



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 19 June 2018

Commenced at 2.12 pm

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

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PLANNING & DEVELOPMENT COMMITTEE

REPORT

CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 19 June 2018**. Councillors present:

Cr N J Waistell, Chair
Cr G R Christensen, Mayor
Cr R J Stanfield, Deputy Mayor
Cr N O'Carroll
Cr V A West
Cr M J Enright

ATTENDANCE

Executive Officers

J Gibbons, Chief Executive Officer
A Magner, Director Regional Services
C Gray, Manager Works / Acting Director Infrastructure Services

APOLOGIES

Cr D A McInnes
K Stidworthy, Chief Finance Officer

DECLARATIONS OF INTEREST BY MEMBERS

Nil

The following Officers attended the meeting and joined discussions on the items listed.

S Turner, Manager Planning (Items 3.1 and 3.2)

Reception of Deputations by Appointment / Visitors

Nil

PLANNING & DEVELOPMENT COMMITTEE REPORT

Please note: The Committee resolved to go into closed session in accordance with the provisions of s.275 of the Local Government Regulation 2012 to discuss the items of business indicated as closed in the Committee Report.

At the conclusion of these items, the Committee resolved to resume in open session. The Committee's recommendation on each item, discussed in closed session, is as detailed at the end of each item in the Report.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 RLBD17/005 Request for a Negotiated Decision Notice pursuant to section 361 of the Sustainable Planning Act 2009 to negotiate two conditions Prelate Investments Pty Ltd c/- Bennett & Bennett Pty Ltd Lot 1000 SP274350 L1001 SP274350****Executive Officer: Director Regional Services****File Reference: RLBD17/005**

Applicable Planning Scheme	<i>Beautesert Shire Planning Scheme 2007</i>
Applicant	Prelate Investments Pty Ltd c/- Bennett & Bennett Pty Ltd
Owner(s)	Prelate Investments Pty Ltd
Site Address	6605 Mt Lindesay Highway GLENEAGLE
Real Property Description	Lot 1000 SP 274350, Lot 1001 SP 274350
Site Area	49.47 ha
Relevant Zone and Precinct	Beautesert Township Zone – Residential
Proposal	A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate two conditions of the stated approval for RLBD17/005
Assessment Level	Code Assessment
Approval Type	Development Permit for Reconfiguration of a Lot
Date Application Deemed Accepted	30 May 2018

Director's Recommendation

1. That Council resolve to refuse the applicant's request for a Negotiated Decision Notice:

Real Property Description: Lot 1000 SP274350, Lot 1001 SP274350
Address of property: 6605 Mt Lindesay Highway GLENEAGLE
Site area: 49.47 hectares
Proposal: A Request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009* to negotiate two conditions of the Development Approval for RLBd17/005.

2. No condition is being deleted or altered as a result of this assessment.
3. The conditions of approval of the Development Permit granted by Council on 3 April 2018 remain the same.

4. **Administrative Action:**

That a Negotiated Decision Notice - Refusal be issued in accordance with section 335 of the *Sustainable Planning Act 2009* to the Applicant and Referral agencies.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr O'Carroll

Carried Unanimously

Attachments

1. Applicant's Request for Negotiated Decision Notice dated 14 May 2018 (deemed properly made on 30 May 2018).
2. Approved plan of development.
3. Locality map (undetermined scale).

Attachment 1 - Applicant's Request for Negotiated Decision Notice dated 14 May 2018

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B+B Reference: 180359

Date: 14 May 2018

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285

Attn: Jairo Cadena
Sent Via Email: mail@scenicrim.qld.gov.au

**RE: REQUEST FOR A NEGOTIATED DECISION NOTICE – SPA s361(1)
6605 MT LINDESAY HIGHWAY, GLENEAGLE (SRRC REF: RLBd17/005)**

Dear Jairo,

We refer to the Scenic Rim Regional Council Decision Notice dated 3 April 2018 regarding the decision to approve the above development application decided by Council on 26 March 2018. Pursuant to section 361(1) of the *Sustainable Planning Act 2009* (SPA), we hereby advise that, on behalf of the applicant, Prelate Investments Pty Ltd, we herein make these written representations.

Upon review of these representations, the Applicant and their representatives would welcome any opportunity to meet with Council to discuss and reach agreement on resolving the matters identified.

PURPOSE OF REQUEST

The purpose of this request is to seek removal of Conditions 5 and 6 relating to the access of the development and impose a new condition as a result of the removal of Condition 6.

For ease of reference, the following representations follow the sequence of the approval conditions.

RECENT APPROVALS HISTORY

On 27 January 2016, a development approval was granted for Reconfiguring a Lot for 38 lots within Lot 1001 forming part of the larger approved masterplan area (SRRC Ref: RLBd15/007).

On 17 March 2017, a subsequent development application was lodged for further reconfiguring a lot resulting in an amended layout of 82 lots within Lot 1001 and 1000 forming part of the larger master plan area (SRRC Ref: RLBd17/005). The application was approved on 26 March 2018 and is the subject of this request.

