870-2011 Residential slabs and footings</i> and provides recommendations for foundation design;</p> <p>(f) identification of any areas on the lot/within proposed lots where development must not occur;</p> <p>(g) certification from the RPEQ confirming that the site (and for subdivisions, each proposed lot) achieves a landslide risk rating of 'low' or better and the site/lot is suitable for its intended use; and</p> <p>(h) recommendations for any necessary mitigation measures, construction measures and design changes to be implemented to ensure the stability of the site and adjoining areas is not adversely affected and to ensure long-term stability of the site.</p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Officer's comment**

In support of the proposed development, the Applicant submitted "Geotechnical Report, Broadscale Geotechnical Investigation and Landslide Risk Assessment for Proposed Residential Subdivision, End of Courtney Drive, Upper Coomera", prepared by Pacific Geotech, Ref: PG-4116A, 2022-12-13, GR VER 1, dated 10 January 2023."

The following comments were provided by Council's Geotechnical assessment section:

*"The above report provides a landslide susceptibility assessment for the proposed Lots 101-296 following Council guideline and determines Lots 167-168, 191-196 and 232-234 with a 'Moderate to High' landslide risk. The remaining Lots 101-166, 169-190, 197-231, and 235-296 were assessed with a 'Low to Very Low' landslide risk.*

*In order to reduce the landslide risk to Low, it provides a set of engineering recommendations and risk mitigation measures regarding earthworks, cut/fill batters, retaining walls and drainage (ref: Sections 8 to 18 of the report). It also includes additional recommendations for any future building works on the lots (ref: Section 19 of the report). In addition, it includes global stability assessment results for the indicative bulk earthworks confirming achieving a long-term factor of safety in excess of 1.5 for the proposed cut/fill batters and retaining walls providing the recommendations of the report are implemented. The report has been signed by a RPEQ (#7226)."*

Based on the above, through the submitted Geotechnical report, the Applicant has appropriately addressed the site's geotechnical stability and constraints, and incorporates necessary mitigation measures so that the level of landslide risk to property and persons is low in accordance with Performance outcome PO5. Conditions included within the Officer's recommendation will ensure the recommendations of the Geotechnical report are carried out throughout the development.

### 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:

#### General development provisions code

#### Amenity

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Acceptable outcome                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <p><b>PO2</b><br/> The proposed development prevents loss of amenity and threats to health and safety, having regard to:</p> <ul style="list-style-type: none"> <li>(o) noise;</li> <li>(p) hours of operation;</li> <li>(q) traffic;</li> <li>(r) signage;</li> <li>(s) visual amenity;</li> <li>(t) wind effects;</li> <li>(u) privacy;</li> <li>(v) vibration;</li> <li>(w) contaminating substances;</li> <li>(x) hazardous chemicals;</li> <li>(y) odour and emissions; and</li> <li>(z) safety.</li> </ul> | <p><b>AO2</b><br/> No acceptable outcome provided.</p> |

#### Officer's comment:

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

The proposed development seeks a residential subdivision. As such, the following assessment focuses on the elements of Performance outcome PO2 that relate to residential subdivision. This includes traffic, visual amenity and safety.

#### (c) **Traffic**

The following comments were provided by Council's Transport assessment section:

*"A Traffic Impact Assessment (TIA) report has been submitted by SLR Consulting. The assessment has determined that the proposed development would generate in the order of 190 additional vehicle trips on the road network during the peak hours."*

#### **SIDRA Intersection Analysis**

*A SIDRA analysis was undertaken for the year 2032 (10 years from year of opening assumed that the subject development would be completed and occupied by 2022) with the proposed development at the following critical intersections:*

- *Baileys Mountain Road / Courtney Drive intersection*
- *Old Coach Road / Baileys Mountain Road intersection*
- *Reserve Road / Old Coach Road intersection*
- *Reserve Road / Courtney Drive extension (Southern access road) intersection*



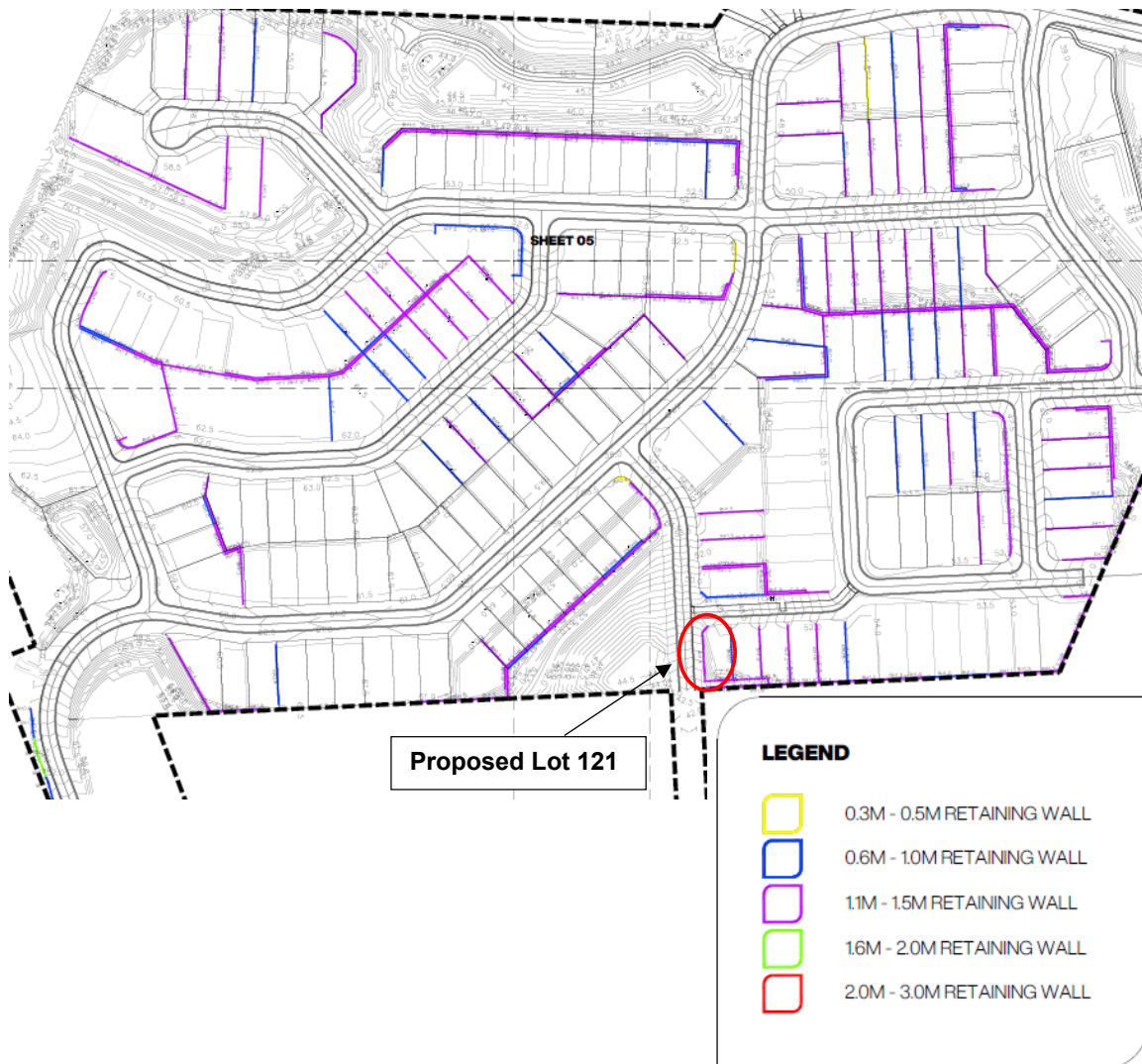


**Figure 32 - Retaining wall plan (Source: Zone Landscape Architecture)**

To ensure a high quality visual amenity outcome of all retaining walls, Officer's have included specific conditions within Officer's recommendation. The specific requirements include that all retaining walls must be of concrete sleeper construction, be dark grey in colour (standard concrete colour is not acceptable) and that retaining walls exceeding 1.5 metres must be tiered and have a minimum bench width of 1 metre to support landscaping.

Officers have included further specific requirements for retaining walls associated with proposed Lot 121 (identified in red within Figure 32 above). To establish a developable building pad, proposed Lot 121 requires a 2.3 metre high retaining wall. Officers have supported a single tiered option for this allotment subject to the wall including a split face, stone or wood pattern finish (unless otherwise approved by Council) (in addition to the requirements above) and that the property boundary is setback an additional 1 metre, to provide a 5.5 metre wide verge to facilitate a 1 metre wide public

landscaping buffer. The Applicant has proposed a 1.8 metre high hardwood fence atop the retaining wall. Overall, Officers consider these specific requirements will provide an outcome which positively addresses the public realm, providing a high quality visual amenity outcome.

The following comments were provided by Open space assessment:

*“To achieve a visually pleasing streetscape along the primary road reserve, a condition has been recommended to substitute Melaleuca linariifolia with Elaeocarpus obovatus. The latter is larger with a compact canopy and clear trunk which will supplement the primary road reserve. It is assumed that the Courtney Drive road reserve will be reprofiled and that street trees will be installed.”*

The street tree layout is demonstrated below within Figure 33.



**Figure 33 - Street tree planting (Source: Zone Landscape Architecture)**

(i) **Safety**

With regard to safety, due to the sloping nature of the site, Officers have recommended a condition requiring road safety barriers to be provided for vehicle protection near steep embankments along frontages of proposed lots 1001, 1002 and 1005.

The following comments were provided by Open space assessment:

*“Due to safety and maintenance access concerns expressed by Officers, a condition for safety anchor points to provide for safe maintenance access within Park Lot 1005 is also included within the recommended OPW Public Landscape condition. These anchor points will be available from Galvanised pedestrian barrier fencing located at strategic points along the batter within the park. This will allow maintenance crews to anchor off the fence using a harness and also stop staff in the event of a fall.”*

Pedestrian safety has been considered throughout the assessment of the application. Officers have included conditions to ensure a comprehensive pedestrian linkage is facilitated within the subject site. This includes ensuring a 2 metre wide footpath is provided on both sides of Proposed Lot 1 and on one side of all other roads. The location of the footpath on roads other than Proposed Lot 1 has been detailed within the recommended Footpaths condition.

