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Crown Law
Queensland Government

QUEENSLAND FLOOD COMMISSION OF INQUIRY

– State Representation

Requirement No. 1736900

Volume 1

Statement of

Gary White No.2

QFCI

Date:

7/11/00

Jm

Exhibit Number:

913

**QUEENSLAND FLOODS
COMMISSION OF INQUIRY**

SECOND STATEMENT OF GARY STUART WHITE

I, **GARY STUART WHITE**, of c/- 63 George Street Brisbane in the State of Queensland, Government Planner, solemnly and sincerely affirm and declare:

Introduction

1. I make this statement (**Second Statement**) pursuant to the requirement dated 28 September 2011 to provide information to the Queensland Floods Commission of Inquiry (the Requirement).
2. I make this Second Statement in addition to the statement (**First Statement**) declared by me on 2 September 2011 and pursuant to a requirement dated 25 August 2011 to provide information to provide information to the Queensland Floods Commission of Inquiry.
3. For the purposes of providing this second statement, I have had access to:
 - a) The records of the Department of Local Government and Planning; and
 - b) The Department of Local Government and Planning's officers,

to obtain the requisite information. Unless otherwise stated, the matters in this Second Statement are based on my own knowledge and the information derived from the above sources.

4. My response to this requirement is however qualified by the length of my tenure in the position of Government Planner, GMQ, DLGP (formerly the Department of Infrastructure and Planning (DIP)) since 30 July 2010, and as Deputy Director-

General (Planning) in the former DIP. I commenced this position on or about 7 July 2008.

5. For ease and convenience I will address items 1 and 2 in relation to the Brisbane City Council's planning scheme, as contained in the requirement, as follows:

Brisbane City Council's planning scheme

- a. **The correspondence between the Department of Local Government and the Department of Community Safety with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Brisbane City Council's planning scheme from 2003 to present.**
 - b. **The regard had to advice from the Department of Community Safety with respect to the State Planning policy 1/03, insofar as it relates to flood, being appropriately reflected in the Brisbane City planning scheme from 2003 to present.**
6. I understand that in 2000 Council prepared a local planning instrument (City Plan) in accordance with the repealed IPA. City Plan was adopted in late 2000.
 7. In relation to flooding issues the preparation and adoption of amendments to Brisbane City Council's City Plan 2000 (the scheme) following the introduction of State Planning Policy 1/03 – *Mitigating the Adverse Impacts of Flood Bushfire and Landslide* (the SPP) are most relevant. This process is outlined in Schedule 1 of the repealed *Integrated Planning Act 1997* (IPA).
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8. The Minister for Local Government and Planning (the Minister) adopted the SPP on 19 May 2003, with the SPP having effect from 1 September 2003.
 9. The Council generally proposed two rounds of amendments to its scheme per year – one mid-year and one at the end. The relevant amendments related to SPP 1/03 are

the Mid 2004 Amendments. This amendment package was adopted with effect from 1 January 2006.

10. The correspondence and documentation relevant to items 1 and 2 are set out below for the Brisbane City Plan Mid-2004 Amendment, General Planning Scheme Amendments since 1 January 2006, Planning Scheme Amendments related to Local Area Plans and Neighbourhood Plans, along with other relevant material.

Brisbane City Plan Mid-2004 amendments

11. On 16 June 2004, the then Department of Local Government, Planning, Sport and recreation (the Department), received proposed Mid 2004 Amendments to the scheme from the Council, for consideration of State interests and approval to publically notify, pursuant to Schedule 1 of the IPA. Proposed amendment C6 sought to include reference to the SPP in section 4.3 of Chapter 1 of the scheme. A copy of the covering letter and the relevant portions of the proposed amendments are attached and marked as **Attachment 1**. A full copy of the amendments to the scheme as proposed is available on request.
12. On 22 June 2004, the Department via email provided the proposed Mid 2004 Amendments to State agencies for a Whole of Government review pursuant to section 11(1) of the IPA. This was the first State interest check prior to public notification of the proposed planning scheme amendments by Council. A copy of the email providing the proposed amendments to State agencies is attached and marked **Attachment 2**.
13. On 22 July 2004, the Department via email provided the Council with State agency ~~comments from the first State interest check for the proposed Mid-2004 Amendments~~ to the scheme. A copy of the correspondence provided to the Council is attached and marked as **Attachment 3**.
14. On 26 July 2004, the Department received comments via email from the Department of Emergency Services (DES) as part of the first State interest check for the proposed Mid 2004 amendments to the scheme. DES stated that insufficient information on

natural hazard risk management and mapping precluded agreement to the proposition that SPP1/03 was reflected in the scheme. A copy of the comments made by DES is attached and marked as **Attachment 4**.

15. On 27 July 2004, the Department provided the Council with an amended table of State agency comments for Council's perusal and comment. The comments provided included the comments received from DES in relation to the SPP. DES stated in the State Agency suggested solution/outcome sought column, "delete reference to State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, bushfire and Landslide in proposed amendment number C6." A copy of the email to the Council and the comments provided is attached and marked as **Attachment 5**.
 16. On 9 August 2004, the Department received correspondence from the Council advising its response to the comments raised by State agencies on the proposed Mid 2004 City Plan amendments. The Council advised that it had "no objection to deleting the reference to the SPP" in proposed amendment C6. A copy of the email is attached and marked as **Attachment 6**.
 17. On 16 August 2004, the Department responded to DES' comments provided to the Department on 26 July 2004, attaching comments received from the Council confirming that the Council had no objection to deleting the reference to the SPP proposed in amendment C, amendment C6. A copy of the email is attached and marked **Attachment 7**.
 18. On 17 August 2004, the Department received advice from DES via email that DES did not have any further comment about the proposed amendments at that stage. A copy of the email is attached and marked as **Attachment 8**.
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19. On 24 August 2004, the Department received from the Council modified versions of attachments C & E incorporating changes to amendments C6 and E5. Amendment number C6 did not include reference to the SPP. A copy of the proposed amendments provided to the Department are attached and marked as **Attachment 9**.

20. On 12 November 2004, the Minister signed a briefing note in agreement that State interests had been considered in respect to the proposed amendments and allowed Council to publicly notify the 'modified version' of the Mid 2004 amendment package subject to modifications. The briefing note states that DES generally supported the proposed amendments, however that some work was to be carried out with regard to the interpretation and implementation of the SPP. It also stated that this precludes any agreement from DES that amendment C6, proposed to amend section 4.3 of City Plan, be included in the Mid 2004 amendment package. The briefing note also states that Council forwarded a 'modified version' of amendment C6, which incorporated the deletion of reference to the SPP. A copy of the briefing note is attached and marked as **Attachment 10**.

21. By letter dated 12 November 2004, the Minister notified the Council that it may publically notify the proposed Mid 2004 Amendments pursuant to s 11(2) of Schedule 1 of the IPA. This approval was subject to the 'modified version' of the Mid 2004 Amendments as forwarded to the Department on 24 August 2004 being the version publically notified. A copy of the letter to the Council is attached and marked as **Attachment 11**.

22. On 17 May 2005, the Council adopted the proposed Mid 2004 amendments following the recommendation of the Urban Planning and Economic Development Committee of 10 May 2005. This resolution, at paragraph 3, includes references to the new Acid Sulphate Soils State Planning Policy only. A copy of the Council resolution is attached and marked as **Attachment 12**.

23. The Minutes of Proceedings for the 4157th meeting of the Council includes a table of contents. Paragraph 17 states that a summary of the revised amendments is at ~~Attachment B submitted and that the revised amendments, incorporating~~ modifications in response to the submissions and feedback, are at Attachments C to H submitted. Paragraph 20 provides a recommendation to respond to amendments to the Queensland Heritage Act, Child Care Act and the Introduction of "a" new State Planning Policy. A copy of the Minutes of Proceedings for the 4157th meeting table of contents is attached and marked as **Attachment 13**

24. On 20 May 2005, Council provided the Minister with the proposed Mid 2004 City Plan amendments to the scheme, as modified in response to submissions. This included Council's resolution to proceed with the modified amendments recommended on 10 May 2005 and presented to Council on 17 May 2005. In accordance with section 18(4) of Schedule 1 of IPA, the Council requested advice as to whether any State interests are adversely affected by the modified amendments. A copy of the letter and the resolution of Council is attached and marked as **Attachment 14**.
25. On 23 May 2005, the Council provided the Department via email, with copies of the Mid 2004 Amendments for consideration of State interests. A copy of the email is attached and marked as **Attachment 15** (Unfortunately a search of the Department's files was unable to find the attachments to this email).
26. On 31 May 2005, the Department provided the proposed Mid 2004 amendment package for reconsideration of State interests and Ministerial approval to adopt. The correspondence acknowledges the whole-of-government first State interest review and that Council had subsequently prepared a 'modified version' of the amendment package to address concerns raised by State agencies. The email stated that, if the Department has not received a response from your agency by COB 23 June 2005, it will be assumed your agency has no issues. A copy of the email providing the proposed amendments to State agencies is attached and marked as **Attachment 16** (Unfortunately a search of the Department's files was unable to find the attachments to this email).
27. The Department does not have a record of any comments from DES or the EPA before or after the COB 23 June 2005 deadline, as part of this second State interest review.
28. On 28 July 2005, the Minister signed a briefing note recommending that she determine that State interests would not be adversely affected by the Mid 2004 Amendments to the scheme and sign letters notifying Council that it may adopt the proposed Mid 2004 Amendments to the scheme. The briefing note states that on 20 May 2005 Council forwarded the 'modified' version of the Mid 2004 amendment

page for reconsideration of State interests and approval to adopt. The briefing note also states that Departmental officers reviewed the 'modified' version of the Mid 2004 amendment package, determined to undertake a targeted State interest review, and that no State agencies raised issues with the proposed amendments. A copy of the briefing note and associated letters is attached and marked as **Attachment 17**.

29. By letter dated 28 July 2005, the Department notified the Council, pursuant to section 18(4)(a) of Schedule 1 of the IPA that the Council may adopt the Mid 2004 amendment package, as forwarded to the Department of Local Government, Planning, Sport and Recreation on 20 May 2005. A copy of the letter and relevant portions of the Mid 2004 Amendments approved for adoption are attached and marked as **Attachment 18**.
 30. The scheme as in force on 1 July 2005 (Amended 1 July 2003) did not include the SPP in the list of state planning policy that were identified as being explicitly recognised by and consistent with the scheme. A copy of chapter 1 of the scheme as in force on 1 July 2005 is attached and marked as **Attachment 19**.
 31. The Minutes of Proceedings for the 4169th meeting of the Council includes a table of contents. Paragraph 71, states the package, as set out in Attachments C to H submitted, includes amendments to reflect recent changes to State legislation and State Planning Policies. These include references to the revised Child Care Act; the new Acid Sulphate Soils State Planning Policy and the new assessment processes under the Queensland Heritage Act. Paragraph 74, provides amendments required as a result of amendments to the Queensland Heritage Act, Child Care Act and the introduction of 'a' new State Planning Policy. A copy of the Minutes of Proceedings for the 4169th meeting, table of contents is attached and marked as **Attachment 20**.
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32. The scheme as in force on 1 January 2006 included both the SPP 1/03 and State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulphate Soils in the list of state planning policies that were identified as being explicitly recognised by and consistent with the scheme. A copy of chapter 1 of the scheme as in force on 1 January 2006 is attached and marked as **Attachment 21**.

General Planning Scheme amendments since 1 January 2006

33. I understand that the following planning scheme amendments, since 1 January 2006, are the most relevant to flooding issues, and how these issues have been dealt with by the Department.
34. Further examples of planning scheme amendments dealing, to a lesser extent, with flooding issues can be provided to the Commission by the Department, upon request.
35. **Amendments to reflect the South East Queensland Regional Plan 2005 – 2026 -**
On 19 April 2006, the Minister approved a briefing note allowing the Council to incorporate priority amendments to the Scheme via a shortened amendment process. These amendments were necessary to ensure that the Scheme reflected the South East Queensland Regional Plan 2005 – 2026. No record has been able to be located of any input into the review and adoption process provided by DES. A copy of the briefing note is attached and marked as **Attachment 22**.
36. **Mid-2005 Amendment Package** – On 13 August 2006, the Minister approved a briefing note allowing the Council to incorporate the proposed amendments to the Scheme known as the mid-2005 amendments. No record has been able to be located of any input into the review and adoption process provided by DES and the briefing note states that all State interests were finalised prior to the approval to notify. A copy of the briefing note is attached and marked as **Attachment 23**.
37. **End-2005 Amendment Package** - On 21 November 2006, the Council adopted amendments to the Scheme, known as the end-2005 amendments (to be effective from 1 January 2007), which, inter alia, amended the Filling and Excavation Code and the Waterways Code to direct applicants to the Compensatory Earthworks Planning Scheme Policy. This planning scheme policy ensures that earthworks do not impact on the water carrying capacity or flooding characteristics of a channel that can impact on adjoining properties. A copy of the decision of the Council is attached and marked as **Attachment 24**.

38. 2006 Area Classification Amendments –

- a. On 6 November 2006, the Department received from DES comments in relation to proposed area classification changes to the Scheme. DES advised that the “proposed area classifications will allow land use intensification to occur. In terms of reflecting the SPP, it is important that when reclassifications of areas are made that will lead to intensification of land use in areas that are also natural hazard management areas, the SPP is adhered to so that natural hazards relevant to the area can continue to be mitigated effectively.” The DES comments went on to identify a specific reclassification of concern. A copy of the DES comments is attached and marked as **Attachment 25**.
- b. On 11 January 2007, the Department provided DES with the Council’s response to the issues raised by DES. The Council responded to the general concerns raised by DES by agreeing and stating: “Definitive mapping of areas of natural hazards is yet to be completed”. However, it is proposed that the City Plan provision for natural hazard will be a development code. Therefore, it will apply to all land affected by a natural hazard irrespective of Area classification.” With regard to the specific area of concern raised by DES, the Council stated: “102 Schools Road falls outside the Council’s flooding regulation lines (please see attached maps). Also the site has been developed with a house and was inadvertently classified Parkland. Changing the area classification would correct this anomaly.” A copy of the email from the Department to DES and the comments provided by the Council are attached and marked as **Attachment 26**.
- c. On 29 April 2007, the Minister signed a briefing note allowing the Council to adopt the proposed area classification changes. The briefing note states that: “DES indicated reclassifications for intensification of land use in areas that are also natural hazard management areas, must adhere to the SPP to ensure effective mitigation.” A copy of the briefing note is attached and marked as **Attachment 27**.

39. End-2006 Amendment Package –

- a. On 2 January 2007, the Department received from the Council notice of the resolution of the Council, dated 28 November 2006, to adopt amendments to the Scheme and details of the proposed amendments (known as the end-2006 amendments). The Council advised the Department that the proposed amendments included:
- i. Amendments to the Scheme to improve flood hazard immunity standards in the Stormwater Management Code;
 - ii. Updates to the Subdivision and Development Guidelines; and
 - iii. Amendments to the West End Woolloongabba Local Plan to refer to the new West End Riverside Parks Master Plan Planning Scheme Policy.

A copy of the correspondence received from the Council (including summaries of the proposed amendments) is attached and marked as **Attachment 28**.

- b. On 25 May 2007, the Minister signed a briefing note allowing the Council to publically notify the proposed amendments known as the end-2006 amendments. The briefing note stated that: "Following review, Departmental officers consider the proposed amendments will not adversely affect State interests." A copy of the briefing note is attached and marked as **Attachment 29**.
- c. On 18 February 2008, the Council advised the Department that following the public notification of the end-2006 amendments to the Scheme, the Council had resolved to proceed with the amendments without modification. A copy of the letter from the Council and a summary of the relevant section of the proposed amendments is attached and marked as **Attachment 30**.
- d. On 18 February 2008, the Council provided the Department with a copy of the Council's Planning Scheme Policy, Subdivision and Development Guidelines (the Guidelines), amended to reflect the proposed end-2006 Scheme amendment package. A copy of the letter from the Council, a copy of the resolution of the Council adopting the amendments to the Guidelines, relevant section of the amendment

package and a copy of the amended Chapter 1 – Flood Affected Land of Part A of the Subdivision and Development Guidelines is attached and marked as **Attachment 31**.

- e. By briefing note dated 13 March 2008, Departmental officers recommended to the Minister that the Minister approve the adoption of the amendments package as originally submitted. A copy of the briefing note (unsigned) is attached and marked as **Attachment 32**.

40. **Amendments dealing with assessment of houses in waterways** – On 17 February 2007, the Minister approved a briefing note allowing the public notification of proposed amendments to the Scheme to address issues associated with the assessment of detached dwellings in a mapped waterway. The purpose of the amendments was to avoid a large number of unnecessary development applications for detached houses where those houses are proposed on lots which have already been assessed against the waterway provisions as part of the subdivision application. A copy of the briefing note is attached and marked as **Attachment 33**.

Planning Scheme Amendments related to Neighbourhood Plans

41. I understand that the following planning scheme amendments in relation to Neighbourhood Plans, pre and post the January 2011 floods, are the most relevant to flooding issues, and how these issues have been dealt with by the Department.
42. Further examples of planning scheme amendments dealing, to a lesser extent, with flooding issues can be provided by the Department, upon request.

43. Newstead and Teneriffe Waterfront Neighbourhood Plan

- a. On 12 February 2010, the Department received from the Council the Council's response to the issues raised by State agencies during the first State interest review. DES provided comments stating (among other things) that: "Council should ensure development within the neighbourhood plan areas achieves SPP compliance within flood hazard areas." The Council noted this comment. A copy of the first

State interest review table with State agency comments and the Council response to them is attached and marked as **Attachment 34**.

- b. On 20 March 2010, the Minister signed a briefing note allowing the Council to publically notify the draft Newstead and Teneriffe Waterfront Neighbourhood Plan. The briefing note provided a summary of the comments made by DES and stated that: "BCC noted the comments from DCS. DIP is satisfied with the Council response." A copy of the briefing note is attached and marked as **Attachment 35**.
- c. On 24 September 2010, the Department received from DES comments for the second State interest review of the draft Newstead and Teneriffe Waterfront Neighbourhood Plan. In the comments provided, DES stated: "DCS officers have reviewed the documents provided and have no further State interests concerns. DCS requires no further information." A copy of the comments are attached and marked as **Attachment 36**.
- d. On 24 November 2010, the Minister signed a briefing note allowing the Council to adopt the draft Newstead and Teneriffe Waterfront Neighbourhood Plan. A copy of the briefing note is attached and marked as **Attachment 37**.

44. South Brisbane Riverside Neighbourhood Plan

- a. On 11 March 2010, the Department received comments from DES in relation to the draft South Brisbane Riverside Neighbourhood Plan. A copy of the email to which the comments were attached is attached and marked as **Attachment 38**. The attachment to the email is unable to be located at the time of writing.
- b. On 23 April 2010, the Department received from the Council the Council's response to the comments provided by State agencies during the first State interest review. The comments from DES noted that many areas within the neighbourhood plan area are flood prone and stated that: "the current draft neighbourhood plan does not address the specific constraints of flood prone land in the area or provide any specific mechanisms in the code to ensure that development mitigates

the risk of flood hazard.” DES also notes that some neighbourhood plans (for example, the West End – Woolloongabba District Local Plan Code) do include requirements to address particular areas of flood prone land. In response, the Council commented that “advice from Council’s Water Resources Unit has confirmed that it is not standard practice to add any specific provision to the NP code in terms of flooding. This is because flooding is covered adequately under either the House Code or under the Stormwater Management Code and the Guidelines.” Further comments were made in relation to the provision of emergency services. A copy of the first State interest review table of State agency comments with the response provided by the Council is attached and marked as **Attachment 39**.

- c. On 4 August 2010, the Minister signed a briefing note allowing the Council to publically notify the draft neighbourhood plan. The briefing note stated that the Department was satisfied with the response provided by the Council to the comments made by DES. A copy of the briefing note is attached and marked as **Attachment 40**.
- d. On 14 February 2011, the Department received from DES comments in relation to the second State interest review. The comments provided by DES stated: “It is noted that DCS state interests are not adversely impacted by this draft plan. The DCS interests articulated through the SPP are maintained through the requirement for development to meet the acceptable solutions of the Subdivision Code in the Scheme. The Subdivision Code includes specific constraints for flood prone property.” Further comments were provided in relation to access for emergency service vehicles. A copy of the comments is attached and marked as **Attachment 41**.
- e. On 11 March 2011, the Minister signed a briefing note allowing the Council to adopt the draft South Brisbane Riverside Neighbourhood Plan. The briefing note included mention of the explanatory note to be included in the neighbourhood plan as a result of the flooding in January 2011. This explanatory note was included to ensure the public was aware of the potential to change the plan as a result of either the Flood Inquiry Commission or the Council’s own investigations into

flooding. A copy of the briefing note is attached and marked as **Attachment 42**.

45. Moggill Bellbowrie District Neighbourhood Plan

- a. On 10 June 2011, the Department received from the Council the draft Moggill Bellbowrie District Neighbourhood Plan for first State interest review. DCS provided comments stating (among other things) that: *“Because flooding is dealt with by other codes and guidelines in the City Plan, Council’s determination that the Neighbourhood Plan has “due regard” to SPP 1/03 is not validated until Ministerial endorsement of the entire City Plan occurs. As a result, DCS recommends that Council remove this statement. SPP 1/03 remains the default assessment tool for Brisbane City Plan 2000 and also overrides the TLPI where inconsistencies occur unless mitigation provisions in these instruments offer a higher level of protection than those in SPP 1/03 .”* The Department did not support the removal of the non-statutory flood note as it was considered necessary to alert the general public and assessment managers to the possibility that the plan may change in the near future. Council subsequently retained and included both relevant parts of the non-statutory flood note. A copy of the first State interest review table with State agency comments and the Council response to them is attached and marked as **Attachment 43**.

- b. The Department as part of the first State interest review, noted the Moggill Bellbowrie District Neighbourhood Plan proposed intensification of land uses within areas that had been identified by QRA and the Brisbane TLPI-mapping as being affected by the January 2011 flood event. The Department requested that the affected areas be removed from the Moggill Bellbowrie District neighbourhood plan, or alternatively that sufficient justification be provided to support the intensification in accordance with SPP 1/03. Council's response is attached and marked as **Attachment 43**. The Minister is yet to consider State interests for this plan.

- c. The Minister is yet to consider the State interests for this plan and therefore in accordance with the usual protocol this neighbourhood plan has not been released for public consultation. I request that the paragraphs regarding this plan and the relevant attachments within these paragraphs are not released to the public at this stage. If it is deemed necessary to release these details publicly, I ask that I be notified before such a step is taken.

46. Darra Oxley District Neighbourhood Plan

- a. On 10 June 2011, the Department received from the Council the draft Darra Oxley District Neighbourhood Plan for first State interest review. DCS provided comments stating (among other things) that: *“Because flooding is dealt with by other codes and guidelines in the City Plan, Council’s determination that the Neighbourhood Plan has “due regard” to SPP 1/03 is not validated until Ministerial endorsement of the entire City Plan occurs. As a result, DCS recommends that Council remove this statement. Parts of the Darra Oxley Neighbourhood Plan are covered by BCC’s Temporary Local Planning Instrument (TLPI) 01/11 – Brisbane Interim Flood Response. Consideration to the provisions of the TLPI must be considered for development in the identified areas. SPP 1/03 remains the default assessment tool for Brisbane City Plan 2000 and also overrides the TLPI where inconsistencies occur unless mitigation provisions in these instruments offer a higher level of protection than those in SPP 1/03.”* The Department did not support the removal of the non-statutory flood note as it was considered necessary to alert the general public and assessment managers to the possibility that the plan may change in the near future. A copy of the first State interest review table with State agency comments is attached and marked as **Attachment 44**.
- b. The Department as part of the first State interest review, noted the Darra Oxley District Neighbourhood Plan proposed intensification of land uses within areas that had been identified by QRA and the

Brisbane TLPI mapping as being affected by the January 2011 flood event. The Department requested that the affected areas be removed from the Darra Oxley District neighbourhood plan. See **Attachment 44** for the Departments comments. The Minister is yet to consider State interests for this plan.

- c. The Minister is yet to consider the State interests for this plan and therefore in accordance with the usual protocol this neighbourhood plan has not been released for public consultation. I request that the paragraphs regarding this plan and the relevant attachments within these paragraphs are not released to the public at this stage. If it is deemed necessary to release these details publicly, I ask that I be notified before such a step is taken.

47. For ease and convenience I will address items 3 and 4 in relation to the Ipswich City Council's planning scheme, contained in the requirement, as follows:

Ipswich City Council's planning scheme

- 3) **The correspondence between the Department of Local Government and the Department of Community Safety with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Ipswich City Council's planning scheme from 2003 to present.**
- 4) **The regard had to advice from the Department of Community Safety with respect to the State Planning policy 1/03, insofar as it relates to flood, being ~~appropriately reflected in the Ipswich City planning~~ scheme from 2003 to present.**

48. I understand that in the late 1990s, the Ipswich City Council commenced preparation of a new planning scheme so as to produce a consolidated set of planning instruments for the amalgamated Council. The amalgamated scheme was finalised in 1999 and included the Springfield Structure Plan and the Ipswich City Centre Structure Plan.

49. I understand that under the Ipswich Planning Scheme 1999, where land was affected by the adopted flood level:
- a) all development required approval by the Council;
 - b) as a condition of development or subdivision approval, the Council would require the transfer to the Council or to the Crown, of all of that land below the adopted flood level for drainage and/or park purposes.

Ipswich Planning Scheme 2004 (gazetted 5 April 2004)

50. On 6 February 2003, the DLGP forwarded the draft Ipswich City Council planning scheme (**Ipswich Planning Scheme 2004**) to the State agencies for a Whole-of-Government review pursuant to section 11(1) of Schedule 1 of IPA. This was the first State interest review prior to public notification of the proposed planning scheme by Council. A letter from DLGP to the Department of Emergency Services (**DES**) (now the Department of Community Safety) is attached and marked as **Attachment 45**.
51. On 10 March 2003, DLGP received comments from DES, Department of Natural Resources and Mines (**DNRM**) and the Environment Protection Agency (**EPA**).
52. DES comments, received by the Department on 10 March 2003, stated that when SPP1/03 is adopted the draft Ipswich Planning Scheme 2004 may require amending to achieve outcomes 4-6 of the draft SPP. A copy of the letter from DES is attached and marked as **Attachment 46**.
53. On 25 March 2003, DLGP responded to an email from Council to the DLGP requesting a meeting with the DLGP on 26 March 2003 to discuss the State agencies comments. A copy of this email is attached and marked as **Attachment 47**.
54. On 13 May 2003, Council forwarded an amended version of the draft Ipswich Planning Scheme 2004, incorporating State interests identified during the first State interest review. This version of the scheme did not include SPP1/03 (as SPP1/03 came into effect on 1 September 2003).

55. On 19 May 2003, the Minister for Local Government and Planning adopted SPP1/03 under the IPA with effect from 1 September 2003.
56. On 27 May 2003, the Minister considered and approved the public notification of the draft Ipswich Planning Scheme 2004 under section 11 of Schedule 1 of the IPA. A number of outstanding matters of State interest were identified and the Minister approved conditions to these matters. The reflection of SPP1/03 in the draft Ipswich Planning Scheme 2004 was not among the identified matters. A copy of the briefing note approved by the Minister is attached and marked as **Attachment 48**.
57. On 27 May 2003, the Minister notified the Council that they could commence public notification of the draft Ipswich Planning Scheme 2004 in accordance with section 12 of Schedule 1 of the IPA. A copy of this letter is attached and marked as **Attachment 49**.
58. On 11 December 2003, Council submitted to the Minister the draft Ipswich Planning Scheme 2004 in accordance with the requirements of sections 18(3) and 18(4) of Schedule 1 of the IPA. The submitted scheme had been amended to incorporate issues raised in submissions made by the public.
59. The DLGP assessed the draft Ipswich Planning Scheme 2004 and determined that a targeted second State interest review should be undertaken as Council had addressed most of the State interests raised during the initial State interest review and modifications made by Council response to public submissions were minor.
60. On 4 December 2003, the DLGP contacted the State agencies involved in the first State interest review by email, notifying them that the Department envisaged that a full State interest review would not be required. The email states if an agency believed it needed to review the final draft of the Ipswich Planning Scheme 2004 or if the agency wished to discuss the matter further, they should contact the DLGP. A copy of the email is attached and marked as **Attachment 50**. The DLGP did not receive a response from DES.

61. A number of matters were raised by State agencies during the second State interest review. No matters were raised from the targeted agencies with respect to SPP1/03. A copy of the second State interest review comments appear within the briefing note approved by the Minister on 16 February 2004 and is attached and marked as **Attachment 51**. However, it should be noted that DES was not a targeted agency for the purposes of the second State interest review.
62. In response to the matters raised by State agencies during the second State interest review, Council made further minor modifications to the draft Ipswich Planning Scheme 2004 and it was resubmitted to DLGP on 16 January 2004.
63. On 16 February 2004, the Minister authorised the adoption of the Ipswich Planning Scheme 2004 by Council. This included identification of issues relevant to flooding (see Appendix 1 of **Attachment 51**). The Minister identified and advised Council that the DLGP was satisfied that SPP1/03 was appropriately reflected in the Ipswich Planning Scheme 2004 (**Attachment 51**).
64. On 18 February 2004, the Minister wrote to the Council and advised that Council may adopt the draft Ipswich Planning Scheme 2004. The Minister further advised that the scheme appropriately reflected SPP1/03. A copy of the letter is marked and attached as **Attachment 52**.
65. On 2 April 2004, the Manager (South-East Queensland Planning Division) wrote to the State agencies advising that on 18 February 2004, the Minister authorised the adoption of the draft Ipswich Planning Scheme 2004, noting that Council adopted the proposed planning scheme. The letter also noted that the scheme was considered by the Minister to appropriately reflect SPP1/03. A copy of the letter is marked and attached as **Attachment 53**.
66. On 5 April 2004, Council adopted their IPA planning scheme, incorporating State interests including SPP1/03.

Ipswich Planning Scheme 2006

67. On 14 December 2005, Council adopted a consolidated planning scheme pursuant to Section 2.1.8 of the IPA combining significant amendments made to the Ipswich Planning Scheme 2004 in a new planning scheme document. I understand that the flooding provisions were essentially the same as those adopted in 2004 except for some changes were made to Overlay 5 which reflected more accurate and up-to-date data.
68. The consolidated planning scheme (Ipswich Planning Scheme 2006) took effect on 23 January 2006.
69. The Ipswich Planning Scheme 2006 addressed flooding issues via the use of a specific flooding overlay referred to as OV5 – Flooding and Urban Stormwater Flow Path Areas and an associated code – the Development Constraints Overlay Code. It also addressed flooding related issues by restricting subdivision of land under the Q100 (through the Reconfiguring a Lot Code). A summary of the scheme's inclusion of flooding related issues is marked and attached as **Attachment 54**.
70. Attached and marked as **Attachment 55** are excerpts from the Ipswich Planning Scheme 2006, dealing with the management of floodable land.

General planning scheme amendments to the Ipswich Planning Scheme since 2006

71. I understand that the following planning scheme amendments, since 1 January 2006, are the most relevant to flooding issues, and how these issues have been dealt with by the Department.
72. Further examples of planning scheme amendments dealing, to a lesser extent, with flooding issues can be provided by the Department, upon request.
73. On 5 May 2007, Council submitted amendments to the Ipswich Planning Scheme 2006 to the DLGP for review in accordance with Section 9(2) of Schedule 1 of the IPA. The operational amendments included amendments to Overlay OV5 – Flooding

and Urban Stormwater Flow Path Areas (see Table 1: Planning Scheme Amendments Package No. 2 of 2007 in **Attachment 56**). A copy of Council's submission is attached and marked as **Attachment 56**. A copy of a memorandum outlining the purpose of the amendments and a list of flooding related amendments is also attached and marked as **Attachment 57**.

74. On 24 May 2007, the DLGP sent the draft scheme amendments to other State agencies, including DERM and DES for their review and comments as part of the first State interest review process under IPA.
75. On 20 June 2007, the DES responded by stating that the scheme "does not raise any issues for the Department of Emergency Services". A copy of the DES response is attached and marked as **Attachment 58**.
76. On 17 August 2007, the DLGP sent coordinated comments from the first State interest review to Council requesting their response to each comment. A copy of the response table is attached and marked as **Attachment 59**.
77. In late August 2007 (evidence of exact date is not available), Council submitted a response to the first State interest review comments. Council's comments appear under the heading of "Council Comments" in this document and are attached and marked as **Attachment 60**.
78. On 3 April 2008, the DLGP notified Council that it may publically notify the scheme amendments. A copy of the Ministerial briefing note and letter to Council are attached and marked as **Attachment 61**.
- ~~79. On 22 August 2008, Council provided a summary of public submissions and requested the DLGP to consider the revised amendment package as part of the second State interest review. One of the public submissions specifically raised concerns about the flooding overlay amendments. A copy of Council's letter is attached and marked as **Attachment 62** and a copy of the public submission related to flooding issues is attached and marked as **Attachment 63**.~~

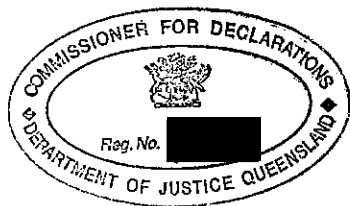
80. On 27 February 2009, Council adopted the amendment to the Ipswich Planning Scheme 2006.


81. There has been other correspondence which is not attached because it reflects work carried out pursuant to instructions issued by Crown Law's legal team in preparation for the hearings for the Queensland Floods Commission of Inquiry.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Signed 
Gary Stuart White

Taken and declared before me, at Brisbane this *7th* day of October 2011.




~~Solicitor/Barrister/Justice of the~~
~~Peace/Commissioner for Declarations~~



Queensland
Government

Your Ref:
Our Ref: TPA 22768
Contact: [REDACTED]
Telephone: [REDACTED]
Facsimile: [REDACTED]
Email: [REDACTED]@dlgp.qld.gov.au

Department of
Local Government and Planning

PLANNING SERVICES

P131159



6 February 2003

[REDACTED]
Policy Officer
Department of Emergency Services
GPO Box 1425
BRISBANE QLD 4001

Dear Ms [REDACTED]

Re: State Interest Review of the Draft Ipswich IPA Planning Scheme

The draft *Integrated Planning Act 1997* (IPA) planning scheme for Ipswich City has recently been submitted to the Minister for Local Government and Planning for consideration of State interests and approval to commence public notification.