The current approval was lodged as a result of the applicant establishing that the previous approval did not satisfy the current market demand for larger lots in the locality of around 1,000m². The previous 2016 approval created lots with an average area of around 800m².

PROPOSED CHANGES AND RECOMMENDATION

Condition 5 – Access During Construction of the Estate

Condition 5 of the approved development is as follows:

5. ACCESS DURING CONSTRUCTION OF THE ESTATE – Access during the construction of any stage of the estate for any type of vehicles is not authorized from/to Arbour Drive / Tullamore Way.

Condition 5 – SRRC Ref: RLBd17/005



Recommendation

We request that Council remove Condition 5 on the basis that the access to construction of the initial stages of the development (stages 1 and 2) is provided from the proposed initial access to stages 1 and 2, being Arbour Drive. Further, it is unreasonable to expect that construction access be established from elsewhere off site as the lots to be constructed in the first instance now subject of this approval are proposed to have access from/to Arbour Drive and Tullamore Way.

Refer to condition 6 comments below regarding proposed changes to lot construction and sealing program, and associated access to the surrounding road network.

Condition 6 – Upgrading of Arbour Drive

Condition 6 of the approved development is as follows:

6. UPGRADING OF ARBOUR DRIVE – The development must provide the design and construction of the upgrading works of Arbour Drive between the site to the intersection of Arbour Drive and Tullamore Way to an Access Street standard, in accordance with Council's Design and Construction Manual. These works are to be completed as part of the first stage / substage being developed.

Condition 6 – SRRC Ref: RLBd17/005

With reference to Council's Design and Construction Manual, we note that the manual does not indicate a threshold for lots which requires existing access to be upgraded to an 'Access Street' standard. On this basis, it is unreasonable to require an upgrade to the intersection of Arbour Drive and Tullamore Way to an 'Access Street' standard.

Further, and relevantly, with reference to the 2016 approval for 38 lots, Condition 16 of the approval is as follows:

16. FOOTPATH – The developer will be responsible for the construction of a pedestrian/cycleway path no less than 2.5 metres wide. The shared path will follow the alignment shown in the Pedestrian Cycleway Network for the Northern Beauresort Precinct, for the extent of Stage 1. The shared path must extend to the intersection of Tullamore Way and Arbour Drive. Footpath construction works outside of the proposed development site fronting the existing Arbour Drive to the Tullamore Way intersection will be subject to infrastructure credits. Within the development (Stage 1) infrastructure credits will only be available for the width over and above the standard 1.5 metres wide footpath. The design and construction of the works required by this condition are to meet the specifications of Council's Design and Construction Manual and Standard Drawing R-13. Detailed design is to be provided with the Operational Works application.

Condition 16 – SRRC Ref: RLBd15/007

We note that this condition of the previous approval only required construction of a pedestrian/cycleway path no less than 2.5metres wide conditioning that 'The shared path must extend to the intersection of Tullamore Way and Arbour Drive' for the extent of Stage 1. The previous 2016 approval did not impose any conditions which required an upgrade to the intersection of Arbour Drive and Tullamore Way.

Reduction of Yield

With reference to the current lot layout, we submit that Stages 1 and 2 (41 lots) of the proposed development will obtain access from Arbour Drive, while Stages 3 and 4 (41 lots) will obtain access from Mt Lindsay Highway.

Access of Stages 1 and 2 only, from Arbour Drive results in a reduced yield of 41 lots accessing Arbour Drive, to a yield consistent with the 2016 approval (38 lots) which did not require an upgrade to Arbour Drive / Tullamore Way to the extent outlined in the current approval.



Recommendation

On the above grounds, we therefore request that Council remove Condition 6 requesting the upgrade of Arbour Drive and Tullamore Way, and insert a condition that reflects the appropriate footpath works upgrade for Arbour Drive and Tullamore Way as per condition 16 of the 2016 approval for 38 lots, as well as a new condition regarding programming of lot construction and plan sealing generally as follows:

New Condition

Subsequent to the above representations regarding Condition 6, we recommend that Council impose a new condition that access to/from Arbour Drive is provided initially for Stages 1 and 2 only, comprising 41 lots in total, and that all lots located within Stages 3 and 4 will not be sealed until such time as they have access provided via Mt Lindesay Highway.

Council may mark up in red the current approved plan to reflect this new condition if required.

Staging of Conditions

In addition to the proposed changes and new condition, in the interests of clarity for plan sealing, it may be prudent for Council to provide two (2) separate suites of conditions for the approval, one for Stages One and Two, and another for Stages Three and Four.

CONCLUSION

In conclusion, the above representations are made pursuant to SPA s361(1) in relation to Council's Decision Notice dated 3 April 2018. As part of ongoing discussions with Council, we welcome the opportunity to discuss the above if required.

We therefore trust that the above representations are sufficient for Council's consideration of the requested changes. However, should you require any further information or clarification, please do not hesitate to contact the writer on (07) 3839 7200 or via email at jmorwood@benettandbenett.com.au.