As demonstrated above, the proposed development is considered to facilitate a development outcome which prevents the loss of amenity and threats to health and safety to demonstrate compliance with Performance outcome PO2.

**Landscaping**

| Performance outcome                                                                                            | Acceptable outcome                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO4</b><br>The proposal provides landscape work that protects and enhances the character of the local area. | <b>AO4.1</b><br>For all development except dwelling houses, dual occupancies, caretaker's accommodation and community residences a Statement of Landscape Intent prepared in accordance with <b>SC6.10 City Plan policy – Landscape work</b> demonstrating that the landscaping will provide amenity for site users and will protect and enhance the character of the local area. |

**Officer's comment:**

A Statement of landscape intent prepared by Zone Landscape Architecture was provided. To ensure the proposal provides landscape work that protects and enhances the character of the local area, Officers have recommended conditions to ensure the future Operational works application addresses specific requirements for any entry statement, planting to batters on specific lots, planting to the benches within tiered retaining walls and frontage fencing requirements where retaining walls exceed 1 metre in height.

Through recommended conditions, it is considered the proposed development demonstrates compliance with Performance outcome PO4.

***Casual surveillance and lighting***

| Performance outcome                                                                                                                    | Acceptable outcome                            |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>PO6</b><br>Development facilitates casual surveillance of public areas and incorporates lighting to reduce opportunities for crime. | <b>AO6</b><br>No acceptable outcome provided. |

**Officer's comment:**

As no Acceptable outcome is provided, assessment against Performance outcome PO6 is required.

It is anticipated that future built form established through the creation of 196 residential allotments will facilitate casual surveillance of public areas and will incorporate lighting to reduce opportunities for crime through street lighting. As such, Officers consider the proposed development to demonstrate compliance with Performance outcome PO6.

***Earthworks and treatment of retaining walls***

| Performance outcome                                                                                                                                                  | Acceptable outcome                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO9</b><br>Earthworks and retaining walls associated with the development do not create a negative visual impact upon neighbouring properties or the streetscape. | <b>AO9</b><br>Retaining walls and batters comply with the requirements of <b>SC6.9 City Plan policy – Land development guidelines</b> . |

**Officer's comment:**

The following comments have been provided by Landscape Assessment:

*“The development proposes retaining structures and batters which do not comply with Acceptable outcome AO9 due to retaining wall heights (over 1.5m in single lift) and batter heights (over 5m including benching), as well as retaining wall bench widths (less than 1m). Assessment has been undertaken against the Performance outcome PO9 and it is considered that compliance can be achieved when subject to the following:*

- *Planting to retaining wall tiers.*
- *Planting to the larger batters proposed within private lots; smaller batters and those that appear to be temporary are not conditioned to be planted.*
- *Improvements to retaining wall finishes, consistent with other larger subdivisions recently approved (i.e. Skyridge).”*

Throughout the assessment of the application, concerns were raised by Officers regarding the length and height of batters within proposed drainage reserves 1005 and 1006. It was Officers preference that batter grades did not exceed 1:4 rather than the proposed 1:2 batters shown on the plans. It was determined that the Land development guidelines of the City Plan (Version 6) did not prohibit batters up to 1:2 grade with a vertical height of 2m and benching of 1m.



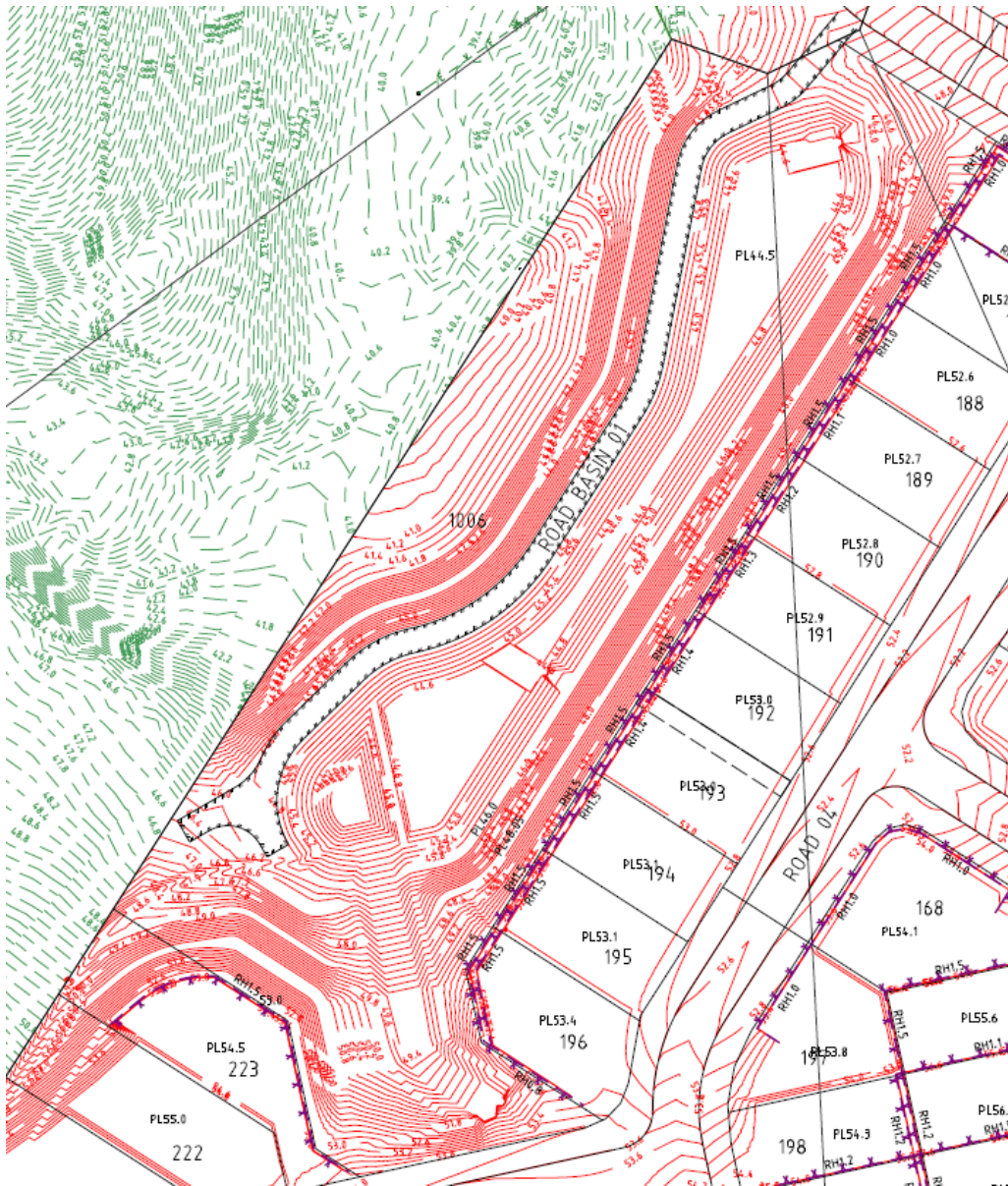


Figure 35 - Grading plan of proposed Open space (drainage) Lot 1006 (Source: Mortons Urban Solutions)

Conditions have been recommended requiring the batters to be revegetated. This will ensure they do not create a negative visual amenity impact. Benching between the batters will allow for safe maintenance access to occur. Further to this, conditions have been recommended for safety points to anchor maintenance staff to descend down the steep batters.

Through recommended conditions, Officers consider the earthworks (within batters and benching) and retaining walls associated with the development do not create a negative visual impact upon neighbouring properties or the streetscape therefore demonstrating compliance with Performance outcome PO9.

### Reconfiguring a lot code

#### **Road Access**

| Performance outcome                                                                              | Acceptable outcome                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO3</b><br>Lot configuration provides safe and efficient access for vehicles and pedestrians. | <b>AO3</b><br>All lots have legal road access in accordance with <u>SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards.</u> |

#### **Officer's comment**

The following comments were provided by Subdivision Engineering:

*“As requested by Officers, the Applicant provided typical driveway sections for constrained lots within the proposal to demonstrate that ‘safe and efficient access’ can be achieved. The provided typical sections in drawing “Driveway Grading Typical Sections”, drawing number 41901-ALL-SK005, revision C, dated 13/02/2023 have been checked in Autoturn software by Officers and confirm that the typical sections provided can be traversed by a B85 vehicle (ingress to garage in forward gear) without conflict (ie. no scraping or bottoming out).*

*It is Officers view that it is the developer's responsibility to complete the bulk earthworks required on the subject site to provide ‘safe and efficient’ (practical) access for vehicles for each lot. ie. the future lot owner should not be burdened with the task of completing significant earthworks in order to achieve vehicle access on their lot (ie. to the garage).*

*Therefore, conditions has been recommended for the design and construction of earthworks (prior to plan sealing of the relevant stage) to be completed on constrained lots (lot numbers advised by the Applicant) to achieve the earthworks grades as detailed on the driveway grading typical sections provided by the Applicant, in order to confirm compliance with Performance outcome PO3.”*

As discussed above, due to the sloping nature of the subject site, Officers have recommended a condition which requires the Applicant to complete earthworks prior to plan sealing to ensure constrained lots can provide safe and efficient access for vehicles and pedestrians in accordance with Performance outcome PO3. The lots encumbered by this requirement includes proposed Lots:

- 139, 147 and 160 within Stage 1;
- 165 and 168 within Stage 2;
- 199, 217 and 220 within Stage 3;
- 226, 243 and 248 within Stage 4; and
- 255 and 292 within Stage 5.

***Housing diversity***

| Performance outcome                                                                                                                                           | Acceptable outcome                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>PO11</b><br>Residential subdivisions creating 10 or more lots vary lot sizes to accommodate potential multiple dwelling development where the zone allows. | <b>AO11</b><br>No acceptable outcome provided. |

**Officer's comment:**

As no Acceptable outcome is provided, assessment against Performance outcome PO11 is required.

The proposed residential subdivision seeks to create 196 residential lots. There are a variety of sized lots proposed however, Multiple dwellings are not anticipated by the Rural or Rural residential zone code. As such, the proposal complies with Performance outcome PO11.