In accordance with section 11 of Schedule 1 of the IPA, the draft scheme requires a 'Whole of Government' review to enable the Minister to determine if the planning scheme adversely affects State interests.

The scheme has been prepared in accordance with the Department's template as set out in IPA Guideline 1/02 and IPA Guidelines 1/00 to 4/00 "*Processes for Preparing Planning Schemes*". As the structure and drafting of the planning scheme is generally consistent with these guidelines, it is requested that your agency confine its review and comments to 'policy' issues only. On this basis, comments should not address issues relating to the scheme's format or structure, Strategic Framework, planning Policies or extrinsic material.

A CD copy of the proposed planning scheme is enclosed in addition to a preferred format (see letter attachment) for your agency's comments. It would be appreciated if this format was utilised to assist in the Department's collation and assessment of State interests.

In conjunction with Council officers, the Department is conducting a State agency briefing session to provide attendees with an overview of the draft scheme's concepts and structure. Details regarding this meeting are as follows;

Date: Wednesday, 12 February 2003
Time: 2.00pm - 4.00pm
Venue: Level 18 Conference Room, Mineral House (41 George Street)

Level 14, Mineral House
41 George Street, Brisbane
PO Box 31
BRISBANE ALBERT STREET QLD 4002
Telephone: 3237 1733
Facsimile: 3237 1738
Website: www.dlgp.qld.gov.au

Confirmation of your attendance via phone or email would be appreciated by Monday 10 February 2003.

Subsequent to the above meeting, and given your review will focus on policy issues only, it is currently requested that agency comments will be provided to the Department by Friday 7 March 2003. It would be appreciated if comments were submitted via hardcopy in addition to being emailed to [REDACTED]@dlgp.qld.gov.au.

Should you have further questions regarding these matters please contact Mr [REDACTED] of the Department on [REDACTED].

Yours sincerely

[REDACTED]

for

[REDACTED]

PRINCIPAL PLANNER.

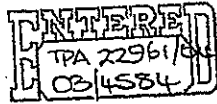
SOUTH EAST QUEENSLAND PLANNING DIVISION

Encl

C.C. Mr John Adams
Planning Manager
Planning & Development Department
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

FORMAT FOR STATE AGENCY COMMENTS

REFERENCE	ISSUE	SOLUTION/ OUTCOME SOUGHT
Specify the section of the planning scheme to which the comment relates.	A brief description of the issue of concern as it relates to your State interests	Outline how the plan can be amended to address your concerns (eg. reword section, add text, modify provisions etc).



Department of Local Government
and Planning

10 MAR 2003

RECEIVED



**Queensland
Government**

Strategic and Executive
Services Division

Department of
Emergency Services

Phone: [redacted]

5 March 2003

Mr [redacted]
SEQ Planning Division
Department of Local Government and Planning
PO Box 31
BRISBANE ALBERT STREET QLD 4002

Dear Mr [redacted]

State Interest review of the draft Ipswich IPA Planning Scheme

I refer to your advice of 6 February 2003 seeking this Agency's comments on Council's draft IPA planning scheme prior to its public notification period.

The Department of Emergency Services (DES) responsibilities include the Queensland Ambulance Service (QAS); Queensland Fire and Rescue Service (QFRS) including the Rural Fire Service; Counter Disaster and Rescue Services (CDRS) including the SES and Volunteer Marine Rescue Support; Chemical Hazards and Emergency Management; Aviation Services, and Disaster Mitigation. This is a coordinated whole of Department response.

DES interests in IPA planning schemes relate to Emergency Response and Service Delivery and Disaster Mitigation. Please refer to Attachment for our specific comments. The attachment outlines the preferred approach to addressing the draft State Planning Policy in the Ipswich draft IPA planning scheme. Any queries regarding the draft State Planning Policy and its application to the Ipswich IPA planning scheme should be made to [redacted] on telephone [redacted].

Thank you for the opportunity to be involved in the development of the draft Ipswich IPA Planning Scheme. We look forward to our continued involvement.

Yours sincerely

[redacted signature]

Arthur O'Brien
Director
Strategic Management and Policy Unit

Attach.

Strategic Management and Policy Unit

Emergency Services Complex
Cnr Kedron Park Road & Park Road
Kedron Qld 4031

GPO Box 1425 Brisbane
Queensland 4001 Australia

Telephone +61 7 3247 8787
Facsimile +61 7 3247 8798
Website www.emergency.qld.gov.au

Ipswich Draft IPA planning scheme

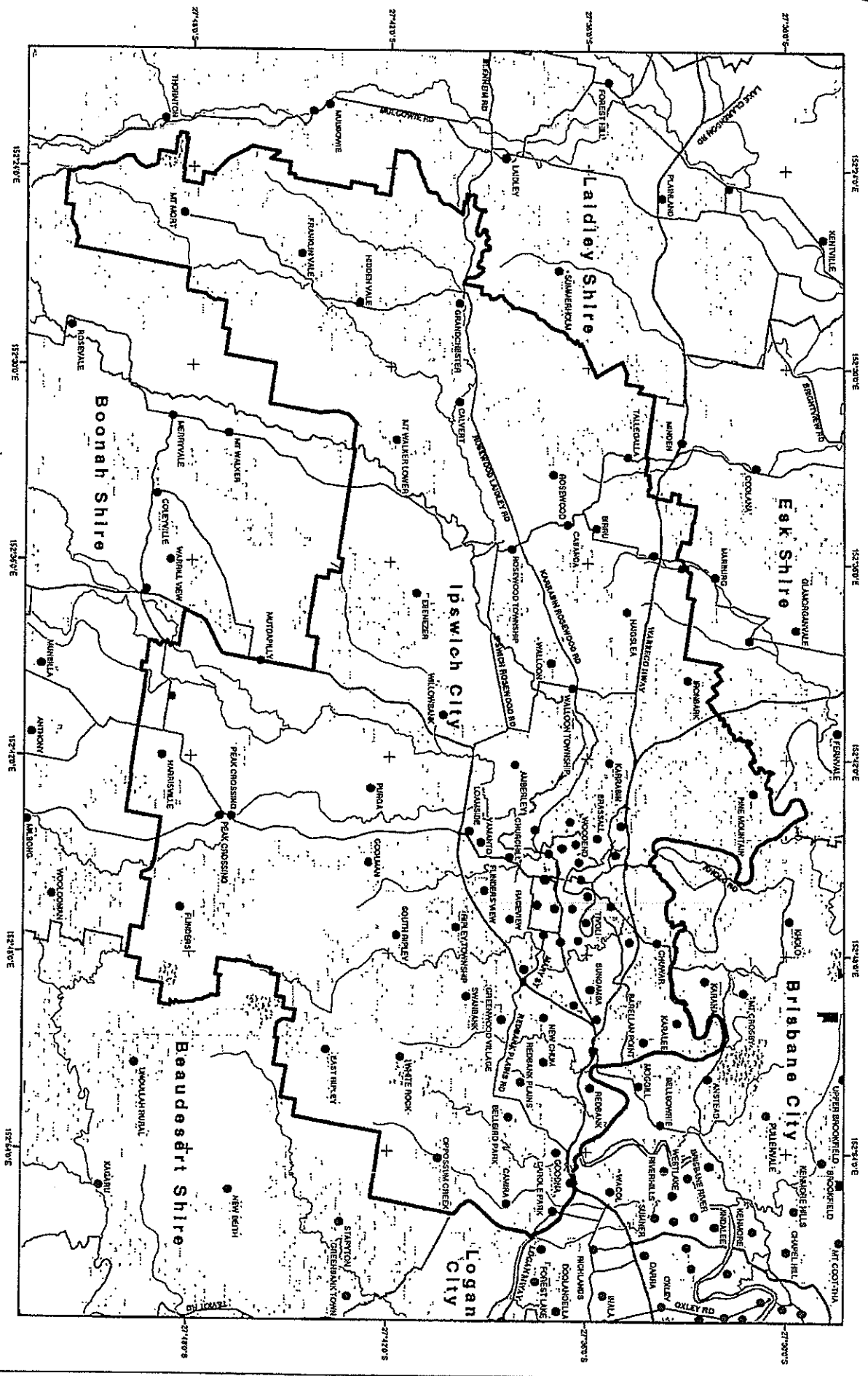
First State Interest check

Department of Emergency Services

Reference	Issues	Solution/Outcome Sought
<p>General comments</p> <p>DES State Interest draft State Planning Policy <i>Natural Disaster Mitigation</i>.</p> <ul style="list-style-type: none"> The most desirable outcome will be to reflect the SPP into planning schemes at the earliest opportunity so the SPP's interpretation in the local context can be used in development assessment and the scope for conflicts between the SPP and planning schemes are avoided. Integration of the SPP and the planning scheme should be completed before public consultation is undertaken on a draft planning scheme. This may be impossible because consultation either has occurred or is about to occur, or impracticable because an excessive amount of work would be required to amend an advanced draft planning scheme. In such circumstances, the SPP will be used in development assessment alongside the planning scheme until the latter can be amended. 		<p>It is not expected that the draft IPA planning scheme for Ipswich City will fully reflect the requirements of the draft SPP. However, when the SPP is adopted the Ipswich IPA planning scheme may require amending to achieve Outcomes 4-6 of the draft SPP.</p>
<p>Specific Comments</p> <p>Overlay map 1 – Bushfire risk areas, map 4— Difficult topography, and map 5 – Flooding and urban stormwater flow path areas.</p> <p>Chapter 11 – Overlays, Division 4 – <i>Development Constraints Overlay Code</i></p>	<ul style="list-style-type: none"> The draft Ipswich IPA planning scheme has adequately addressed the mapping of natural hazard areas - flood, bushfire and landslide (in the three applicable overlay maps), as specified under the draft SPP. The <i>Development Constraints Overlay Codes</i> have identified the specific outcomes and probable solutions, which will minimise the amount of people put at risk from flood, bushfire and landslide natural hazard areas. However, the codes have not fully reflected the performance criteria contained in the draft SPP. 	<ul style="list-style-type: none"> Ipswich Council should be aware that the Rural Fire Service has recently updated its bushfire risk analysis mapping. A copy is attached for Council's information and consideration. Council should be aware that the SPP, when adopted, will require the RFS mapping be used as a bushfire hazard default where no studies or assessment have been undertaken. Therefore it is important that Council is satisfied with the RFS mapping prior to adopting its IPA planning scheme. Council should notify this Department immediately if there are any discrepancies.
<p>Part 4 - <i>Urban Areas to Part 10 - Rural Areas - 'Assessment Categories and Relevant Assessment Criteria'</i> tables and Part 11 – Overlays, Table 11.4.3 - <i>Assessment Categories and Relevant Assessment Criteria'</i> tables for Development Constraints Overlays—Making a Material Change of Use</p>	<ul style="list-style-type: none"> The assessment table for each of the locality codes/zones in the draft Ipswich IPA planning scheme has identified <i>minor utility</i> as exempt development. Ipswich council is encouraged to ensure development listed in Annex 1 of the SPP is assessable or self-assessable. Some minor utility infrastructure, which is identified in Annex 1 of the SPP, is important during and immediately after natural disasters and their location should be assessed on this basis. 	<ul style="list-style-type: none"> Ipswich Council should consider amending the draft IPA planning scheme to make 'Minor Utility' assessable or self-assessable in all <i>Assessment Categories and Relevant Assessment Criteria</i> tables.

003

003

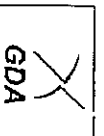


- Low Bushfire Hazard
- Medium Bushfire Hazard
- High Bushfire Hazard
- Past/Forest
- Watercourse

BUSHFIRE RISK ANALYSIS FOR IPSWICH CITY

PRODUCED BY THE RURAL FIRE SERVICES OF THE COONABYRA RFB AND RESERVE SERVICE
 THIS MAP IS TO BE USED IN CONJUNCTION WITH THE BUSHFIRE RISK DATA

DATE: 25/11/2002



[REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 March 2003 8:42 AM
To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Subject: FW: Meeting Wednesday

FYI
[REDACTED]

Trimmed	
Trim No.	03/9026
File No.	

-----Original Message-----

From: [REDACTED]
Sent: Monday, 24 March 2003 14:54
To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Subject: FW: Meeting Wednesday

Please note my response to John Adams email but also specifically [REDACTED]'s comments about us adding value to the draft schemes (i.e. improving their quality, workability) rather than being a gate keeper.

-----Original Message-----

From: [REDACTED]
Sent: Monday, 24 March 2003 10:51
To: [REDACTED]
Subject: RE: Meeting Wednesday

[REDACTED], Thanks for doing this. Hopefully this has eased the pain for John and Gary. It all about value adding and not gate-keeping. let me know how you get on.

[REDACTED] W

-----Original Message-----

From: [REDACTED]
Sent: Saturday, 22 March 2003 11:53
To: 'John Adams'
Cc: 'GWhite@[REDACTED]'; [REDACTED]
Subject: RE: Meeting Wednesday

John

I refer to your email below and also to a telephone conversation with Gary White yesterday regarding the State's comments on Council's draft planning scheme. I understand that Gary has also had a few discussions with [REDACTED] about this as well. I also tried to contact you yesterday morning about this matter. Unfortunately I was out of the office all day yesterday and only saw your email last night upon my return. This is the first opportunity I have had to respond.

We recognise the excellent and comprehensive job that you have done to date on the draft scheme. In the interests of also undertaking a professional and competent review of State interests related to your planning scheme, we are also comprehensive in our approach and place all the information 'on the table' up front for Council's consideration. We also try to explain as best we can why these comments are made. Let me firstly say that I am sorry if our comments have in any way upset you and been interpreted to be pedantic and patronising in nature. This is certainly not their intent.

I want to reassure you that as officers we are extremely pleased with the professional and competent manner in which you have approached the preparation of the draft ICC planning scheme and worked well with us to

get it to this point. We are committed to working closely and cooperatively with you to complete the job in a timely manner. This is evidence of the way in which we have provided State agency comments in a timely manner.

Let me also say that notwithstanding the draft comments provided to you, we still believe that the draft Ipswich planning scheme is a very good document (from both a policy content and workability perspective). I and [redacted] have made this comment to you and Gary on a number of occasions and do not resile from this position. As you yourself have said however on a number of occasions the ICC planning scheme addresses a range of complex land use planning and development issues and involves Queensland's 3 or 4th (?) largest local government area (and proposes considerable growth and development opportunities) so it is not unreasonable that the State will have both a number and broad range of interests in the scheme (as a policy document and an efficient regulatory tool). This can translate into a significant number of specific comments.

I have reviewed the draft comments we have provided and do not believe that they strike at the fundamentals of the scheme which as I said before are sound and appropriate. I therefore am 'comfortable' with these comments in the following context:

This is the first time that DLGP has commented on the draft scheme in its entirety;

* the comments we have prepared on the draft IPA scheme were provided as drafts and informally (i.e. not under Departmental letterhead but by email) to give Council Officers opportunity to view them prior to a pre-arranged meeting scheduled for next Wednesday to discuss them in some detail.

* We will form some views after this meeting and any comments/representations Council officers make as to where we go from here with these comments

* given the very good and professional working relationship with ICC officers to date, especially you, I have no reason to believe that if good reason and will prevail we will be able to agree/ resolve many of these issues (there are a number of options available to us to progress these issues) at next week's meeting

* the State's comments are contained in 2 documents (the Department's IPA Compliance comments runs to 36 pages and the State Agency comments run to 60 pages) which total 96 pages and on first view appear to be a lot of comments

However it should be noted that we have used a Table approach (including blank columns for Council's comments and our explanation of the issue and recommended response etc) which tends to bulk the document out.

In order to maintain faith with our State Agency colleagues we are required to list all their concerns/ comments (except the really loony ones!) even though we are not seeking any changes arising from many of them.

* the covering emails and tables attempt to make it very clear what the issue is, why we think it is a State interest and what we recommend (note we recommend/ suggest solutions at this stage in the process rather than state what must be done) and that we look forward to discussing these comments at our pre-arranged meeting next week

* Your comments relate to some of the detail we have commented upon but as we have stated for some time now, the devil in terms of IPA Compliance is often in the detail (i.e. how a specific acceptable solution is worded, codes with no acceptable or workable solutions etc). Whilst it is acknowledged that the comments are detailed, I hope our discussion next week will assist in making it clearer why we think this is important

* of all the State Agency comments (245 individual comments), only 55 (about 20%) recommend that there be some change (often minor) to reflect the State interest (note even these recommendations are subject to discussion and possible negotiation). The rest are clearly highlighted in the Table as being for Council consideration or no action. I reiterate that we are obliged in the interests of completeness to list all the State agency comments at this stage in the process

* in terms of the Department's IPA compliance comments (129 in total although some contain multiple comments against respective sections) it is acknowledged that they are detailed comments however as stated previously this is the nature of operational and workability issues. It should also be noted that only approximately 38 (about 30%) recommend changes, the rest are for Council's consideration and feedback.

Thank you for your consideration of the change of time for the meeting. This is appreciated. I will also be attending this meeting (as I understand will Gary) and look forward to discussing these matters further then.

Regards

[REDACTED]
Manager
South East Queensland Planning Division
Planning Services
Department of Local Government and Planning (DLGP)
pH: [REDACTED]
mobile: [REDACTED]
fax: [REDACTED]
mailto: [REDACTED]@dlgp.qld.gov.au

-----Original Message-----

From: John Adams [mailto:JAdams@[REDACTED]]
Sent: Friday, March 21, 2003 9:04 AM
To: [REDACTED]@dlgp.qld.gov.au
Cc: [REDACTED]@dlgp.qld.gov.au; [REDACTED]@dlgp.qld.gov.au;
[REDACTED]@dlgp.qld.gov.au; [REDACTED]@dlgp.qld.gov.au; Gary
White
Subject: Re: Meeting Wednesday

[REDACTED], I have shown your comments to the PDM - Gary White. To say the least Gary is somewhat 'gob smacked' about the pedantic and somewhat patronising nature of many of your department's comments.

He finds it difficult to believe that he can be congratulated by Stan and Colin about the quality of our plan and then receive the comments that have been provided by your unit. He is particularly concerned that this is yet another example of the problems that Local Government in general is experiencing in dealing with your department regarding IPA plan making. It reflects the complaints he has received in his capacity as PIA President from other planning professionals about your department's work practices.

Rather than having me spend all of the next few days 'trawling through' all of your comments and those of the State Agencies, he has asked that you come along to Wednesday's meeting and highlight what are the key issues you wish to discuss, so that we can commence the public display process asap.

We appreciate your personal circumstances [REDACTED] and can reschedule the meeting to start at 2.00pm, but please note that Gary has a prior commitment that he must attend at UQ St Lucia at 5.00pm.

>>> [REDACTED] <[REDACTED]@dlgp.qld.gov.au> 21/03/2003 8:04:41 am
>>>

John

Re our meeting next Wednesday I need to put back the time until 2pm. My [REDACTED] has some ongoing medical problems and goes to the Mater hospital once a week [REDACTED] appointment is [REDACTED] and I am concerned we will be delayed therefore 2 pm will be better for me. The team could meet earlier however I would like to be there for all of the meeting. I am at Beaudesert and Gold coast today however if need be you can reach me on my mobile [REDACTED]. Can we also get a list together before Wednesday as to the priority issues we need to discuss

Thanks [REDACTED]

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Thank you

URGENT

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File No.	

P/03/00531

RECEIVED
 21 MAY 2003
 OFFICE OF THE MINISTER
 PURPOSE

SUMMARY BRIEF

1.5.003

SUBJECT: DRAFT IPSWICH IPA PLANNING SCHEME - APPROVAL TO COMMENCE PUBLIC NOTIFICATION

1. To seek your consideration of whether or not State interests would be adversely affected by the public notification of the proposed draft Ipswich planning scheme under section 11 of Schedule 1 of the Integrated Planning Act 1997 (IPA); and
2. To seek your approval to the commencement of public notification subject to a number of amendments being made by Council prior to notification.

CURRENT STATUS

Departmental officers have completed a review of the proposed draft planning scheme. Overall, the draft scheme represents a comprehensive and competent planning instrument which complies generally with the Department's 'IPA Plan Making Guideline 1 / 02'. Ipswich City Council is seeking receipt of your approval to proceed with public notification as soon as possible.

MAJOR ISSUES

The review has identified a number of issues of State interest. These relate to the efficiency and effectiveness of the proposed planning scheme, providing greater clarity and improved usability, and a range of detailed issues raised by State agencies, the majority of which have been resolved with Council officers. The outstanding matters of State interest and the six (6) conditions proposed to address them, are contained in Attachment A. These conditions are a consequence of the need to address outstanding issues of interest to the State, which require the consideration of Council prior to public notification. As part of the planning scheme review, Council officers have worked with the Department to negotiate outcomes in relation to issues raised by the State. Council officers are of the view changes to the draft document are in line with the Council policy position.

RECOMMENDATIONS

It is recommended you determine that, subject to the proposed conditions contained in Attachment A, State interests would not be adversely affected by the public notification of the proposed draft Ipswich IPA planning scheme under section 11 of Schedule 1 of the IPA; and that Ipswich City Council may commence public notification, subject to Council complying with the conditions prior to notification.

Prepared By

[Redacted]

Planner

SEQ Planning Division

Tel [Redacted]

Endorsed By

[Redacted] per. 11 20/10/03

[Redacted]

Manager

SEQ Planning

Division

Tel [Redacted]

BRIEFING NOTE

TO: MINISTER FOR LOCAL GOVERNMENT AND PLANNING

THROUGH: DIRECTOR-GENERAL

**SUBJECT: DRAFT IPSWICH IPA PLANNING SCHEME - APPROVAL TO
COMMENCE PUBLIC NOTIFICATION**

PURPOSE

1. To seek your consideration of whether or not State interests would be adversely affected by the public notification of the proposed draft Ipswich planning scheme under section 11 of Schedule 1 of the *Integrated Planning Act 1997* (IPA); and
2. To seek your approval to the commencement of public notification subject to a number of amendments being made by Council prior to notification.

BACKGROUND

On 30 June 2002, the population of the Ipswich local government area was approximately 129,000 people and is expected to grow to 150,000 by 2011 (medium series) and almost 180,000 by 2021 (i.e. a 38% increase on the current population). Planning for integrated and sustainable communities and managing the expected growth and change is a complex task involving many stakeholders and interests. The proposed draft Ipswich IPA Planning Scheme is a substantial policy document of more than a 650 pages, which sets out the development outcomes for Queensland's fifth largest local government.

On 29 January 2003, Council resolved to adopt an IPA planning scheme pursuant to section 9(1) of Schedule 1 of the IPA.

On 4 February 2003, Council submitted the proposed draft Ipswich IPA Planning Scheme to you for consideration of State interests, pursuant to section 9(3) of Schedule 1 of the IPA.

Council has undertaken the preparation of its proposed planning scheme using "in house" resources with assistance from Departmental officers. The proposed planning scheme has been prepared generally in accordance with the Department's template as set out in IPA Guideline 1/02 and IPA Guidelines 1/00 to 4/00 "*Process for Preparing Planning Schemes*".

CURRENT STATUS

On 6 February 2003 the proposed planning scheme was forwarded to State agencies for a 'Whole of Government' review pursuant to section 11(1) of Schedule 1 of the IPA.

On 14 May 2003, Council forwarded an amended version of the proposed planning scheme which addressed many of the State interest issues which had been raised in regard to the original draft scheme submission made on 4 February 2003. Departmental officers reviewed the amended version of the proposed planning scheme and considered outstanding State interests, including whether State Planning Policy 1/92 "Development and the Conservation of Agricultural Land" and State Planning Policy 1/02 "Development in the Vicinity of Certain Airports and Aviation Facilities", were appropriately coordinated and integrated.

MAJOR ISSUES

The structure and drafting of the proposed planning scheme is generally consistent with the Department's template as set out in IPA Guideline 1/02. Departmental officers are of the view that in general, the draft scheme (inclusive of recent amendments submitted on 14 May 2003) represents an effective IPA compliant planning instrument. Notwithstanding these findings, Departmental officers identified a limited number of operational issues with the proposed planning scheme which are likely to affect the operational integrity of the scheme. These issues have been discussed with Council officers and in the majority of instances these issues have since been either (i) supported via amendments to the draft scheme (as detailed in the scheme submitted 14 May 2003); or (ii) clarified between Departmental and Council officers to the extent the issues has been satisfactorily resolved. It is noted however that 6 State interest issues are outstanding given they involve matters which require a revised policy determination by Council. On this basis, Departmental officers are of the view that these issues would be appropriately resolved by their incorporation as conditions to any approval you may grant Council to publicly notify the draft scheme. A listing of these proposed conditions is provided in **Attachment A** of this document.

All relevant State agencies were requested to provide comment on the scheme, for the purpose of your sign-off under section 11 of Schedule 1 of the IPA. The Departments of Public Works, Department of Families, Police and Queensland Health offered no objection to the draft planning scheme being placed on public notification.

Following the receipt of comments, Departmental officers specifically liaised with the Department of State Development, Department of Emergency Services, Department of Natural Resources and Mines, Department of Primary Industries, Energex, Powerlink and the Environmental Protection Agency in relation to issues raised by each State Agency. It is noted that a significant number of meetings were facilitated by Departmental officers to clarify or resolve outstanding issues between State agency and Council officers.

For information purposes, the following issues detail a selection of the more significant State agency concerns which Departmental officers were able to facilitate an acceptable solution between State agency and Council officers.

Department of Local Government and Planning

Springfield Structure Plan

Departmental officers have been working closely with Council on the integration of the Springfield Structure Plan (as exists under the current planning scheme) into the IPA planning scheme. The Springfield Structure Plan is a development control plan as provided for in section 6.1.45A of the IPA. The IPOLA 2003 provides for transitional IDAS to continue to be used for development assessment within the area to which the Springfield Structure Plan applies. Both Departmental and Council officers are satisfied with the method by which this structure plan has been integrated into the draft-planning scheme.

Rural Living Zone

It is noted that the 'Rural Living Zone' within the northern area of the City (see Attachment 3) constitutes a substantive land area. The rationale for the establishment of such a zone was provided via a Council initiated document titled 'Rural Strategy – August 1999'. The purpose of this report was to investigate the impacts of non-agricultural practices (in particular residential sub division) on the City's rural resources.

The strategy determined that only those rural areas within Ipswich City which were fragmented, commercially unviable for agricultural purposes or affected by development constraints should be investigated for future 'rural living' opportunities. The strategy further detailed that such development was to be undertaken on a basis which did not create expectations for the provision of 'urban type' amenities and services. The strategy identified a range of areas as suitable for such 'rural living' opportunities which have subsequently been incorporated into the 'Rural Living Zone' within the draft scheme.

Draft scheme provisions which relate to the 'Rural Living Zone' place significant regulation on the subdivision and development of this land use area. In particular, the subdivision of this area is substantially constrained by a Council policy position that no net increase of rural properties occur within the city. On this basis, sub division of the 'Rural Living Zone' can generally only be achieved if the amalgamation of other rural lots occurs in the first instance. Details pertaining to this concept are detailed under the 'Transferable Dwelling Entitlements' heading below.

Based on the findings of the 'Rural Strategy – August 1999' and Council's policy position that no net increase of rural allotments occur within the City, Departmental officers are essentially supportive of Council's 'Rural Living' provisions within the scheme. This support is strengthened based on advice from Council officers indicating that approximately 50 percent of allotments within the proposed 'Rural Residential Zone' are developed and occupied for essentially residential based uses. It is further noted that the Department of Natural Resources and Mines attributed significant praise to Council's efforts to protect viable agricultural land whilst consolidating rural subdivisions in more applicable rural areas.

Queensland Transport

Queensland Transport (QT) identified a number of outstanding issues within the draft scheme which have been resolved to the satisfaction of Departmental officers. A brief explanation of

concerns raised by QT follows;

1. Assessment levels associated with development constituting railway activities –

QT raised issues associated with levels of assessment which are attributable to development undertaken by Queensland Rail within rail corridors. In essence, QT was requesting that less onerous assessment levels be applied to such development given the essential nature of railway activities.

This issue is to be addressed as part of the IPOLA 2003 amendments Bill. No amendment or Ministerial condition is therefore proposed as this time. This issue will be re-evaluated at the second State interest review in the event delays are experienced in adopting provisions contained in the Bill.

2. Draft scheme's appropriate reflection of integrating State Planning Policy 1/02 "Development in the Vicinity of Certain Airports and Aviation Facilities" (SPP 1/02) –

The Amberley Air Base constitutes an important land use within Ipswich City which has significant implications from both economic and amenity perspectives. In particular, noise issues associated with the operation of the defense facility place a prominent development constraint over the future urban development of the City. On this basis, significant DLGP and QT resources were expended on ensuring the draft scheme adequately addressed State interests associated with this issue, in particular provisions contained in SPP 1/02.

The draft scheme departed from the SPP1/02 Guideline which gave significant preference to an approach of including an overlay of concentric circles to show restrictions on operational airspace, wildlife attraction and lighting issues in the vicinity of both Amberley Air Base and Archerfield aerodrome. The issue of contention was that while the draft scheme contained such 'concentric rings' to a limited extent, they did not apply to the Ipswich CBD, developed residential areas or the Ripley Valley (future development area) on this basis this would place an unnecessary constraint on a significant number of current and future landowners.

Representatives from QT and the Department of Defence both argued the need to close the concentric circles on the Overlay Map OV7B, which trigger development control provisions associated with operational airspace (3km buffer), wildlife attraction land uses (within 3km of the airport runway, 8km and 13km) and lighting (6km buffer). Council officer argued that equivalent outcomes could be achieved via the inclusion of appropriate code provisions within relevant components of the scheme.

Departmental officers facilitated numerous meetings between the respective stakeholders to resolve the differing views of stakeholders in regard to this matter. Proposed Council amendments to the draft schemes aviation provisions have been assessed by QT and are considered acceptable, negating the requirement for the 'concentric rings' to be fully enclosed over established urban areas. Departmental officers are satisfied that SPP1/02 has been effectively integrated into the draft-planning scheme. Therefore, no Ministerial condition is proposed in relation to SPP1/02.

3. The draft scheme's identification of 'Future Urban Investigation Areas'

The draft-planning scheme made references to potential extensive urban development opportunities in the rural area to the west of the City. These 'Future Urban Investigation Areas' (FUJA) were in addition to 'Future Urban' zoned land identified within the draft scheme to be utilised within the life of the planning scheme. The location of these FUJA's are outlined on the map located at **Appendix 3**. Council does not anticipate the development of these areas within the life of the draft-planning scheme.

QT stated the FUJA are not recognised in the current RFGM 'Indicative Growth Pattern Map 1' and are premature given the 30 year development horizon for the anticipated Ripley Valley residential development (i.e. 80,000 to 100,000 ultimate population) and additional Future Urban allocations within the City. QT does not support the planning scheme prematurely inferring urban residential development opportunities that are likely to be in conflict with regional planning outcomes. DMR raised similar concerns, however deferred these concerns to QT in this instance.

To resolve this issue, Council and QT officers each prepared revised wording to clarify Council's intent for the FUJA. Agreement has been reached between Council and QT officers on the preferred wording of the provisions establishing that the FUJA are intended to protect particular areas within the City from inappropriate rural development and subdivision, ensuring their protection for long-term urban development. Departmental officers consider the revised wording satisfactorily addresses State interest concerns raised by QT and DMR in regard to this issue.

Department of Main Roads (DMR)

Similar to concerns raised by QT in regard to rail noise amenity issues, DMR expressed concerns regarding the draft scheme's assessment levels associated with the execution of development activities on the State Controlled Road Network. As detailed above in regard to the assessment categories associated with Queensland Rail activities, it is anticipated amendments to the IPA via the IPOLAA Bill will address DMR's concerns given development activities associated with the State road network will be made exempt development. In the unlikely event these legislative amendments are delayed, DMR's interests can be readdressed at the draft scheme's second State interest review.

OUTSTANDING ISSUES REQUIRING POSSIBLE MINISTERIAL CONDITIONS

As previously detailed, a limited number of outstanding issues exist within the draft scheme which in the view of Departmental officers, are required to be addressed prior to public notification of the draft scheme. These issues essentially constitute matters which are required to be amended in the scheme to ensure the scheme does not adversely affect State interests. In the majority of instances, Council officers have acknowledged Departmental views in regard to these issues, however are reluctant to make amendments given they represent (to varying degrees) a change in the original policy position of Council representatives when adopting the draft scheme. Both Departmental and Council officers have agreed that the imposition of a conditional sign off is the most appropriate means to resolve these issues. A description of these issues and suggested actions follows;

Heavy Vehicle/ Unregistered Vehicle Provisions

The draft scheme contained numerous provisions which related to the scheme's regulation of 'Heavy Vehicle Parking' and the storage of 'Unregistered Vehicles' where such activities constituted the ancillary use of premises. These provisions were of concern to Departmental officers given activities which occur as an ancillary component of a use (e.g. a truck driver parking his truck at his residential premises) are not deemed by the IPA to constitute development and therefore should not be regulated by a planning scheme on the grounds such provisions may be deemed unlawful.

Further to the above comments, Departmental officers are of the view the draft Ipswich schemes regulation of "heavy vehicle parking" and "unregistered vehicles" is inappropriate. Council officers have requested that the draft scheme be permitted to be publicly notified inclusive of existing 'heavy vehicle parking' and 'unregistered vehicle' provisions on the understanding that such provisions will be removed from the scheme prior to the scheme's adoption. A note will be placed within the draft scheme during its public notification to ensure the public is made aware of this outcome. Departmental officers have considered this request to be appropriate.

RECOMMENDATION:

That, subject to your agreement, you direct Council to remove 'Heavy Vehicle Parking' and 'Unregistered Vehicle' provisions from the scheme during the public notification of the document for placement in a more appropriate regulatory mechanism such as a Local Law, and that a notice to this effect be placed in a prominent position within the draft scheme to alert community members during the public notification period. **Conditions 1 and 2 of Attachment A** address each of these respective proposed actions.

Recommendation: Approved/Declined: 

Railway Noise Amenity Provisions

The issue of noise sensitive landuses being located in the proximity of railway corridors is an issue frequently raised by QT in the context of IPA planning scheme reviews. It is QT's intention that by incorporating relevant provisions into planning schemes, the amenity and cost impacts of railway corridor noise can be mitigated. While this intent is generally supported by Departmental and Council officers, there is often debate between Councils and QT regarding how railway noise mitigation provisions in planning schemes can appropriately address local planning considerations. In particular, local authorities (including Ipswich City) have raised concerns regarding the cost implications of incorporating noise mitigation provisions which may substantially increase building costs in affected areas.