Kind regards,

John Morwood
Associate
Principal Town Planner

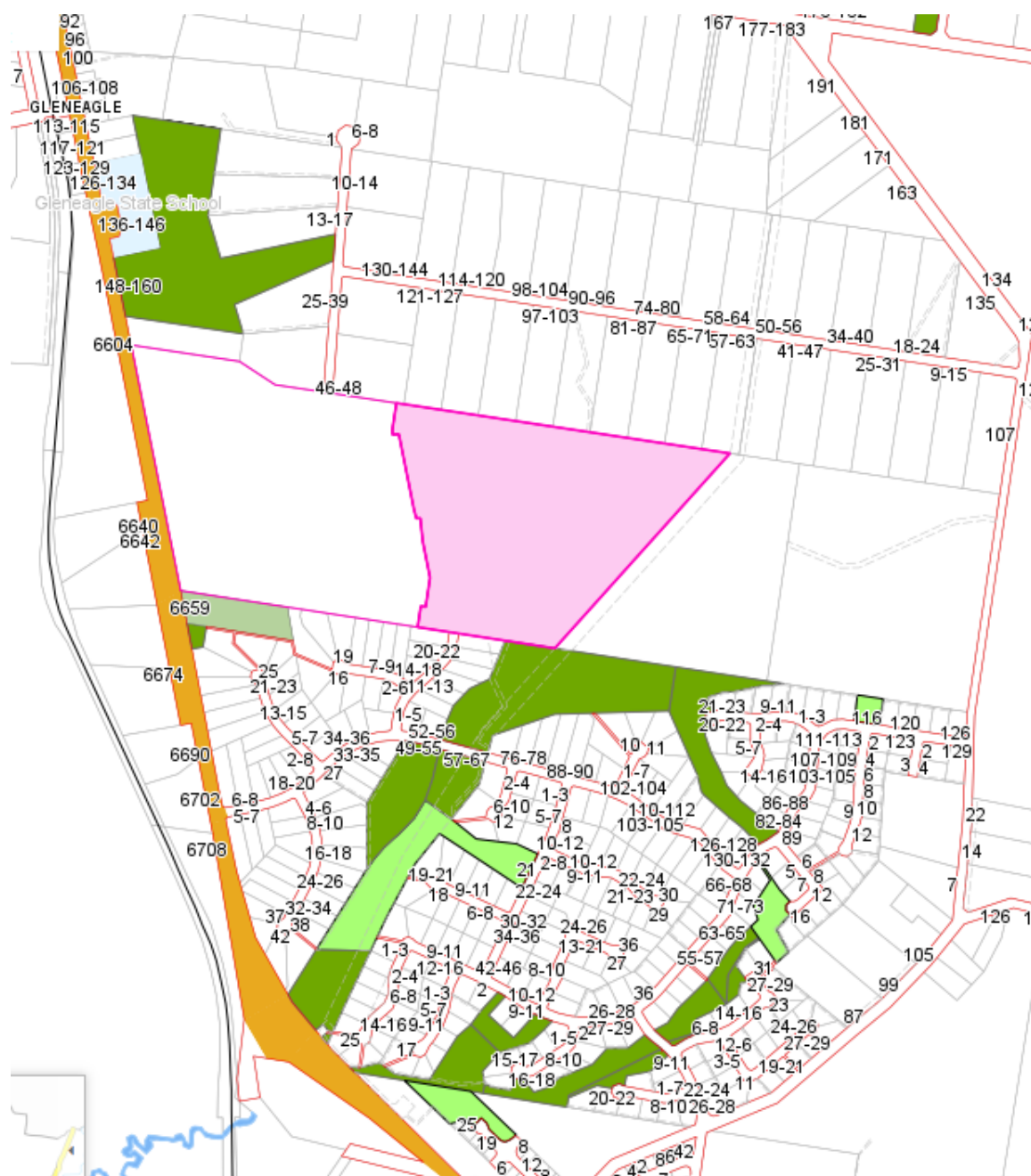
Enc: Attachment A – 2016 Development Approval RLBd15/007

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[illegible]



Attachment 3 - Locality map (undetermined scale)



3.2 Endorsement of Adopted Infrastructure Charges Resolution (Version no.9)**Executive Officer: Director Regional Services****File Reference: 19/03/004**

Director's Recommendation

That, in accordance with section 112 of the *Planning Act 2016*, Council adopt the Adopted Infrastructure Charges Resolution (version no.9) to levy infrastructure charges in the local government area of the Scenic Rim Regional Council effective from 2 July 2018.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Stanfield

Seconded: Cr Enright

Carried Unanimously

Attachments

1. Adopted Infrastructure Charges Resolution (version no.9) July 2018 (attached separately).

4. INFRASTRUCTURE SERVICES

Nil.

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Cr N J Waistell
CHAIR
PLANNING AND DEVELOPMENT COMMITTEE