***Neighbourhood design, character and integration***

| Performance outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Acceptable outcome                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>PO17</b><br>Development provides a neighbourhood with a strong and positive identity, through:<br>(a) clearly readable streets and useable open space networks;<br>(a) an appropriate response to site characteristics and settings (including landmarks and views);<br>(b) development of a scale consistent with the surrounding urban area, with open space and roads interconnecting to adjoining networks;<br>(c) allowing for increased densities in close proximity to public transport and local services;<br>(d) location of community, retail and commercial facilities at walkable focal points; and<br>(e) providing for a safer community by maximising opportunities for casual surveillance, minimising opportunities for crime and vandalism.<br><br><b>Note: a Comprehensive Plan of Development submitted as part of a material change of use application, prepared in accordance with SC6.6 City Plan policy – Comprehensive plans of development, is Council's preferred method of addressing the above outcomes.</b> | <b>AO17</b><br>No acceptable outcome provided. |

**Officer's comment:**

As no Acceptable outcome is provided, assessment against Performance outcome PO17 is required.

The lodgement of the application did include a Material change of use for a Plan of development. As the application progressed, Officers identified that Dwelling houses are Accepted development and as such, are not assessable against City Plan provisions. Resultingly, the Applicant withdrew the Material change of use for Plan of development component of the application following further advice from Officers. The Applicant will lodge a Referral agency assessment application for siting variations.

The development layout provides clearly readable street by way of a through road connection from Courtney Drive to the north through to Mackellar Drive to the east and Rangeview Road to the south. This is achieved through Road 1. The road network provides connection to useable open space.

The proposed development is considered to be responsive of the sites characteristics and settings including retention of vegetation within the north and south of the subject site. The proposal supports future through road connection to the adjacent northern lot which will support future development.

The subject site is the first redevelopment within the immediate area. As such, it is not of a scale consistent with the surrounding urban area however, the development layout provides open space and roads interconnecting to adjoining networks.

Existing public transport is located on Reserve Road just past the entrance to Lawson Street which is approximately 760 metres walking distance from the south-eastern corner of the subject site. Given the emerging nature of the development within the locality, local services are up and coming.

The proposal supports a comprehensive pedestrian footpath network (minimum 2 metre wide footpaths) throughout to allow access to walkable focal points. The footpath network and variety of open space areas throughout the development footprint maximises opportunities for casual surveillance.

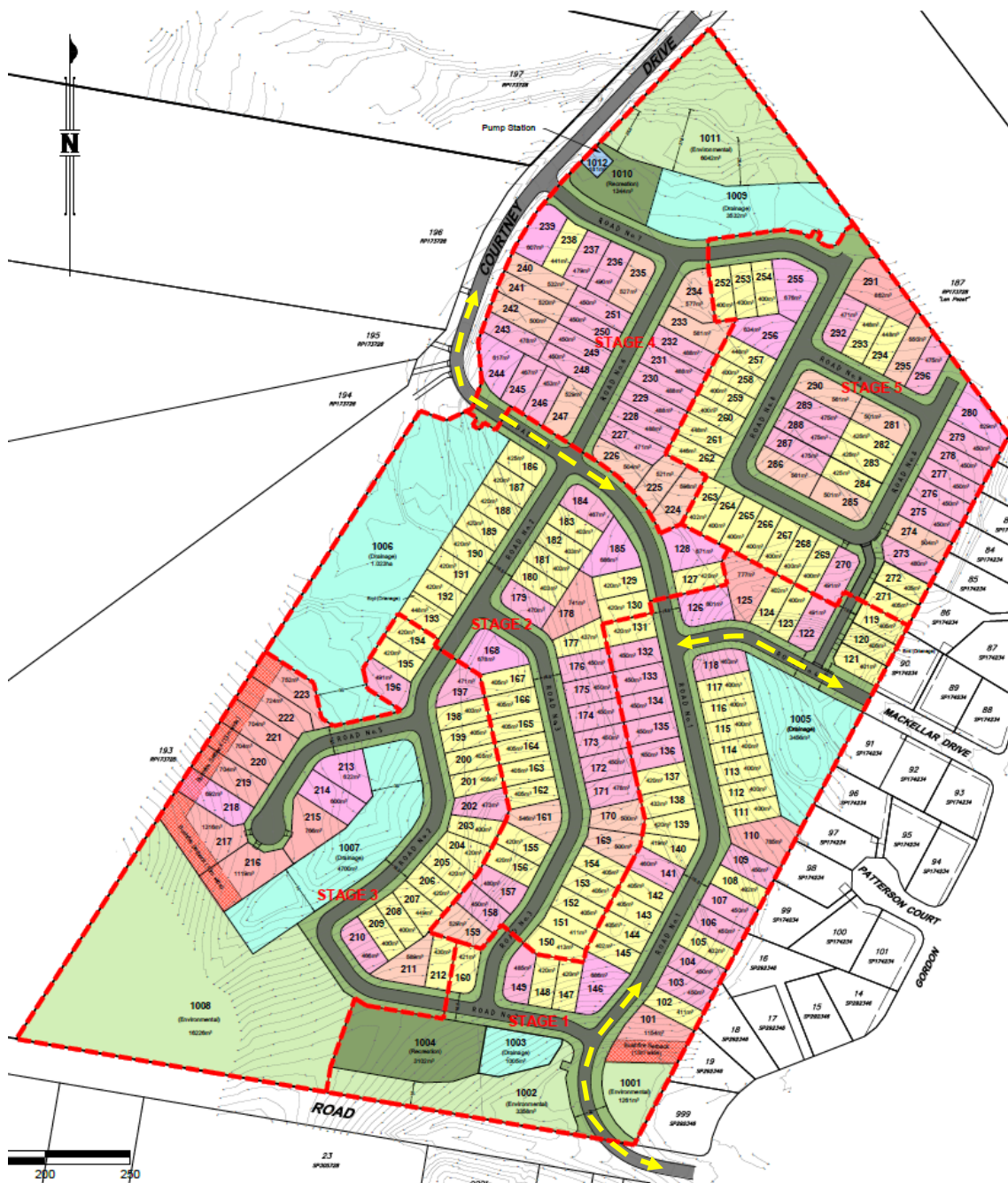


Figure 36 - Proposed reconfiguring a lot layout (Source: Bennett + Bennett)

On balance, based on the above, Officers consider the proposal complies with Performance outcome PO17.

***Public transport integration***

| Performance outcome                                                      | Acceptable outcome                                                                                                                                                     |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO19</b><br>Subdivision design supports public transport integration. | <b>AO19</b><br>At least 60% of lots are within 400m walking distance of roads which have a minimum carriageway width of 10m and are capable of supporting a bus route. |

**Officer's comment:**

The main thoroughfare road being Road 1 does not include a minimum carriageway width of 10 metres and is therefore not capable of supporting a bus route. Assessment against Performance outcome PO19 is required.

It is noted that the existing carriageway on Courtney Drive to the north and Rangeview Road to the south-east are less than 7 metres wide and therefore would not be capable of support a bus route which the subject site would connect into.

The proposed development does support a pedestrian footpath network throughout which provides access to the existing bus stop on Reserve Road just past the entrance to Lawson Street which is approximately 760 metres walking distance from the south-eastern corner of the subject site.

On balance, the proposal is considered to demonstrate compliance with Performance outcome PO19.

***Staging of subdivision***

| Performance outcome                                                                                                                                                                                                             | Acceptable outcome                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>PO24</b><br>Staging of the subdivision ensures that safe and convenient access to public transport, open space, community facilities, convenience shopping and local employment opportunities integrate with community need. | <b>AO24</b><br>No acceptable outcome provided. |

**Officer's comment:**

As no Acceptable outcome is provided, assessment against Performance outcome PO24 is required.

The proposed development will be delivered in 5 separate stages. With the exception of Stage 5, each individual stage delivers a form of open space to support the communities need. Open space is delivered in the form of environmental areas, recreational spaces and drainage reserves. The recreational spaces include a mix of landscaping. Proposed Lot 1004 also includes a playground.

Based on the above, Officers consider the proposal demonstrates compliance with Performance outcome PO24.

**9 ADOPTION OF AMENDED STATUTORY INSTRUMENT – CITY PLAN (VERSION 10)**

Section 45(6)-(8) of *Planning Act* states:

- (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.*
- (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.*

*Shaping SEQ* is the State government's regional plan for South East Queensland. The plan sets a benchmark of supplying 158,900 new dwellings for the Gold Coast by 2041.

Prior to 2019, the City identified targeted growth areas within the City to achieve potential long-term opportunities to responsibly manage growth in the city through the City Plan. This included the Upper Coomera investigation area which was identified to accommodate future residential opportunities.

The Upper Coomera (Courtney Drive) precinct is expected to deliver approximately 730 dwellings. Item 16 – Urban expansion: Upper Coomera Investigation area was identified in the draft Major update 2 and 3 of City Plan and was approved by the Planning Minister on 17 October 2022. On 28 February 2023, Council adopted City Plan (Version 10) to commence on 4 July 2023.

The lodgement of this application in 2019 was premature of the inclusion of the Courtney Drive investigation area within the adoption of Major update 2 and 3. The application has been in assessment for a period of four years. Acknowledging that City Plan (Version 10) has not yet commenced, as per s45(8)(a) of the *Planning Act*, within the assessment of the application, Officers have given weight to City Plan (Version 10). This includes the identification of the subject site within the Emerging community zone (rather than the current zone of Rural and Rural residential). Assessment below will be provided against the Emerging community zone code as well as the New communities element of the Creating liveable places theme of the Strategic framework.

## **9.1 Assessment against Emerging community zone code**

As per the administration note, for assessable development within the Upper Coomera (Courtney Drive) precinct, assessment is only against the overall outcomes and purposes of the code. Officers

have provided assessment against the applicable overall outcomes and the purposes of the code below.

- (a) *"New communities:*
    - (i) *Development is informed by a comprehensive plan of development in accordance with **SC6.6 City Plan policy – Comprehensive plans of development.***
    - (ii) *Urban development utilises land and infrastructure efficiently and responds to site constraints and opportunities to deliver a mix of Dwelling house (including small lot housing) and Dual occupancy development achieving a residential density of:*
      - (A) *19 to 23 dwellings per net hectare, where located in **sub-precinct Courtney North-east;***
      - (B) *13 to 17 dwellings per net hectare, where located in **sub-precinct Courtney South-east;** and*
      - (C) *11 to 14 dwellings per net hectare, where located in **sub-precinct Courtney West.***
- Note: Land located above RL60m AHD is excluded from developable area unless acceptable provision for water servicing can be agreed to with the City of Gold Coast.**
- Note: Extent of development within Courtney West sub-precinct may be constrained by bushfire hazard unless an acceptable precinct wide mitigation approach is provided. Development in all sub-precincts is subject to a bushfire risk management plan."**

The subject site is predominately located within the sub-precinct Courtney South-East with a smaller area in the south west corner located in the sub-precinct Courtney West.