In regard to the draft Ipswich planning scheme, QT detailed an interest in protecting the operational integrity of railway activities from noise sensitive land uses such as medium density residential development and other associated noise sensitive developments. QT and Council officers have drafted appropriate provisions to be inserted into the scheme to address this issue. Departmental officers are satisfied with this outcome. Council officers have requested that given these additional amenity provisions constitute a policy departure from the scheme's initial provisions, this issue be progressed via a Ministerial condition of sign off.

RECOMMENDATION:

That, subject to your agreement, you direct Council to insert provisions into the draft scheme, as detailed by both Council and QT officers, to address noise amenity issues associated with railway corridors in the City. **Condition 6 of Attachment 1** addresses this proposed action. A copy of the agreed provisions is located at **Attachment 2**.

Recommendation: ~~Approved/Declined~~: 

Transferable Dwelling Entitlements (TDE's)

Departmental officers raised a number of concerns in relation to current draft scheme mechanisms to achieve a 'no net increase' of rural properties within the draft Ipswich City Council planning scheme. These concerns related to the potentially liability for Council and the State in the event these subsequent entitlements were found to be unlawful or invalid (as well as a potentially high political risk associated with seeking to implement an untried and untested land management system). Further Departmental concerns were raised on the basis an approval of these mechanisms within the draft Ipswich Scheme would provide a positive weighting to existing intentions by other rural Councils to incorporate similar provisions into their IPA planning schemes. Notwithstanding the above comments, it should be noted that the planning scheme outcome of achieving a 'no net increase' in rural lots within the city is supported by Departmental officers who have encouraged Council to retain this concept within the draft scheme utilising alternative, more appropriate, scheme provisions.

Concerns regarding Council's current TDE mechanisms have recently been validated by the Registrar of Land Titles who has detailed that components of these proposed mechanisms are either unlawful or prohibitive to effect in a practical manner. In particular, the Registrar outlined that a directive had been established under the *Land Title Act 1994* preventing the amalgamation of non-contiguous lots (where such lots were on separate plans). Rather, such amalgamations are to be achieved by Statutory Covenants as provided for under the *Land Act* and the *Land Title Act*. The potential use of such covenants to effect the amalgamation of non-contiguous lots is a consideration which has not been raised by Council in regard to the draft planning scheme.

The Registrar further outlined that while mechanisms existed for the amalgamation of part properties within the same property plan (as proposed by the draft scheme), legal issues associated with such an action (in particular the re establishment of mortgagee interests) made such an undertaking cost prohibitive in most circumstances. The Registrar further noted that such amalgamations of part lots occurred on an extremely limited basis and would be difficult to achieve in the Ipswich rural setting.

Based on these findings, Departmental officers are of the view that scheme mechanisms associated with TDE's (as detailed in appendixes J, K and L of the Reconfiguration of a Lot Code and directly referenced substantive scheme provisions) should be removed from the scheme.

RECOMMENDATION:

That, subject to your agreement, you direct Council to remove appendixes J, K and L of the 'Reconfiguration of a Lot Code' and directly referenced substantive scheme provisions relating to TDE provisions. **Condition 3 of Attachment A** addresses this proposed action.

Recommendation: Approved/Declined: 

Master planning process which conflicts with the operation of IDAS

The draft planning scheme as submitted for the first State interest check incorporated a range of processes to provide for master planned communities. The proposed processes essentially applied to areas within the City which had been identified by Council as centers for integrated residential or industrial landuse purposes. Examples include the proposed Ripley Valley mixed use residential development (projected to accommodate 80 000 – 100 000 residents) and the proposed Swanbank/ New Chum 'Business Enterprise and Industry Area'. Departmental officers did not support these provisions in their initial form, given these processes fall outside the Integrated Development Assessment System (IDAS) which establishes a standard and compulsory assessment process under the IPA.

Departmental offices conveyed to Council officers that outcomes being sought via these non IDAS processes were able to be achieved via IDAS compliant mechanisms, in particular by the utilisation of preliminary approvals processes under the IPA to progress conceptual or staged developments. It is noted the preliminary approval process is not mandatory, whereas the master planned community concept established in the draft planning scheme dated 4 February 2003 ensured all development was considered as part of a conceptual or a staged development.

Following numerous discussions and considerable redrafting by Council officers, the relevant planning scheme provisions have been amended such that they are now seen by Departmental officers to be compatible with IDAS processes. The amended document incorporates the master plans proposed by Council as probable solutions and the overall and specific outcomes for these planning areas endorse concepts contained in these master plans. Given the master-planning concept proposed by Ipswich City is outside IDAS and the IPA it cannot be endorsed (in its initial form) as a mechanism in the Planning Scheme. Whilst it is acknowledged that the original draft scheme provisions relating to master planning processes granted a perceived greater level of control regarding this matter, there was limited choice but for Council to provide amended provisions to appropriately acknowledge operational requirements established by the IDAS.

Council officers are of the view that that given these initial master-planning provisions reflected Council's policy the amendment of such provisions should be instigated via a Ministerial condition.

RECOMMENDATION:

That, subject to your agreement, you direct Council to remove all substantive scheme provisions relating to 'Master Planning' or 'Concept Planning' processes on the basis these provisions are incompatible with development assessment processes established by the IDAS. **Condition 4 of Attachment 1** addresses this proposed action.

Recommendation: ~~Approved/Declined~~: 

Exempt Development

The draft scheme's overlay section contains 'Table of Development' provisions which are designed to establish development assessment categories associated with development in the scheme's overlay areas (e.g. areas prone to bushfire risk etc). Departmental officers have raised concerns regarding a select component of this table which attempts to allow the use of Council discretion in regard to 'Exempt' development. Specifically, the provisions in question detail that development (other than a Material Change of Use) is exempt if;

The local government determines that the work –

- a. Is not likely to significantly adversely affect the cultural significance or streetscape value of the place; or
- b. Is inconsistent with the existing and desired built form character of the area.

Under the IDAS, no development application is required to be made for development which is deemed (by a planning scheme or Schedule 8 of the IPA) to be 'exempt' development. On this basis, there are no grounds for Council to incorporate its determination in regard to exempt development.

While Council officers have acknowledged the conflict between these provisions and the IDAS, they are reluctant to remove such provisions unless under the direction of a Ministerial condition. Departmental officers are of the view that removal of these discretionary provisions associated with exempt development is necessary prior to public notification.

RECOMMENDATION:

That, subject to your agreement, you direct Council to remove scheme provisions which purport to allow Council discretion to be utilised in regard to development applications deemed to be exempt development under the planning scheme. **Condition 6** of Attachment 1 addresses this proposed action.

Recommendation: Approved/Declined: 

CONCLUSION

The Department's review of the draft-planning scheme identified a range of State interest concerns the majority of which have been resolved between Departmental, Council and other State Agency officers. Amendments reflecting these resolved issues are detailed in the draft scheme submitted on 14 May 2003. Council officers are of the view that changes made to date in regard to the draft scheme are in line with current Council policy positions.

The outstanding matters of State interest and the six (6) conditions proposed to address them are contained in **Attachment A**. The limited number of conditions is a consequence of the need to address outstanding issues of interest to the State, which require the consideration of Council prior to public notification. These conditions have been previously discussed with Council officers.

It is anticipated that conditions recommended by this briefing note will assist in facilitating the protection of State interests and the establishment of a 'workable' IPA Planning Scheme for Ipswich City which is suitable for public notification.

RECOMMENDATION

1. You agree State interests have been considered in respect to the proposed Ipswich IPA planning scheme as submitted on 4 February 2003;
2. You allow Council to commence public notification procedures on the proposed planning scheme as submitted on 14 May 2003, subject to Council compliance with six (6) Ministerial conditions contained in **Attachment A**; and
3. You sign the attached letter to Council notifying them of the above.

Prepared by:


Endorsed by:


Planner
SEQ Planning Division
Tel: 



Manager
SEQ Planning Division
Tel: 

19 May 2003

Contact Officer: 

RECOMMENDATION APPROVED:..... 

DATE:.....27.5.03.....

Attachment A - Ministerial Conditions for the Ipswich Draft Planning Scheme -1st State

MIN 47159.03 - TPA 22961

Condition No.	Relevant Section	State Interest Issue	Condition and Amendment Required	Timing
MIN 1	Part 12 Division 2 Home Based Activities Code Table 12.2.1 (4)(a)	<p>The draft IPA planning scheme cannot place restrictions on the storage of unregistered motor vehicles.</p> <p>The regulation of this activity is more appropriately undertaken via a Local Law.</p>	<p>1 (a) Include the following note in a prominent position within the draft planning scheme: "Provision (4)(a) in Table 12.2.1 of the Home Based Activities Code relating to 'Unregistered Motor Vehicles' will be removed from the draft planning scheme following public notification and the issue dealt with via an alternative regulatory instrument such as a Local Law".</p> <p>1 (b) Delete provision (4)(a) in Table 12.2.1 of the Home Based Activities Code relating to 'Unregistered Motor Vehicles' from the draft planning scheme and consider inclusion in a more appropriate instrument such as a Local Law prior to adoption of the draft planning scheme.</p>	<p>Prior to Notification</p> <p>During Public Notification</p>
MIN 2	Part 12, Division 3 Heavy Vehicle Parking Code, Heavy Vehicle Parking definition and references to Heavy Vehicle Parking in the Tables of Development	<p>Heavy Vehicle Parking does not constitute development under the IPA and can not be regulated through an IPA planning scheme.</p> <p>The regulation of this activity is more appropriately undertaken via a Local Law.</p>	<p>2 (a) Include the following note in a prominent position within the draft planning scheme: "Provisions relating to 'Heavy Vehicle Parking' such as Heavy Vehicle Code, Heavy Vehicle Parking definition and references to Heavy Vehicle Parking in the Tables of Development will be removed from the draft planning scheme following public notification and the issue dealt with via an alternative regulatory instrument such as a Local Law.</p> <p>2 (b) Delete all provisions relating to Heavy Vehicle Parking (e.g.: Heavy Vehicle Code, Heavy Vehicle Parking definition and references to Heavy Vehicle Parking in the Tables of Development) from the draft-planning scheme and include in a more appropriate instrument such as a Local Law prior to adoption of the draft-planning scheme.</p>	<p>Prior to Notification</p> <p>During Public Notification</p>

Condition No.	Relevant Section	State Interest Issue	Condition and Amendment Required	Timing
MIN 3	Part 10 – Rural Areas Part 12 – Division 5 – Reconfiguration of Lot Code	Current scheme mechanisms contained in Appendices J, K and L of the draft scheme's 'Reconfiguration of a Lot Code' (and provisions directly referencing these appendices) designed to achieve a 'no net increase' in rural allotments may be subject to challenge as being incompatible with legislative processes including IDAS.	<p>Appendices J, K and L of the 'Reconfiguration of a Lot Code' in addition to all substantive scheme provisions which rely on provisions contained within these appendices are to be deleted.</p> <p>The revised provisions made in regard to this matter, in accordance with preliminary discussions between Departmental and Council officers undertaken on 19 May 2003, are to be incorporated into the draft scheme prior to public notification.</p>	<p><u>Prior to Notification</u></p>
MIN 4	Part 4 – Urban Areas – Division 8 – Future Urban Zone Part 4 – Urban Areas – Division 9 – Major Centres Zone Part 6 – Regionally Significant Business Enterprise and Industry Areas Part 7 – Amberley Area	The draft planning scheme as submitted for the first State interest check incorporated master planning processes to provide for planned communities. These processes are outside the Integrated Development Assessment System (IDAS) established under the IPA. Scheme provisions which place reliance on these master-planning provisions are required to be amended prior to the schemes public notification.	<p>All substantive scheme provisions (ie not including scheme note or policy provisions) which expressly refer to a requirement for master planning or concept planning procedures are to be deleted from the scheme. Appropriate scheme sections affected by this condition include, but are not limited to,</p> <ol style="list-style-type: none"> 1. Part 4 – Urban Areas – Division 8 – Future Urban Zone 2. Part 4 – Urban Areas – Division 9 – Major Centres Zone 3. Part 6 – Regionally Significant Business Enterprise and Industry Areas 4. Part 7 – Amberley Area 	<p><u>Prior to Notification</u></p>

Condition No.	Relevant Section	State Interest Issue	Condition and Amendment Required	Timing
MIN 5	Table 11.3.2 (Assessment Categories and Relevant Assessment Criteria for Character Places Overlay - Other Development)	The draft-planning scheme incorporates provisions which allow for Council discretion to be utilised in regard to development which is deemed to be exempt under the scheme. This conflicts with a fundamental basis of the IDAS which details that no development application (and therefore no Council discretion) is required in regard to exempt development.	<p>3(a) In relation to Table 11.3.2, delete section "r" within the sub heading of "Exempt if-".</p> <p>3(b) Delete all other scheme provisions which allow for Council discretion to be utilised in regard to exempt development.</p>	<u>Prior to Notification</u>
MIN 6	Section 11.4.1 - Development Constraints Overlay Code	Queensland Transport has an interest in ensuring the operational integrity of railway activities is protected from potential sources of conflict and require the inclusion of noise amenity provisions into Part 11 of the scheme, applying to 'noise sensitive land uses' adjoining the rail corridor.	Insert "Rail Corridor Noise Impact Management" provisions, as discussed between Departmental, Council and QT officers. These provisions are to be inserted at section 11.4.16 within Part 11 - Division 4 of the Scheme. A mapped overlay (the content of which has been discussed between both QT and Council officers) is to be inserted into a substantive component of the scheme to support the noise impact provisions.	<u>Prior to Notification</u>

11.4.16

Rail Corridor Noise Impact Management

NOTE 11.4.16A

(1) The provisions of this section apply to land identified by Map OV/14 which adjoins a rail corridor where the noise of the rail corridor is likely to affect amenity (particularly residential amenity) some distance from the actual rail corridor.

(2) This section seeks to balance—

- (a) the protection of the rail corridor as a beneficial asset;
- (b) the protection of the amenity for noise sensitive uses near the rail corridor;
- (c) the encouragement of transit oriented development particularly around railway stations; and
- (d) the creation of an overall high standard of urban design for new uses and works.

(3) Applications for development on land defined by Map OV/14 that involve a noise sensitive use, should be accompanied by a report prepared by a suitably qualified acoustic practitioner (Member of the Australian Acoustical Society).

(4) Further information regarding noise assessment is contained in Planning Scheme Policy 2 – Information Local and Government May Request.

(a) New uses, works and reconfigurations (where creating more than one additional lot) are designed, sited and constructed to ensure:

(i) interior noise levels within noise sensitive uses do not adversely impact on the uses primary functions;

(ii) the wellbeing of occupants including their ability to sleep, work or otherwise undertake quiet enjoyment without unreasonable interference from rail noise.

(b) Buildings are also sited, designed and constructed to achieve a high standard of urban design, inclusive of properly addressing the street frontage and achieving climate control, energy efficiency and crime prevention through environmental design outcomes (e.g. through facilitating casual surveillance).

(b) Where vegetation exists between the intended location of a residential use or other sensitive uses and the rail corridor, the existing vegetation is retained and where possible, supplemented to provide a screen to the noise and visual impacts of the rail corridor.

(1) Specific Outcomes

(2) Probable Solutions – for sub-section (1)(a)

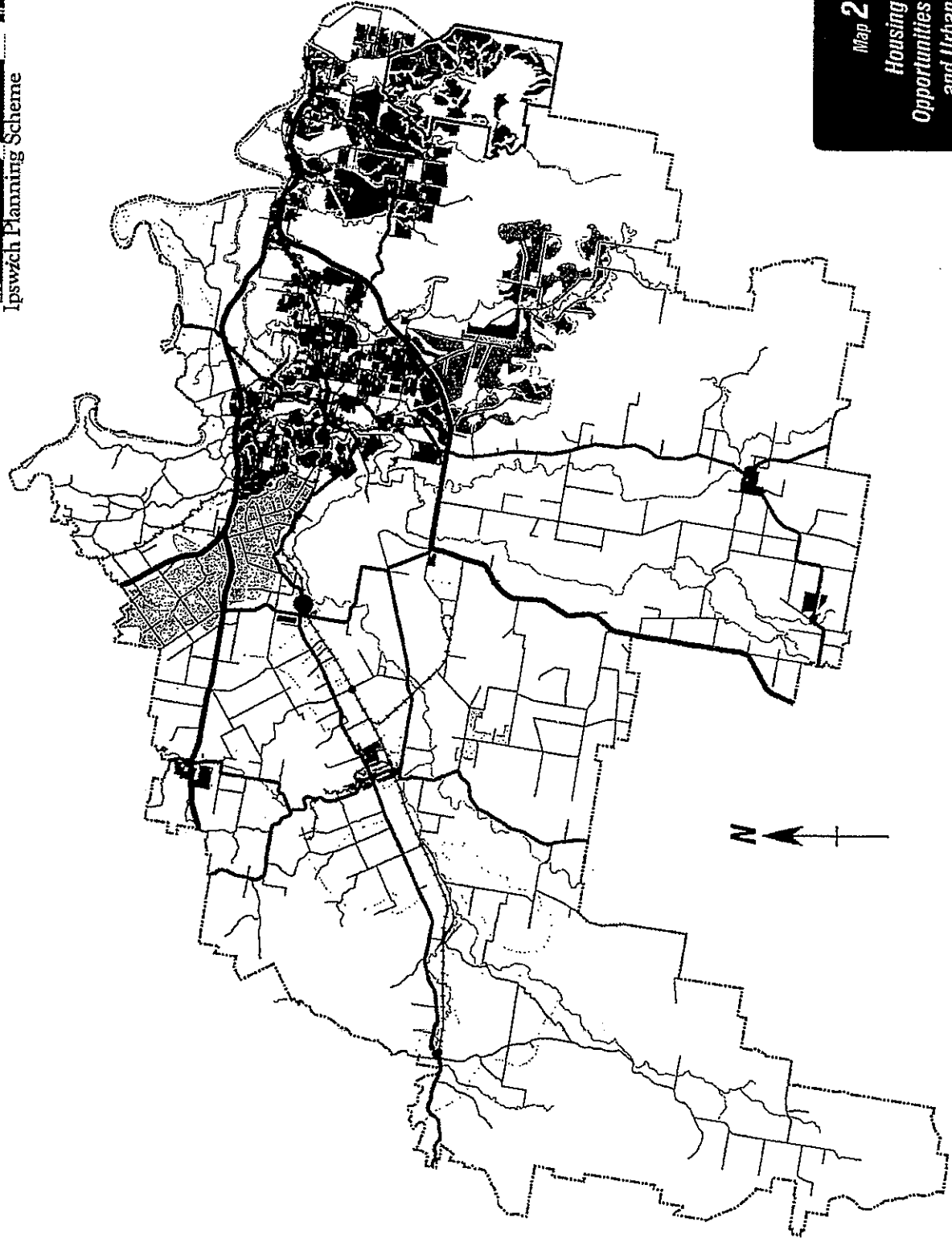
(a) Uses and works for dual occupancies, multiple residential, institutional residential, temporary accommodation, medical centre or community use achieve average Lmax (10.00 p.m. – 6.00 a.m.) not greater than 50 dB(A). This should be achieved within bedrooms, living areas and noise sensitive areas of non residential uses through:

- (i) siting as far as possible away from the rail corridor noise source; or
- (ii) reducing infiltration of noise to bedrooms and living rooms through the use of roof and wall insulation, mechanical ventilation, thickened glass, double glazing of windows and doors; or
- (iii) reducing noise infiltration by locating bedrooms and living areas and orienting openings (e.g. windows and doors) away from the rail corridor noise source; or
- (iv) incorporating noise attenuation barriers such as earth mounds, landscaping and fences or walls without gaps between the noise source and the use; or
- (v) in the Rural Locality, siting, where possible, outside of the area identified on Map OV14 or adopting the solutions detailed in 2(a)(i) to (iv), as outlined above.

(b) Reconfiguration of Lots, (where creating more than one additional lot), incorporate noise attenuation barriers such as earth mounds, landscaping and fences or walls without gaps, between the rail noise source and the lots.

NOTE 11:4:16B

- (1) It may be appropriate to use one or a combination of the probable solutions outlined in section 11:4:16(2) to enable new uses and works to achieve the required noise levels whilst also achieving an overall high standard of design in terms of the appearance of the development and the manner in which it addresses the street and achieves climate control, energy efficiency and crime prevention through environmental design (e.g. through facilitating casual surveillance).
- (2) ICC encourages a collaborative design approach between the acoustic practitioner and project architect/designer, to achieve the required noise criteria and urban design outcomes outlined above.



- Large Lot Residential
- Low Density Residential
- Medium/High Density Residential
- Townships
- Future Urban Development Investigation Areas
- Rural Living
- Rural Living - with Major Constraints
- Railway Stations
- Ongoing master planning at Springfield will further identify the medium/high density housing opportunities within the community residential and town centre designations.
- Highway
- Other Major Roads
- Roads
- Railway
- Rivers
- City Boundary

December 2022 **Legend**

MIN 47159.03 - TPA 22961

27 MAY 2003

[REDACTED]
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH OLD 4305

Attention: Mr J Adams

Dear Mr [REDACTED]

I refer to Council's letter of 4 February 2003, in which Mr John Adams, Planning Manager, forwarded the proposed draft Ipswich IPA Planning Scheme, to my Department of Local Government and Planning, for my consideration of State interests and approval to commence public notification procedures, in accordance with section 11 of Schedule 1 of the *Integrated Planning Act 1997* (IPA).

I have considered the draft scheme as submitted in an amended form on 14 May 2003, and I am pleased to advise Council may notify this document, subject to compliance with six (6) conditions set out in **Attachment A** to this letter. Please note the conditions fall into two categories: (i) those to be addressed prior to public notification and (ii) those that must be resolved during the public notification period.

I would like to take this opportunity to commend Council and its officers in the formulation of a comprehensive and robust planning instrument for Ipswich City. This commendation is of particular significance given the draft scheme was prepared on an 'in house' basis. In particular, I would like to acknowledge the collaborative approach undertaken by Council officers to assist in ensuring that relevant State interests were appropriately reflected in the draft scheme.

My Department is committed to working with Council and its officers as the draft planning scheme proceeds through the next stages of the plan making process, and will continue to provide whatever assistance it can in order for Council to realise the best possible outcomes available under the IPA in managing land uses and development throughout the City for the benefit of its diverse community. I look forward to Council's continued co-operation in refining aspects of the draft planning scheme both prior to and during public notification.

I congratulate Council on the completion of this major milestone, which has taken considerable effort on the part of Council and its hard-working officers.

Yours sincerely

SIGNED BY MINISTER

Nita Cunningham MP
Minister for Local Government and Planning

[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 December 2003 3:00 PM
To: [REDACTED]@qed.qld.gov.au'; [REDACTED]@housing.qld.gov.au';
[REDACTED]@dnr.qld.gov.au'; [REDACTED]@epa.qld.gov.au';
[REDACTED]@epa.qld.gov.au'; [REDACTED]@srq.qld.gov.au';
[REDACTED]@transport.qld.gov.au'; [REDACTED]@sd.qld.gov.au';
[REDACTED]@emergency.qld.gov.au'; [REDACTED]@dpi.qld.gov.au';
[REDACTED]@defence.gov.au'; [REDACTED]@housing.qld.gov.au';
[REDACTED]@dpi.qld.gov.au'; [REDACTED]@health.qld.gov.au';
'dwhite@emergency.qld.gov.au'; [REDACTED]@srq.qld.gov.au';
[REDACTED]@powerlink.com.au'; [REDACTED]@health.qld.gov.au';
[REDACTED]@nrm.qld.gov.au'; [REDACTED]@defence.gov.au';
[REDACTED]@qr.com.au'
Cc: [REDACTED]; [REDACTED]; [REDACTED]
Subject: Ipswich Planning Scheme - Second State Interest Review

Trim No: 04/1798

Dear State Agency contacts,

On 11 December 2003 Ipswich City Council si to submit the draft IPA planning scheme for the reconsideration of State interests and approval to adopt in accordance with section 18 of Schedule 1 of the Integrated Planning Act 1997 (IPA).

Council has advised changes subsequent to public notification relate to three main areas; the Conservation Zone, Marburg and Springfield.

In consideration of the changes to the draft planning scheme and compliance with the Ministerial conditions, it is envisaged that a full State interest review will not be required. The Department of State Development, Environmental Protection Agency and the Department of Main Roads have been identified as agencies which have an interest in changes made to the notified planning scheme.

The Department would like to progress the reconsideration of State interests in a timely manner considering the June 2004 dead line, the coming Local Government elections and a possible State Government election.

If you believe your agency needs to review the final draft of the IPA planning scheme or should you wish to discuss the matter further could you please notify me on [REDACTED] or via email.

Departmental officers will be meeting with Council officers on 11 December 2003 and would like to invite the EPA to join discussions in relation to the changes to the Conservation Zone. This will occur at 11-30pm at Level 14, Mineral House. If EPA could please confirm attendance at this meeting it would be appreciated.

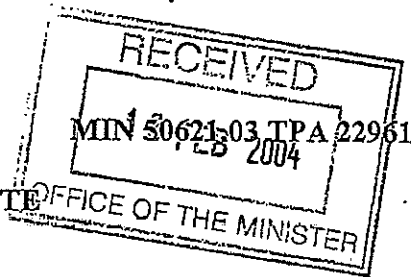
The Department would like to take this opportunity to thank all State agencies for their assistance in the review of the draft IPA Ipswich Planning Scheme, and wish you all a very Merry Christmas.

Regards,

[REDACTED]
Planner - Central-Southern Team
Department of Local Government and Planning

Phone- [REDACTED] Fax- [REDACTED]
E mail- [REDACTED]@dlgp.qld.gov.au

04/3576
0



SUMMARY BRIEFING NOTE

TO: MINISTER FOR LOCAL GOVERNMENT AND PLANNING

THROUGH: DIRECTOR-GENERAL

SUBJECT Draft Ipswich City Council IPA Planning Scheme – Second State Interest Review

PURPOSE

To seek your consideration of, and agreement (and subsequent signature on the attached letter) that Ipswich City Council's proposed draft *Integrated Planning Act 1997* (IPA)-compliant planning scheme may be adopted by Council under section 18 (4) of Schedule 1 of the *Integrated Planning Act 1997* (IPA).

BACKGROUND

The Ipswich City Council draft IPA-compliant planning scheme was lodged with your Department for the second State Interest review and Ministerial sign-off on 11 December 2003.

During the public notification period a total of 190 submissions were received. Council indicated that some State and Federal agencies also made submissions on the draft planning scheme during the public notification period. Council revised the draft planning scheme and made modifications in response to the submissions.

The Department has assessed the modified draft planning scheme and concluded that a targeted State second interest review should be undertaken since Council had addressed the majority of State interests during the initial State interest review and the modifications made by Council in response to submissions were generally minor.

Departmental officers have concluded that all issues of State significance have been addressed by modifications to the draft planning scheme made by Council during the review period or through undertakings given to consider some issues as part of future amendments to the scheme.

Departmental officers have concluded the modifications made by Council officers subsequent to the Department's reconsideration of State interests, do not affect the level of regulation nor adversely affect the awareness of the public of the nature of regulation as the modifications are minor changes to ensure IPA compliance and operational efficiency.

Prepared by:

gpc [redacted] *sub*
Planner
SEQ Planning Division
Tel: [redacted]

Endorsed by:

[redacted]
Manager, SEQ Planning Division
Planning Services
Tel: [redacted]

9 February 2004

Contact Officer: [redacted]

11/2

BRIEFING NOTE

TO: MINISTER FOR LOCAL GOVERNMENT AND PLANNING

THROUGH: DIRECTOR-GENERAL

SUBJECT Draft Ipswich City Council IPA Planning Scheme – Second State Interest Review

PURPOSE

To seek your consideration of, and agreement (and subsequent signature on the attached letter) that Ipswich City Council's proposed draft *Integrated Planning Act 1997* (IPA)-compliant planning scheme may be adopted by Council under section 18 (4) of Schedule 1 of the *Integrated Planning Act 1997* (IPA).

BACKGROUND

On 27 May 2003 you notified Council it may publicly notify the proposed draft planning scheme subject to 6 conditions related to heavy vehicle parking provisions, railway noise amenity provisions, transferable dwelling entitlements, master planning processes, and exempt development.

From 12 June 2003 to 5 September 2003, Council publicly notified the proposed draft planning scheme. During this period a total of 190 submissions were received.

On 11 December 2003 Council submitted to you the modified proposed draft planning scheme, in accordance with section 18 (2)(a) of Schedule 1 of the IPA. Sections 18(3) and 18(4) of Schedule 1 of the IPA requires you to consider whether or not State interests would be adversely affected by the proposed planning scheme and advise Council whether it may adopt the proposed planning scheme with or without conditions.

The Department has assessed the modified proposed planning scheme and concluded that a targeted State second interest review should be undertaken since Council had addressed the majority of State interests during the initial State interest review and the modifications made by Council in response to submissions were generally minor.

The second State interest review of the draft IPA planning scheme has identified a number of matters of interest to the State that are discussed in more detail in this Briefing Note.

ISSUES

1. *Modifications in Response to Public Submissions*

During the public notification period a total of 190 submissions were received. Submissions can be classified into 6 groups, being; conservation, Marburg Stables Residential zone, cultural heritage 'listings', bushfire risk areas, industrial zonings and a number of additional issues of a local nature.

Council revised the proposed draft planning scheme and made modifications in response to the submissions made during public notification.

Rural Conservation Zone

As a result of concerns raised in some rural communities about the impact of the proposed Rural Conservation Zone on private landowners, Council reviewed and modified the proposed draft planning scheme to include only publicly owned land within the Rural Conservation Zone. The balance area being included in a new zone, 'Rural E (Special Land Management) Zone'.

As a consequence of this, Council modified the names of all the other Rural Zones as follows:

- a) Rural Agricultural to become 'Rural A (Agricultural)'
- b) Rural Pastoral to become 'Rural B (Pastoral)'
- c) Rural Living to become 'Rural C (Rural Living)'
- d) Rural Conservation to become 'Rural D (Conservation)'

The 'Rural E (Special Land Management) Zone' is to acknowledge the important and valuable role of existing rural landowners. The new provisions support new rural enterprises which generate low impact, concentrated, high value returns from part of the site, in a manner which is compatible with other nearby uses and which retain or enhance native vegetation and rural landscape values on the balance of the site.

The Council's modifications adopt a flexible approach to imposing development conditions which encourages development to occur in an economic manner and gives due regard to the nature and intensity of the proposed use, retention of vegetation, the impact on the environment and nearby lands/uses, and the site's location and character and standard of service of infrastructure in the surrounding area.

The modifications also clarify a land owner's ability to manage understorey vegetation to maintain existing grazing activities, allow dual occupancies to house family members or workers, or as an additional income producing opportunity.

Departmental officers have reviewed and discussed the amendments in detail with the Environmental Protection Agency and Council officers. It has been agreed the proposed changes do not adversely affect the State interests of economic or environmental significance.

Marburg Stables Residential Zone

The Marburg Stables Residential Zone as publicly notified, catered for semi-rural, township, unsewered residential development and provided for stables, horse training facilities, riding establishments and other related uses, established in proximity to the Marburg Showgrounds and Trotting Track and carried out in association with, or supporting the racing industry.

During public notification, the local community raised concerns in relation to the loss of rural character, adverse impacts from the possible concentration of horses and associated activities on surrounding areas, buffer areas and potential water contamination problems.

As a result of public submissions modifications were made in regard to the scaling back in intensity of development within the Stables Residential Zone at Marburg, by effectively establishing an 'investigation area' and undertaking further, detailed community consultation about the precise development standards for the zone.

The zone has been amended to establish a 'Stables Residential Investigation Zone', in which stables and any associated subdivision of land will be impact assessable, requiring public notification.

The new Stables Residential Investigation Zone also identifies the establishment of a community reference group comprising landowners within and adjoining the zone, representatives from the local show society, progress association and the racing industry. Council has also indicated that a detailed planning study be undertaken in consultation with the community reference group to review the desirability, feasibility and environmental impacts of the proposal and appropriate standards for lot sizes, setbacks, buffers, construction standards, bridleways, infrastructure, effluent treatment, waste storage and removal, drainage, site management.

Council have further indicated that the findings of the detailed planning study and associated community consultation process may warrant further amendments to the planning scheme in the future. Departmental officers have reviewed and support the changes Council has made in response to submissions.

Identification of Sapling Pocket Key Resource Area and Haul Routes

The Extractive Industries Association Incorporated lodged a submission regarding the identification of Key Resource Areas (KRAs) on Overlay May OV2, *Key Resource Areas, Buffers and Haul Routes*, at Sapling Pocket, Summerville, Hills Terrace and Harris' Terrace and the identification of the transportation route for these areas along Russell Road and Pine Mountain Road to the Warrego Highway.

Council officers have identified that the Sapling Pocket Resource Area is situated within Ipswich City, whereas the Hill Terrace, Summerville (Esk Shire) and Kholo (Brisbane City) adjoin the Ipswich City boundary. The associated KRA buffers and haul routes for each of these areas extend over land situated within Ipswich, and as such, Council officers forwarded this information to the Department of Natural Resources and Mines (DNRM) for comment.

DNRM identified the issues as a matter of State interest and provided Council with a revised copy of their KRA mapping for the area and supported the submission from the Extractive Industries Association. As a result of the submission and DNRM information and revised mapping, Council has modified Overlay Map OV2 to include the Sapling Pocket KRA and associated buffer areas in Ipswich, as well as identified haul routes along Hills, Russell and Pine Mountain Roads.

Departmental officers have reviewed the modifications to Overlay Map OV2, the associated Extractive Industries Association submission and DNRM information. Departmental officers are satisfied that although the modifications to identify the Sapling Pocket KRA, buffers and haul route may have impacts on some properties, they are acceptable as they were initiated by Council in response to a submission and are matters of State interest.

Springfield Structure Plan

The Springfield Land Corporation (SLC) and Delfin, lodged submissions in regard to procedures in relation to amendments to the Springfield Structure Plan, the processing of Area Development Plans, and minor rewording and amendments in relation to the approval of the Town Centre Concept Plan by Council on 31 July 2003.

It should be noted that the Springfield development is the subject of a development control plan (DCP) i.e. the Springfield Structure Plan which contains specific processes and requirements for this master-planned community which are inconsistent with the IPA and specifically IDAS. Similar DCPs exist for Kawana Waters (Caloundra) and North Lakes (Pine Rivers) master planned communities. Because of the unique nature of the processes contained in these DCP's and the difficulty in retrospectively integrating them into the IPA and IDAS, section 6.1.45A of the IPA protects them and allows them to be carried forward and continued in operation notwithstanding the adoption of an IPA compliant scheme. In the case of Ipswich the DCP has been integrated into the new IPA planning scheme.