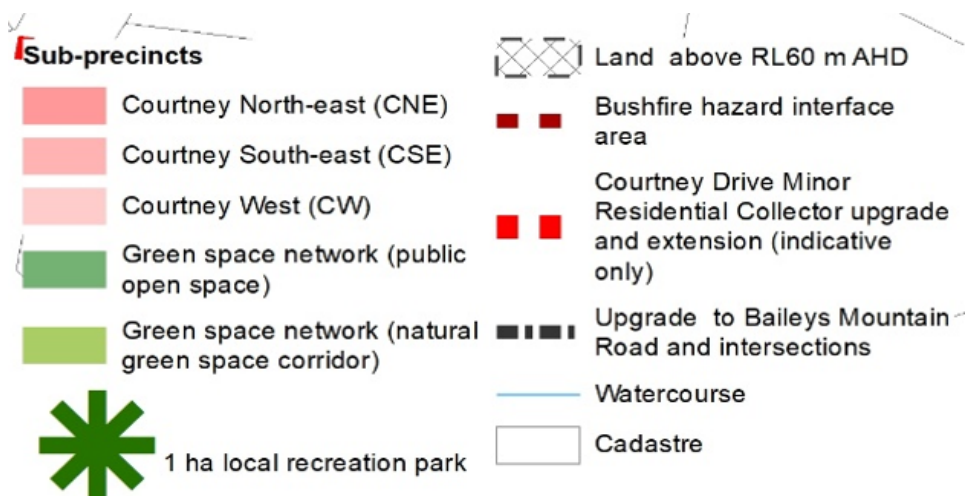
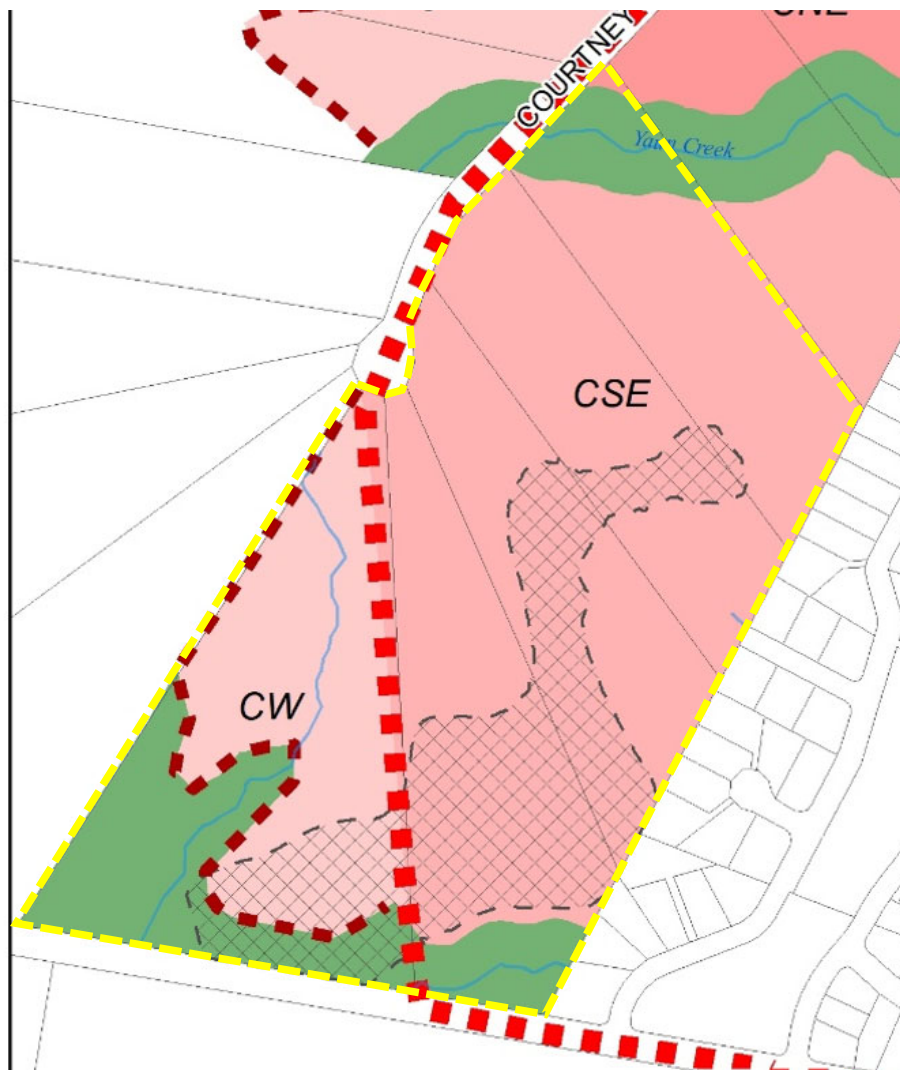


Figure 37 - Courtney Drive precinct plan (Source: CoGC)

#### **Officer's comment**

Generally speaking, the New Communities Element of the Strategic Framework envisages that development in the city's New Communities will result in a minimum residential density of between 15 to 25 dwellings per net hectare. However, Overall outcome 3(a) nominates a planned net residential density of:

- 11-14 dwellings per net hectare in the Courtney West sub-precinct; and
- 13-17 dwellings per net hectare in the Courtney South-east Sub-precinct.

The net developable area results in an overall net residential density of 20.4 dwellings per hectare being achieved (10.4 dwellings per hectare gross density). With a total site area of 18.849ha, the proposed development footprint is only 13.499ha as the site layout has appropriately responded to site based constraints whilst also protecting matters of environmental significance. In consideration of the Upper Coomera (Courtney Drive) precincts, the proposal seeks a net density outcome of:

- 16.8 dwellings per net hectare in the Courtney West sub-precinct (by way of 25 lots); and
- 21.3 dwellings per net hectare in the Courtney South-east sub-precinct (by way of 171 lots).

The Upper Coomera (Courtney Drive) precincts have been overlayed on the proposed development layout below.

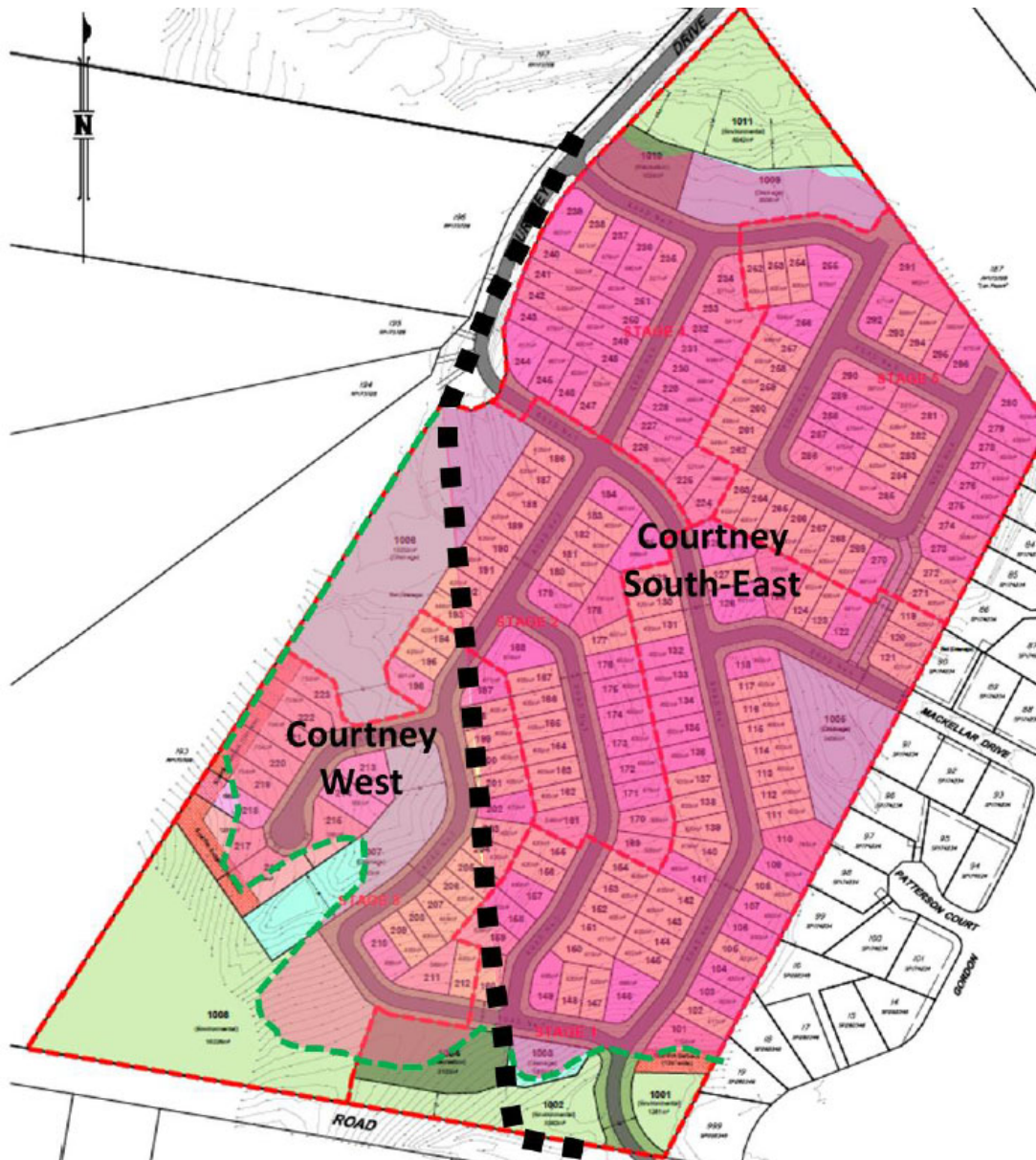


Figure 38 – Upper Coomera (Courtney Drive) precinct overlay as per City Plan amendment (Version 10)(Source: CoGC data adapted to Plan of subdivision by Bennett + Bennett)

It is noted that the proposal supports lots 400m<sup>2</sup> or greater in area with the typical minimum lot

frontage of 12.5 metres (excluding irregular shaped lots).