In response to submissions, Council modified provisions in regard to the approval of an Area Development Plan under section 2.2.4.10 of the draft planning scheme. This is in relation to existing 'deemed approval' provisions under the existing Springfield Structure Plan. Council originally omitted this existing provision in the publicly notified version of the proposed draft planning scheme, which in effect provided Council with 'deemed refusal' powers consistent with the IPA. Council has negotiated this issue with the SLC and Delfin and has included new provisions which allow for an initial 'deemed refusal' where Council fails to decide an application for an Area Development Plan within a prescribed time period, and then 'deemed approval' for any other application for approval of an Area Development Plan. There have also been changes with regard to cultural heritage issues as a result of a study in the initial draft planning scheme being completed.

Council officers advise the amended wording has been endorsed by legal representatives on behalf of the SLC and Delfin.

Departmental officers have reviewed these changes and have no concerns with the above modifications. However Departmental officers have raised some concerns in relation to the following modifications to the Springfield Structure Plan.

Additional wording to Section 1.6 of the Springfield Structure Plan which identifies the relationship of the Structure Plan to the remainder of the draft planning scheme indicates where the '*Structure Plan is inconsistent with any other provision of the Planning Scheme or a Planning Scheme Policy, the Structure Plan is to take precedence.*' Departmental officers note that planning scheme policies under the IPA must not regulate development, rather support the local dimension of a planning scheme. Departmental officers are of the view that the Springfield Structure Plan should not be inconsistent with the planning scheme policies as they do not regulate development. Council officers have advised that as these provisions are included in the Springfield Structure Plan the retention is appropriate.

Departmental officers are of the view that under normal circumstances the reference to planning scheme policies is inappropriate and superfluous however, given the Springfield Structure Plan is being incorporated into the IPA planning scheme, accept that it can remain and will not likely create any problems with implementation of the planning scheme.

Council omitted section 11 of the Springfield Structure Plan in the notified draft planning scheme, which required Council to consult with the SLC in relation to certain planning scheme policies and local laws which affect the development of Springfield.

In response to a submission from the SLC regarding this omission of section 11, Council has included a new Section 12 identifying Council will undertake consultation with SLC if changes to the Structure Plan are proposed. Departmental officers are of the view that section 12 relates to a process which appears to attempt to bind Council's ability to amend the Structure Plan and identifies required consultation with SLC in relation to proposed amendments to the Structure Plan.

Departmental officers raised concerns with Council officers in this regard. Council advised once again the need to retain the provisions as they relate to the consultation processes previously contained in the Springfield DCP. Given this position, Departmental officers also accept that the provisions can remain. Further the provisions allow considerable flexibility for Council and are unlikely to restrict Council's decision-making powers and responsibilities.

2. State Agency Submissions During Public Notification

Council indicated that some State and Federal agencies made submissions on the proposed draft planning scheme during the public notification period. These agencies include; the Department of Local Government and Planning, the Department of Main Roads, Queensland Transport, the Department of Natural Resources and Mines, the Environmental Protection Agency, the Department of Primary Industries and the Federal Department of Defence.

Council advised Departmental officers that modifications were made in response to varying issues raised by State agencies. These are detailed in Appendix 1. Departmental officers are of the view Council has adequately responded to issues raised and no further action on these issues is required.

3. *Second State Interest Review Issues*

Departmental officers have assessed the modified draft planning scheme and concluded that Council had addressed the majority of State interests during the initial State interest review and that modifications made by Council in response to submission would require review from only certain State agencies. Accordingly after notifying all State agencies that the proposed draft Ipswich planning scheme had been resubmitted, the Department undertook a targeted State second interest review. The targeted agencies consulted included EPA, NRM, QT and the Commonwealth Department of Defence.

Departmental officers have also undertaken a detailed assessment of the amendments to ensure your State interest, in ensuring an efficient, effective and accountable planning and development assessment system has not been compromised.

IPA Compliance

Section 2.1.3(d) of the IPA requires a planning scheme to include performance indicators to assess the achievement of the desired environmental outcomes. The *Integrated Planning and Other Legislation Amendment Act 2003* (IPOLAA) omits this requirement. Given these IPOLAA provisions have not commenced it is considered appropriate that some performance indicators are included in the scheme to meet the requirements of section 2.1.3(d) of the IPA. Accordingly, Council has modified Part 3 – Desired Environmental Outcomes to include appropriate performance indicators. Departmental officers have reviewed the modifications and raise no objection to the late change as the inclusion of performance indicators meets the current requirements of the IPA and do not effect anyone.

Queensland Transport and the Commonwealth Department of Defence

Departmental officers requested that QT liaise with the Commonwealth Department of Defence in relation to aviation issues surrounding the Amberley Airbase.

Upon review of the modified draft planning scheme, QT and the Department of Defence raised issues with regard to height restrictions contained on Overlay Map OV7A and the specific outcomes and probable solutions for Defence Facilities contained in Table 11.4.2.

QT advised that any structure taller than the height restriction zones defined by the Defence (Areas Control) Regulations required approval from the Department of Defence. This requirement of the height restrictions zones are more restrictive than the height level shown in the Obstruction Clearance Surfaces contained in the draft planning scheme. Specific Outcome 1(a), probable solution 1) and Note 1(1) do not list the height restriction zones as the most important surface to be considered. QT further advised in this regard that Map OV7A does not highlight that structures taller than the height of the height restriction zones require prior Department of Defence approval.

QT also noted that Note 4 refers to CASA guidelines about lighting. CASA has amended their agency name and the location of these guidelines.

Council has advised that they agree with QT's comments and have amended Specific Outcome 1(a) in Table 11.4.2 to read "*inconsistency with the building height restriction areas*

identifies on Map OV7A and physical intrusion of buildings or other structures into the Obstruction Clearance Surfaces; to address QT's issue in relation to height restriction areas.

Council agreed to place a non-statutory note on Map OV7A to identify required Department of Defence approvals. The note will read *'Buildings and structures that are taller than the height shown by the building height restriction areas require prior Department of Defence approval'*. This addresses QT and the Department of Defence's issues in relation additional approval in regard to buildings and structures higher than that identified in the height restriction areas.

Council further agreed to replace Note 4 in Table 11.4.2 with *'For advice on how to meet aviation safety requirements refer to CASA's Civil Aviation Safety Regulations CASR Part 139 Manual of Standards – Chapter 9.21 Lighting in the Vicinity of Aerodromes'*. These address QT's concerns with regard to the amended name of the CASA guidelines.

Departmental officers have reviewed and support the changes Council has made in regard to concerns raised by QT and the Department of Defence.

Department of Natural Resources and Mines

The EPA raised issues in relation to the Future Urban Zone in the Ripley Valley with regard to identified remnant endangered vegetation. Departmental officers forwarded the proposed draft planning scheme to NRM for advice.

NRM has advised that the area in question is mapped as remnant endangered regional ecosystems in the Certified Regional Ecosystem mapping and as such clearing will require their approval unless the activity is exempt under Schedule 9 of the IPA or the provisions of the *Vegetation Management Act 1999(VMA)*. This is supported by modifications made to Council's Vegetation Management Code as requested by NRM during public notification.

NRM further advise that should any subsequent issue emerge on site that requires further consideration by NRM, it is the responsibility of the landholder to contact NRM. NRM consider an amendment to the planning scheme is not warranted in this regard. Departmental officers have considered the issue and concur with NRM that no amendment to the proposed draft planning scheme is necessary.

Environmental Protection Agency

During public notification and the second State interest review the EPA raised issues in relation to buffer distances between the Ripley Valley and Swanbank industrial area, environmental planning and indigenous cultural heritage.

Although the EPA are aware of the timing of the identification of these issues, it was advised that they support the adoption of the proposed draft planning scheme subject to Council agreeing to proceed with further actions responding to EPA concerns.

Although the EPA acknowledged that the current Ipswich City Council planning scheme predated the release of the *SEQ Regional Nature Conservation Strategy 2003 – 2008 (RNCS)* it was requested that the scheme be reviewed with regard to the strategy.

The EPA raised concerns that the current vegetation mapping does not reflect the *Common Nature Conservation Classification System (CNCCS)* set out in the RNCS. EPA advised they are aware that the Council's vegetation mapping was undertaken prior to the completion of the CNCCS, however, request that the CNCCS or a methodology consistent with it, be applied to Council's vegetation mapping when next reviewed, with the results incorporated in the planning scheme and consequently Council's Nature Conservation Strategy updated.

EPA advised of concerns regarding the management of biodiversity values of State and regional significance in areas zoned 'Urban' and 'Business and Industry Investigation'. As such, EPA has requested that Council undertake a review of the biodiversity provisions for areas zoned 'Urban' and 'Business and Industry Investigation'. In the interim, Council agreed to include wording in Planning Scheme Policy 2 'Information Local Government May Request' which requests information be lodged as part of any future development application to address biodiversity values, the RNCS, the CNCCS and measures to conserve and rehabilitate important habitat links.

The EPA further raised issues regarding the proximity of future residential development in the proposed Ripley town centre to the Swanbank Industrial area. The concern relates to odour nuisance issues which may increase due to the proximity. EPA see a solution as moving the residential and business designations of the Ripley area further away from their current locality. Council has advised that they have identified a buffer varying between 500 and 1000m between the areas in question. Council further advised that the South West Transport Corridor is yet to be finalised, and as such, refinement of the land use patterns are yet to occur. EPA advised that they are willing to be consulted early in the planning process when refining the Ripley Valley/Deebing Creek Land Use Concept Master Plan.

The EPA also raised issues in relation to Indigenous Cultural Heritage, citing that the proposed draft planning scheme does not adequately recognise or protect places of indigenous known cultural heritage value protected under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*. EPA further advised that the *Aboriginal Cultural Heritage Act 2003* is scheduled to commence on 1 April 2004 and will be administered by NRM.

EPA provided a model code and associated mapping reflecting potential Indigenous Cultural Heritage sites to Council for consideration. The model code does not meet with the Department's *IPA Plan Making Guideline 1/02* which identifies a probable solution as being precise criteria or standards that provide a guide for achieving a specific outcome in whole or part, but do not necessarily establish compliance with a code. Notwithstanding, Council has indicated it will further investigate the currency of the mapping provided and are happy to work with the EPA on possible future amendments in this regard.

The above issues were discussed at meetings on 11 December 2003 and 12 January 2004 between the Department, EPA and Council. Council advised EPA on 12 January 2004 that the modifications requested would constitute significant changes to the proposed draft planning scheme. As such, Council indicated that it would however be prepared to investigate incorporating measures associated with EPA concerns during future amendment processes. Departmental officers concur with Council, and believe it is appropriate for Council to further investigate and continue discussions with the EPA on these issues in the future. Council officers have given a written undertaking in this regard.

CONCLUSION

Departmental officers have completed a review of the proposed draft planning scheme. Overall, the draft planning scheme represents a comprehensive and competent planning instrument which complies generally with the Department's *'IPA Plan Making Guideline 1/02'*.

During the Department's second State interest review issues were raised by the EPA, QT and the Federal Department of Defence. These issues, as discussed above, have been negotiated with Council and as a consequence, Council has addressed many of the issues through modifications made to the proposed draft planning scheme and given written undertakings to work further with the EPA to resolve a small number of others in the future.

Council submitted these modifications to the Department on 16 January 2004. Departmental officers have concluded that all issues of State significance have been addressed by the modifications to the proposed draft planning scheme and undertakings given to work through a small number of other issues. Notwithstanding, Departmental officers have included text in the attached letter to Council identifying outstanding issues as requested by the EPA. Council's letter of 16 January 2004 supports these actions

Departmental officers have concluded the modifications made by Council officers subsequent to the Department's reconsideration of State interests, do not affect the level of regulation nor adversely affect the awareness of the public of the nature of regulation as the modifications are minor changes to ensure IPA compliance and operational efficiency.

As part of your sign-off of the draft planning scheme on behalf of the State, you are also required to identify and advise Council which State Planning Policies have been incorporated into the scheme (and therefore fall away once the scheme becomes operational). The Department, in consultation with relevant State agencies is satisfied the following State Planning Policies are appropriately reflected in the proposed scheme:

1. State Planning Policy 1/92 Development and the Conservation of Agricultural Land;
2. State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities;
3. State Planning Policy 2/02 Planning and Managing Development involving Acid Sulfate Soils; and
4. State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

You are also required to provide Council with a notice for section 6.1.54 of the IPA, the effect of which is to enable the Department of Main Roads to continue to impose road conditions, including conditions requiring monetary payment for lessening the cost impacts for infrastructure, in accordance with the transitional rules set out in this section of the IPA.

RECOMMENDATION

1. You agree State interests have been considered in respect to the proposed Ipswich IPA planning scheme as submitted on 11 December 2003; and
2. You allow Council to adopt the proposed planning scheme as submitted with modifications on 16 January 2004; and
3. You sign the attached letter to Council notifying them of the above.

A draft media release is also attached for your consideration.

Prepared by: *msly*
 [Redacted]
 Planner
 SEQ Planning Division
 Tel: [Redacted]

Endorsed by: [Redacted]
 [Redacted]
 Manager, SEQ Planning Division 11/2
 Planning Services
 Tel: [Redacted]

9 February 2004

Contact Officer: [Redacted]

RECOMMENDATION APPROVED: [Redacted].....

DATE:..... 16-02-04

DRAFT MEDIA RELEASE

February 2004

IPSWICH CITY COUNCIL ADOPTS NEW PLANNING SCHEME

Minister for Local Government and Planning, Desley Boyle today congratulated the Ipswich City Council on the approval of its new town planning scheme, prepared under Queensland's *Integrated Planning Act* (IPA).

Ms Boyle said the Ipswich Plan was the fifth IPA compliant scheme to be adopted in South East Queensland, and was the first for a medium to large city which was generally based on her Department's template.

"Planning schemes are the means by which councils regulate the location, nature and timing of development in their areas," Ms Boyle said.

"In Ipswich, the scheme will help guide growth and change, focussing on outcomes sought by the local community and recognising State interests."

Ms Boyle also took the opportunity to congratulate the Ipswich City Council on its efforts in ensuring the planning scheme would be in force prior to the June 2004 deadline.

"I would like to commend Council and its officers for working closely with officers from my Department during the development of this planning scheme. Together they have undertaken significant policy work to ensure the planning scheme regulates development in an efficient and effective manner thereby ensuring that future development within the City occurs in a sustainable manner.

"The residents of Ipswich City should be proud of their new planning scheme, as it will allow the Council to better manage the effects of growth and change."

Ms Boyle said she had endorsed the new planning scheme for adoption with no conditions.

"The Council is now in a position to adopt the scheme and commence its operation as soon as practicable," she said.

-ends-

Media Contact: [REDACTED]

1. Additional Modifications to the proposed Ipswich Planning Scheme

Council has advised that in response to submissions three new Sub Areas (SA41, SA42, and SA43) within the Special Opportunity Zone have been created. Council has modified these areas in conjunction with land owners to better address significant undermining and flooding constraints. The changes to the zonings of these areas relate to both identified constraints and existing uses on the subject sites.

Departmental officers have reviewed the changes to the Special Opportunity Zone and consider the proposed modifications are appropriate in consideration of the constraints of each site and submissions received. It is considered these changes do not require re-notification as the modifications were made in consultation with the landowners and have further clarified the landowners' capability to develop their respective sites.

Council also advised that Planning Scheme Overlay 5 - Flooding has been amended to encompass the latest flood data from Brisbane City Council as this is the best available Q100 flood level information available in the area. This data has resulted in a decreased Q100 level, which now is consistent with the levels used for the Brisbane River in Brisbane City. The decrease in the Q100 level will lessen the constraints on landowner's ability to develop their land. Departmental officers consider these changes do not require re-notification as the modification have had no adverse impact on land within Ipswich City and have been made with regard to the most up-to-date data available. The Department of Emergency Services is aware flood mapping for Ipswich City Council has been amended since the first State interest check and raise no concerns in this regard. It is acknowledged the mapping used reflects the most current and up to date data available.

Council has advised submissions raised in relation to Cultural Heritage listings included both support for and requests for the removal of properties from Schedule 2 - Character Places, or Schedule 3 - Identified Places of Interest, of the proposed draft planning scheme. Character Places Overlay calls up Schedule 2 and 3 to ensure the retention of buildings and structures of cultural significance, and maintain the relationship of a building or structure to other charter buildings or places within a street.

Council has modified the proposed draft planning scheme in response to some of the submissions, by either entering them in Schedule 3, or removing them from both Schedules. It is considered these changes to Schedule 2 and 3 do not require re-notification as they have been made in consultation with the property owner and reflect the owner's preference for cultural heritage listing.

Council has further advised Departmental officers in regards to a recurring provision contained the proposed planning scheme relating to the *Queensland Heritage Act 1992*. The provision is contained in the following areas:

- Part 4 Urban Areas, Div 7 Character Areas - Housing Zone
- Part 4 Urban Areas, Div 14 Character Areas - Mixed Use Zone
- Part 8 Rosewood Area, Div 6 Character Areas - Housing Zone
- Part 9 Township Areas, Div 5 Township Character Housing Zone
- Part 9 Township Areas, Div 6 Township Character Mixed Use Zone
- Part 11 Overlays

The provisions relates to the carrying out of building work not associated with a material change of use and makes it exempt if - ' an approval has already been obtained for the work under the *Queensland Heritage Act 1992* '

Ipswich has acknowledged that this provision is no longer required as the *Queensland Heritage Act 1992* has been rolled into the IPA and the IDAS process and as such, an application will have to be made to Council for building work to a heritage listed place.

Schedule 8 (2) of the IPA identifies all development carried out on a registered place under the *Queensland Heritage Act 1992* is assessable development, other than development

- (a) for which an exemption certificate under that Act has been issues; or
- (b) that is emergency work or excluded work under that Act; or
- (c) carried out by the State.

Council provided the amended pages in regard to the above sections of the planning scheme where the provision was contained. The provision has been removed and the other provisions renumbered.

Council has also made a number of other minor modifications in response to submissions. These modifications improve the clarity of the proposed draft planning scheme. Departmental officers have reviewed the submissions and modifications made in response to submissions, and consider the modifications do not affect your interest of economic or environmental significance to the State or in ensuring there is an efficient, effective and accountable planning and development assessment system.

2. State Agency Submissions During Public Notification

Council indicated that some State and Federal agencies made submissions on the proposed draft planning scheme during the public notification period. These agencies include; the Department of Local Government and Planning, the Department of Main Roads, Queensland Transport, the Department of Natural Resources and Mines, the Environmental Protection Agency, the Department of Primary Industries and the Federal Department of Defence.

Department of Main Roads

During public notification of the proposed draft planning scheme, the Department of Main Roads (DMR) made a submission in relation the reference to the EPP (Noise) and requested this be removed and replaced by reference to the appropriate DMR standards relating to noise sensitive development adjoining roads. Council agreed to these changes and made modifications in response to this submission.

Queensland Transport

Queensland Transport (QT) requested the Brisbane Valley Future Rail Corridor be shown on the appropriate Transport Network map. A check of Council's records failed to find a copy of this information, and therefore the impacts of the route were unable to be properly determined. As a result Council did not modify the proposed draft planning scheme. The modified proposed draft planning scheme was forwarded by the Department to QT for

comment during the second State interest review and no further issues were raised in this regard.

QT also requested text be added to Section 4.20.4 (3) (c) in respect of the Churchill Branch Railway Line to read - "is retained as a Potential Future Transport Corridor". Council concurred with this request and modified the proposed draft planning scheme in response to the submission.

Department of Natural Resources and Mines

The Department of Natural Resources and Mines (NRM) requested reference be made to the *Petroleum Act 1923* in respect of the High Pressure Oil and Gas Pipelines and the requirement to obtain permission from the pipeline owner where development affects a pipeline easement. Council concurred with this and modified the proposed draft planning scheme to include a Note (11.4.13A) in response.

NRM requested an increase in the separation distance between dwellings and Key Resource Areas (KRA) from 500 to 1000 metres in Section 11.4.5(2) Probable Solutions. Council concurred with NRM comments and indicated most of the KRA mapping already included this distance.

NRM advised information depicting Mining Leases and Mineral Development Licences should be shown on Overlay Map 2 or 3. Council has assumed from the submission that this is a requirement of the relevant mining legislation and have amended the proposed draft planning scheme accordingly.

NRM requested changes to mapping of, and reference to, agricultural land classes in Schedule 7, Map 5 as follows:

- a) should be renamed 'Rural Areas – Agricultural Land Classes;
- b) the information source should be acknowledged as "Ipswich City – Agricultural Land Classes (DNRM Updated January 1998);
- c) Note 1 should be amended to read 'Class B land may include minor areas of A, C or D land; and
- d) Note 2 should be deleted.

Council concurred with items (a) and (b) and noted that the revised wording set out in item (c) has already been incorporated in the draft planning scheme. Council also responded that Note 2 should be retained as the Ipswich Geographic Information System offers much greater detail than that depicted on an A3 map. As a result, Council modified the proposed draft planning scheme to incorporate a) and b) as above.

With regard to Part 12, Division 4, Vegetation Management Code, NRM requested reference be made to the fact that the provisions of the *Vegetation Management Act 1999* apply, regardless of the planning scheme's vegetation provisions. Council concurred with this information and modified the proposed draft planning scheme to include an additional explanatory note in Section 12.4.4.

NRM provided Council with additional information in regard to the extent of a coal resource area at Jeebropilly and indicated that the resource area should be reduced as indicated on a map extract provided by NRM. Council concurred with the provided information and agreed to amend Map OV2 accordingly.

Environmental Protection Agency

Due to predominance of rainforest vegetation, EPA requested the Bushfire Risk Area designation for the Edward Corbould Nature Refuge at Pine Mountain should be amended to "low". Council's Conservation, Parks and Sports Department also advised that they concur with the low bushfire risk status of rainforest/vine forest species on the subject and adjoining lands and that anecdotal evidence indicates that there has not been a history of bushfires in those areas. Accordingly, Council considered that the subject and adjoining lands should be removed from the designation as a Bushfire Risk Area on Map OV1 and have modified the proposed draft planning scheme in this regard.

The Environmental Protection Agency (EPA) requested further separation distances between the sources of environmental nuisance in Swanbank (industrial) and proposed residential developments in the Ripley Valley. Council considered that the EPA should more effectively enforce its own environmental compliance standards (i.e. licensing of industries under the *Environment Protection Act*) to ensure that activities at Swanbank do not create amenity problems for the surrounding area.

Council further considered that the buffer areas shown on Figure 4-8-1 (Ripley Valley / Deebing Creek Land Use Concept Master Plan) and Figure 6-7-1 (Swanbank New Chum Land Use Concept Master Plan) represent an appropriate, balanced planning outcome under the circumstances.

Council indicated the final boundaries of land use 'cells' in the area will also be reviewed once the precise location of the South West Regional Transport Corridor is determined (and there are notations to this effect on Figure 4-8-1). Council determined that the draft planning scheme not be modified as a result of this submission.

This matter was further discussed with EPA and Council officers at meetings of 11 December 2003 and 12 January 2004. EPA concerns are discussed as part of the second State interest review issues.

Department of Primary Industries

The Department of Primary Industries (DPI) requested forestry be made 'exempt development' (as for agriculture) in both the Rural Agricultural and Rural Pastoral Zones, and that 'Plantation Forestry' and Native Forestry' be separately defined, with plantation forestry being exempt development and native forestry being exempt or self assessable development.

Council regard forestry activities offer potentially significant impacts in terms of both rural amenity and road transportation / traffic issues and accordingly consider it not appropriate that these activities be listed as either 'exempt' or 'self assessable' development. Therefore Council considered that 'code assessment', as per the current draft planning scheme is the

appropriate assessment category. Council further noted that native forestry also raises potential concerns about the removal of significant native vegetation. As a result Council did not modify the proposed draft planning scheme in this regard.

Departmental officers noted Schedule 8 section 13 of the IPA identifies that operational work associated with the use of premises for forest practices is exempt. Forest practice is defined in Schedule 10 of the IPA as the planting of trees or managing, felling and removing standing trees for an ongoing forestry business in plantation or native forest. As such Council can set the level of assessment for the initial use, however, the ongoing operational works are exempt.

DPI raised issues in regard to Council's Intensive Animal Husbandry Code and requested the Code be amended to incorporate the provision of:

- a) the Separation Guidelines for Queensland Piggeries;
- b) the Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland; and
- c) reference to 'standard cattle units' and 'standard pig units'.

Council identified that the standards quoted by DPI are difficult to use and do not comply with the Department of Local Government and Planning's recommendations for drafting probable solutions in planning schemes. Departmental officers note that this was not raised during the initial State interest review. The Department's *IPA Plan Making Guideline 1/02* identifies a probable solution being precise criteria or standards that provide a guide for achieving a specific outcome in whole or part, but do not necessarily establish compliance with a code. Council indicated the proposed draft planning scheme was not amended as a result of this submission. Departmental officers concur with Council's response in this regard.

DPI supports the importance Council has placed on preserving the heritage of Queensland for present and future generations however, does not support the inclusion of the historic farmhouse at the Mutdapilly Research Station in Schedule 2 – Character Places. DPI indicated that an independent cultural heritage assessment of all of its properties has recently been undertaken. This property has not been identified by this assessment as being of cultural heritage significance.

The farmhouse was identified in the Expanded Ipswich Heritage Study as being of local significance, however the building:

- a) has been significantly modified both internally and externally; and
- b) is surrounded by more contemporary buildings, including several utilitarian structures and has thereby lost much of its original rural setting.

It is therefore considered that the building should be included in Schedule 3, 'Identified Places of Interest', rather than Schedule 2, 'Character Places'. Council have advised that the proposed draft planning scheme has been amended in this regard. Departmental officers consider this change does not require re-notification as it has been made in consultation with the property owner and reflects the owner's preference for cultural heritage listing.

COPY

MIN 50621.03- TPA22937

18 FEB 2004

[REDACTED]
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Dear [REDACTED]

Thank you for your letter of 11 December 2003 requesting reconsideration of State interests in accordance with section 18(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA) following formal public notification of the proposed planning scheme and Council's consideration of submissions received during the notification period. As you may be aware, the Beattie Government was returned to office on 7 February 2004 and I have been appointed as the new Minister for Local Government and Planning.

In accordance with section 18(4)(a) of Schedule 1 of the IPA I am pleased to advise Council may adopt the proposed Planning Scheme as submitted with modifications on 16 January 2004. Notwithstanding, I note there are a small number of matters raised by the Environmental Protection Agency during the whole of Government review which I would like to see considered and where appropriate addressed as part of further more detailed planning processes and possible future amendments to the planning scheme. These issues relate to incorporation of the South East Queensland Regional Nature Conservation Strategy, urban biodiversity and indigenous cultural heritage measures and buffer distances within the planning scheme.

I understand Council officers have by letter dated 16 January 2004 indicated their general support for these matters to be considered in the future.

Furthermore, I am satisfied the following State Planning Policies are appropriately reflected in the proposed scheme:

1. State Planning Policy 1/92 Development and the Conservation of Agricultural Land;
2. State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities;
3. State Planning Policy 2/02 Planning and Managing Development involving Acid Sulfate Soils; and
4. State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Please note this advice also constitutes a notice for section 6.1.54 of the IPA, the effect of which is to enable the Department of Main Roads to continue to impose road conditions, including conditions requiring monetary payment for lessening the cost impacts for infrastructure, in accordance with the transitional rules set out in this section of the IPA.

Finally I would like to commend Council and its officers on working cooperatively with my Department in the preparation of the Ipswich City Council Planning Scheme. I am pleased to further commend Council on an essentially robust and technically comprehensive planning scheme and completion of this major milestone within the revised statutory timeframe of 30 June 2004.

Yours sincerely

SIGNED

Desley Boyle MP
Minister for Local Government and Planning



Queensland Government

Department of **Local Government and Planning**

Name: [Redacted]
Title: Planner
Division: SEQ Planning
Telephone: [Redacted]
Facsimile: [Redacted]
E-Mail: [Redacted]@lgp.qld.gov.au
Internet: www.dlgp.qld.gov.au

F a c s i m i l e

To: [Redacted]
Company: **Environmental Protection Agency**
Facsimile: [Redacted]
Date: **17 June 2004**
Pages:(incl. this one) **3**

**Re: DLGPSR Letter to State Agencies regarding
Ipswich IPA Planning Scheme**

[Redacted]

Please find attached a copy of the letter sent to State agencies advising of the Ministerial Authorisation of the Ipswich City *Integrated Planning Act 1997* Planning Scheme.

Regards,

[Redacted Signature]

[Redacted Name]

(TPA 22961/10...)

Trimmed	
Trim No.	04/14410
File No.	TPA 22961/10

Your Ref:
Our Ref: TPA 22961
Contact: [REDACTED]
Telephone: [REDACTED]
Facsimile: [REDACTED]
Email: [REDACTED]@dlgp.qld.gov.au

Trimmed	
Trim No.	04/5398.
File No.	

COPY

PLANNING SERVICES

2 April 2004

«Salutation» «First_Name» «Last_Name»
«Job_Title»
«Section»
«Department»
«Postal_Address»

Dear «Salutation» «Last_Name»

Re: Ministerial Authorisation of Ipswich City *Integrated Planning Act 1997* Planning Scheme

I am pleased to advise that, on 18 February 2004, the then Minister for Local Government and Planning authorised the Ipswich City Council to adopt its proposed *Integrated Planning Act 1997* (IPA) planning scheme. Council has now adopted its proposed planning scheme, which is anticipated to commence on 5 April 2004.

Thank you all for your help and assistance throughout this process. The adoption of the Ipswich planning scheme is a major milestone that could not have occurred successfully without your agency's input into the process.

Council's new scheme provides a policy framework that, coordinates and integrates matters of State and regional significance, will allow Council to better meet the challenges of managing growth and development throughout the City, and will allow the utilisation of the full assessment and decision making regime under the IPA. Furthermore, the scheme was considered by the former Minister to appropriately reflect:

1. State Planning Policy 1/92 Development and the Conservation of Agricultural Land;
2. State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities;
3. State Planning Policy 2/02 Planning and Managing Development involving Acid Sulfate Soils; and
4. State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

The incorporation of these State Planning Policies is an excellent achievement and will allow the streamlining of the development assessment process in Ipswich City.

Thank you for the valued working relationship that has developed, between your agency and the Department, during the whole of Government (WoG) review process. It is hoped this collaborative process may continue successfully into the future.

If you have any questions or require any further feedback from the WoG review process, or the conditions imposed on Council's scheme, please contact [REDACTED] on [REDACTED], or [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]

[REDACTED]

Manager
South East Queensland Planning Division

Summary of Local Planning Instruments for Local Governments in Flood Declared Areas

Ipswich City Council

Planning Schemes

The Ipswich City Council (ICC) administers the following planning scheme:

- Ipswich City Council - Adopted 23/01/2006

Structure Plans

- Ebenezer Regional Development Area was not affected by the flood event.

Local Area/Neighbourhood Plans

- *Ipswich Regional Centre Strategy* (Non-Statutory)

Amendments pertaining to this planning document were included in the planning scheme in early 2010. Changes largely related to increases in zoning and built form (height, density) for city centre properties.

Master Planned Areas

- Ripley Valley (now a declared UDA site) was not affected by the flood event.

Codes and Overlays

- Development Constraints Overlay – Flooding and Urban Stormwater Flow Path (OV5) mapped on the planning scheme.
- Development Constraints Overlay Code – flooding and stormwater provisions for new buildings.
- Reconfiguring a Lot Code – restricts subdivision of land under the Q100.

Planning Scheme Policies

Nil

Flood Studies and/or Flood Reports

Flood studies were conducted prior to adoption of the current IPA scheme and reflected in the scheme.

Other Relevant Information

Nil

References

- Ipswich City Council Planning Scheme
- Ipswich – Part 11 - Development Constraints Overlay Code – Flooding and Urban Stormwater

Ipswich City Council Planning Scheme

The current Ipswich City Council Planning Scheme was adopted by Council on 14 December 2005 and commenced on 23 January 2006. The introduction to the planning states that the Minister of Local Government and Planning has identified that SPP 1/03 - mitigating the adverse impacts of flood, bushfire and landslide, has been appropriately reflected in the planning scheme. With regard to flooding, the planning scheme makes the following provisions:

- **Part 1 Introduction – Division 3 Strategic Framework:**

1.6 Urban Area Strategy

(9) Future Investigation Areas are—

...

(d) designed to avoid significant development constraints (including steep land, potential landslip, bushfire risk areas, former mining land, key mining/quarrying resource and buffer areas, flood liable land) ...

(10) Business and Industry Uses are –

...

(c) located and designed—

(i) to avoid or mitigate, where relevant, the potential impact of identified development constraints (including former mining land and flood liable land);

...

(13) Open Space and Recreation uses are—

...

(d) located and designed—

(i) to avoid or mitigate, where relevant, the potential impact of identified development constraints (including steep land, potential landslip, bushfire risk areas, former mining and, key mining resource areas and flood liable land); and

...

(18) Except for existing development or current existing approvals or relevant previously zoned land, the majority of uses are to be generally located outside the areas of steep land, potential landslip, bushfire risk areas, mining/quarrying key resources and buffers, former mining land, the buffers associated with significant economic infrastructure (including Swanbank Power Station, Purga Rifle Range, Amberley Airbase, Wastewater Treatment Centres, Ipswich Motorsport Precinct and Tivoli Raceway) and flood liable land.

(19) Uses located within the areas of identified development constraint (including steep land, potential landslip, bushfire risk areas, former mining land, key mining/quarrying resource and buffer areas, flood liable land) and the buffers associated with significant economic infrastructure (including Swanbank Power Station, Purga Rifle Range, Amberley Airbase, Wastewater Treatment Centres, Ipswich Motorsport Precinct and Tivoli Raceway) are—

(a) to take into account siting and building design issues to reduce the impact of the constraints; and

(b) to be designed to avoid creating conflicts or hazards for the operation of significant economic infrastructure.

...

1.7 Township Areas Strategy

...

(5) Township Residential uses are—

...

(d) with the exception of existing development or current existing approvals or relevant previously zoned land, generally located in areas to avoid identified development constraints (including flood liable land);

(6) Town Business Uses are—

...

(d) located and designed—

(i) to avoid or mitigate, where relevant, the potential impact of identified development constraints (including flood liable land);

...

(7) Open Space and Recreation uses are—

...