The proposed developable footprint results in a technical non-compliance with the prescribed density for the Courtney Drive west and south-east sub-precincts. Notwithstanding, Officers consider the prescribed density appropriate for the Courtney Drive west and south-east sub-precincts of the Emerging community zone for the following reasons:

- The proposal enhances the diversity of housing choice through the provision of a mix of lot sizes;
- The proposal appropriately manages the transition of currently rural residential land to urban purposes through the provision of:
  - Essential urban infrastructure to all new residential lots;
  - A lot layout that factors in sufficient controls to manage risks from natural hazards (eg. slope sensitive design, bushfire);
  - Sufficient public open space to cater for the demand generated by the proposed development;
  - A connected and legible public road layout that links Courtney Drive with the existing road network to the east; and
  - A subdivision layout that ensures matters of environmental significance present on the site are protected.

The Courtney Drive precinct is a genuine greenfield expansion area identified under Council's current Investigation Area planning program for release in City Plan (Version 10), adopted for commencement on 4 July 2023. It is therefore critical that efficient residential densities, such as that currently proposed, be achieved within the precinct to support the sustainable development of the city's remaining greenfield areas and foster the delivery of a variety of housing products and types to enhance housing affordability, choice and general community liveability. The delivery of 196 helps to achieve the City's identified target of approximately 730 dwellings within the Courtney Drive precincts.

It is noted that part of the site is identified as land located above RL60m AHD. This area of the site has not been excluded from the developable area as a water servicing strategy has been agreed to. Appropriate conditions have been recommended to achieve this outcome.

Overall, it is contended that the proposed residential density is appropriate for the subject site and reflective of the planning intent for development within the city's New Communities.

- (iii) *"Where earthworks and retaining walls are proposed, development does not create negative visual impacts."*

#### **Officer's comment**

As detailed within the assessment of Performance outcome PO2 of the General development provisions code, the proposal requires earthworks and retaining walls. Overall, through negotiated outcomes and through recommended conditions, it is considered the proposed development will not create negative visual impacts.

- (x) *"Development maximises road frontage to the local recreation park and watercourses in public open space".*

#### **Officer's comment**

The proposed development provides open space areas by way of recreational parks, environmental conservation lots and drainage reserves. The proposed development layout is considered to maximise road frontage to these open space areas. This includes Road 1, 2, 4 and 7.

- (xi) *"Yaun Creek is rehabilitated to achieve a minimum 60m wide natural green space corridor (public open space) providing an ecological connection, improved water quality outcomes and amenity for the new community (refer to **Figure 6.2.15-3 – Upper Coomera (Courtney Drive) precinct plan**). This includes removal of existing dams and exclusion of stormwater detention areas from the corridor.*
- (xii) *Where located within sub-precinct Courtney South-east and sub-precinct Courtney West (refer to green space network on Figure 6.2.15-3 – Upper Coomera (Courtney Drive) precinct plan) development restores and enhances watercourses, their buffers and other matters of environmental significance on the southern boundary through dedication as public open space."*

#### **Officer's comment**

Within the subject site, Yuan Creek is proposed to be relocated, refabricated and rehabilitated within a green space corridor providing ecological connection, improved water quality outcomes and amenity for the new community along the western boundary of the site. The area will be dedicated to Council as public open space.

- (xiii) *"Courtney Drive is upgraded to a Minor Residential Collector Road with extension through to Reserve Road, refer to Figure 6.2.15-3 – Upper Coomera (Courtney Drive) precinct plan for indicative location of road extension."*

#### **Officer's comment**

Officers have included conditions within the recommendation for the sites frontage to Courtney Drive be upgraded to a residential collector road.

### **9.2 Assessment against Creating liveable places theme**

Strategic outcome 3.3.1(11) reads as follows:

*"Suburban neighbourhood areas are maintained as low-intensity, low-rise residential environments that retain and enhance local character and amenity."*

Strategic outcome 3.3.1(12) reads as follows:

*"New communities are located in the urban area to achieve an orderly and efficient use of land and deliver a mix of housing forms. They are supported by social and essential infrastructure, an appropriate range of goods and services and employment opportunities, and active and public transport."*

#### **Officer's comment**

Whilst the proposed development results in a residential density which exceeds the prescribed density of the Courtney Drive sub precincts of south-east and west, the proposal supports lots with a minimum lot size of 400m<sup>2</sup> with sufficient frontage widths to support future Dwelling houses. Overall, due to the lot design, the proposal is considered to support a low-intensity outcome as it does not seek any small lots (lots less than 400m<sup>2</sup>). The overall development footprint maintains and enhances environmentally

significant vegetation on the site (including retention of 70% of general priority vegetation) and provides a mix of open space areas (including recreational areas) to retain and enhance local character and amenity.

#### **3.3.4 - New communities element**

Specific outcome 3.3.4.1(1) reads as follows:

*“New communities will emerge within the city’s urban area, where suitable.”*

Specific outcome 3.3.4.1(2) reads as follows:

*“These areas will be an integrated part of the city’s urban fabric and support well-designed, walkable communities, focused around centres, public transport stops and community facilities.”*

#### **Officer’s comment**

The subject site is identified within the Courtney Drive investigation area.

Specific outcome 3.3.4.1(3) reads as follows:

*“Generally new communities achieve a minimum dwelling yield of between 15 to 25 dwellings per hectare net. These yields will be higher surrounding the Pimpama mixed use centre.”*

Specific outcome 3.3.4.1(4) reads as follows:

*“New communities provide a diversity of housing choices, through a mix of lot sizes and higher intensity housing forms, if they are within walking distance of a high frequency public transport stop, a major employment area, neighbourhood centre or a district and regional level community and recreation facility.*

*Larger lot urban housing occurs on land where services and infrastructure are not as advanced, to appropriately respond to environmental and landscape features, on steeper slopes to minimise earthworks and to provide a transition to the city’s non-urban areas.”*

#### **Officer’s comment**

As discussed above, the proposal will provide between 16.8-21.3 dwellings per net hectare. Whilst this exceeds the nominated density for the Courtney Drive precinct (as identified within the Emerging community zone), the proposed density is consistent with Specific outcome 3.3.4.1(3) for a new community.

The proposal will provide a diversity of housing choices through varying lot sizes. The subject site is within walking distance of a public transport corridor however, is not within walking distance of a major employment area, neighbourhood centre or district and regional level community and recreation facility. The proposed development layout facilitates open space for recreational opportunities within the subject site.

Specific outcome 3.3.4.1(6) reads as follows:

*“The transition of vacant urban land to new communities will:*

- a. ensure essential infrastructure and services can be provided in a timely, cost effective and environmentally responsible manner;*

- b. ensure timely and easy access to an appropriate range of goods and services, and employment opportunities, public transport and community and recreational facilities;*
- c. avoid natural hazard areas, or ensure these are sensitively developed; and*
- d. protect matters of environmental significance and landscape character."*

**Officer's comment**

The proposed development seeks to be delivered over 5 stages. The proposal will deliver all necessary infrastructure including water, sewer, telecommunications, electricity, roads etc. Conditions have been recommended for the delivery of this necessary infrastructure relative to each stage of the development.

As discussed above, the proposal supports recreational facilities.

The proposed development footprint and corresponding lot layout is responsive to site based constraints including landslide hazard and bushfire and ensures matters of environmental significance and landscape character are protected.

Specific outcome 3.3.4.1(7) reads as follows:

*"The layout and design of new communities:*

- a. contribute to safe, healthy and cohesive communities that reduce social isolation and promote community wellbeing;*
- b. include an interconnected system of streets and open spaces that provide pleasant and comfortable walking and cycling environments and support public transport;*
- c. respond to opportunities and constraints both on site and from the surrounding locality, including ecological and hydrological functions and corridors, topography, scenic amenity and landscape features, natural hazards and other factors;*
- d. orientate streets and lots to support energy efficient design;*
- e. enable the efficient development of adjoining land and does not accelerate, place or shift unreasonable costs of infrastructure to adjoining properties, such as recreation facilities, stormwater management facilities, roads and bridges; and*
- f. achieve a high standard of urban design and safety, with dwellings and other buildings appropriately addressing all road frontages."*

**Officer's comment**

The proposed development layout is considered to include an interconnected system of streets and open spaces that provide pleasant and comfortable walking and cycling environments. Officers have recommended conditions requiring street trees on both sides of all new roads and a footpath on at least one side of the road. Footpaths will include a width of 2 metres.

The development footprint is considered to appropriately respond to site based constraints including landslide hazard by way of slope and bushfire. The proposal maintains existing environmental significant vegetation within the subject site to protect the scenic amenity and landscape features of the site.

Lots are considered to be oriented to support future energy efficient design and allow for all dwellings to appropriately address all road frontages in the future.

## Summary

Overall, it is considered that the proposed development footprint provides an outcome which is commensurate to the Courtney Drive south-east and Courtney west sub-precincts of the Emerging community zone and New communities element of the Strategic framework.

The proposal provides a residential density which supports future housing choice within the subject site. The development footprint appropriately responds to site based constraints, protects matters of environmental significance and provides open space areas throughout the development.

The proposal will be supported by the delivery of necessary infrastructure which will be provided relative to each stage of the development.