(b) located and designed—

(i) to avoid or mitigate, where relevant, the potential impact of identified development constraints (including flood liable land); and

...

(8) Except for existing development or current existing approvals or relevant previously zoned land, the majority of uses are to be located outside the areas of flood liable land.

(9) Any uses located within flood liable land are to take into account siting and building issues designed to reduce the impact of flooding.

(9) Any uses located within flood liable land are to take into account siting and building issues designed to reduce the impact of flooding.

1.8 Rural Areas Strategy

(7) Rural housing is—

...

(b) located to avoid identified development constraints (including steep land, potential landslip, bushfire risk areas, former mining land, key mining/quarrying resource and buffer areas, flood liable land) and

...

(11) Uses located within the areas of development constraint (including steep land, potential landslip, bushfire risk areas, former mining land, key mining/quarrying resource and buffers, flood liable land) and the buffers associated with significant economic infrastructure (including Purga Rifle Range, Amberley Airbase, Wastewater Treatment Centres, Ipswich Motorsport Precinct)—

(a) take into account siting and building design issues to reduce the impact of the constraint; and

...

- **Part 3 Desired Environmental Outcomes and Performance Indicators**

3.1 Desired Environmental Outcomes

...

(i) the adverse effects from natural and other hazards, including flooding, land subsidence, bush fires, ordnance explosions and aircraft operations, are minimised;

...

3.2 Performance Indicators

(1) Where development has occurred, has it—

...

(i) been located away from areas subject to natural or other hazards, or been designed to mitigate adverse impacts;

...

- **Part 11 Overlays – Division 4: Development Constraints Overlays**

11.4.7 Flooding and Urban Stormwater Flow Path Areas

NOTE 11.4.7A

(1) The provisions of this section apply to land identified on Map OV5 as being—

(a) below the 1 in 20 development line; or

(b) below the 1 in 100 flood line; or

(c) within an urban stormwater flow path area.

(2) Flood affected areas and urban stormwater flow path areas are depicted in two ways on the overlay maps—

(a) unbroken lines – representing 'known' constraints as determined by a technical report or study; and

(b) broken lines – indicative and subject to further detailed assessment as part of a development application.

(3) The 1 in 20 development line is based on a long standing flood regulation line, established following the 1974 flood, that applied to the former Ipswich City Council area prior to its amalgamation with the former Moreton Shire

(4) In some cases, further information will need to be submitted to the local government, such as a flood assessment, for consideration as part of the development assessment process.

(5) Further information on the requirements for a flood assessment are contained in Planning Scheme Policy 2—Information Local Government May Request.

(1) Specific Outcomes

(a) Land Situated Below the 1 in 20 Development Line – Residential Uses

(i) The intensification of residential uses within flood affected areas is minimised.

(ii) Additional dwellings or lot reconfigurations are avoided within areas affected by significant flood flows (i.e. one metre or more in depth).

(iii) Where a development commitment, based on former zoning provisions, allows additional dwellings to be sited within areas affected by significant flood flows, such dwellings are designed to be capable of withstanding the static and dynamic loads, including debris loads, applicable to a flood event of 1 in 100 Average Recurrence Interval (ARI).

(iv) Where possible, the floor levels of any habitable rooms of a proposed building are a minimum of 250mm above the adopted flood level, whilst having regard to—

(A) the level of consistency with adjoining buildings and other buildings in the area;

(B) the visual and amenity impacts, associated with any significant raising of floor levels; and

(C) avoiding being lower than the existing floor level predominant in the streetscape.

- (v) The design and layout of residential buildings provides for—
 - (A) parking and other low intensive, non habitable uses at ground level (e.g. temporary storage of readily removable items); and
 - (B) habitable rooms above, to increase flood immunity.
- (vi) Building materials used below the 1 in 20 development line are resistant to water damage.
- (vii) Where possible, buildings and other structures are sited on the highest part of the site to increase flood immunity.
- (viii) Electrical installations below the 1 in 20 development line are designed and constructed to withstand submergence in flood water.
- (ix) Access routes are designed or alternative emergency evacuation routes are provided so that in the event of a serious incident occupants can escape to a safe and secure area.
- (x) The development does not increase the flood hazard (e.g. by way of increased depth, duration or velocity of flood waters or a reduction in warning times) for other properties within a flood plain.
- (xi) Filling of land below the 1 in 20 development line and the clearing of native vegetation within the stream banks are avoided.

(b) Land Situated Below the 1 in 20 Development Line – Commercial, Industrial and Other Non Residential Uses

- (i) Where possible, the design and layout of buildings provides for—
 - (A) parking, or other low intensive, or non habitable uses at ground level; and
 - (B) retail, commercial and work areas above the parking areas, to increase flood immunity.
- (ii) Expensive plant and equipment and stock are located in the area of the site or building with the greatest flood immunity.

NOTE 11.4.7B

Owners/applicants should undertake their own risk assessment to determine the floor level that maximises flood immunity having regard to the above.

- (iii) Building materials used below the 1 in 20 development line are resistant to water damage.
- (iv) Electrical installations are sited in the area of greatest flood immunity.
- (v) Electrical installations below the 1 in 20 development line are designed and constructed to withstand submergence in flood water.

(vi) Access routes are designed or alternative emergency evacuation routes are provided so that in the event of a serious incident occupants can escape to a safe and secure area.

(vii) The concentration of people in flood affected areas, particularly within areas affected by significant flood flows (i.e. one metre or more in depth), is minimised.

(viii) Buildings are located to avoid areas affected by significant flood flows (i.e. one metre or more in depth), or alternatively, buildings are designed to be capable of withstanding the static and dynamic loads, including debris loads, applicable to a flood event of 1 in 100 Average Recurrence Interval (ARI).

(ix) Materials stored on-site—

(A) are those that are readily able to be moved in a flood event;

(B) are not hazardous or noxious, or comprise materials that may cause a deleterious effect on the environment if discharged in a flood event; and

(C) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.

(x) The development does not increase the flood hazard (e.g. by way of increased depth, duration or velocity of flood waters or a reduction in warning times) for other properties within a flood plain.

(xi) Filling of land below the 1 in 20 development line and the clearing of native vegetation within the stream banks are avoided.

(c) Land Situated Between the 1 in 20 Development Line and the 1 in 100 Flood Line – Residential Uses

(i) The planning scheme acknowledges development commitments, based on former zonings or current approvals, for continued residential use, particularly one dwelling per existing lot.

(ii) Lot reconfigurations which create sites for additional dwellings are avoided in areas situated below the 1 in 100 flood line.

(iii) Special dispensation may be obtained to erect a second dwelling to house family members on land situated between the 1 in 20 development line and the 1 in 100 flood line.

(iv) Where a development commitment, based on former zoning provisions, allows a multiple residential use to be sited within areas affected by significant flood flows, such dwellings are designed to be capable of withstanding the static and dynamic loads, including debris loads, applicable to a flood event of 1 in 100 Average Recurrence Interval (ARI).

(v) Where possible, the floor levels of any habitable rooms of a proposed building are a minimum of 250mm above the 1 in 100 flood level, whilst having regard to—

(A) the level of consistency with adjoining buildings and other buildings in the area;

(B) the visual and amenity impacts, associated with any significant raising of floor levels; and

(C) avoiding being lower than the existing floor level predominant in the streetscape.

(vi) The design and layout of residential buildings provides for—

(A) parking and other low intensive, non habitable uses at ground level (e.g. temporary storage of readily removable items); and

(B) habitable rooms above, to increase flood immunity.

(vii) Building materials used below the adopted flood level are resistant to water damage.

(viii) Where possible, buildings and other structures are sited on the highest part of the site to increase flood immunity.

(ix) Access routes are designed or alternative emergency evacuation routes are provided so that in the event of a serious incident occupants can escape to a safe and secure area.

(x) The development does not increase the flood hazard (e.g. by way of increased depth, duration or velocity of flood waters or a reduction in warning times) for other properties within a flood plain.

(xi) Clearing of native vegetation within the stream banks is avoided.

(xii) Filling is avoided unless:

(A) the land is located within the 1 in 100 flood line designated 'indicative and subject to further detailed assessment' on Overlay Map OV5 - Flooding and Urban Stormwater Flow Path Areas; and

(B) such filling results in the rehabilitation and repair of the hydrological network and the riparian ecology of the waterway; and

(C) an assessment, undertaken by a suitably qualified consultant, demonstrates that the reforming of the land does not adversely impact on the overall hydrology and flood capacity of the waterway.

(d) Land Situated Between the 1 in 20 Development Line and the 1 in 100 Flood Line – Commercial, Industrial and Other Non Residential Uses

(i) Where possible, the design and layout of buildings provides for—

(A) parking, or other low intensive, or non habitable uses at ground level; and

(B) retail, commercial and work areas above the parking areas, to increase flood immunity.

(ii) Expensive plant and equipment and stock are located in the area of the site or building with the greatest flood immunity.

NOTE 11.4.7C

Owners/applicants should undertake their own risk assessment to determine the floor level that maximises flood immunity having regard to the above.

(iii) Building materials used below the adopted flood level are resistant to water damage.

(iv) Access routes or alternative emergency evacuation routes are provided so that in the event of a serious incident occupants can escape to a safe and secure area.

(v) Buildings are located to avoid areas affected by significant flood flows (i.e. one metre or more in depth), or alternatively, buildings are designed to be capable of withstanding the static and dynamic loads, including debris loads, applicable to a flood event of 1 in 100 Average Recurrence Interval (ARI).

(vi) Materials stored on-site—

(A) are those that are readily able to be moved in a flood event;

(B) are not hazardous or noxious, or comprise materials that may cause a deleterious effect on the environment if discharged in a flood event; and

(C) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.

(vii) The development does not increase the flood hazard (e.g. by way of increased depth, duration or velocity of flood waters or a reduction in warning times) for other properties within a flood plain.

(viii) Clearing of native vegetation within the stream banks is avoided.

(ix) Filling is avoided unless:

(A) the land is located within the 1 in 100 flood line designated 'indicative and subject to further detailed

assessment' on Overlay Map OV5 - Flooding and Urban Stormwater Flow Path Areas; and

(B) such filling results in the rehabilitation and repair of the hydrological network and the riparian ecology of the waterway; and

(C) an assessment, undertaken by a suitably qualified consultant, demonstrates that the reforming of the land does not adversely impact on the overall hydrology and flood capacity of the waterway.

(e) Urban Stormwater Flow Path Areas

NOTE 11.4.7D

(1) Stormwater flows can affect the amenity of a property and its improvements if adequate provision is not made to address stormwater flows being generated on, or upstream of the property.

(2) In addition, situations can arise that may result in risk to life and significant damage to the property or its improvements if adequate consideration is not given to external stormwater flows during the design and construction of new uses and works.

(i) Access routes are designed or alternative evacuation routes are provided so that in the event of a serious incident occupants can escape to a safe and secure area.

(ii) Adequate stormwater drainage infrastructure and suitable overland flow paths are provided to carry the 1 in 100 Average Recurrence Interval (ARI) stormwater flow through the property while providing a freeboard of 250mm in the floors of all habitable areas and minimising damage owing to scouring from excessive flow velocities.

(iii) Buildings and other works are designed and located so that nearby properties are not affected by any surcharge/afflux generated as a result of the buildings or other works.

(iv) Buildings and other works are designed and located to accommodate existing and proposed stormwater drainage infrastructure and overland flow paths.

(v) Any damage to existing stormwater drainage infrastructure and overland flow paths resulting from building and other works are rectified prior to the commencement of the new use.

(f) Community Infrastructure

(i) Key elements of community infrastructure are able to function effectively during and immediately after flood hazard events.

(2) Probable Solutions

(a) Electrical Installations

- (i) The incoming power supply, including all metering equipment is, where possible, located above the adopted flood level.
- (ii) All wiring, power outlets and switches are, to the maximum extent possible, located above the adopted flood level.
- (iii) All conduits located below the adopted flood level are installed so that they will be self-draining.
- (iv) Heating and air conditioning systems are, to the maximum extent possible, located above the adopted flood level.

(b) Structural Adequacy

- (i) Buildings are designed to provide the following minimum safety factors when subjected to significant flood flows (i.e. one metre or more in depth) —
 - (A) 1.5 against failure by sliding or overturning; and
 - (B) 1.33 against flotation.
- (ii) Footings and foundations are designed to take account of any reduced bearing capacity on account of submerged soil.

(c) Evacuation Routes

- (i) At least one road access will remain passable for the performance of emergency evacuations at a level of no more than 300mm below the adopted flood level.

(d) Earthworks

- (i) Earthworks do not detrimentally affect flood storage capacity or flood conveyance characteristics through the importation of fill to the site, or any alteration to a watercourse or floodway or other earthworks affecting more than 10m³ of soil.

(e) Clearing of Vegetation

- (i) Clearing of vegetation does not involve the removal of native vegetation from land within a Designated Watercourse or land within 30m of a designated Watercourse or within 10 metres of the top of the bank of a Designated Watercourse where the slope of the bank exceeds 15% (refer Figure 11.4.12).

(f) Community Infrastructure

- (i) Key elements of community infrastructure are sited and designed to achieve the levels of flood immunity as set out in the State Planning Policy and associated Guidelines for Natural Disaster Mitigation.

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 5: Reconfiguring a Lot Code**

12.5.4 Specific Outcomes and Probable Solutions for Residential, Commercial, Industrial and Other Types of Urban Reconfiguring

Table 12.5.1: Specific Outcomes and Probable Solutions for Minor Subdivisions
Lot Layout and Design – Specific Outcome

(1) Lots (including hatchet lots) have the appropriate area and dimensions to—

...

(f) overcome site constraints (e.g. undermining, flooding, drainage, bushfire risk, buffers to incompatible land uses etc);

...

Public Open Space – Probable Solution

(5) In those lot reconfigurations adjoining a river or creek system where it is proposed that linear or waterside parkland be secured—

...

(c) the extent of the parkland correlates with the adopted flood level or is a minimum width of 30 metres (measured from the banks of the watercourse) or as much in addition to the 30 metres to achieve at least a 10 metre width with slopes less than 1 in 20 (5%) to enable construction of a walking/bicycle path and to facilitate maintenance;

...

Stormwater Drainage – Specific Solution

(8) All lots are located above the adopted flood level to provide protection of property in accordance with the accepted level of risk.

Stormwater Drainage – Probable Solutions

(8) (a) All Cottage Lots, Courtyard Lots, Traditional Lots, Hillside Lots and Dual Occupancy Lots are located above the adopted flood level.

(b) For Homestead or Township Lots, an area which is suitable for a building platform comprising at least 600m² of each lot is to be located above the 1 in 100 years Average Recurrence Interval (ARI). Also, an additional area is to be available on each lot that is suitable to treat and dispose of effluent on-site in compliance with the Standard Sewerage Law and the On-Site Sewerage Code.

(c) All multiple residential lots, commercial lots, mixed business and industry lots and industrial lots are located above the adopted flood level for the respective zone or Sub Area.

NOTE 12

(1) Those areas of residential lots below the adopted flood level for the applicable zone or Sub Area which are affected by a 'significant flood flow' are to be subject to a drainage easement.

(2) A Drainage Reserve may be required for any part of the land conveying stormwater drainage flows to the lawful point of discharge.

Table 12.5.2: Specific Outcomes and Probable Solutions for Moderate and Major Subdivisions

Lot Layout and Design – Specific Outcomes

(2) Lots (including hatchet lots) have the appropriate layout, area and dimensions to—

...

(f) overcome site constraints (e.g. undermining, flooding, drainage, bushfire risk, buffers to incompatible land uses etc);

...

Public Open Space – Probable solution

(26) (a) Where a Land Use Concept Master Plan, Town Centre Concept Plan, Open Space Master Plan or other Plan of Development exists, public open space is provided in accordance with that plan

...

(v) for linear or waterside parkland—

...

(B) the extent of the parkland correlates with the adopted flood level or is a minimum width of 30 metres (measured from the banks of the watercourse) or as much in addition to the 30 metres to achieve at least a 10 metre width with slopes less than 1 in 20 (5%) to enable construction of a walking/bicycle path and to facilitate maintenance; and

...

Stormwater Drainage – Specific Outcomes

(28) The major stormwater drainage system—

...

(c) is to maximise community benefit through the retention of natural streams and vegetation wherever practicable, the incorporation of parks and other less flood-sensitive land uses into the drainage corridor and the placement of detention basins for amenity and function.

(29) All lots are located above the adopted flood level to provide protection of property in accordance with the accepted level of risk.

Stormwater Drainage – Probable Solutions

- (29) (a) All Cottage Lots, Courtyard Lots, Traditional Lots, Hillside Lots and Dual Occupancy Lots are located above the adopted flood level.
- (b) For Homestead or Township Lots, an area which is suitable for a building platform comprising at least 600m² of each lot is to be located above the 1 in 100 Average Recurrence Interval (ARI). Also, an additional area is to be available on each lot that is suitable to treat and dispose of effluent on-site in compliance with the Standard Sewerage Law and the On-Site Sewerage Code.
- (c) All multiple residential lots, commercial lots, mixed business and industry lots and industrial lots are located above the adopted flood level for the respective zone or Sub Area.

NOTE 35

(1) Those areas of residential lots below the adopted flood level for the applicable zone or Sub Area which are affected by a 'significant flood flow' are to be subject to a drainage easement.

(2) A Drainage Reserve may be required for any part of the land conveying stormwater drainage flows to the lawful point of discharge or where significant overland flows occur.

Table 12.5.3: Specific Outcomes and Probable Solutions for Minor Rural Subdivisions

Lot Layout and Design – Specific Outcomes

(1) Lots (including hatchet lots) have the appropriate area and dimensions to—

...

(e) overcome site constraints (e.g. undermining, flooding, drainage, bushfire risk, buffers to incompatible land uses etc);

...

Stormwater Drainage – Specific Outcomes

(9) A flood free dwelling site is located above the adopted flood level to provide protection of property in accordance with the accepted level of risk.

Stormwater Drainage – Probable Solutions

(9) Each proposed lot is to contain an area which is suitable for a building platform comprising at least 2000m² and located above the adopted flood level. Also, an additional area is to be available on each lot that is suitable to treat and dispose of effluent on-site in compliance with the Standard Sewerage Law and the On-Site Sewerage Code

Table 12.5.4: Specific Outcomes and Probable Solutions for Moderate Rural Subdivisions

Lot Layout and Design – Specific Outcomes

(1) Lots (including hatchet lots) have the appropriate area and dimensions to—

...

(e) overcome site constraints (e.g. undermining, flooding, drainage, bushfire risk, buffers to incompatible land uses etc);

...

Stormwater Drainage – Specific outcomes

(18) A flood free dwelling site is located above the adopted flood level to provide protection of property in accordance with the accepted level of risk.

Stormwater Drainage – Probable Solutions

(18) Each proposed lot is to contain an area which is suitable for a building platform comprising at least 2000m² and located above the adopted flood level. Also, an additional area is to be available on each lot that is suitable to treat and dispose of effluent on-site in compliance with the Standard Sewerage Law and the On-Site Sewerage Code

APPENDIX H: LAND DEDICATIONS FOR PUBLIC PARKS

3. Criteria For On-Site Land Dedication

(2) Land dedications should satisfy the provisions of Planning Scheme Policy 5— Infrastructure relating to quantity, quality, flexibility and equity of distribution along with the following site specific characteristics—

...

(e) encumbrances such as flood susceptibility, services easements etc;

...

Table 1: Flood Level Parameters or Integration with Linear and Waterside Parks

Recreational Setting	Level	Flood Level Criteria
Sportsgrounds and Courts	Headquarter Sports	Not recommended below 1 in 100 years Average Recurrence Interval (ARI).
	2 & 3	All fields above 1 in 10 years Average Recurrence Interval (ARI), all multi-purpose courts, buildings and playground areas above 1 in 50 years Average Recurrence Interval (ARI).

Formal Parks and Gardens	1	All buildings and playground areas above 1 in 20 years Average Recurrence Interval (ARI).
	2	All buildings and playground areas above 1 in 50 years Average Recurrence Interval (ARI).
Local Play and Picnic Parks	1	Not applicable.
	2 & 3	All buildings and playground areas above 1 in 50 years Average Recurrence Interval (ARI).

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 6: Residential Code**

12.6.4 Residential Uses and Works – Effects of Development – General Provisions Site Suitability and Amenity

(12) Specific Outcomes

...

(d) Habitable rooms in dwellings are situated above the adopted flood level.

...

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 7: Commercial and Industrial Code**

12.7.4 Effects of Development – General Commercial and Industrial Provisions Hazards and Risks

(5) Specific Outcomes

...

(c) Where there is potential for stored material to escape and pollute nearby waters—

...

(ii) outdoor storage areas are located above the adopted flood level; and

...

12.7.8 Effects of Development – Specific Industrial Uses

(1) FUEL DEPOT

Specific Outcome

(e) Where there is potential for stored material to escape and pollute nearby waters, the use is designed so that—

...

(ii) outdoor storage areas are above the adopted flood level; and

...

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 8: Intensive Animal Husbandry Code**

12.8.4 Intensive Animal Husbandry Uses – Effects of Development – General Site Requirements

...

(3) Specific Outcomes

Uses and works for Intensive Animal Husbandry are located on a site which—

...

(d) is not subject to flooding within the areas used for buildings and the main animal enclosures;

...

(4) Probable Solutions – for sub-section (3)

The area of land used for buildings and the main animal enclosures for Intensive Animal Husbandry are located on land which—

...

(b) is not subject to flooding at an annual exceedance probability of greater than 2%;

...

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 11: Recreation and Entertainment Code**

12.11.4 Effects of Development – General

...

Building Design, Height and Placement

(8) Specific Outcomes

...

(iv) buildings are not significantly affected by flooding or stormwater drainage;

...

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 12:Community Use Code**

12.12.3 Overall Outcomes for the Community Use Code

...

(2) The overall outcomes sought for the Community Use Code are the following—

...

(iv) where possible, avoid areas prone to flooding, bushfires or landslip;

...

12.12.4 Effects of Development – General

Natural Disasters

(15) Specific Outcomes

Key elements of community infrastructure, including emergency services, hospitals, nursing homes, child care facilities and stores of valuable records or items of historic and cultural significance (e.g. galleries, museums, libraries and archives)—

(a) avoid areas prone to flooding, bushfires and landslip (see Part 11); and

(b) are able to function effectively during and immediately after natural hazard events.

(16) Probable Solution – for sub-section (15)

Key elements of community infrastructure are sited and designed to avoid areas prone to flooding, bushfires and landslip as set out in the State Planning Policy and associated Guidelines for Natural Disaster Mitigation

- **Part 12 Assessment Criteria for Development of a State Purpose or of a Stated Type – Division 12:Earthworks Code**

12.15.3 Overall Outcomes for the Earthworks Code

...

(2) The overall outcomes sought for the Earthworks Code are the following—

(a) Earthworks ensure—

...

(ii) there is no adverse impact on flooding of upstream, downstream and adjoining land;

...

12.15.4 Effects of Development – General

Flooding and Drainage

(8) Specific Outcomes

- (a) Earthworks are avoided below the adopted flood level.
- (b) Earthworks —
 - (i) do not cause any increase in flooding or drainage problems;
 - (ii) do not cause an impediment to flood waters; or
 - (iii) do not adversely impact adjoining, upstream or down

...

Notification of Adjoining Owners

(19) Specific Outcome

Affected property owners are notified in writing if earthworks are—

- (a) within 3 metres of an adjoining property boundary; or
- (b) greater than 2 metres in height; or
- (c) likely to cause drainage or flooding impacts on adjoining land

- **Part 14 – Springfield Structure Plan**

Section 2—Implementation

2.2 Local Area Plans

2.2.3 Precinct Plans – 2.2.3.3 Requirements for a Precinct Plan

All Precinct Plans must be prepared by or on behalf of Springfield Land Corporation. They must be consistent with the Land Use Concept Master Plan, Indicative Phasing Concept Plan, Open Space Master Plan and Drainage Master Plan. They must address the following matters and/or provide the following information—

...

- (e) The location of the 10 and 100 year ARI stormwater/flood event design flood levels (pre and post-development, including any areas to be filled), drainage corridors and the location of any water bodies. A report may be necessary to accompany a Precinct Plan demonstrating the affect (if any) any proposed land filling will have on stormwater drainage and/or floodplain management. Also, it is important that the environmental sustainability/physical integrity of the waterways and creekline open space areas are maintained. This may necessitate additional creek protection works due to the potential erosion that may result due to the increased frequency of minor discharges. This aspect will need to be investigated as part of the Precinct Plan.

...

Section 7—Open Space Designation

7.3 Classification of Open Space

7.3.1 Community Open Space

...

It is land used or intended for use for recreational purposes by the public and includes parks, public gardens, waterway reserves, accessways, playgrounds and sports grounds. Additionally, community open space includes land for the preservation of natural features, historic sites, land for hydrological control and flood mitigation and land of visual and scenic quality.

...

7.4 Compliance Standards

Prior to any development being approved on land within the Open Space Designation (including that and having a recreation precinct classification within the Town Centre Designation), a Precinct Plan and area Development Plan must be approved by Council. In addition to any criteria or guidelines outlined in the Planning Scheme, Planning Scheme Policies or the proposed Precinct Plan or Area Development plan, the following shall apply—

...

- (ii) Land below the level of a Q10 ARI flood/stormwater event which is unusable is to be classified as Drainage Reserve and “unusable land” as defined in the Infrastructure Agreement will not be considered part of the open space land area calculations.

...

Section 10—Special Development Areas and Miscellaneous Provisions

10.2 Miscellaneous Provisions

10.2.4 Flooding

No urban development (excluding parkland and other similar uses) will be permitted below the final Q100 design flood level.

- **PART 15—RIPLEY VALLEY MASTER PLANNED AREA STRUCTURE PLAN**

Division 2—General Provisions for Assessment Tables

15.3.3 Specific Outcomes for the Ripley Valley Master Planned Area Structure Plan Area as a Whole

(1) Preferred Pattern of Development

NOTE 15.3.3A

...

(12) With further detailed Neighbourhood Master Planning and consequential flooding drainage and mining (geotechnical) assessments, the final location structural elements and land use patterns will be determined.

...

(4) Neighbourhoods - Specific Outcomes

(b) Neighbourhoods—

...

(ii) have an average residential density of 15 dwellings per hectare, except where development constraints (e.g. flooding, steep slope or undermining) dictates a lower density.

...

Division 4 - Future Urban Zone: Assessment Criteria and Assessment Tables

15.4.3 Effects of Development – General

(8) Neighbourhood Master Plans – Specific Outcomes

...

(e) The Neighbourhood Master Plan provides supporting documentation describing—

...

(v) the implementation of Integrated Water Cycle Management, including—

...

(B) identification of the 1 in 20 flood level and 1 in 100 year ARI stormwater/flood event design flood levels (pre and post-development, including any areas to be filled), drainage corridors and the location of any water bodies; and

...

Division 5—Conservation (T1) Zone: Assessment Criteria and Assessment Tables

15.5.3 Effects of Development – General

(3) Building Design and Placement - Specific Outcome

The design and placement of buildings ensures—

...

(c) buildings are not significantly affected by flooding or stormwater drainage;

...

Division 12—Recreation Zone: Assessment Criteria and Assessment Tables

15.12.3 Effects of Development – General

(2) Building Design and Placement - Specific Outcomes

(a) The design and placement of buildings ensures—

...

(iv) buildings are not significantly affected by flooding or stormwater drainage;

...

• **PLANNING SCHEME POLICY 2—INFORMATION LOCAL GOVERNMENT MAY REQUEST**

Flooding and Stormwater Flow Paths

(8) if an application involving land which is subject to flooding or major stormwater flows, information and an assessment which identifies—

(a) the likely probability, depth, volume and velocity of flows (including the submission of relevant computer software model data files which are compatible with the Local Government's software to enable checking of data) across the site;

(b) the likely impact of the proposed development, including any associated earth works, both upstream and downstream from the site, particularly in terms of changes to the depth, duration or velocity of flood waters and the duration of warning time;

(c) likely impacts in terms of watercourse bank stability;

(d) preferred areas and non-preferred areas on site for various activities, based on the probability of inundation and the volume and velocity of flows;

(e) recommendations for—

(i) the use of flood resistant materials and construction techniques able to withstand relevant debris loads;

(ii) the location and height of means of ingress and egress, including possible flood escape routes;

(iii) the location and height of buildings, particularly habitable floor areas;

(iv) structural design, including the design of footings and foundations to take account of static and dynamic loads (including debris loads and any reduced bearing capacity owing to submerged soils);

(v) the location and design of plant and equipment, including electrical fittings;

(vi) the storage of materials which are likely to cause environmental harm if released as a result of inundation or stormwater flows;

(vii) the appropriate treatment of water supply and sanitation systems and other relevant infrastructure; and

(viii) relevant management practices, including flood warning and evacuation measures;

10. General Data Notes

10.10 Flood Notes (Open Drains/Detention Basins/Lakes)

(1) Flood information is to contain—

(a) the location and level of centre line/invert of channel at maximum 25 metre intervals, change of grade or tangent points;

NOTE 31

Spacing of survey points around curved sections is to be such that the curve geometry can be accurately positioned on the mapping systems.

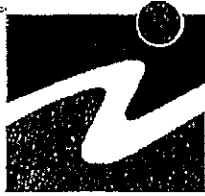
(b) sufficient topological information of any open drain to develop cross sectional profiles at the corresponding centre line survey points;

(c) full extent of concrete inverts and other associated works;

(d) for detention basins, sufficient topological information to determine extent, approximate highest and lowest points and volume.

NOTE 32

Where earthworks have been carried out to change the existing profile of the land, sufficient surface levels are to be provided to accurately depict the changed surface.



Ipswich

City Council

1 May 2007

Your Reference:
Our Reference:
Contact Officer: GKN:GKN
Telephone No: [REDACTED]

Dear [REDACTED]

Re: **Ipswich Planning Scheme - Planning Scheme Amendments Package No. 2 of 2007**

I wish to advise that at its meeting on 17 April 2007, Council resolved to propose amendments to the planning scheme pursuant to Section 9 (2) of Schedule 1 of the *Integrated Planning Act 1997*.

Copies of the relevant planning scheme documentation are hereby forwarded to the Minister for 'consideration of State Interests' pursuant to Section 9 (3) of Schedule 1 of the Act.

I have included:-

- 4 'hard copies' of the amendment documents; and
- 1 'electronic copy' of the amendments.

I look forward to working with you to expedite the State Interests Review and to progress the plan making process.

Yours sincerely,

[REDACTED]
John Adams
PLANNING MANAGER

Attachment 1: Four (4) Hard Copies of the amendment documents

Attachment 2: One (1) compact disc including electronic copy of the amendment documents

[REDACTED]
South Queensland Statutory Planning Team
Department of Local Government, Planning,
Sport and Recreation
PO Box 15031 city east
BRISBANE QLD 4000

Please Address All Correspondence to:
Chief Executive Officer
Ipswich City Council
A.B.N. 61 461 981 077
PO Box 191 Ipswich Qld 4305
Telephone: (07) 3810 6666
Facsimile: (07) 3810 6731
Email: council@gil.com.au
Website: www.ipswich.qld.gov.au

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
1	Assessment Tables and Assessment Criteria – References to the Vegetation Management Code	Earthworks – not associated with a material change of use and reconfiguring a lot do not call up the vegetation management code in the assessment tables.	Amendments to call up the Vegetation Management Code for Reconfiguring a Lot and Earthworks are recommended in all zones where Clearing of Vegetation is Assessable Development under the planning scheme.	<p>The following tables are amended to include the wording below:</p> <p>Tables: 4.5.2; 4.5.7; 4.8.2; 4.12.2; 4.13.2; 4.14.2; 4.15.2; 4.16.2; 4.17.2; 4.18.2; 4.19.2; 4.20.2; 4.21.2; 6.2, 6.5; 6.7; 6.10; 7.2; 8.9; 8.11; 8.15; 8.17; 8.20; 9.2; 9.4; 9.6; 9.8; 9.15; 10.6; 10.8; 10.10; and 10.13.</p> <p>To include in Column 3 of each table for “Earthworks – not associated with a material change of use” and “Reconfiguring a lot”:-</p> <p>“Vegetation Management Code (Part 12, division 4)”</p>
2	4.3.3(3) Specific Outcomes for the Urban Areas, as a whole – Environmental Management	Reference to the retention of significant vegetation and minimising earthworks.	An additional clause is recommended to achieve further integration of important vegetation within development sites.	<p>Insert the following clause as 4.3.3(3)(d):-</p> <p>“Vegetated areas with strong scenic amenity or biodiversity values are retained where possible within development sites as open space areas, large lots or expanded road reserves.”</p>
3	11.4.6 Difficult Topography Overlay	Aligning difficult topography requirements with the State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.	Review the difficult topography provisions to extend these from the current 20% slope to 15% slope in accordance with State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.	<p>That the following clause be added at 11.4.6(1)(a):</p> <p>“Development on land greater than 15% slope maintains the safety of people and property from the risk of landslide.”</p> <p>Renumber existing clauses 11.4.6(1)(a) to (d) as (b) to (e).</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
4	Planning Scheme Policy 2 – Information Local Government May Request (6A)(a)	Typographical error.	Currently reads “ ... at breast height (DBH) or 200mm or...”	That the wording be amended to read “ ... at breast height (DBH) of 200mm...”
5	Planning Scheme Policy 2 – Information Local Government May Request (6A)	Reference to biodiversity values such as hollows in trees.	An additional clause is recommended to clarify the importance of biodiversity values.	Insert new clause (6A)(d) in Planning Scheme Policy 2 as follows: (d) identifies any biodiversity values such as nests or hollows. Also add “and” at the end of clause (6A)(c) and remove “and” from the end of clause (6A)(b).
6	Table 11.3.2 Building Work Not Associated with a Material Change of Use, Column 2 (s)	Grammatical error	Currently reads: ‘ ... other an a building, ...’ (Located in Line 2 of this clause).	That the wording be amended to read ‘ ... other than a building...’
7	Large Lot Residential Zone Code - 4.4.5(3) Consistent and Inconsistent Uses, Use Classes and Other Development.	General Industry is not listed as an inconsistent use as per the Assessment Table for the Large Lot Residential Zone.	General Industry should be listed as an inconsistent use as per the Assessment Table for the Large Lot Residential Zone.	That General Industry be included as an inconsistent use in Section 4.4.5(3)(as (h)) and the following points (h) to (r) be renumbered to (i) to (s).