## 10 OTHER RELEVANT MATTERS

The following is an assessment of the application against or having regard to any other relevant matter. Section 45(5)(b) of *Planning Act* states:

- (5) *An impact assessment is an assessment that—*
- (a) *must be carried out—*
- (i) *against the assessment benchmarks in a categorising instrument for the development; and*
- (ii) *having regard to any matters prescribed by regulation for this subparagraph; and*
- (b) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*
- Examples of another relevant matter—*
- *a planning need*
  - *the current relevance of the assessment benchmarks in the light of changed circumstances*
  - *whether assessment benchmarks or other prescribed matters were based on material errors.*

In accordance with Section 45(5)(b) of the *Planning Act 2016*, in support of the application, the Applicant identified the following relevant matters:

- *"The proposed development is considered to advance the purpose of the Planning Act 2016 by facilitating ecologically sustainable development (as defined s.3 of the Act) through the preservation of extensive conservation land and the creation of a well-served, connected and liveable community.*
- *The proposal achieves the intent of the Liveable Communities and Housing State Interest conveyed in the State Planning Policy by assisting in the creation of housing diversity and affordability within the locality.*
- *The proposed development is reflective of the subject site's designation within the Urban Footprint under ShapingSEQ (SEQ Regional Plan 2017) and the plan's intent to facilitate extensive urban consolidation throughout the Gold Coast and achieving the set dwelling targets.*
- *The proposed development complies with Purpose of the Emerging Community Zone (of which it will be zoned as per Major Update 2 and 3) by identifying land that is suitable for*

*suburban development and facilitating its conversion to urban purposes.*

- The proposal is generally reflective of the development intent assigned to the land under the Council endorsed Upper Coomera Investigation Area Study and associated draft Concept Plan which have been used to inform the Upper Coomera Conceptual Land Use Map (CLUM) included in Major Update 2 and 3 which was approved by the Planning Minister on 17 October 2022.*
- Extensive planning studies and investigations (including community consultation processes) have been undertaken in regard to the Courtney Drive area and deemed suitable for urban development purposes. These studies and investigations (including consultation findings) have all been endorsed by Council dating back to 2014.*
- The Upper Coomera Investigation Area has been identified as Council's top priority for urban land release contributing to the continued urban land supply for the City.*
- The development complies with the applicable Performance Outcomes and Purpose of the Environment Significance Overlay Code by identifying and protecting the matters of environmental significance, identified on the site through extensive fieldwork, in situ through the dedication of approximately 14.3% of the gross site area as environmental open space to Council, in addition to the 27,550m<sup>2</sup> (14.6% of site area) of land dedicated to Council for recreation and drainage purposes.*
- The proposed development has been designed to manage and mitigate any potential impacts from natural hazards such as bushfire and landslide as demonstrated through the specialist reports submitted with this application and the implementation of the recommendations contained therein.*
- The development has been designed to enhance connectivity for pedestrians, vehicles and fauna demonstrating compliance with the 'structure planning' intent conveyed through the New Communities Element of the Strategic Framework, and as envisaged by the Investigation Area Draft Concept Plan, fostering the creation of connected and liveable communities as is desired by the strategic intent of the City Plan.*
- City Plan Major Updates 2 & 3, including the Courtney Drive Investigation Area, were approved by the Planning Minister on 17 October 2022 and now await final Council adoption and commencement.*
- Since the lodgement of the application, demand for housing, particularly residential lots, has grown with the City and South East Queensland more broadly experiencing heightened demand for housing, reinforcing the need to facilitate the delivery of this much needed development in a timely manner.*
- The Gold Coast Dwelling Supply Study as of August 2019 identified that, at that point in time, the city has the capacity to deliver approximately 24,591 extra dwellings by 2041 (excluding Courtney Drive), with only 11,038 dwellings having a medium to high likelihood of occurring in that timeframe based on economic conditions at that time, accounting to approximately 2 years of detached dwelling stock. The proposed development will contribute to the delivery of much needed greenfield housing to support the current demand."*

Officers agree with the relevant matters proposed by the Applicant in support of the application.

The proposed development is responsive to the City's identification of Courtney Drive, Upper Coomera as an area to facilitate future urban development within the City acknowledging the need to facilitate additional opportunities for housing. Officers have determined that the proposed development is commensurate with the requirements of the Emerging community zone (specifically the Courtney

Drive precinct) and the New communities element of the Liveable places theme of the Strategic framework.

Despite City Plan (Version 10) not commencing until 4 July 2023, there is now sufficient confidence to have strong regard to City Plan (Version 10) as being the City's preferred planning vision for the development of the subject site. Pursuant to s45 of *Planning Act*, the proposed development warrants approval, subject to conditions.

#### **Assessment against the Planning Regulation 2017**

The development has been assessed against the provisions of Schedule 12A of the Planning Regulation 2017 in accordance with Schedule 10, Part 14, Division 2, Table 1 of the Regulation. Whilst this regulation does not apply to lots zoned in Rural residential (which the subject site is currently zoned as), as per consideration of City Plan (Version 10), the site will be identified in the Emerging community zone and therefore is relevant to the assessment of this application.

As outlined in the table below, the proposed development is considered to achieve compliance with the relevant Assessment benchmarks 4-8 of the Schedule 12A of the Planning Regulation 2017 - Walkable Neighbourhoods in ensuring the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot.

| <b>Schedule 12A Assessment benchmarks for particular reconfiguring a lot – Part 2 Assessment benchmarks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Officer's comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>4 Connectivity</b></p> <p>The reconfiguration provides connectivity for pedestrians by—</p> <p>(a)ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and</p> <p>(b)ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration—</p> <p style="padding-left: 40px;">(i)connect to roads and footpaths in surrounding areas; or</p> <p style="padding-left: 40px;">(ii)allow for connection to future roads and footpaths in surrounding areas.</p> | <p>The proposed road connections within the subject site are responsive to the topography. The main thorough fair within the site (proposed road 1) connects with roads and footpaths within the surrounding area. The alignment of proposed road 7 and 8 allows for connection through to the adjoining north site should a future development be proposed.</p> <p>On this basis the proposed development complies with Assessment benchmark 4.</p> |
| <p><b>5 Maximum length of particular blocks</b></p> <p>(1) The reconfiguration provides for convenient pedestrian movement by ensuring the length of each boundary of a block for the reconfiguration does not exceed the lesser of—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The proposed development layout provides boundary lengths consistent with the categorising instrument. No block length exceeds 250 metres.</p> <p>On this basis the proposed development</p>                                                                                                                                                                                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>(a)a maximum length for a boundary of a block stated in a local assessment benchmark for the reconfiguration; or</p> <p>(b)250m.</p> <p>(2) Subsection (1) does not apply in relation to a block for the reconfiguration that the development application for the reconfiguration states will be subdivided as part of a future stage of development.</p>                                                                                                                                                                                                                                                             | <p>complies with Assessment benchmark 5(1)(a).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>6 Street trees</b></p> <p>The reconfiguration provides shade for comfortable walking by—</p> <p>(a)if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or</p> <p>(b)otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.</p>                                                                                                                                                                                                                          | <p>The proposed development can comply with the requirement for 1 street tree per 15 metres. This will be included as a condition of approval in the Officer's recommendation; as well as controlled as per subsequent Operational Works for landscaping application as necessary by the conditions included in the officer's recommendation.</p> <p>On this basis the proposed development complies with Assessment benchmark 6.</p>                                                                       |
| <p><b>7 Footpaths</b></p> <p>The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring—</p> <p>(a)for a new road used mainly for providing direct access to a created lot—a footpath is constructed—</p> <p style="padding-left: 40px;">(i)if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or</p> <p style="padding-left: 40px;">(ii)otherwise—on at least 1 side of the new road; or</p> <p>(b)for another new road—a footpath is constructed on both sides of the road.</p> | <p>All proposed new roads are for the main purpose of providing direct access to proposed allotments. A footpath is able to be provided on at least 1 side of all new roads and on both sides of Road 1. The footpath is to include a width of 2 metres (except for the short access lanes connected to Road 4 and 8). This is included within a condition of approval as included in the Officer's recommendation.</p> <p>On this basis the proposed development complies with Assessment benchmark 7.</p> |
| <p><b>8 Parks and other areas of open space</b></p> <p>(1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a</p>                                                                                                                                                                                                                                                                                                             | <p>The proposed development provides two open space areas for the purpose of recreation. It is considered that each block for the reconfiguration is within 400 metres of one of the proposed parks. Future park lot 1004 (delivered in stage 1) will include a playground (with shade sail), pathway, open turf areas, bollards and</p>                                                                                                                                                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                        |
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| <p>park or another area of open space that is accessible to the public.</p> <p>(2)In this section—</p> <p>park includes—</p> <p>(a)an existing park; and</p> <p>(b)a park, to be provided under a development approval, if development of the park has started; and</p> <p>(c)land identified as a park in a local planning instrument; and</p> <p>(d)land identified in an LGIP for public park infrastructure.</p> | <p>landscaped garden beds. Future park lot 1010 (delivered in Stage 4) will include open turf areas, bollards and shade trees.</p> <p>On this basis the proposed development complies with Assessment benchmark 8.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is \$6,107,954.28

For further information on this matter, refer to the draft notice attached to this report entitled as Attachment: Infrastructure charges notice for the approved development.

### Charge calculation

| Charges Resolution No. 1 of 2022 |     |                                                                             |                |                     |
|----------------------------------|-----|-----------------------------------------------------------------------------|----------------|---------------------|
|                                  | Qty |                                                                             | Rate           | Gross Charge Amount |
| Reconfiguring a lot              | 196 | Lots                                                                        | @ \$ 31,610.58 | \$ 6,195,673.68     |
|                                  |     |                                                                             |                | \$ 6,195,673.68     |
| Net Charge Summary               |     |                                                                             |                |                     |
| Gross Charge Amount              |     | Applied Credit Amount                                                       |                | Net Charge Amount   |
| \$ 6,195,673.68                  |     | \$ 87,719.40                                                                |                | \$ 6,107,954.28     |
| Applied credit details           |     | Standard lot credit applied (less sewer and water) for Lots 88-92 RP173728. |                |                     |