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
8	Schedule 2-Character Places	Rosewood CWA Hall is incorrectly listed.	The hall is currently listed as being located on 15 Railway Street, Rosewood. However, owing to a reconfiguration of the land the hall is now located on 4 John Street, Rosewood.	That Schedule 2-Character Places listing details be amended to include the CWA Hall as "CWA Building, 4 John Street, Rosewood, Lot 6 SP145185".
9	Zone Map – Z16	Reconfiguration with dedication to Ipswich City Council.	The reconfiguration has resulted in land at 15 Ascot Street and 1 Cordella Place, Goodna (Lots 201 and 202 SP184562) dedicated to Council having a split zone of Recreation and RL2.	That the zoning maps be amended to include Lots 201 and 202 SP184562 wholly within the Recreation Zone.
10	Part 4 Urban Areas – Major Centres Zone	Amendments to reflect the outcomes of the Goodna Town Centre Master Plan	Amendments to the Major Centre Zone are recommended to further support the outcomes of the Goodna Town Centre Master Plan. The amendments relate to extensions of the zone to encompass additional land in both Primary and Secondary Business Areas.	That the Major Centres Zone be amended as outlined in Attachment A1.
11	Part 4, Special Opportunity Areas	Amendments to reflect the outcomes of the Goodna Town Centre Master Plan	An amendment in the form of an additional sub area is recommended to reflect the outcomes of the Goodna Town Centre Master Plan. This sub area is between Woogaroo Street and the Railway Line east of Church Street.	That the Special Opportunity Zone be amended to include an additional sub area (SA44 – Woogaroo Street) as outlined in Attachment A2.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
12	Zone Maps Z16 and Z17	Amendments to reflect the outcomes of the Goodna Town Centre Master Plan	Amendments to reflect the outcomes of the Goodna Town Centre Master Plan are recommended. These amendments predominantly relate to the Major Centres Zone and the Special Opportunity Zone, as outlined for items 11 and 12 above. It is also proposed to extend the Character Housing Mixed Use Zone south along the eastern side of Layard Street to include additional land fronting the proposed new connection through to Bertha Street.	That zone maps Z16 and Z17 are amended as outlined in Attachment A3.
13	Section 12.6.5 – Effects of Development – Specific Residential Uses	Note box references refer to Section 12.6.4	The note boxes in s.12.6.5 are incorrectly headed with s12.6.4. This needs to be changed to correctly refer to the section in which they are located.	That the numbering of Note Boxes 12.6.4J through to 12.6.4N be amended to read 12.6.5A through to 12.6.5E.
14	Springfield Structure Plan	Change to the alignment of the Centenary Highway extension.	The Springfield Structure Plan (Map 2) boundary requires amendment owing to the Centenary Highway extension alignment variation.	That the Springfield Structure Plan (Map 2) be amended to reflect the Centenary Highway extension alignment variation. Attachment A4 shows the proposed designation boundaries.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
15	Schedule 2-Character Places	Incorrect listing for 1231-1269 (Lot 25SP192747) Ipswich Boonah Road, Peak Crossing	As a result of a reconfiguration of a lot, Schedule 2-Character Places identifies the property at 1231-1269 Ipswich Boonah Road, Peak Crossing as containing a character listed farmhouse, whereas the farmhouse is located at 1275 Ipswich Boonah Road, Peak Crossing (Lot 5 SP109181). The lot that contains the house was a result of the reconfiguration.	That Schedule 2-Character Places listing details be amended to delete:- (a) the listing for 1231-1269 Ipswich Boonah Road, Peak Crossing (Lot 25SP192747); and include a listing for the farmhouse at 1275 Ipswich Boonah Road, Peak Crossing (Lot 5 SP109181).
16	Overlay OV13 – High Voltage Electricity Lines	Incorrect location of high voltage electricity line buffer.	Incorrect mapping data was provided from Powerlink/Energex as to the proposed location of the high voltage power line compared to the actual built location of the line.	That Overlay Map (OV13) – High Voltage Electricity Lines be amended to align the high voltage power line buffer with the actual built location of the line as shown in Attachment A5.
17	4.21.4(41) – Sub Area SA41	Grammatical error	Incorrect spelling of Naomai Street with reference to the location of the sub area.	That Section 4.21.4(41) be amended to replace ‘Naomi’ with ‘Naomai’.
18	Zone Map – Z16	Incorrect zoning for 35 and 37 Brisbane Road, Riverview.	Incorrect zoning of Special Uses (SU4- Place of Worship) zone on the residential lot containing a single residential use at 35 Brisbane Road. An incorrect zoning of RL zone has been applied to the property at 37 Brisbane Road which contains a church. The zoning of the neighbouring properties should be switched to reflect the actual uses on the land.	That the zoning maps be amended to include:- 1. the land at 35 Brisbane Road, Riverview (Lot 3 RP845588) wholly within the Residential Low Density (RL2) Zone; and 2. the land at 37 Brisbane Road, Riverview (Lots 1 and 3 RP88779) wholly within the Special Uses (SU4 – Place of Worship) Zone.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
19	Zone Map – Z15	Incorrect zone boundary for 200 Brisbane Street, Booval	The zoning boundary needs to be amended to correspond with the new lot boundary and development approval for the land.	That the zoning maps be amended to include the land at 200 Brisbane Street, Booval, Lot 24 SP197437, wholly within the Major Centres Zone, Sub Area MC1S.
20	Schedule 2 – Character Places	Listing of Depressior. Relief Work trees at 135 Brisbane Terrace, Goodna.	Part of the land at 135 Brisbane Terrace, Goodna (Lot 128 SP178961) comprising Council parkland, should be listed in Schedule 2 – Character Places due to the location of Depression Relief Work trees on the land. The current listing boundary is wholly within the Brisbane Terrace Road Reserve.	That Schedule 2 – Character Places be amended to list 135 Brisbane Terrace, Goodna (Lot 128 SP178961) as containing Depression Relief Work trees by amending Map 42 of Schedule 2 to include the subject land (see Attachment A6).
21	Overlay Map (OV7E) – Unexploded Ordinances	Clearance Certificate Received.	Notification has been received from the State Government (21/8/06) advising that the land described as Lot 116 M3172, School Road, Redbank Plains has now been cleared of all ordinance. Overlay Map (OV7E)- Unexploded Ordinances should be amended accordingly.	That Overlay Map (OV7E) – Unexploded Ordinances be amended to remove Lot 116 M3172, School Road, Redbank Plains from the affected properties included on the Overlay Map.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
22	Zone Map – Z14	Zoning of Council Water Infrastructure	<p>The land at 22 Chelmsford Avenue, Ipswich includes Council’s water reservoirs and is currently zoned Conservation. The zone should be amended to the Special Uses (SU19 - Water Supply Purposes) zone to reflect the actual use of the land.</p> <p>An amendment is recommended to the assessment category for Single Residential use to be Self Assessable where affected by the High Pressure Pipelines Overlay (OV11).</p>	<p>That the zoning maps in respect of land at 22 Chelmsford Avenue, Ipswich (Lot 24116262) be amended to include the land in the Special Uses (SU19 – Water Supply Purposes) Zone.</p>
23	<p>Table 11.4.3 – Assessment Categories and Relevant Assessment Criteria for Development Constraints – Overlays – Making a Material Change of Use, Column 2.</p>	<p>Assessment Category for Single Residential Use affected by the High Pressure Pipelines Overlay (OV11).</p>		<p>That Table 11.4.3, Column 2 be amended in respect of Single Residential use to read as follows:</p> <p>“Self Assessable, if-</p> <ul style="list-style-type: none"> (a) within the High Pressure Pipelines Overlay (refer Map OV11); or (b) if situated within a Residential Zone, and- <ul style="list-style-type: none"> (i) between the 1 in 20 development line and the 1 in 100 flood line constraints overlays (refer Map OV5); or (ii) within the rail corridor overlay (refer Map OV14). <p>Code Assessable otherwise.”</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
24	Table 11.4.4, Column 2.	Amend wording associated with Clearing of Vegetation.	The amendment is required to correct an error with the description of Primary and Secondary Buffers in Table 11.4.4 which is inconsistent with the terminology used in Overlay Map (OV2). The terms primary and secondary buffer should be removed and substituted with Known Resource and Key Resource Area.	That Table 11.4.4, Column 2 in respect of the key resource areas, haul routes and existing mines development constraint overlay be amended as follows: “Exempt, if land affected by the - (b) key resource areas, haul routes and existing mines development constraint overlay and comprising a Known Resource (refer Map OV2); or Self Assessable, if- (c) (i) key resource areas, haul routes and existing mines development constraint overlay and comprising a Key Resource Area; or”
25	Section 11.4.5 – Land Affected by Key Resource Areas, Haul Routes and Existing Mines - Note 11.4.5A(3), p. 11-19.	Grammatical error	The word ‘be’ has been omitted before the word ‘submitted’.	That Note 11.4.5A(3) be amended to read as follows: “In some cases, further information will need to be submitted to the local government, such as site specific geotechnical assessment, for consideration as part of the development assessment process.”

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
26	Zone Map - Z16	Incorrect zone boundary.	New lots have been approved in Augustine Heights requiring an amendment to the zone boundary to remove the lots (or part thereof) from the Recreation Zone and to include the lots wholly within the Residential Low Density (RL2) zone.	That the zoning maps be amended as shown in Attachment A7 to wholly include the new residential lots within the Residential Low Density (RL2) Zone.
27	Table 4.20.1, SU54 Zone (81 Tantiivy Street, Tivoli)	Existing approved use wording.	<p>Development approval 296/97 (Candy Soils) granted the following uses over the subject land (81 Tantiivy Street, Tivoli):</p> <p>The Rezoning of Land – to exclude the land from the ‘Non-Urban’ zone and to include the land in the ‘Special Facilities’ (removal and treatment of reject mine material; production, loading and dispatch of plant propagation and production; wholesale plant nursery; and ancillary buildings, structures and access) zone, and</p> <p><u>Permitted Development Subject to Conditions</u> – for the removal and treatment of reject mine material; production, loading and dispatch of plant growth medium; plant propagation and production; wholesale plant nursery; and ancillary buildings, structures and access.</p>	<p>That Table 4.20.1 be amended in respect of the Existing Approved Use for the SU54 zone to remove reference to the uses subject to the time limit set out in Condition 7 of Development Approval 296/97. The SU54 Zone is therefore proposed to read as follows:</p> <p>“Plant propagation and production, wholesale plant nursery and ancillary buildings, structures and access.”</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
28	Table 4.8.2 – Assessment Categories and Relevant Assessment Criteria for Future Urban Zone, footnote number references.	Footnote numbering inconsistencies.	<p>This approval included a ‘sunset clause’ of seven (7) years from the date of the approval (end of 7 July 2006) for the following uses:</p> <p>“ ... the use of existing mining reject stockpiles for the production, loading and dispatch of plant growth medium.”</p> <p>This site has also been the subject of numerous resident complaints over the time that the use has been in operation.</p>	That the footnote numbering in Table 4.8.2 be amended to ensure that it is in sequential order.
29	Figure 4.8.5, Walloon Thagoona Strategic Pedestrian/Cycleway Network.	Spelling error.	Spelling error in respect of ‘Metwork’ rather than ‘Network’ in the legend of Figure 4.8.5.	That the spelling of ‘Metwork’ be amended to ‘Network’ in the legend of Figure 4.8.5.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
30	Part 12, Division 9, – Parking Code (Table 12.9.1)	School Parking Rates.	Review school parking rates in light of recent development applications.	<p>That Part 12, Div. 9 – Parking Code (Table 12.9.1) Other Community Use (o) School, be amended to include the following Note in Column 3:</p> <p>“When determining need for pick-up and set-down areas, and the type of facility to be provided, consideration should be given, to factors including:</p> <ul style="list-style-type: none"> (a) the number of students attending the school; (b) the location of the school and its catchment area; (c) trip lengths and the mode/s of travel; (d) the age of the students; (e) potential for a bus interchange area as well as a pick-up and set-down area; (f) the type and function of surrounding roads; and (g) surrounding land uses. <p>The number of car parking spaces can be determined by estimating the number of cars likely to arrive at any one time. Heaviest demand usually occurs on wet days and may be up to 20% greater than normal. At schools where car travel is predominant, approximately 10 spaces per 100 students may be required.”</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
31	Standard Drawings	Review of Standard Drawings for Water, Sewerage and Roadworks.	<p>Proposed changes to the Standard Drawings as detailed below.</p> <p><u>Roadwork's Standard Drawings</u> SR.01. Index Standard Drawings Roadworks</p> <ul style="list-style-type: none"> a) Date and Amendments columns changed to match amended plans. b) Drawing numbers for Guidelines for the installation of tactile indicators have been added to the Approved Queensland Government Department of Main Roads Standard Drawings For Roads. <p>SR.02. Typical Cross Sections, Residential Streets</p> <ul style="list-style-type: none"> a) Cycle Lanes added. b) Cycle Lane notes added. c) Trunk Collector Street and Dual Trunk Collector Street Split into Access and No Access options. 	That the Roadwork's and Water and Sewerage Standard Drawings be amended as per Attachment A8.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>SR.03. Typical Cross Sections, Industrial Streets a) Extra footpath added to the Industrial Collector Street. b) Notes added for footpath options.</p> <p>SR.04. Typical Cross Sections, Sub-Arterial & Arterial Roads with Kerb & Channel a) Cycle Lane details added. b) Notes added for cycle lanes.</p> <p>SR.05. Typical Cross Sections, Sub-Arterial & Arterial Roads without Kerb & Channel a) Cycle Lane details added. b) Notes added for cycle lanes.</p> <p>SR.06. Standard Verge and Access Profiles, Access Streets, Collector Streets, & Industrial Streets a) Footpath Reinforcing shown. b) Concrete Footpath alignment distance changed to correspond with SR22 and SR23.</p>	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
	SR.11.		<p>Standard Kerb & Channel Profiles Including Edge Restraints, Median and Inverts a) Dimensions amended as there were incorrect dimensions on previous revision.</p>	
	SR.12.		<p>Standard Residential Driveway, Driveway Invert and Slab or Tracks a) Reinforcing size amended from F72 to SL62 for Section A-A.</p>	
	SR.17.		<p>Standard Kerb and Channel Roofwater Drainage Connections a) Notes Altered to Cast Alloy instead of Hot Dipped Galv.</p>	
	SR.18.		<p>Standard Kerb Ramp a) Tactile Indicators removed from drawing. b) Drawing numbers for Guidelines for the installation of tactile indicators have been added to the Approved</p>	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>Queensland Government Department of Main Roads Standard Drawings For Roads</p> <p>SR.19. Standard Concrete Strip Pathways a) Pathway Width Table modified to increase width of shared pathway from 2.0m to 2.5m on Sub-Arterial and Arterial Roads.</p> <p>SR.20. Subsurface Drainage a) Pipe Class was changed from Class 1000 to Class 400. b) Notes altered due to grammatical errors.</p> <p>SR.21. Subsurface Drainage Flushing Points a) Pipe Class changed from Class 1000 to Class 400.</p> <p>SR.22. Public Utilities in Subdivisions, Typical Service Corridors & Alignments a) Service Corridors Altered.</p>	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>b) Drawing Redrawn to reflect new Service Corridor widths.</p> <p>c) Footpath reserve widened from 3750 to 4250.</p> <p>SR.23. Public Utilities in Subdivisions, Typical Service Conduit Sections</p> <p>a) Drawing modified to show new Service Corridor widths.</p> <p>b) High and Low Sides Shown Clearly.</p> <p>c) Pipes and Service Conduits modified to fit into respective Service Corridors.</p> <p><u>Water and Sewerage Standard Drawings</u></p> <p>SS.01. Index Standard Drawings - Sewerage</p> <p>a) Date of Amendments column added.</p> <p>b) Amendment Revision column added.</p>	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>SW.01. Index Standard Drawings - Water</p> <ul style="list-style-type: none"> a) Date of Amendments column added. b) Amendment Revision column added. 	
			<p>SW.13. Water Service Conduits</p> <ul style="list-style-type: none"> a) Service conduits adjusted to coincide with Standard Drawing SR22 and SR23. b) Offset service conduits added to suit zero lot line construction. 	
			<p>SW.14. Water Connections 20 and 25mm Single and Double Below Ground Meter Installation</p> <ul style="list-style-type: none"> a) Service conduits adjusted to coincide with Standard Drawing SR22 and SR23. b) Offset service conduits added to suit zero lot line construction. 	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>SW.15. Water Connections 32, 40 and 50mm Single Below Ground Meter Installation</p> <p>a) Service conduits adjusted to coincide with Standard Drawing SR22 and SR23.</p> <p>b) Offset service conduits added to suit zero lot line construction.</p>	
			<p>SW.16. Water Connections 80, 100 and 150mm Single Ground Meter</p> <p>a) Note added to make dismantling joints optional when using copper pipe.</p>	
			<p>SW.17. Water Connections Metered 80, 100 and 150mm Fire Services</p> <p>a) Note added to make dismantling joints optional when using copper pipe.</p>	

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
32	Schedule 2 – Character Places	New Listing.	The land at 8 Byrne Street, Bundamba contains ‘Byrneville’ a building identified by the 1991 Ipswich Heritage Study as being of character significance. The property should be listed in Schedule 2 – Character Places.	That Schedule 2 – Character Places be amended to include a listing for 8 Byrne Street, Bundamba, ‘Byrneville’, on Lot 8 RP868820, with the extent of significance being ‘whole lot’
33	Zoning Map – Z17	Review of zone boundary – Mica Street, Carole Park.	The zone boundary should be amended to correspond with the new lot boundary and the associated Recreation Zone ‘shifting boundary’ should be removed.	That the zoning maps be amended to include Lot 1 SP178513 wholly within the Regional Business and Industry Buffer (RBB) Zone and include Lot 2 RP178513 wholly within the Regional Business and Industry – Low Impact (RB4L) Zone.
34	Schedule 2 – Character Places	Amendment to listing.	The Schedule 2 listing for the Redbank Rifle Range includes land at 9 Chalk Street and 53 Cross Street, Redbank. Research of Survey Plans indicates that these properties were not originally included in the Rifle Range and therefore should be removed from the listing.	That the listing for the Redbank Rifle Range in Schedule 2 – Character Places be amended to remove the land at 9 Chalk Street and 53 Cross Street, Redbank.
35	Schedule 2 – Character Places	Amendment to listing.	The listing incorrectly refers to Lot 38 Paynes Road, Ebenezer (Lot 38 RP123059). This listing was based on the information in the Expanded Ipswich Heritage Study. The house of character significance is actually located on 23 Lees Road, Ebenezer (Lot 23 RP123059).	That Schedule 2 – Character Places be amended to:- a) remove Lot 38 Paynes Road, Ebenezer (Lot 38RP123059); and b) include 23 Lees Road, Ebenezer (Lot 23 RP123059) described as ‘dwelling’, extent of significance ‘house and rear wing.’

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
36	Schedule 2 – Character Places	Removal of Schedule 2 listing.	The listing for land at 62 Downs Street, North Ipswich should be removed as the church, manse and other buildings of character significance were destroyed by fire.	That Schedule 2 – Character Places be amended to delete the listing for 62 Downs Street, North Ipswich.
37	4.8.5C Sub Area FU4 – Walloon/Thagoona	Third Pipe (Recycled Water) System.	Ipswich Water has advised that all references to the third pipe recycled water network at Walloon/Thagoona should be removed from the Planning Scheme given the new strategic focus on developing a major western corridor waste water centre at Rosewood.	<p>That Section 4.8 be amended as follows:</p> <p>Note 4.8.5CL(1) – remove “recycled water”.</p> <p>S4.8.5C(3)(c) – remove “and recycled water” from the heading.</p> <p>S4.8.5C(3)(c)(i) – remove “recycled water”.</p> <p>S4.8.5C(3)(c)(i)(C) – remove “and the use of recycled water”.</p> <p>4.8.5C(3)(c)(iii) – delete entire clause.</p> <p>4.8.5C(3)(c)(viii) – delete entire clause.</p> <p>Existing Clauses 4.8.5C(3)(iv) to (vii) to be renumbered (iii) to (vi).</p> <p>Table 4.8.1, Single Residential – Column 2 – Assessment Category – replace “Self Assessable if</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
38	Planning Scheme Policy 2 – Information Local Government May Request (Appendix 2 – Infrastructure As Constructed)	Amendments to as-constructed information standards.	Minor amendments to as-constructed information standards.	<p>(a) the lot is 450m² or more in area; and</p> <p>(b) if in FU4, the use is connected to a Council approved recycled water system”</p> <p>with “Self assessable if the lot is 450m² or more in area.”</p> <p>That Planning Scheme Policy 2 (Appendix 2 – Infrastructure As Constructed) be amended as per Attachment A9.</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
39	Part 6 - Regional Business and Industry Investigation Zone: Figure 16.6.1 Ebenezer Willowbank Precinct Plan and Table 6.4 - Assessment Categories and Relevant Assessment Criteria for Regional Business and Industry Investigation Zone - Making a Material Change of Use.	Reconcile Precinct Plan to be consistent with Ipswich Motorsports Precinct Masterplan and amend the assessment table to make minor sports industries code assessable development.	<p>The precinct boundary needs to be reconciled with the Ipswich Motorsports Precinct Masterplan for the motorsport component only as per Attachment A10.</p> <p>In addition it is proposed to facilitate minor motor sports industries (i.e. up to 500m2 Gross Floor Area) within the motorsports precinct as code assessable development.</p>	<p>1) That Figure 16.6.1 be amended to reconcile the precinct boundary with the Ipswich Motorsports Precinct Masterplan for the motorsport component only as per Attachment A10.</p> <p>2) That Table 6.4 be amended such that Column 2 in respect of "General Industry" and "Services Trades Use" reads as follows:</p> <p>"Code Assessable if:-</p> <ul style="list-style-type: none"> (a) within Precinct 3 of sub area RBIA1, Ebenezer Willowbank; and (b) involving activities relating to motorsports; and (c) involving the use of 500m2 or less of gross floor area. <p>Impact Assessable otherwise."</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
40	Zoning Map – Z14	Incorrect zone label.	The Residential Medium Density (RM1) Sub Area refers to land situated in the area between Short and Lion Streets and Warwick and Salisbury Roads, Ipswich. However, the zoning map label refers to this precinct as being included in the Residential Medium Density (RM2) Sub Area. The zone label should be amended to include the land in the RM1 sub area.	That the zoning maps be amended to include the Residential Medium Density (RM2) area situated between Short and Lion Streets and Warwick and Salisbury Roads, Ipswich in the RM1 sub area.
41	Zoning Maps – Z47 and Z48	Unzoned land.	<p>Two properties have been included in the Ipswich local government area as part of the recent DCDB upgrade from DNRM and are currently unzoned.</p> <p>The properties are located at:</p> <ul style="list-style-type: none"> • Lot 2 Charles Chauvel Drive, Harrisville (Lot 2 RP187860) • Lot 102 Forsyths Road, Limestone Ridges (Lot 102 CH3160) 	<p>That the zoning maps be amended to include Lot 2 RP187860 (Harrisville) wholly within the Rural A (Agricultural) Zone.</p> <p>That the zoning maps be amended to include Lot 102 CH3160 (Limestone Ridges) wholly within the Rural B (Pastoral) Zone.</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
42	Zoning Map – Z27	Zoning.	<p>Kholo Gardens is currently included in the Rural Conservation Zone. A zoning of Special Uses (SU 62 – Park) is more allied to the actual use of the land.</p>	<p>That the zoning maps be amended to include Lot 223 SL3149 (Kholo Gardens) in the SU (62 – Park) Zone.</p>
43	Overlay (OV5) – Flooding and Urban Stormwater Flow Path Areas	<p>Updated information from ICC Works Department regarding Flooding and Urban Stormwater Flow Path areas.</p>	<p>(A) The Works Department have provided updated information regarding flooding and urban stormwater flow path areas (see Attachment A11) recommending:-</p> <ul style="list-style-type: none"> • some small amendments to the 1 in 20 development line in the upper reaches of Woogaroo, Goodna, Six Mile, Bundamba, Sandy and Deebing Creeks which do not significantly impact the affected properties; • amendment of the 1 in 100 flood map within the Ripley Valley Master Planning area adjoining Bundamba Creek upstream of Cunningham Highway as a result of further technical studies; • extension of the 1 in 100 flood line for upper Six Mile Creek within the Redbank Plains area which matches the green space layer within the South Redbank Plains Planning Study; • extension of the 1 in 100 flood line for the Upper Woogaroo Creek from the current 	<p>That Overlay Map (OV5) – Flooding and Urban Stormwater Flow Path Areas be amended to reflect the updated information on flooding and urban stormwater flow path areas as outlined in the report by the Senior Engineer dated 23 March 2007, as contained in Attachment A11.</p> <p>That section 11.4.7 (c) (xi) and (d) (viii) be deleted and replaced with the following text in both circumstances:</p> <p>(c)(xi)/(d)(viii) Clearing of native vegetation within the stream banks is avoided.</p> <p>(c)(xii)/(d)(ix) Filling is avoided unless:</p> <p>(A) the land is located within the 1 in 100 flood line designated 'indicative and subject to further detailed assessment' on Overlay Map OV5 - Flooding and Urban Stormwater Flow Path Areas; and</p> <p>(B) such filling results in the rehabilitation and repair of the hydrological network and the</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
			<p>boundary to Augusta Parkway in Bellbird Park/Brookwater and Springfield based on the flood study undertaken by the developer; and</p> <ul style="list-style-type: none"> inclusion of an additional Urban Stormwater Flow Path within the Redbank Plains area over the following properties: <ul style="list-style-type: none"> Lot 73 School Road, Redbank Plains (Lot 73S151854); Lot 69 Cedar Road, Redbank Plains (Lot 69RP861531); Lot 72 Cedar Road, Redbank Plains (Lot 72RP861531); and School Road, Redbank Plains (Lot 1 SP194799). <p>(B) An amendment is required to the text associated with Overlay OV5 to incorporate the updated flood information.</p>	<p>riparian ecology of the waterway; and</p> <p>(C) an assessment, undertaken by a suitably qualified consultant, demonstrates that the reforming of the land does not adversely impact on the overall hydrology and flood capacity of the waterway.</p>

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
44	Table 4.7.1 – Character-Areas Housing Zone	Assessment Category for Single Residential use.	A Single Residential use is currently Code Assessable in the Character-Housing Zone. An amendment is required to enable proposals for a Single Residential Use that involve the change of use of a building which was originally designed for use as a dwelling to be Self Assessable.	That Table 4.7.1 be amended in respect of “Single Residential” to read as follows: “Self Assessable where involving the change of use of a building which was originally designed for use as a dwelling. Code Assessable otherwise.”
45	Zone Map Z16	Change of zone owing to change of ownership and lodgement of development application	The subject site, 70 Old Ipswich Road, Riverview, is currently located within the Special Use (SU7 – Place of Worship and Educational Establishment) Zone. This land has been sold to a private owner and is the subject of a current development application before Council for residential uses.	Remove Lot 2SPI72023, 70 Old Ipswich Road, Riverview, from the Special Uses Zone and include the land wholly within the Residential Low Density (RL2) Zone.
46	Major Centres Zone	Change of centre hierarchy for Karalee.	Work on the Local Growth Management Strategy has revealed a need to review the status of the Karalee centre from a local centre to a major centre to reflect the ultimate growth in the surrounding area.	That a new sub area for the Karalee Primary Business Area be included as a new clause 4.9.4(7) within the Major Centres Zone as per Attachment A1, and that the zoning maps be amended as outlined in Attachment A12.

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
47	Special Opportunity Zone - SA16 Sub Area	Zone changes and hierarchy changes in relation to the land adjoining the Karalee Centre.	Further to item 46 above, it is recommended to amend the Special Opportunity Zone (Sub Area SA16) to reflect the change in status and zoning for the Karalee centre.	That Special Opportunity Area, SA16 Karalee, be amended as per Attachments A12 and A13.
48	Residential Low Density Zone	Zone changes and hierarchy changes in relation to the land adjoining the Karalee Centre.	Further to item 46 above, it is recommended to amend the Residential Low Density Zone (RL2) to reflect the change in status and zoning for the Karalee centre and the approvals for residential development on the nearby lands to the north.	That the following lots are included wholly within the, Residential Low Density (RL2) Zone: Lot 274 SP183103; Lot 71 C3441; Lot 144 S31118; Lot 145 S31118;and Lot 148 S31118.
49	Strategy Map 1 and Strategy Map 2	Amend the Strategy Maps to reflect changes to the status for the Karalee centre.	Amend Strategy Maps 1 and 2 to include reference to the Karalee centre as "Other Major Centres".	That Strategy Maps 1 and 2 be amended to designate the Karalee centre as "Other Major Centres".
50	Section 1.12(1) Clause (iv)	Addition of zone map reference.	Owing to recommended changes to the zoning in and around the Karalee centre, reference to the Major Centres Zone is needed as a result of inclusion of this zone on Zone Map Z8.	That reference to Zone Map Z8 be included in clause 1.12(1)(iv).

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
51	Section 1.12(1) Clause (vii)	Removal of Zone Map reference.	Owing to recommended changes to the zoning in and around the Karalee centre, reference to Zone Map Z8 is required to be deleted from the Local Retail and Commercial clause.	That reference to Zone Map Z8 be removed from clause 1.12(1)(vii).
52	Section 1.13(f) Clause (vi)	Inclusion of a reference to a new sub area.	Owing to recommended changes to the zoning in and around the Karalee centre, reference to the recommended sub area in the Major Centres Zone is required.	That an additional clause in section 1.13(1) be included as follows: “(vi) Sub Area MC7 – Karalee Primary Business Area; and”
53	Section 1.13(m) Clause (vi)	Inclusion of a reference to a new sub area.	Owing to recommended changes to the zoning in and around the Goodna centre, reference to the recommended sub area in the Special Opportunity Zone is required.	That an additional clause in section 1.13(m) be included as follows: “(xiv) Sub Area SA44 – Woogaroo Street, Goodna; and”

TABLE 1: Planning Scheme Amendments Package No 2 of 2007.

No	Section/ Clause No.	Key Issue	Explanation	Recommended Amendments
54	Schedule 2 – Character Places	Addition of a Schedule 2 listing.	At the request of the property owner, it is recommended to add the dwelling house at 1058 Ipswich-Rosewood Road, Rosewood (Lot 1 RP140572) to Schedule 2 – Character Places.	That Schedule 2 – Character Places be amended to include a listing for 1058 Ipswich Rosewood Road, Rosewood (Lot 1 RP140572) as Dwelling House with the extent of significance being ‘whole lot’.
55.	Zone Map Z14.	Current zoning is inconsistent with current land use.	The subject land, 112 Gladstone Road, Coalfalls (Lot 751120729) is currently wholly located within the Recreation Zone. The land is adjacent to Council parkland and Residential Low Density Zoned properties which are currently being used for residential purposes. The subject site is also improved by a single residential dwelling. It is recommended that the subject land be wholly included within the Residential Low Density Zone to achieve consistency with the land use and surrounding residential properties. It should be noted that the subject property is almost totally covered by the 1 in 100 Flood Line. The flooding impacts however are able to be addressed via the flooding overlay map (OV5).	That 112 Gladstone Road, Coalfalls (Lot 751120729) be removed from the Recreation Zone and included wholly within the Residential Low Density (RL2) Zone.

23 March 2007

MEMORANDUM

TO: DEPUTY WORKS MANAGER

FROM: SENIOR ENGINEER

RE: PLANNING SCHEME AMENDMENTS – OVERLAY MAP 5 FLOODING

INTRODUCTION:

This is a report by the Senior Engineer dated 23 March 2007 concerning the amendments to the Overlay Map 5 of the current Planning Scheme.

BACKGROUND:

The current Ipswich Planning Scheme includes Overlay Map 5 which shows flooding constraints. The current map has limitations and needs to be reviewed from time to time. It particularly needs to be reviewed when better base topographic mapping becomes available.

DISCUSSION:

Since the adoption of the current planning scheme in 2005, some anomalies have been identified within the Overlay Map 5 Flooding layers. Also additional works have been carried out to better define the current Q100 flood map within the Ripley Valley Master Planning areas with the latest available better topographic information. More works have also been done within Redbank Plains, Bellbird Park and Brookwater areas for which there were no Q100 map available within the current planning scheme.

The issues related to

- the accuracy of the flood mapping due to different sources of data sets for 1 in 20 and 1 in 100 flood maps and change of topographic information these maps were based on,
- further detailed modelling outcome for the Ripley Valley Master Planning area to redefine the Q100 flood map and
- the extension of 1 in 100 flood maps for the specific areas not covered previously within Redbank Plains, Bellbird Park and Brookwater areas.

Although the various map layers are thoroughly checked, anomalies come to light from time to time. This is particularly the case where the land surrounding particular waterways is flat and it is hard to discern the flood flow paths that might affect existing or proposed development.

The following amendments are proposed in the current planning scheme review:

1. some small amendments to the 1 in 20 development line in the upper reaches of Woogaroo, Goodna, Six Mile, Bundamba, Sandy and Deebing Creeks which do not significantly impact the affected properties rather beneficial as far as 1 in 20 development line concerned as per the Attachments A to G.



Attachment A -
Woogaroo Creek.pdf



Attachment B -
Goodna Creek.pdf



Attachment C - Six
Mile Creek.pdf



Attachment D -
Bundamba Creek.pdf



Attachment E -
Sandy Creek.pdf



Attachment F -
Deebing Creek.pdf



Attachment G -
Goodna.pdf

2. Amendment of 1 in 100 flood map within Ripley Valley Master Planning area by Bundamba Creek upstream of Cunningham Hwy as a result of further technical studies (as shown in Attachments H1 & H2)



Attachment H1 -
Ripley Valley.pdf



Attachment H2 -
Ripley Valley.pdf

3. Extension of 1 in 100 flood line for the upper Six Mile Creek within Redbank Plains area which matches the Green space layer within the South Redbank Plains Planning Study dated November 2006. (as shown in Attachment I)



Attachment I - Six
Mile Creek.pdf

4. Extension of 1 in 100 flood line for the Upper Woogaroo Creek from the current boundary to Augusta Parkway in Bellbird Park/Brookwater based on the flood study done by the developer. (as shown in Attachment J)



Attachment J -
Woogaroo Creek.pdf

5. Inclusion of additional Urban Stormwater Flow Path within Redbank Plains area as shown in Attachment K.



Attachment K.pdf

Since the adoption of the planning scheme, the author and staff of Asset Information Management Section have carried out considerable cross checking of these layers to improve the quality of these data sets. This checking will continue as better surveys, mapping and further flood studies are undertaken.