## 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)                                                                                                                                                                                                                                                                                      |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subdivision Engineering | <p>Subdivision Engineering reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>Approved drawings (amended in red to ensure that for both short access lanes (off Road 4 and road 8) that the development footprint supports a 4.5 metre wide eastern verge</li> </ul> |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <p>and a 2.5 metre wide western verge);</p> <ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• New roads;</li> <li>• Existing roads;</li> <li>• Footpaths;</li> <li>• Street lighting;</li> <li>• Electrical reticulation;</li> <li>• Telecommunications network;</li> <li>• Connection to Permanent survey marks;</li> <li>• Certification of works;</li> <li>• Road names to be submitted; and</li> <li>• Advice notes: <ul style="list-style-type: none"> <li>○ Development infrastructure; and</li> <li>○ Further development permit – Operational works for infrastructure</li> </ul> </li> </ul>                           |
| Geotechnical Engineering | <p>Geotechnical Engineering reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Approved plans; and</li> <li>• Certification of works</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Water and Waste          | <p>Water and Waste reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Timing;</li> <li>• Approved drawings;</li> <li>• Necessary trunk infrastructure;</li> <li>• Extra payment condition;</li> <li>• Requirement to register easement;</li> <li>• Restrictions regarding Council easements and sewer and water supply infrastructure;</li> <li>• Temporary pump station for Stages 2, 3 and 4;</li> <li>• Sewer pump station decommissioning plan and gravity sewer construction plan;</li> <li>• Developers contribution for temporary sewer pump station;</li> </ul> |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                              | <ul style="list-style-type: none"> <li>• Rectification of Council infrastructure;</li> <li>• Sewer reticulation;</li> <li>• Water reticulation;</li> <li>• Temporary turn around at dead ends;</li> <li>• Bin bays; and</li> <li>• Advice notes: <ul style="list-style-type: none"> <li>○ Works in properties other than the development land;</li> <li>○ Development infrastructure;</li> <li>○ Council water and sewer mains to be protected during site works;</li> <li>○ Connections and disconnections;</li> <li>○ No one trenching of the road pavement for water connections across / in roadways;</li> <li>○ Further development permits for operational works – infrastructure, connections / disconnections - application to work on the City's infrastructure and application for temporary road / footpath closure – CoGC City Assets;</li> <li>○ Connections to, alteration or realignment of Council infrastructure; and</li> <li>○ Design, constructability and minor change applications</li> </ul> </li> </ul> |
| Plumbing and Drainage        | Plumbing and Drainage reviewed the proposed application and did not recommend conditions as the assessment was limited to a Reconfiguring a lot application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Transport Assessment         | Transport Assessment reviewed the proposed application and did not provide conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Hydraulics and Water Quality | <p>Hydraulics and Water Quality reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Approved plans (including requirements for minor amendments);</li> <li>• Private infrastructure;</li> <li>• Overland flow paths and hydraulic alterations;</li> <li>• Bioretention basin maintenance management plan;</li> <li>• Certification of works;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|                          | <ul style="list-style-type: none"> <li>• Erosion and sediment control plan;</li> <li>• Advice note; and <ul style="list-style-type: none"> <li>◦ Stormwater</li> </ul> </li> <li>• Property notification <ul style="list-style-type: none"> <li>◦ Stormwater</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                              |
| Environmental Assessment | <p>Environmental Assessment reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Approved drawings;</li> <li>• Vegetation clearing;</li> <li>• Rehabilitation management plan;</li> <li>• Advice notes; and <ul style="list-style-type: none"> <li>◦ Further development permit – Operational works for vegetation clearing;</li> <li>◦ Vegetation protection;</li> <li>◦ Listing of Koala under EPBC Act;</li> <li>◦ Riverine Protection Permit;</li> <li>◦ Specific management program</li> </ul> </li> <li>• Property notification: <ul style="list-style-type: none"> <li>◦ Vegetation protection</li> </ul> </li> </ul> |
| Bushfire Assessment      | <p>Bushfire Assessment reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Approved plans;</li> <li>• Approved drawings;</li> <li>• Certification of works;</li> <li>• Advice notes; and <ul style="list-style-type: none"> <li>◦ Bushfire management</li> </ul> </li> <li>• Property notifications <ul style="list-style-type: none"> <li>◦ Bushfire management</li> </ul> </li> </ul>                                                                                                                                                                                                                                     |
| Landscape Assessment     | <p>Landscape Assessment reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Landscaping works on private land; and</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                       | <ul style="list-style-type: none"> <li>Retaining walls on private land</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Open Space Assessment | <p>Open Space Assessment reviewed the proposed application and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>Amended plans; <ul style="list-style-type: none"> <li>Amend Park Lot 1007 from Drainage to Conservation purposes and amalgamate this lot with Park Lot 1008.</li> </ul> </li> <li>Land transfer;</li> <li>Landscaping works within public open spaces;</li> <li>Decommissioning Park Lot 1012;</li> <li>Timing of dedication;</li> <li>Batters within drainage reserves;</li> <li>Boundary fences; and</li> <li>Advice notes: <ul style="list-style-type: none"> <li>Development infrastructure; and</li> <li>Further development permit for Operational works for landscape works</li> </ul> </li> </ul> <p>Officers acknowledge Open space assessment's request to amalgamate Lot 1007 and Lot 1008 however, Planning assessment has disregarded this request.</p> |
| Social Planning       | <p>Social Planning reviewed the proposed application and recommended the following conditions:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 7.2 External referrals

The application was referred to the following external agency(s):

### 7.2.1 Concurrence agency(s)

- On 6 June 2019, the application was properly referred to SARA as per Schedule 10, Part 9. Division 4, Subdivision 1, Table 1, Item 1 of the *Planning Regulations* 2017 for the establishment of 200 dwellings in accordance with Schedule 20.
- On 5 July 2019, SARA provided a response confirming no requirements.
- On 31 March 2023, Officers re-engaged with SARA to confirm that in accordance with Part 26.1 of the Development Assessment Rules, the Applicant had changed the development application in accordance with advice from Officers (the assessment manager). The Application is limited to the establishment of 196 residential dwellings and therefore, the proposal does not meet the threshold in Schedule 20 of the *Planning Regulations* 2017.
- On 12 April 2023, Officers received a letter of notification of removal of assessment jurisdiction.

## 8 PUBLIC NOTIFICATION

### 8.1 Overview

On 19 November 2019, public notification commenced. Public notification was carried out for 15 business days and ceased on 10 December 2019.

In response to public notification, a total of 11 submissions were received including:

- 6 properly made submissions, all objecting to the proposed development; and
- 5 submission/s were received that were not properly made, consisting of 4 objections and 1 in support.

It is noted that the majority of submissions were received from the immediate locality being Upper Coomera.

### 8.2 Compliance with public notification requirements

The applicant has submitted a notice of compliance stating public notification has been completed in accordance with the requirements of the Development Assessment Rules under the *Planning Act 2016*.

Council has reviewed the public notification material and considers the applicant has complied with the requirements of the Development Assessment Rules.

### 8.3 Accepted submissions

Clause 19.1(b) of the Development Assessment Rules allows the assessment manager to accept a submission even if the submission is not a properly made submission.

The issues raised through the submission have been considered in the body of this report.

In order for a submitter to have appeal rights under Schedule 1 of the *Planning Act 2016*, the submission must be a properly made submission.

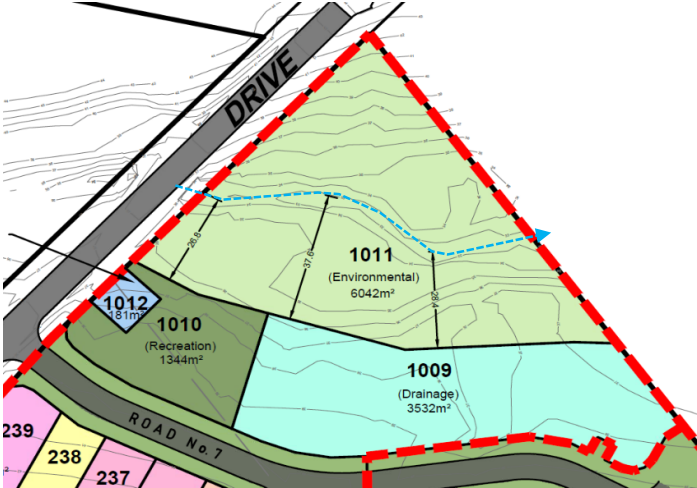
In this instance, the assessment manager accepts the submission in accordance with Clause 19.1(b), however the submitter does not have appeal rights.

### 8.4 Matters raised in submissions

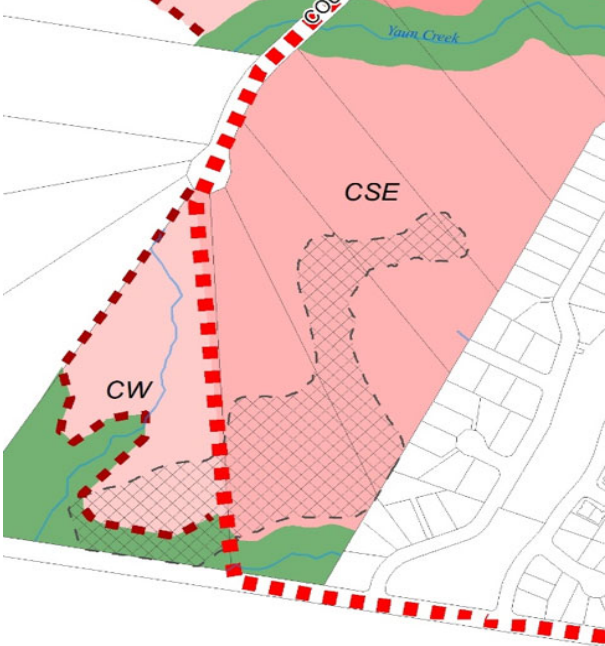
The matters raised by submitters who made a properly made submission or a submission that has been accepted by the assessment manager are discussed below.