Please note that the digital information currently saved in R:\ drive to support these amendments is current as of today's date. It should be archived to ensure that a valid copy is kept for future reference.

It should also be noted that there is only limited protection of files stored in the R:\ drive.

RECOMMENDATION:

It is recommended that

- A) the amendments to Overlay Map 5 proposed in this report be included in the current planning scheme review.
- B) the digital information of these layers with today's date be archived to ensure the valid copy is kept for the future reference.


SENIOR ENGINEER

I concur with the recommendations contained in this report.

Andrew Underwood
DEPUTY WORKS MANAGER

I concur with the recommendations contained in this report.


**CHIEF OPERATING OFFICER
ENGINEERING SERVICES
DEPARTMENT**

POLZI Nicole

From: [REDACTED] [REDACTED]@emergency.qld.gov.au]
Sent: Wednesday, 20 June 2007 3:07 PM
To: [REDACTED]
Subject: Ipswich Planning Scheme Amendments

[REDACTED]

the amendments to the Ipswich Planning Scheme proposed by ICC do not raise any issues for the Department of Emergency Services.

[REDACTED]
Strategic Policy
Department of Emergency Services
ph [REDACTED] fx [REDACTED]
GPO Box 1425 BRISBANE QLD 4001
Australia

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[REDACTED]

From: [REDACTED]
Sent: Friday, 17 August 2007 1:16 PM
To: 'iadams@[REDACTED]; [REDACTED]@ipswich.qld.gov.au'
Cc: [REDACTED]
Subject: Ipswich amendments

Hi

Please find attached the State comments on Amendment package 2 of 2007. It would be appreciated if Council could provide a response to the issues raised.

If you have any questions please don't hesitate to contact me or [REDACTED]. As you may be aware I will be on leave for a year as of today. The principal planner contact for Ipswich is [REDACTED] (ph [REDACTED]) or you can contact [REDACTED].

Sorry for the delay in sending the comments.

Thanks [REDACTED]



2007 STATE
AGENCY COMMENTS IC

[REDACTED]
Senior Planner
Statutory Planning Branch
Sustainable Planning
Department of Local Government, Planning, Sport and Recreation
Level 14, 41 George Street, Brisbane
Ph: [REDACTED]
Fax: [REDACTED]

TABLE 1
FIRST STATE INTEREST REVIEW
COMMENTS TO Ipswich City Council from State Agencies

PROPOSED AMENDMENT PACKAGE No. 2 of 2007

The attached table comprises the whole-of-Government response to your proposed draft planning scheme. Each comment has been categorised and where appropriate comment has been provided. All issues of State Interest must be addressed in the table in the Local Government column and appropriate amendment made to the proposed draft scheme. A 'marked-up' copy and a clean' copy of the proposed draft scheme will be required to be resubmitted to the DLGP prior to determining whether or not the scheme is suitable for public notification.

The table is comprised of the following columns:

Section
Document Reference (i.e. Assessment Table x), the section and the relevant page number.
Interest / Comment
Issues of interest or comments.

Suggested Solution /
Outcomes sought
Category
A suggested solution in terms of outcomes sought or further course of action, if provided.

State Interests - review issues requiring a response by local government	
Statutory Interest Any statutory or legal obligation of the State that must be either given effect through the planning scheme or should not be adversely affected by the scheme.	A matter that requires the application of best practice principles, principally in terms of: <ul style="list-style-type: none"> • State agency interests; including draft SPPs and those SPPs with insufficient mapping or information to be adequately reflected, and • DLGP interests which relate to scheme workability, contemporary planning practice and clarity. These matters should be incorporated into the proposed planning scheme.
Advice Issues for information	
Editorial Typographical or grammatical errors.	
For information For the local government to note.	
Non-scheme Issue Matters that cannot be dealt with through the planning scheme.	

FIRST STATE INTEREST REVIEW
COMMENTS FROM STATE AGENCIES – ICC AMENDMENT PACKAGE 2 of 2007

Item	Section [Document/section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
Office of Urban Management Contact: [redacted] Phone: [redacted]	The State and regional matters identified in the SEQ Regional Plan are not adversely affected by the proposed amendments.					
Emergency Services Contact: [redacted] Phone: [redacted]	No comments.					
Powerlink Queensland Contact: [redacted] Phone: [redacted]	No comments.					
Department of Housing Contact: [redacted] Phone: [redacted]	No comments.					
Department of Natural Resources and Water Contact: [redacted] Phone: [redacted]						
1.	Item no 24 in amendment table (ie. Table 11.4.4 and Table 12.4.1	NRW does not oppose the proposed amendment outlined however the acceptable/probable solution in table 12.4.1 indicates the removal of vegetation for bona fide, existing and ongoing agricultural or animal husbandry activities can be achieved through, amongst other solutions, the management of understorey vegetation to maintain existing grazing activities. The clearing of vegetation administered under the <i>Vegetation</i>	Although the planning scheme's Vegetation Management Code outlines that the VMA still applies despite the planning scheme, it may be beneficial to include reference to the VMA under 3(b) of the planning scheme table 12.4.1	For information		

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
2.	item no 33 in amendment table (Zoning map Z17)	<p><i>Management Act 1999</i> (VMA) requires a permit unless it is identified as an exempt activity under Schedule 8 of IPA.</p> <p>Lot 1 on SP178 contains areas of <i>Endangered Regional Ecosystems</i> and should not be included in areas that involve zoning for further development and its possible destruction.</p>	NRW is satisfied that the new zoning (Regional Business Industry Buffer) will provide the remnant vegetation with protection from inappropriate uses and zoning.	For information		
Department of Main Roads Contact: [REDACTED] Phone: [REDACTED]						
3.	Map 4.9.2 Building Setbacks	The building setback map shows a setback of only 4m from the Ipswich Motorway. A setback of 6m required for all land adjacent to the Ipswich Motorway would preserve the long term function of the corridor as a State Controlled Road	By requiring a 6m setback in the planning scheme will reduce the potential for building acquisition when upgrading State controlled roads.	State Interest		
4.	Karalee proposed zoning map extract	The proposed Moggill Pocket Arterial Road and Warrego Highway upgrade is not depicted according to Main Roads planning.	Please find attached sketch which shows additional area to be included in the Special Uses (SU69 Road Purposes) areas to be more accurately reflect Main Roads planning. 4.94 (4)(a)(v)(B) and Figure 4.9.4 – proposed signalisation of intersection at Smiths Road, Mill Street, Church St, Queen St. Given proximity to the Ipswich Motorway, appropriate traffic analysis and consultation with Main Roads is required to determine and address potential traffic impacts on Ipswich Motorway and the local network prior to constructing	State Interest		

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
5.	Other issues	4.9.4 (4) (l) & (m) new accesses to Brisbane Road (motorway service road) will be discharged in order to protect the function of the service road to Ipswich Motorway.	intersection works. 4.9.3 (12)(b) replace "access" with "areas"	For information		
Environmental Protection Agency						
Contact: [REDACTED] Phone: [REDACTED]						
6.	4.3.3(3) Specific Outcomes for the Urban Areas, as a whole – Environmental Management (item 2 in table)	The inclusion of vegetated values in 4.3.3 is supported. This is an opportunity to not just retain valuable vegetation but to also protect it from activities such as edge effects and fire. Such protection could facilitate best practice management such as the inclusion of buffers and recognition of connectivity to other vegetation.	Amend clause 4.3.3(3)(d): "Vegetated areas with strong scenic amenity or biodiversity values are retained and protected in development sites as open space areas, large lots or expanded road reserves."	State interest		
7.	Planning Scheme Policy 2 – Information Local Government may Request (6A) (Item 3 in table)	Reference to biodiversity values such as nests and hollows in trees is supported; however this could be expanded to include food trees.	Amend Clause (6A)(d) on Planning Scheme Policy 2 to read: "(d) identifies any biodiversity values such as nests, hollows or food trees."	For information		
Queensland Transport						
Contact: [REDACTED] Phone: [REDACTED]						
8.	page 4-87 Section 4.9.3 (171)		Recommend: Insert "end of trip cycle facilities" in the following statement to read as: (l) promotes community safety, with particular attention to landscaping, building location	State interest		

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
9.		The rail corridor has not been shown to its full extent, in particular the Goodna station is shown as "Major Centre". Rail corridors should be zoned as Community Facilities or Special Use so that noise-sensitive uses adjacent to the station are protected by appropriate measures to reduce noise impacts to an acceptable level.	and design , lighting and pedestrian movement, end of trip cycle facilities , public transport and car parking facilities Amend the Goodna Zoning plan to show the rail corridor as Special Uses.	State interest		
10.	page 4-94 (f) Access and Circulation (vi)	The connectivity of the centre is strongly contingent on the development of the new green bridge across the Ipswich Motorway. This infrastructure is not a committed Queensland Transport project and is not indicated in SEQIPP.	Ipswich City Council should demonstrate how the intent of the draft plan can be delivered without clear commitment to provision of the new Green Bridge - pedestrian / cycle link.	For information		
Department of Local Government, Planning, Sport and Recreation Contact: [redacted] or [redacted] Phone: [redacted] or [redacted]						
11.	Table 4.7.1 – Character-Areas Housing Zone (Item 44 in Council table)	Self assessable categorisation in the table should be clear and easily measurable. Concern with the wording of the self assessable categorisation of "single residential" to be self assessable "where involving the change of use of a building which was originally designed for use as a	How will Council know whether the building was originally "designed" for use as a dwelling? Is this easily known and measurable? The wording could be changed to make it clearer and more measurable.	For information		

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
12.	Zone Map Z16 (item 45 in Council table)	dwelling". It is noted Council wishes to change the zoning of the land due to a change in the owner and due to the lodgement of a current development application before Council.	Is this development application now approved and all appeal periods lapsed? If the application has been approved by Council and there is no appeal lodged, DLGPSR has no issue with the change of zoning.	For information.		

TABLE 1
FIRST STATE INTEREST REVIEW
COMMENTS TO Ipswich City Council from State Agencies

PROPOSED AMENDMENT PACKAGE No. 2 of 2007

The attached table comprises the whole-of-Government response to your proposed draft planning scheme. Each comment has been categorised and where appropriate comment has been provided. All issues of State Interest must be addressed in the table in the Local Government column and appropriate amendment made to the proposed draft scheme. A 'marked-up' copy and a clean' copy of the proposed draft scheme will be required to be resubmitted to the DLGP prior to determining whether or not the scheme is suitable for public notification.

The table is comprised of the following columns:

- Section**
 - Document Reference (i.e. Assessment Table x), the section and the relevant page number.**
 - Interest / Comment**
 - Issues of interest or comments.**
 - Suggested Solution/**
 - Outcomes sought**
 - Category**
- A suggested solution in terms of outcomes sought or further course of action, if provided.**

State Interests - review issues requiring a response by local government	
Statutory Interest Any statutory or legal obligation of the State that must be either given effect through the planning scheme or should not be adversely affected by the scheme.	
Other Interest A matter that requires the application of best practice principles, principally in terms of: <ul style="list-style-type: none"> • State agency interests; including draft SPPs and those SPPs with insufficient mapping or information to be adequately reflected, and • DLGP interests which relate to scheme workability, contemporary planning practice and clarity. These matters should be incorporated into the proposed planning scheme.	
Advice Issues for Information	
Editorial Typographical or grammatical errors.	
For Information For the local government to note.	
Non-scheme issue Matters that cannot be dealt with through the planning scheme.	

FIRST STATE INTEREST REVIEW
COMMENTS FROM STATE AGENCIES – ICC AMENDMENT PACKAGE 2 of 2007

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
	Office of Urban Management Contact: [REDACTED] Phone: [REDACTED]	The State and regional matters identified in the SEQ Regional Plan are not adversely affected by the proposed amendments.				
	Emergency Services Contact: [REDACTED] Phone: [REDACTED]	No comments.				
	Powerlink Queensland Contact: [REDACTED] Phone: [REDACTED]	No comments.				
	Department of Housing Contact: [REDACTED] Phone: [REDACTED]	No comments.				
	Department of Natural Resources and Water Contact: [REDACTED] Phone: [REDACTED]					
1.	Item no 24 in amendment table (ie. Table 11.4.4 and Table 12.4.1	NRW does not oppose the proposed amendment outlined however the acceptable/probable solution in table 12.4.1 indicates the removal of vegetation for bona fide, existing and ongoing agricultural or animal husbandry activities can be achieved through, amongst other solutions, the management of understorey vegetation to maintain existing grazing activities.	Although the planning scheme's Vegetation Management Code outlines that the VMA still applies despite the planning scheme, it may be beneficial to include reference to the VMA under 3(b) of the planning scheme table 12.4.1	For information	A note box to be included in Table 12.4.1, Column 2, at the end of section 3(b) as follows: Note 1: Approval under the planning scheme does not convey approval pursuant to State legislation, including the Nature Conservation Act 1992; the Vegetation Management Act 1999;	

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
2.	item no 33 in amendment table (Zoning map Z17)	Lot 1 on SP178 contains areas of <i>Endangered Regional Ecosystems</i> and should not be included in areas that involve zoning for further development and its possible destruction.	NRW is satisfied that the new zoning (Regional Business Industry Buffer) will provide the remnant vegetation with protection from inappropriate uses and zoning.	For information	and the Environmental Protection and Biodiversity Conservation Act 1999 and applicants need to make their own enquiries regarding such acts. Existing Note 1 amended to read Note 2.	
Department of Main Roads Contact: [REDACTED] Phone: [REDACTED]						
3.	Map 4.9.2 Building Setbacks	The building setback map shows a setback of only 4m from the Ipswich Motorway. A setback of 6m required for all land adjacent to the Ipswich Motorway would preserve the long term function of the corridor as a State Controlled Road	By requiring a 6m setback in the planning scheme will reduce the potential for building acquisition when upgrading State controlled roads.	State Interest	The setback is to an existing service road. There are existing buildings already located within six (6) metres of the road alignment, including some buildings actually on the alignment. The four (4) metre wide setback is preferred from an urban design perspective.	
3A			4.94 (4)(a)(iv)(B) and Figure 4.9.4 – proposed signalisation of intersection at Smiths Road, Mill Street, Church St, Queen St. Given proximity to the Ipswich Motorway, appropriate traffic		Regarding the possible signalisation of the of intersection at Smiths Road, Mill Street, Church St, Queen St, and other	

Item Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
4.	Karalee proposed zoning map extract	The proposed Moggill Pocket Arterial Road and Warrego Highway upgrade is not depicted according to Main Roads planning.	Please find attached sketch which shows additional area to be included in the Special Uses (SU69 Road Purposes) areas to be more accurately reflect Main Roads planning.	State Interest	<p>key transport network elements, it was always intended that further detailed technical reports would be prepared and that further consultation would occur with key state agencies such as the DMR and QT. In order to clarify the matter it is proposed that an additional note be added to the end of section 4.9.4(4)(a)(iv) to read as follows:</p> <p>NOTE 4.9.4G: Further detailed technical reports will need to be prepared and further consultation undertaken with key state agencies regarding any transportation works which may affect the State controlled road network.</p> <p>In relation to Karalee, it should be noted that the proposed amendments refer only to the Karalee centre. The proposed Moggill Pocket Arterial simply happens to be on the same zoning map extract. It should also be noted that the actual land included within the existing SU69 zone</p>

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
5.	Other issues	4.9.4 (4) (l) & (m) new accesses to Brisbane Road (motorway service road) will be discharged in order to protect the function of the service road to Ipswich Motorway.	4.9.3 (12)(b) replace "access" with "areas"	For information	refers to information provided to Council at the time the current planning scheme was prepared. Increasing the area of land included in the SU96 zone may expose Council to compensation from the current land owners. It is therefore considered that the draft zoning map should not be amended.	
Environmental Protection Agency Contact: [REDACTED] Phone: [REDACTED]						
6.	4.3.3(3) Specific Outcomes for the Urban Areas, as a whole – Environmental Management (item 2 in table)	The inclusion of vegetated values in 4.3.3 is supported. This is an opportunity to not just retain valuable vegetation but to also protect it from activities such as edge effects and fire. Such protection could facilitate best practice management such as the inclusion of buffers and recognition of connectivity to other vegetation.	Amend clause 4.3.3(3)(d): "Vegetated areas with strong scenic amenity or biodiversity values are retained and protected in development sites as open space areas, large lots or expanded road reserves."	State interest	The requested change requires that all vegetation that meets these requirements must be kept. This is an unrealistic requirement. The proposed amendments state 'where possible'. This is considered to be a more suitable outcome as it allows flexibility and allows for the highest and best use of the land to be achieved.	
7.	Planning Scheme Policy 2 – Information	Reference to biodiversity values such as nests and hollows in trees is	Amend Clause (6A)(d) on Planning Scheme Policy 2 to read:	For information	Noted. It is agreed that clause 6(A)(d) in PSP2	

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
	Queensland Transport Contact: [REDACTED] Phone: [REDACTED]					
8.	page 4-87 Section 4.9.3 (171)		<p>Recommend: Insert "end of trip cycle facilities" in the following statement to read as: (1) promotes community safety, with particular attention to landscaping, building location and design , lighting and pedestrian movement, end of trip cycle facilities, public transport and car parking facilities</p>	State Interest	Noted. It is agreed that clause 4.9.3 (171)(l) should be amended as suggested.	
9.		The rail corridor has not been shown to its full extent, in particular the Goodna station is shown as "Major Centre". Rail corridors should be zoned as Community Facilities or Special Use so that noise-sensitive uses adjacent to the station are protected by appropriate measures to reduce noise impacts to an acceptable level.	Amend the Goodna Zoning plan to show the rail corridor as Special Uses.	State Interest	Rail corridor noise issues are adequately addressed through section 11.4.16 of the planning scheme and Overlay Map OV14 (see attached extract, Attachment A from the planning scheme). Therefore, it is not necessary to amend the proposed zoning. It should be further noted that the Goodna Railway Station site comprises a key potential development site which would significantly assist in the	

Item	Section [Document/ section and page number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
10.	page 4-94 (f) Access and Circulation (vi)	The connectivity of the centre is strongly contingent on the development of the new green bridge across the Ipswich Motorway. This infrastructure is not a committed Queensland Transport project and is not indicated in SEQIPP.	Ipswich City Council should demonstrate how the intent of the draft plan can be delivered without clear commitment to provision of the new Green Bridge - pedestrian / cycle link.	For information	It is considered that the addition of the proposed new Note 4.9.4G as mentioned above in respect to item 3A will also help clarify this matter.	
Department of Local Government, Planning, Sport and Recreation Contact: [REDACTED] Phone: [REDACTED]						
11.	Table 4.7.1 – Character-Areas Housing Zone (Item 44 in Council table)	Self assessable categorisation in the table should be clear and easily measurable. Concern with the wording of the self assessable categorisation of “single residential” to be self assessable “where involving the change of use of a building which was originally designed for use as a dwelling”.	How will Council know whether the building was originally “designed” for use as a dwelling? Is this easily known and measurable? The wording could be changed to make it clearer and more measurable.	For information	Council officers have extensive knowledge about historic building typologies in Ipswich. It is in fact readily apparent which pre-WWII buildings in Ipswich were originally designed for single residential use.	
12.	Zone Map Z16 (item 45 in Council table)	It is noted Council wishes to change the zoning of the land due to a change in the owner and due to the lodgement	Is this development application now approved and all appeal periods lapsed? If the application has been	For information.	The application is currently in the information request stage. The	

Item Section [Document/ number]	Interest/ Comment & Legislative/ Policy Basis	State Agency Suggested Solution / Outcomes Sought	DLGP Categorisation	Council Comments	DLGP response
	of a current development application before Council.	approved by Council and there is no appeal lodged, DLGPR has no issue with the change of zoning.		proposed change to the zone of this land relates to a change of ownership and the development proposal. It is important to note that the land has changed ownership from the church/school (which warranted the 'current' zoning) to a land development company. Therefore, owing to the change of ownership, size (approx 4 ha) and shape of the land, the proposed zone is considered to be suitable.	

11.4.16

Rail Corridor Noise Impact Management

NOTE 11.4.16A

11	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
12	The station is to be located at the location shown on the map in the Appendix.
13	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
14	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
15	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
16	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
17	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
18	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
19	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).
20	The location of the station is to be determined by Map OV14 which shows a rail corridor within the town of the site and a likely location for the station (see also the map in the Appendix).

(1)

Specific Outcomes

- (a) New uses, works and reconfigurations (where creating more than one additional lot) are designed, sited and constructed to ensure—
 - (i) interior noise levels within noise sensitive uses do not adversely impact on the uses' primary function; and
 - (ii) the wellbeing of occupants including their ability to sleep, work or otherwise undertake quiet enjoyment without unreasonable interference from rail noise.
- (b) Buildings are also sited, designed and constructed to achieve a high standard of urban design, inclusive of properly addressing the street frontage and achieving climate control, energy efficiency and crime prevention through environmental design outcomes (e.g. through facilitating casual surveillance).
- (c) Where vegetation exists between the intended location of a residential use or other sensitive uses and the rail corridor, the existing vegetation is retained and where possible, supplemented to provide a screen to the noise and visual impacts of the rail corridor.

(2)

Probable Solutions – for sub-section (1)(a)

- (a) Uses and works for dual occupancies, multiple residential, institutional residential, temporary accommodation, medical centre or community use achieve average L_{max} (10.00 p.m. – 6.00 a.m.) not greater than 50 dB(A). This should be achieved within bedrooms, living areas and noise sensitive areas of non-residential uses through—
 - (i) siting as far as possible away from the rail corridor noise source; or
 - (ii) reducing infiltration of noise through the use of roof and wall insulation, mechanical ventilation, thickened glass, double glazing of windows and doors; or
 - (iii) reducing noise infiltration by locating bedrooms and living areas and orienting openings (e.g. windows and doors) away from the rail corridor noise source; or
 - (iv) incorporating noise attenuation barriers such as earth mounds, landscaping and fences or walls without gaps between the noise source and the use; or
 - (v) in the Rural Locality, siting, where possible, outside of the area identified on Map OV14 or adopting the solutions detailed in 2(a)(i) to (iv), as outlined above.
- (b) Reconfiguration of Lots, (where creating more than one additional lot), incorporate noise attenuation barriers such as earth mounds, landscaping and fences or walls without gaps, between the rail noise source and the lots.

OV14_Railway_Noise_Buffer.pdf



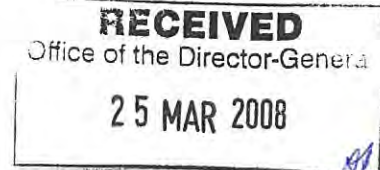
Overlay Map OV14

NOTE: This map is a technical drawing of the proposed railway alignment and is not intended to be used as a guide for navigation. It is intended for use by the railway authority and other interested parties. The map is a technical drawing of the proposed railway alignment and is not intended to be used as a guide for navigation. It is intended for use by the railway authority and other interested parties.

ARC8066

TPA22961/11

DEPARTMENT OF INFRASTRUCTURE AND PLANNING BRIEF FOR DECISION



Our Ref: TN128254/MC08.238
Date: 7 March 2008
TO **Deputy Premier and Minister for Infrastructure and Planning**
FROM Planning Group
SUBJECT Proposed amendment package 2/2007 for Ipswich City Council Planning Scheme
Requested by Departmentally Generated
Decision required by N/A

RECOMMENDATIONS

- That you **agree** state interests have been considered in respect to the proposed amendments and allow Ipswich City Council to publicly notify the proposed amendments, conditional upon changes to Map 4.9.2 (Building Setback) to reflect state interests raised by the Department of Main Roads (DMR).
- That you **sign** the attached letters to Ipswich City Council, Councillor Paul Pisasale, Mayor, and Mr Carl Wulff, Chief Executive Officer, about this matter (**Attachment 1**).

BACKGROUND SUMMARY

- The amendment package relates to the outcomes of the Goodna Town Centre Master Plan adopted by Council in February 2007, as well as a number of other operational matters. The key matters addressed by the amendment package involve:
 - amendments to the Major Centres Zone and Special Opportunity Zone to recognise Karalee as a Major Centre in line with the draft Local Growth Management Strategy
 - amendments to environmental planning provisions
 - definition of Ebenezer-Willowbank Precincts, and changes to the assessment table to facilitate minor motor sports industries
 - amendments to the Major Centres Zone to incorporate the outcomes of the Goodna Town Centre Master Plan, and to use terminology consistent with the South East Queensland Regional Plan
 - other minor operational amendments.

ISSUES

- For the initial consideration of state interests and approval to commence public notification, the Department of Infrastructure and Planning coordinated a whole-of-Government review of the proposed amendments.

- Two contentious issues raised by the DMR needed to be resolved:
 1. A precinct map which showed changes to designation for land in the vicinity of Karalee activity centre was included in the amendment package. The DMR requested this map also show parts of areas currently designated as commercial as special purposes (future road corridor) in order to preserve land potentially required for the mooted Ipswich Bypass Road.

In response, Council argued that this was not part of the purpose of the amendment package, and would potentially expose Council to compensation costs. Given the doubt surrounding the actual location of the arterial road, DMR acknowledged Council's concerns and agreed to withdraw the request to amend the zoning adjacent to Karalee until such time as there is more certainty regarding the bypass. Accordingly, DMR's preference now is for the planning scheme to reflect current roads planning, which it does with this amendment.
 2. The amendment package (**Attachment 2 Map 4.9.2 – Building Setback**) showed a reduction in development setbacks on the Ipswich Motorway in the vicinity of the Goodna Bypass as being reduced from six metres to four metres. The DMR objected on the basis it could not consider this proposal until such time as the bypass works were completed. The proposal is also inconsistent with the Goodna Town Centre Master Plan (Figure 7.10), which generally shows a setback from the Ipswich Motorway of six metres. Ipswich City Council has agreed to change the development setback back to six metres if it is a condition of your approval to publicly notify the scheme amendments; but Map 4.9.2 will need to be changed to reflect this prior to the amendment package being publicly notified.
- Departmental officers consider that, conditional to point 2 above being addressed, the proposed amendment will not adversely affect state interests. The proposed amendments will enhance the clarity and interpretation of the Ipswich City planning scheme ensuring there is an efficient, effective and accountable planning system and will assist Council to achieve its stated policy outcome.

CONSULTATION WITH STAKEHOLDERS

The amendments were provided to the following state agencies for comment:

- Department of Housing
- Department of Main Roads
- Department of Natural Resources and Water
- Environmental Protection Agency
- Energex
- Powerlink Queensland
- Queensland Transport
- Office of Urban Management
- Department of Emergency Services.

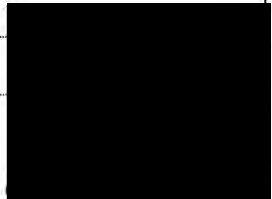
FINANCIAL IMPLICATIONS

- Nil

POTENTIAL MEDIA

- Nil

NOTED or APPROVED / NOT APPROVED
Deputy Premier and
Minister for Infrastructure and Planning
Comments



Paul Lucas
Deputy Premier and
Minister for Infrastructure and Planning

Principal Advisor

Policy Advisor

3/4/08

1 1

3/4/08

Political Representatives

Local Government

N/A

State Government

N/A

Federal Government

N/A

2/3/3

Contact Officer:

Principal Planner

27 / 02 / 08

Approved:

Executive Director

9/3/08

Endorsed:

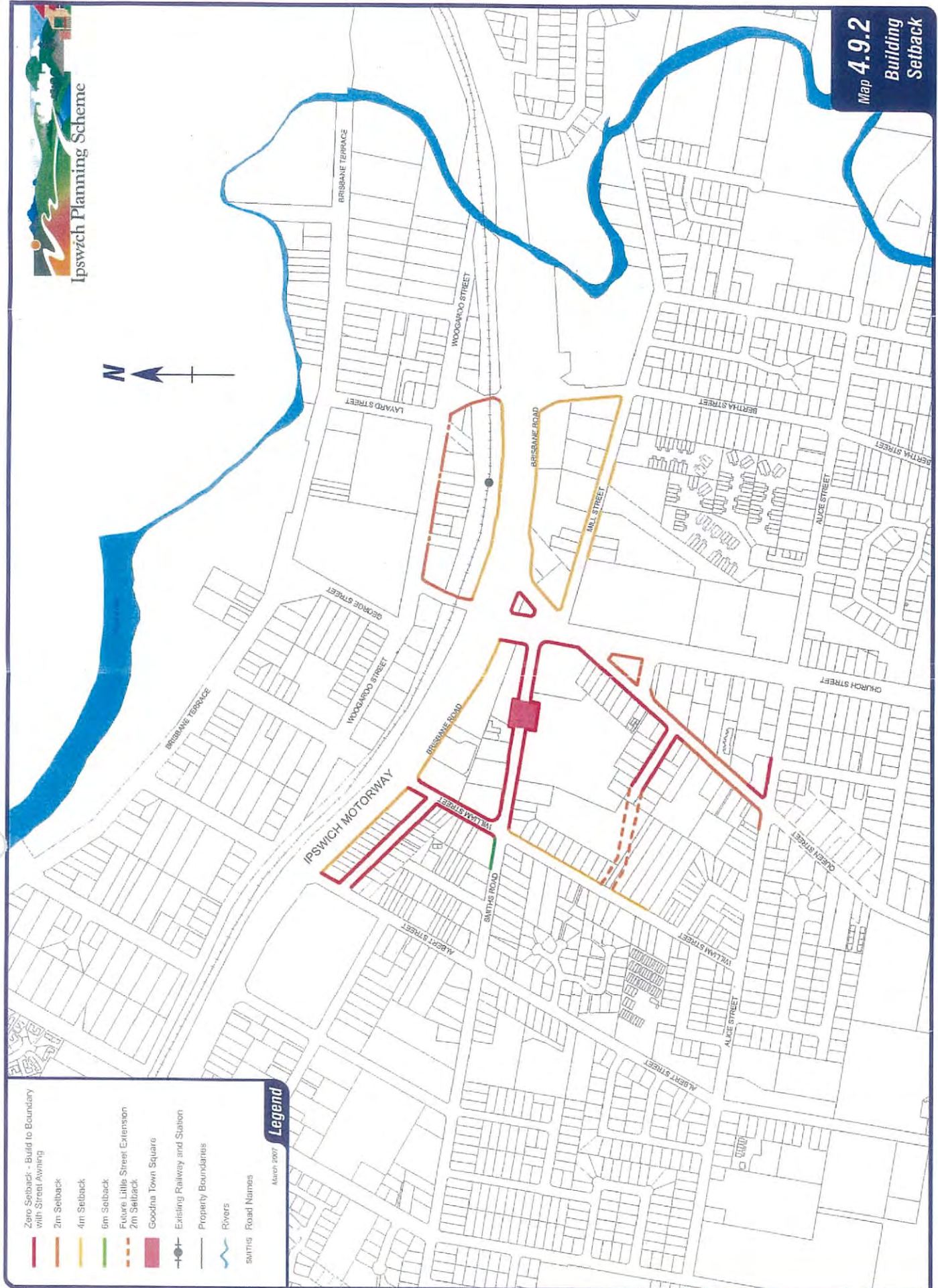
Coordinator-General
Director-General

1/4/08

Election Commitment

CBRC / Cabinet related

ECM related



- Zero Setback - Build to Boundary with Street Awning
- 2m Setback
- 4m Setback
- 6m Setback
- Future Little Street Extension
- 2m Setback
- Goodna Town Square
- Existing Railway and Station
- Property Boundaries
- Rivers
- SMITHS Road Names

March 2007
Legend



Ipswich

City Council

1 May 2007

Your Reference:

Our Reference:

Contact Officer: GKN:GKN

Telephone No.: [REDACTED]

Dear [REDACTED]

Re: Ipswich Planning Scheme - Planning Scheme Amendments Package No. 2 of 2007

I wish to advise that at its meeting on 17 April 2007, Council resolved to propose amendments to the planning scheme pursuant to Section 9 (2) of Schedule 1 of the *Integrated Planning Act 1997*.

Copies of the relevant planning scheme documentation are hereby forwarded to the Minister for 'consideration of State Interests' pursuant to Section 9 (3) of Schedule 1 of the Act.

I have included:-

- 4 'hard copies' of the amendment documents; and
- 1 'electronic copy' of the amendments.

I look forward to working with you to expedite the State Interests Review and to progress the plan making process.

Yours sincerely,

[REDACTED]
John Adams
PLANNING MANAGER

Attachment 1: Four (4) Hard Copies of the amendment documents

Attachment 2: One (1) compact disc including electronic copy of the amendment documents

[REDACTED]
South Queensland Statutory Planning Team
Department of Local Government, Planning,
Sport and Recreation
PO Box 15031 city east
BRISBANE QLD 4000

Please Address All Correspondence to:
Chief Executive Officer
Ipswich City Council
A.B.N. 61 461 981 077
PO Box 191 Ipswich Qld 4305
Telephone: [REDACTED]
Facsimile: [REDACTED]
Email: [REDACTED]@gil.com.au
Website: www.ipswich.qld.gov.au

Your reference [REDACTED]
Our reference [REDACTED]
Contact Officer [REDACTED]
Telephone [REDACTED]



Ipswich City Council

45 Roderick St
PO Box 191
Ipswich QLD 4305
Australia

Tel [REDACTED]
Fax [REDACTED]
Email [REDACTED]@ipswich.qld.gov.au
Web www.ipswich.qld.gov.au

Attention: [REDACTED]
Department of Infrastructure and Planning
PO Box 15009 City East,
Queensland 4002

22 August 2008

Dear [REDACTED],

Re: Planning Scheme Amendment Package 02/2007

I wish to advise that at its meeting of 19 August 2008 Council considered submissions, received from the public and internal Council departments, made during the public display of the proposed amendments to the Ipswich Planning Scheme.

In addition to the public submissions received:

- a zoning irregularity has been identified in the vicinity of Layard Street, Goodna where the Character Areas – Mixed Use Zone is proposed to be expanded into an area where there are no dwellings or commercial operations of heritage significance. It is now proposed that the land in the vicinity of Layard Street, Goodna retain its current Residential Low Density (RL2) Zoning; and
- Council has been made aware that the Australian Post Office at 45 Queen Street and 45A Queen Street, Goodna is in the process of being sold to private interests. The current zoning of the land is Special Uses – Postal Service (SU46). As the use of the site for Postal Services is being discontinued it is proposed that the land be included in the new zone proposed for the surrounding land, i.e. Major Centres – Goodna Secondary Business Area – Queen Street West (MC457).

The proposed amendments are generally in accordance with the Goodna Town Centre Master Plan and planning scheme amendment provided to your department on 1 May 2007.