| Matters                                                                                                                                 | Officer's comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Signage</u></p> <ul style="list-style-type: none"> <li>• Concern the public notification sign was not properly located</li> </ul> | <p>It is noted that the public notification process, and subsequent siting of the signage, was undertaken by an experienced consultant who specialises in carrying out the public notification process for development proposals during the development assessment process.</p> <p>As per subsection 4-7 of Schedule 3: Public notice requirements of the <i>Development Assessment Rules 2017</i>, the following requirements for placing a public notice on the premise apply:</p> <p>4. "For placing a public notice on the premises, a public notice must be:</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><i>(a) placed on, or within a reasonable distance of, the road frontage for the premises, ensuring that it is clearly visible from the road;</i><br/> <i>(b) mounted at least 300 millimetres above ground level;</i><br/> <i>(c) made of weatherproof material; and</i><br/> <i>(d) at least A0 size.</i></p> <p>5. <i>If the premises has more than one road frontage, a public notice must be placed on each publicly accessible road frontage for the premises.</i></p> <p>6. <i>The applicant must maintain the public notice from the day it is placed on the premises until the end of the notification period.</i></p> <p>7. <i>For placing a public notice on the premises, road frontage for the premises, means—</i><br/> <i>(a) the boundary between the premises and any road adjoining the premises; or</i><br/> <i>(b) if the only access to the premises is across other land, the boundary between the other land and any road adjoining the other land at the point of access.”</i></p> <p>A total of three signs were placed along the three road frontages of the site (Courtney Drive, Mackellar Drive and the unformed road in south east corner).</p> <p>The Applicant provided officers with a Notice of Compliance material provided to Council by Real Property Signs on 11 December 2019, Public notification of the development was carried out in accordance with statutory requirements.</p> |
| <p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>Concern for the impact the development will have on local species (including koala and goanna)</li> <li>The development will adversely impact on the natural environment including Yaun Creek</li> <li>The site should only be considered for Nature based tourism and the assessment should take into consideration residents intention for a nature based tourism development on the adjoining site/s</li> </ul> | <p>The subject site is identified to include matters of environmental significance as a local priority species (in isolation of other environmental values). In support of the application, the Applicant submitted an Ecological site assessment. The proposal seeks to retain the majority of the environmental significant vegetation within the subject site. The proposal supports a large environmental area within the south-western corner of the site as well as within proposed Lot 1006 to protect local species.</p> <p>It is noted that a corridor comprising a minimum width of 60m is proposed to be rehabilitated and dedicated to Council as conservation public open space. The development seeks to protect the values of Yaun Creek and its environmental corridor. Furthermore, other forms of public open space (e.g. recreation park and drainage) adjoin the Yaun Creek corridor providing a combined open space corridor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|                                                                                                                                                                                                                                                                                                                                                                                                 |  <p><b>Figure 40 - Yaun Creek within proposed Lot 1011 (Source: Bennett + Bennett)</b></p> <p>Concern was raised as to the potential impact the development of the site may have on a possible future nature-based tourism facility on an adjoining site. What occurs on an adjoining site has no bearing on the subject site or the development proposed. Should an adjoining landowner seek to establish a nature based tourism facility on their property, an assessment against City Plan provisions would be required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><u>Development layout</u></p> <ul style="list-style-type: none"> <li>• The development supports small lots which will ultimately result in on-street parking</li> <li>• The proposed density is not reflective of the Courtney Drive precinct plan nor existing developments within the surrounding area</li> <li>• Future ownership will be investor based and not locally owned</li> </ul> | <p>The proposed development seeks the establishment of 196 residential lots varying in size from 400m<sup>2</sup> – 1316m<sup>2</sup> as well as 5.444ha of open space. All allotments proposed wide frontages comprising minimum 12.5m widths (with the exception of lots located on inverted corners). The wide frontage creates a more open streetscape outcome and provides sufficient space on street for visitors to park their vehicles if necessary.</p> <p>The subject site is identified within the Courtney west and south-east sub-precincts. As per City Plan (Version 10), Overall outcome 3(a) of the Emerging communities zone nominates a planned net residential density of:</p> <ul style="list-style-type: none"> <li>• 11-14 dwellings per net hectare in the Courtney West sub-precinct; and</li> <li>• 13-17 dwellings per net hectare in the Courtney South-East Sub-precinct.</li> </ul> <p>The net developable area results in an overall net residential density of 20.4 dwellings per hectare being achieved (10.4 dwellings per hectare gross density). In consideration of the Upper Coomera (Courtney Drive) precincts, the proposal seeks</p> |

|                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                                                                                                                              | <p>a net density outcome of:</p> <ul style="list-style-type: none"> <li>• 16.8 dwellings per net hectare in the Courtney West sub-precinct (by way of 25 lots); and</li> <li>• 21.3 dwellings per net hectare in the Courtney South-east sub-precinct (by way of 171 lots).</li> </ul> <p>Officers consider the prescribed density appropriate for the Courtney Drive west and south-East sub-precincts of the Emerging community zone for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal enhances the diversity of housing choice through the provision of a mix of lot sizes; and</li> <li>• The proposal appropriately manages the transition of currently rural residential land to urban purposes through the provision of: <ul style="list-style-type: none"> <li>○ Essential urban infrastructure to all new residential lots;</li> <li>○ A lot layout that factors in sufficient controls to manage risks from natural hazards (eg. slope sensitive design, bushfire etc);</li> <li>○ Sufficient public open space to cater for the demand generated by the proposed development;</li> <li>○ A connected and legible public road layout that links Courtney Drive with the existing road network to the east; and</li> <li>○ A subdivision layout that ensures matters of environmental significance present on the site are protected.</li> </ul> </li> </ul> <p>The delivery of 196 residential lots helps to achieve the City's identified target of approximately 730 dwellings within the Courtney Drive precincts.</p> <p>The City Plan does not include provisions regarding ownership of future dwellings.</p> |
| <p><u>Road network</u></p> <ul style="list-style-type: none"> <li>• The road network layout will inhibit flow of traffic from existing residences</li> </ul> | <p>The alignment of the Courtney Drive extension through the site and connecting to the unformed road to the south-east was always visually shown as indicative on Council's earlier investigations. The adopted Courtney Drive Precinct Plan as per the City Plan Major Update 2 &amp; 3 shows a road connection which generally follows the alignment of a current cadastral boundary (identified in red below). It is noted that this alignment is not fixed but rather identifies an intent for a road connection from the current Courtney drive cul-de-sac through the site and ultimately connecting to Reserve Road. The development proposes this connection to the south of which Officers have confirmed is acceptable.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                                                                                                                                                                                 |  <p><b>Figure 41 - Courtney Drive Precinct (Source: CoGC)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><u>Delivery of infrastructure</u></p> <ul style="list-style-type: none"> <li>Sewer line</li> </ul>                                                                           | <p>Concern from the adjoining landowner to the north was raised in terms of proposed sewer infrastructure alignment through their site. The development proposes to connect into two sewer lines. Stages 1 &amp; 2 will connect to the south in the south east corner through the adjoining public open space and into Gordon Drive. The northern stages will ultimately connect through the adjoining allotments to the north into the main located in Richardson Crescent. Stages 2, 3 and 4 will utilise a temporary pump station. Officers have recommended conditions which does not allow for Stage 5 to complete plan sealing until the ultimate sewer infrastructure connecting to Richardson Crescent is delivered.</p> |
| <p><u>Open space areas</u></p> <ul style="list-style-type: none"> <li>The recreational parks proposed are inadequate in size as they only equate to 3.5% of net area</li> </ul> | <p>It is noted the development proposes 4,450m<sup>2</sup> or recreation park in two locations. One adjoining Yaun Creek to the north of the site with the other adjoining conservation park in the south. The subject development proposes 196 residential lots which equates to 3,472m<sup>2</sup> of recreation park to be compliant with the provisions of the City Plan Reconfiguring a Lot Code.</p>                                                                                                                                                                                                                                                                                                                       |
| <p><u>Orderly development</u></p> <ul style="list-style-type: none"> <li>The lodgement of the application is premature</li> </ul>                                               | <p>It is noted that substantial planning studies, all endorsed by Council, have been undertaken to facilitate the Courtney Drive area being rezoned for urban development. The Courtney Drive Investigation Area was identified as Council's number 1 priority for urban land to support new urban land within the City's northern growth area of Upper Coomera. Furthermore, the draft City Plan Major Update 2, and then combined Major Updates 2 &amp; 3, proposed the Courtney Drive Investigation Area to be</p>                                                                                                                                                                                                            |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|  | rezoned to Emerging Community to facilitate its development as new suburban land. Both the Courtney Drive Investigation Area and the Courtney Drive Precinct (as described in the draft City Plan amendment package) have undergone public consultation with a clear intent for the land to be developed. It is noted; however, that whilst the application has been lodged to Council for assessment, approval of the development is not sought until such time that Council can give regard to the upcoming scheme amendments. |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 9 CONCLUSION

Council is in receipt of an application for a Development permit for Reconfiguring a lot for a 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) at 79-99 Courtney Drive, Upper Coomera.

As detailed within the assessment of this application, as per City Plan (Version 6), the proposed development demonstrates a clear non-compliance with the strategic intent for the Rural and Rural residential zones. Notwithstanding, the development footprint and layout supports the sites environmental values, appropriately responds to sites natural hazards and provides the delivery of necessary infrastructure assessment benchmarks of City Plan (Version 6).

Through Officers ability to give weight to City Plan (Version 10) which identifies the subject site within the Courtney Drive investigation area within the Emerging community zone, utilisation of other relevant matters and through specific conditions to ensure specific outcomes are delivered, Officers consider the proposed development appropriate for the subject site.

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

## 10 NOTIFICATIONS

The following property notifications will be applied:

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b> | <b>Stormwater</b><br><br>There are development approval conditions applicable in relation to stormwater management on this lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice (COM/2019/82). A copy of Council's Decision Notice is available for viewing on Council's website <a href="http://www.goldcoastcity.com.au/pdonline">www.goldcoastcity.com.au/pdonline</a>        |
| <b>B</b> | <b>Bushfire management</b><br><br>There are development approval conditions applicable in relation to bushfire management on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice COM/2019/82. A copy of Council's Decision Notice is available for viewing on Council's website <a href="http://www.goldcoastcity.com.au/pdonline">www.goldcoastcity.com.au/pdonline</a> |
| <b>C</b> | <b>Vegetation protection</b><br><br>There are development approval conditions applicable in relation to the protection and management of vegetation and/or associated habitat on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold                                                                                                                                                             |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | Coast's Decision Notice COM/2019/82. A copy of Council's Decision Notice is available for viewing on Council's website <a href="http://www.goldcoastcity.com.au/pdonline">www.goldcoastcity.com.au/pdonline</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>D</b> | <p><b>Development controls</b></p> <p>There are development approval conditions applicable on this land in perpetuity and will attach to the lot/subsequent lots. These conditions may include development controls including but not limited to building setbacks, driveway location, building design, which are applicable to future development over the lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice COM/2019/82. A copy of Council's Decision Notice is available for viewing on Council's website <a href="http://www.cityofgoldcoast.com.au/pdonline">www.cityofgoldcoast.com.au/pdonline</a></p> |

## 11 RECOMMENDATION

**It is recommended that Council resolves as follows:**

**That under Delegated Authority, the Manager of City Development approves (with conditions) the issue of a Development permit for Reconfiguring a lot for a 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) at 79-99 Courtney Drive, Upper Coomera, in accordance with the Attachment entitled: Decision notice - Approval**

*Author:*

Emily Walsh

Senior Planner

June 2023

*Authorised by:*

Michael Moran

Manager City Development