On 4 April 2008 correspondence was received from the Minister advising that Council could advertise the proposed planning scheme amendments subject to one (1) condition (amending Map 4.9.2 – Building Setback – be changed to show development setbacks along the Ipswich Motorway as being six metres)..

Attachment A includes the planning report which:

- provides an overview of the display process for the proposed amendments to the Ipswich Planning Scheme;
- outlines the submissions received in relation to the proposed amendments to the Ipswich Planning Scheme;
- provides an assessment of the various issues raised in relation to the proposed amendments to the Ipswich Planning Scheme; and
- recommends actions relating to the submissions received.

The documents are hereby forwarded to the Minister for final 'consideration of State Interests' pursuant to Schedule 1 of the *Integrated Planning Act*.

I look forward to working with you to expedite the final State Interests Review and to progress the plan making process as a matter of urgency in order to ensure the continued operational efficiency of the Ipswich Planning Scheme.

I look forward to receiving confirmation that Council may proceed to the final adoption of the planning scheme amendments following the final State Interest Review.

If you require any further information please contact [REDACTED] direct on [REDACTED].

Yours sincerely,

[REDACTED]

ACTING STRATEGIC PLANNING MANAGER

List of Attachments

Attachment A – Planning Report x 4 (including outline of public display and submissions received)

Attachment B – Electronic Copies x1

Submission 13

Name & Contact

Engineering Services
PO Box 191
Ipswich QLD 4305



Submission 13

Précis & Key Issues

It is requested that the following additional amendments be considered for the OV5 overlay.

1. Nos. 22 & 24 Sydney Street, Brassall. Following representations from the public, the extent of the existing urban overland flow path over the nominated properties was investigated. It was found that there were grounds for removing the existing urban stormwater flowpath over the nominated properties - except in the case of significant stormwater flows (which would affect all the adjoining properties), stormwater flowing from Bays Ct over the road reserve and adjacent properties i.e. Nos 7 & 9 Bays Ct - would be captured by and directed down a channel on the existing drainage reserve. The amended overlay is presented in Attachment L.
2. Alawoona Street, Redbank Plains. Representations were made from within Council concerning the proposed extension of the existing urban stormwater flowpath (shown on Attachment K) south of Alawoona Street. After investigation it was found that the affected land in the interim has been the subject of development works and is now subdivided. As a result the topography and hence the pre-development flow regime has now been modified by the development approval and the flowpath extension can no longer be applied. The amended overlay is presented in Attachment K (rev1).
3. Blackstone. Two inconsistencies has been identified on Lot 539SL12536/Lot 177M3162 and Lot 3RP110483/Lot 1RP22473 between the extents of the Q100 and Q20 OV5 overlays. The effect of the inconsistencies have been that 2 apparent "islands" have been created in the Q100 overlay (shown on Attachment D). As this is not consistent with the Q20 flood overlay, it is recommended that the Q100 overlay be amended to remove these items. The amended overlay is presented in Attachment D (rev1).

Strategic Planning Branch Comments

This submission is concurred with.

City Planner's Recommendations

- A. That Overlay Map OV5 be further modified as outlined in the above submission.
- B. That the submitter be advised of Council's decision.

Submission 13

Name & Contact

[Redacted Name]

Engineering Services

PO Box 191

Branch SL14305



Submission 13

Précis & Key Issues

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This submission is concurred with.

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- A. That Overlay Map OV5 be further modified as outlined in the above submission.
- B. That the submitter be advised of Council's decision.



Brisbane City Council

ABN 72 002 765 795

Contact name: [REDACTED]
Phone: [REDACTED]
Fax direct: [REDACTED]
Our ref: 460/2(169)

City Planning
Urban Management Division
Level 16 69 Ann Street
Brisbane Qld 4000
GPO Box 1434 Brisbane Qld 4001



11 June 2004

The Honourable Desley Boyle
Minister for Local Government and Planning
PO Box 31
BRISBANE ALBERT STREET
QLD 4002



Attention: [REDACTED] Planning Services

Dear Minister,

Re: First State Interest Review – Mid 2004 City Plan Amendment Package

At its meeting of 8 June 2004, Council resolved to amend the Brisbane City Plan 2000 in accordance with the proposed Mid 2004 City Plan amendment package. The proposed amendments include:

- Updated references to new or amended State legislation
- Setting a maximum building height for developments in Multi-purpose and Special Purpose Centres and select Local Plans, and clarification of related definitions
- Introduction of a new precinct in the Bowen Hills Local Plan
- Amendments to New Farm and Teneriffe Hill Local Plan to improve structure and clarification of design guidelines for houses
- Amendments to New Farm and Teneriffe Waterfront Local Plan to improve structure and retention of existing light industrial activities, and clarification of precinct intents
- Introduction of location and design criteria for school driveways
- Amendments to ensure the level of assessment for small lot houses in Emerging Community Area is consistent with other Area classifications
- A change to the Area classification of a car park in Sandgate from Parkland Area to Multi-purpose Centre, and consequential change to Sandgate District Local Plan.

Copies of the amendment package are attached, along with a copy of Council's resolution. An electronic copy of the package has also been forwarded to the Department.

In accordance with Section 11(2) of the Schedule, could you please advise whether any State interests are adversely affected by the proposed amendments, and when statutory notification of the draft amendments may commence.

Should you wish to discuss any of the proposed changes, please do not hesitate to contact [REDACTED] of City Planning Branch or [REDACTED].

Yours sincerely

[REDACTED]
James Coutts
A/Manager City Planning
URBAN MANAGEMENT DIVISION

Attach:

COPY

DECISION OF THE BRISBANE CITY COUNCIL

ESTABLISHMENT AND CO-ORDINATION Committee's Recommendation of
31 May 2004

Presented to Council: 8 JUNE 2004; and ADOPTED

D MID 2004 AMENDMENTS TO THE BRISBANE CITY PLAN 2000
460/2(169)

43. The Acting Divisional Manager, Urban Management Division, provides the following background information in relation to this matter.
44. The Mid 2004 City Plan amendment package contains seven key areas of change to the Brisbane City Plan 2000, being:

Amendments to reflect recent amendments to State Legislation and State Planning Policies

2007 The State Government has recently updated the *Queensland Heritage Act* and *Child Care Act* and adopted two new State Planning Policies on acid sulfate soils and disaster mitigation. To ensure the plan is consistent with the new legislation, it is necessary to update the relevant sections of the plan.

Setting maximum building heights for development in Multi-purpose and Special Purpose Centres and select Local Plans and clarifying related definitions

Most design Codes in City Plan limit the height of building to both a maximum number of storeys and a maximum number of metres above ground level. In the Centre Design Code and 19 Local Plans, building height is only measured in storeys. These amendments nominate a maximum height in metres for all development, ensuring consistency in the determination of building height across the city. Related definitions have also been amended to clarify what constitutes a 'Ground storey' and a 'Storey'.

Amendments to Bowen Hills Local Plan to include a new precinct, improve retention of light industrial activities and to clarify open space provisions

There is pressure in the Bowen Hills area to redevelop existing light industrial uses for residential purposes. Council studies have indicated that there is shortfall of industrial land in the area and that existing light industrial activities must be retained. The amendments include new precinct intents, levels of assessment and Code provisions to protect the existing industrial areas.

Amendments to New Farm and Teneriffe Hill Local Plan to improve the structure, remove redundant provisions and to clarify design guidelines for houses

The amendments remove redundant provisions that relate to specific sites that have since redeveloped in accordance with the "special area" requirements. The amendments also restructure the format of the Local Plan so that the process of determining the level of assessment for a development is consistent with the process used for other Local Plans. Amended design guidelines have also been introduced to regulate the size and location of houses.

Amendments to Newstead and Teneriffe Waterfront Local Plan to improve the structure, improve retention of light industrial activities and to clarify precinct intents

There is pressure in the Newstead area to redevelop existing light industrial uses for residential purposes. Council studies have indicated that there is shortfall of industrial land in the area and that existing light industrial activities must be retained. The amendments include new precinct intents and Code provisions to protect the existing industrial activities.

The amendments also restructure the format of the Local Plan so that the process of determining the level of assessment for a development is consistent with the process used for other Local Plans.

Amendment to make new driveways in schools subject to location and design criteria

Under the current Community Use Code, the construction of a new driveway in a school is self-assessable, however, there are no specific criteria against which to assess the work.

The amendment addresses this situation by including additional performance criteria and acceptable solutions for new driveways. These will be limited to higher-order roads, preventing the introduction of additional traffic into the local street system. Furthermore, the design of the driveway will be subject to accepted engineering standards.

Amendments to ensure the level of assessment for a small lot house in the Emerging Community Area is consistent with other Area Classifications

Under the current level of assessment table for the Emerging Community Area, a house complying with the House Code is self assessable even if it is on a small lot, being a lot less than 450 square metres in area and/or with an average width less than 15 metres.

This is inconsistent with other Area Classifications where the house design must comply with the requirements of both the House Code and the Residential Design-Small Lot Code to be self-assessable. The provisions of the Small Lot Code manage the scale and bulk of new small lot houses to protect the amenity of the street and adjoining properties.

The amendments alter the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of other Area classifications.

Changing the Area classification of car parking in the Sandgate shopping Centre from Parkland Area to Multi-purpose Centre and Consequential Amendment to Sandgate District Local Plan

It is proposed to reclassify part of the property at 70 Brighton Road, Sandgate, from the Parkland Area to Multi-purpose Centre - MP3. The land comprises the car parking associated with the Sandgate shopping centre (6258 square metres). The balance of the area will remain in the Parkland Area (1.714 hectares).

The area has been utilised for car parking since 1965, and was zoned as a car park in the 1978 and 1987 Town Plans. The utilisation of a portion of the car park, in conjunction with development on adjacent sites, was envisaged in the Sandgate District Local Area Plan prepared in consultation with residents in 1995, and is mentioned in the Sandgate Local Plan included in City Plan.

To ensure the existing car park is not utilised for other centre purposes following its reclassification, a simultaneous amendment is proposed to the Sandgate District Local Plan requiring its retention for ground level car parking.

45. A detailed summary of the proposed amendments is submitted at Attachment B. The proposed amendments are submitted at Attachments C to J.
46. Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for consideration of State interests. Upon the Minister's approval, the draft amendments will be exhibited for public comment (over a 30 business day period) in accordance with statutory requirements of the *Integrated Planning Act 1997* (IPA).

Consultation

47. The Councillors for the Wards of Central and Hamilton have been consulted and support the amendments to the Bowen Hills, New Farm and Teneriffe Hill, and Newstead and Teneriffe Waterfront Local Plans.
48. The Urban Planning and Sustainability Committee has been consulted and supports the proposed changes to the Community Use Code regarding location and design provisions for new driveways in schools.
49. Architects and urban designers from Local Planning and Design (City Planning Branch) have been involved in the development of the proposed building height amendments.
50. The Senior Heritage Architect of the Heritage Unit (City Planning Branch) has been involved in the development of and supports the proposed changes to the Heritage Place Code in response to changes in the *Queensland Heritage Act*.

Implications of Proposal

51. The proposed amendments will ensure that the City Plan is consistent with relevant State Government legislation and planning policies.
52. The proposed building height provisions will ensure consistency in the determination of building height throughout the city.
53. The Education Department and private schools may be aggrieved by the restrictions placed on the location and design of driveways. The Education Department, through the State Interest check process, will have the opportunity to comment on this proposal.
54. The introduction of provisions to protect industrial activities in Bowen Hills and Newstead will help maintain economic and transport efficiency, and promote a sustainable land-use pattern.
55. A small group of Sandgate residents seeking to prevent the shopping centre development may be aggrieved by the change in Area Classification of the car park from the Parkland Area to Multi-purpose Centre. Despite this, the proposed reclassification should proceed, as it reflects undertakings given to the wider Sandgate community through the preparation of the Sandgate District Local Plan.
56. The Acting Divisional Manager therefore submits the following draft resolutions, with which the Committee unanimously concurs.

57. RECOMMENDATION:

To Respond to Amendments to the Queensland Heritage Act, Child Care Act and the Introduction of New State Planning Policies

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO RESPOND TO AMENDMENTS TO THE QUEENSLAND HERITAGE ACT, CHILD CARE ACT AND THE INTRODUCTION OF NEW STATE PLANNING POLICIES** as set out in Attachment C submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Set Maximum Building Heights for Development in Multi-Purpose and Special Use Centres and Select Local Plans and Clarify Related Definitions

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO SET MAXIMUM BUILDING HEIGHTS FOR DEVELOPMENT IN MULTI-PURPOSE AND SPECIAL USE CENTRES AND SELECT LOCAL PLANS AND CLARIFY RELATED DEFINITIONS** as set out in Attachment D submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Include a New Precinct, Require Light Industrial Activities to be Retained and to Clarify Open Space Provisions in the Bowen Hills Local Plan

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO INCLUDE A NEW PRECINCT, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE RETAINED AND TO CLARIFY OPEN SPACE PROVISIONS IN THE BOWEN HILLS LOCAL PLAN** as set out in Attachment E submitted.

- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Improve the Structure of the Level of Assessment Tables, Remove Redundant Provisions and to Clarify the Design Guidelines for Houses in the New Farm and Teneriffe Hill Local Plan

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REMOVE REDUNDANT PROVISIONS AND TO CLARIFY THE DESIGN GUIDELINES FOR HOUSES IN THE NEW FARM AND TENERIFFE HILL LOCAL PLAN** as set out in Attachment F submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Improve the Structure of the Level of Assessment Tables, Require Light Industrial Activities to be Retained and to Clarify Precinct Intents of the Newstead and Teneriffe Waterfront Local Plan

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE RETAINED AND TO CLARIFY PRECINCT INTENTS OF THE NEWSTEAD AND TENERIFFE WATERFRONT LOCAL PLAN** as set out in Attachment G submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Introduce Location and Design Criteria for New Driveways In Schools

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO INTRODUCE LOCATION AND DESIGN CRITERIA FOR NEW DRIVEWAYS IN SCHOOLS** as set out in Attachment H submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Ensure the Level of Assessment for a Small Lot House in The Emerging Community Area is Consistent with other Area Classifications

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO ENSURE THE LEVEL OF ASSESSMENT FOR A SMALL LOT HOUSE IN THE EMERGING COMMUNITY AREA IS CONSISTENT WITH OTHER AREA CLASSIFICATIONS** as set out in Attachment I submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

To Change the Area Classification of the Land Used for Car Parking in the Sandgate Shopping Centre from "Parkland Area" to "Multi-Purpose Centre – MP3 and consequential amendment to Sandgate District Local Plan"

THAT IT BE RESOLVED THAT –

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme) **TO CHANGE THE AREA CLASSIFICATION OF THE LAND USED FOR CAR PARKING IN THE SANDGATE SHOPPING CENTRE FROM "PARKLAND AREA" TO "MULTI-PURPOSE CENTRE – MP3 AND CONSEQUENTIAL AMENDMENT TO SANDGATE DISTRICT LOCAL PLAN"** as set out in Attachment J submitted.
- (ii) **COUNCIL**, pursuant to Section 9(2) of Schedule 1 of IPA, **PROPOSES SUCH AMENDMENTS TO THE PLANNING SCHEME.**

- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments to the planning scheme for consideration of State interests.

Attachment B

**Mid 2004
City Plan Amendments**

**Summary of amendments
Attachments C to J**

Summary of amendments Attachments C to J

Attachment C

Amendments to reflect recent changes to the Queensland Heritage Act and Child Care Act and the introduction of two State Planning Policies

The State government has recently updated the Queensland Heritage Act and Child Care Act and adopted two new State Planning Policies being the:

- State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils
- State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

To ensure the Plan is compliant with the new legislation, it is necessary to update a number of provisions in the City Plan such as:

- ✓ • Updating references in the Child Care Facility, Commercial Character Building, Community Use, and Home Business Codes to the most recently introduced State Government child care legislation.
- ✓ • Recognising that work granted an 'Exemption Certificate' under the modified *Queensland Heritage Act* is exempt from the Heritage Place Code
- ✓ • Recognising that prior approval of work on a heritage place by the State Heritage Council is no longer possible, and that approval must be sort from the local authority first
- ✓ • Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Code and Acid Sulfate Soil Planning Scheme Policy
- ✓ • Updating the list of matters to be taken into regard when preparing an acid sulfate soils management plan

The detailed amendments proposed to achieve these outcomes are documented at Attachment C.

Attachment D

Setting maximum building heights for development in Multi-purpose and Special Purpose Centres and select Local Plans and clarify relevant definitions

Most design Codes in City Plan limit the height of building to both a maximum number of storeys and a maximum number of metres above ground level. In the Centre Design Code and 19 Local Plans building height is only measured in storeys.

Currently a mezzanine level is not counted as a storey in its own right. This means a building incorporating one or more mezzanines will exceed the intended maximum building height. This issue was highlighted with a recent application under the Redcliffe City Council planning scheme where similar height controls resulted in an application for a 6 storey building (3 "storeys" and 3 "mezzanine" levels) where a 3 storey maximum height limit applied.

The proposed amendments nominate a maximum height in metres for all development, ensuring consistency in the determination of building height across the City.

Related definitions have also been amended to:

- Amend the definition of "Storey" to include mezzanine levels
- Amend the definitions of "Ground Storey" and "Storey" to clarify how to measure building height in storeys, ensuring that building height is always measured on the down hill face of the building. On sloping sites the height of a building has greatest impact when viewed from the lower side.

The detailed amendments proposed to achieve these outcomes are documented at Attachment D.

Attachment E

Amendments to Bowen Hills Local Plan to include a new precinct intent, improve retention of light industrial activities and clarify open space provisions

There is growing development pressure within the Bowen Hills area for the redevelopment of existing light industrial uses for residential purposes. In response to this pressure, the Urban Renewal Task Force undertook two studies to assist in the formulation of a planning response to the development pressure.

The first study was a master planning exercise over land currently included in the Light Industrial Area classification and in the vicinity of Breakfast Creek Road. This exercise explored opportunities for mixed-use development.

Concurrently, the Task Force undertook the Inner City Light Industrial Study in order to determine current and future demand for light industrial uses within the inner city and determine any under-supply or over-supply of suitably classified land under City Plan. The study identified a potential future shortfall of light industrial land within the Bowen Hills area and recommended the retention of light industrial activities within Bowen Hills in order to maintain economic and transport efficiency and promote a sustainable land use pattern.

It is proposed that a new precinct be included within the Local Plan, specifically the "Ross Street Precinct". The precinct intent seeks a mixed use development outcome comprising residential, commercial (not retail) and light industrial uses. It nominates a number of key industry sectors that reflect existing provision and future demand within Bowen Hills; these were documented within the Inner City Light Industrial Study.

Specific code provisions have been included for the Ross Street Precinct to ensure appropriate built form and land use outcomes for this new precinct. The provisions have been generally derived from successful provisions in similar localities within the Urban Renewal Task Force area.

The provisions include a requirement that either similar levels of light industrial gross floor area as currently existing are maintained (on individual sites), or at least 45% of the allowable gross floor area is provided as part of any redevelopment, whichever is greater. The minimum level of 45% reflects the outcomes of the Inner City Light Industrial Study and current development yields being achieved for light industrial uses within the Bowen Hills area. This gives Council a degree of certainty with respect to the amount of industrial floor space that will be achieved, as well as discouraging land owners from ceasing or limiting existing light industrial uses in order to minimise industrial floor space that needs to be retained.

As part of the proposal to allow mixed-use development within the new Ross Street Precinct, open space provision along Breakfast Creek and Enoggera Creek, and pedestrian access and circulation within the Local Plan area, were reviewed.

The detailed amendments proposed to achieve these outcomes are documented at Attachment E.

Attachment F

Amendments to New Farm and Teneriffe Hill Local Plan to improve the structure, remove redundant provisions and clarify design guidelines for houses

The New Farm and Teneriffe Hill Local Plan is a 'stand alone' format with respect to determining the level of assessment for a development. That is the level of assessment is determined solely within the Local Plan. This is inconsistent with the current style of drafting, whereby the Local Plan only indicates exceptions to the generic levels of assessment in Chapter 3. It is proposed to convert the Local Plan in to an 'exception only' Plan, this will eliminate the inconsistency and reduce confusion for users of the Plan.

Amendments are also proposed to delete all remaining special areas within the Local Plan, as the provisions are redundant. Three of the deleted special areas were nominated specifically to provide additional guidance to the redevelopment of the sites, which were being used for non-residential purposes and/or had heritage value. These special areas have recently undergone redevelopment for the intended residential purpose, therefore the special area provisions are no longer considered necessary.

Amendments are proposed in relation to the size and positioning of houses in the Low Density Residential and Low-medium Density Residential Precincts. The existing provisions use a gross floor area (gfa) as a tool for controlling the size of houses. The use of gfa as a tool in controlling house size has been found unreliable and is not used elsewhere in the City Plan. Areas such as car parking and verandahs are not calculated as gfa, however they contribute significantly to the bulk of a dwelling.

Controlling house size through the application of setbacks and site coverage has been found to be more effective. It is proposed to replace the gfa restriction precincts with site coverage and rear setback provisions similar to that of the Residential Design – Small Lot Code. These provisions give greater certainty to the size and location of dwellings on allotments

Penalties for the unlawful removal of existing buildings have been deleted, as areas are covered by Council's Demolition Control Precinct. Punitive provisions are of no effect in a planning instrument. Enforcement and penalties are addressed in the Integrated Planning Act.

The detailed amendments proposed to achieve these outcomes are documented at Attachment F.

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Attachment G

Amendments to Newstead and Teneriffe Waterfront Local Plan to improve the structure, improve retention of light industrial activities and clarify precinct intents

The Newstead and Teneriffe Waterfront Local Plan is a 'stand alone' format with respect to determining the level of assessment for a development. That is the level of assessment is determined solely within the Local Plan. This is inconsistent with the current style of drafting, whereby the Local Plan only indicates exceptions to the generic levels of assessment in Chapter 3. It is proposed to convert the Local Plan in to an 'exception only' Plan, this will eliminate the inconsistency and reduce confusion for users of the Plan.

The Newstead area is experiencing the same development pressures as Bowen Hills to redevelop existing light industrial uses for residential purposes. The Inner City Light Industrial Study undertaken by the Urban Renewal Task Force identified and recommended the matter be addressed. The existing precinct intents for the Newstead and Commercial Road Precincts require amendment to reinforce Council's long-standing objective to maintain existing levels of industrial and commercial activities within the Inner City. The existing intents are ambiguous and require clarification of the desired outcomes and policy direction.

Additionally, within the Newstead Precinct, it is also necessary to further clarify the intent to protect existing commercial and industrial activities (currently included in the Light Industry Area Classification) from encroachment by residential activities; there being little intrusion of residential uses into this area to date.

Additional requirements for the Commercial Road Precinct, similar to those proposed for Bowen Hills, reinforce the intent to achieve a minimum level (45% allowable gross floor area) of light industrial or business activity as part of any mixed-use redevelopment within the Commercial Road Precinct.

The intent for the Newstead Precinct has also been amended to include reference to proposed *Map D: Newstead Riverpark Structure Plan*. The Structure Plan has been prepared to reflect recent development approvals issued over for the site as part of the overall Newstead Riverpark proposal. The proposed structure plan reflects the Master Plan that was prepared in consultation with the development proponents. The Master Plan was finalised in 2001 and formally approved by a preliminary approval granted by Council December 2002.

The detailed amendments proposed to achieve these outcomes are documented at Attachment G.

Attachment H

Amendments to make new driveways in schools subject to location and design criteria

An extension to a school in a Community Use area does not require a development application provided it complies with the self assessable Acceptable Solutions in the Community Use Code.

Under the current Code the construction of a new driveway in a school is self assessable, however there are no specific provisions for the work to be assessed against. This means the impacts of additional traffic in local streets are not assessed, nor is the design of the driveway subject to accepted engineering standards.

The proposed amendment addresses this situation by including additional self assessable provisions in the Code. New driveways will be limited to higher order roads, preventing the introduction of additional traffic into the local streets. Furthermore the design of the driveway will be subject to the same engineering standards as other driveways under City Plan.

The detailed amendments proposed to achieve these outcomes are documented at Attachment H.

Attachment I

Amendments to ensure the level of assessment for a small lot house in the Emerging Community Area is consistent with other Area classifications

Under the current level of assessment table for the Emerging Community Area, a house complying with the House Code is self assessable even if it is on a small lot, being a lot less than 450m² in area and/or with an average width less than 15m.

This is inconsistent with other Area classifications where the house design must comply with the requirements of both the House Code and the Residential Design – Small Lot Code to be self assessable. The provisions of the Small Lot Code manage the scale and bulk of new small lot houses to protect the amenity of the street and adjoining properties.

The amendment alters the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of other Area classifications.

The detailed amendments proposed to achieve these outcomes are documented at Attachment I.

Attachment J

Changing the Area classification of car parking in the Sandgate shopping centre from Parkland Area to Multi-purpose Centre

It is proposed to reclassify part of the property at 70 Brighton Road, Sandgate from the Parkland Area to Multi-purpose Centre (MP3). The property currently contains Einbunpin Lagoon, parkland and car parking associated with both the parkland and the nearby Sandgate shopping centre.

It is proposed to reclassify that part of the property comprising the car parking associated with the Sandgate shopping centre (6258m²) to Multi-purpose Centre. The balance of the area will remain in the Parkland Area (1.714 ha).

The area has been utilised for car parking since 1965. The car parking was included in the Special Use (Car Park) Zone as part of the 1978 Town Plan, and then included in the Particular Development (Car Park) Zone as part of the 1987 Town Plan. It was not until Oct 2000 with the introduction of the City Plan that the car park area was included in a Parkland designation. Despite this new designation it has continued to be used for car parking associated with the adjacent shopping centre. The amalgamation of the car park with the adjoining shopping centre was envisaged in the Sandgate District Local Plan prepared in consultation with residents in 1995. Given the sites historical usage and the stated intentions of the Sandgate District Local Plan it is considered appropriate to reclassify the land to Multi-purpose Centre.

To ensure the existing car park is not utilised for other centre purposes following its reclassification, a consequential amendment is to be made to the Sandgate District Local Plan requiring its retention for ground level car parking.

The detailed amendments proposed to achieve these outcomes are documented at Attachment J.

Complete Contact Details

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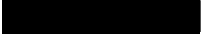
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CENTRAL DOCUMENT EXCHANGE
M 5

Attachment C

Proposed mid 2004 amendments to Brisbane City Plan 2000:

**Amendments to respond to changes in the
Child Care Act, Queensland Heritage Act and
State Planning Policies**

**Attachment C Proposed mid 2004 amendments to
Brisbane City Plan 2000: Amendments to respond to changes in the Child Care Act,
Queensland Heritage Act and State Planning Policies**

Amendment No	Chapter & Page	Section	Summary of Amendment
Amendments in response to changes in the Child Care Act			
C1	5/30 5/60 5/76	4 4 4	These amendments update the references in the Child Care Facility, Commercial Character Building, Community Use, and Home Business Codes to the most recently introduced State Government child care legislation.
C2	5/55	2	
C3	5/98	4	
Amendments in response to changes in the Queensland Heritage Act			
C4	5/89	1.1	Amendment recognising that work granted an 'Exemption Certificate' under the <i>Queensland Heritage Act</i> is exempt from the Heritage Place Code
C5	5/89	1.3	Amendment recognising that prior approval of work on a heritage place by the State Heritage Council is no longer possible, and that approval must be sort from the local authority first
Amendments in response to the introduction of new State Planning Policies			
C6	1/6	4.3	Update to the list of State Planning Policies recognised in the City Plan
C7	5/13	2	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Code
C8	Appendix 2 /5	1	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Planning Scheme Policy
C9	Appendix 2 /5	2	
C10	Appendix 2 /5	3	Amendment to update the list of matters to be taken into account when preparing an acid sulfate soils management plan
Minor Corrections			
C11	1/6	5	Clarifying which components of the Plan do not form part of the statutory planning scheme
C12	3/4	2.3	Clarification that the relocation of a pre-1946 building within a lot is not exempt from the Plan
C13	5/89	1	Clarification of terminology in the Heritage Place Code

Amendment Number

C1

Chapter

5

Page

30 – Centre Amenity and Performance Code
61 – Commercial Character Building Code
67 – Community Use Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

Replace the existing non-statutory note under “Where involving a material change of use to a Child Care Facility” with:

“A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003”

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

OK

Amendment Number

C2

Chapter

5

Page

55 – Child Care Facility Code

Section

Section 2 – Purpose

Using this Code

Sec 3 is Purpose

Proposed Amendment

Replace the existing non-statutory note with

"A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003"

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C3

Chapter

5

Page

98 – Home Business Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

In Acceptable Solution A8 for *Self assessable development* and Acceptable Solution A8 for *Impact assessable development*, delete:

'is in accordance with the Child Care Act 1991 and the Child Care (Family Day Care) Regulations 1991'

and insert

'complies with the Child Care Act 2002 and the Child Care Regulation 2003'

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

OK

Amendment Number

C4

Chapter

5

Page

89 – Heritage Place Code

Section

1.1

Proposed Amendment

Delete the 1st paragraph under Section 1.1 being:

This Code will not apply to any assessable development where the work constitutes "Excluded Work" pursuant to Section 8 of the *Queensland Heritage Regulation 1992* and where the Heritage Place is included in the Queensland Heritage Register.

and replace with the following new paragraph:

This Code will not apply to any assessable development where an "Exemption Certificate" has been issued for the work under Section 35 of the *Queensland Heritage Act 1992* and where the Heritage Place is included in the Queensland Heritage Register.

Reason

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. The purpose of the current paragraph is to ensure that the Heritage Code does not trigger development assessment for minor work on a state listed building that would not have triggered assessment against the Heritage Act itself.

The Heritage Act does not trigger heritage assessment for minor work such as maintenance and repairs. This work was previously defined as "Excluded work" under the *Queensland Heritage Regulation 1992*. Due to recent changes in the legislation the State Heritage Council now issues an "Exemption certificate" under the Act before these minor works can commence. The paragraph has been modified accordingly to reflect the changes to the legislation.

OK

Amendment Number

C5

Chapter

5

Page

89 - Heritage Place Code

Section

1.3

Proposed Amendment

Delete point (c) in Section 1.3 and adjust the subsequent points accordingly.

Reason

Under the previous version of the Heritage Act it was possible to obtain approval from the State Heritage Council for work on a State listed site, prior to applying for development approval from Brisbane City Council.

Section 1.3 of the Heritage Code identifies building and other works on a heritage place that only trigger Code assessment under City Plan either because of their minor nature or due to prior assessment of the heritage issues. Point (c) recognised prior assessment of heritage issues by the Heritage Council.

Recently the Heritage Act was amended to make it compliant with the Integrated Development Assessment System (IDAS) provisions of the *Integrated Planning Act 1997* (IPA). It is no longer possible to gain approval from the Heritage Council prior to town planning approval. The development application must be lodged with Council in the first instance, and as part of Council's assessment process the application must be referred to the Heritage Council for comment.

The deletion of point (c) reflects the change to the legislation and new assessment process.

OK

Amendment Number

C6

Chapter

1

Page

6

Section

4.3 – How the City Plan coordinates and integrates the core matters

Proposed Amendment

In the 3rd paragraph of Section 4.3 add the following new dot points to the existing list of dot points:

- State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils
- State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

???

Reason

Section 4.3 lists all the State Planning Policies (SPP) City Plan recognises and is consistent with. The amendment merely adds recently adopted State policies to the list.

Amendment Number

C7

Chapter

5

Page

13 – Acid Sulfate Soil Code

Section

2 – Using this Code

Proposed Amendment

Delete the non-statutory note after the 2nd paragraph of Section 2 and replace with the following new non-statutory note:

Any Acid Sulfate Soil report or management plan must also be in accordance with State Planning Policy 2/02 - Planning and Managing Development involving Acid Sulfate Soils

Reason

The current note does not refer to the new State Planning Policy SPP. This amendment merely updates the references.

The balance of the Code is consistent with the requirements of the new SPP.

OK.

Amendment Number

C8

Appendix

2

Page

5 – Acid Sulfate Soil Planning Scheme Policy

Section

1 – Introduction

Proposed Amendment

OC
Insert the following new paragraph following the 3rd paragraph of Section 1:

State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils and the associated guidelines provide additional information on the management and investigation of acid sulfate soils.

Reason

This amendment merely includes reference to the new Acid Sulfate Soil State Planning Policy and associated Guidelines in the Planning Scheme Policy.

OK

OC

Amendment Number

C9

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

2 – Acid sulfate soil investigation reports

Proposed Amendment

In the 2nd paragraph of Section 2 delete the following document reference being:

Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland (1998) produced by the Queensland Acid Sulfate Soils Investigation Team, Department of Natural Resources

And replace with the following new document reference:

State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils (2002) produced by Natural Resource Sciences, Department of Natural Resources and Mines and Planning Services, Department of Local Government and Planning

Reason

With the introduction of the new Acid Sulfate Soil State Planning Policy and associated Guidelines the reference document for preparing an acid sulfate soil investigation report needs to be updated.

OK

Amendment Number

C10

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

3 – Acid sulfate soil management plans

Proposed Amendment

In the 5th paragraph of Section 3 add the following new dot point to the list:

- Details of the treatment and management of surface drainage waters for disturbed acid sulfate soils

Reason

The State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils identifies matters that should be taken into account when preparing an acid sulfate soil management plan. The matter identified in the proposed amendment is recommended by the Guideline, but is not listed in matters recommended in the Acid Sulfate Soil Planning Scheme Policy. The amendment will ensure consistency between the Planning Scheme Policy and State Planning Policy Guideline.

OK

Amendment Number

C11

Chapter

1

Page

6

Section

5 – Components of the Plan that do not form part of the scheme

Proposed Amendment

Delete the 1st dot point of the section being:

- List of places in *the Queensland Heritage Register of the Queensland Heritage Act 1992*

Reason

City Plan contains numerous maps, indexes, notes and photographs that are merely included for information purposes, do not have statutory weight, and are not officially part of the planning scheme.

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. For information purposes the City Plan Heritage Register highlights those sites that are also included in the State Heritage Register. The deleted dot point was meant to explain that the State Heritage Register was not a product of the City Plan. Upon review it was decided that the dot point could be misinterpreted to mean that those sites highlighted in the City Plan as also being listed in the State register weren't actually part of the City Plan register.

The deletion of the dot point avoids this confusion. There is sufficient information in the Heritage Register Planning Scheme Policy to indicate that sites can be listed in both heritage registers.

OK

Amendment Number

C12

Chapter

3

Page

4

Section

2.3 – Exempt development

Proposed Amendment

In the 2nd dot point under the sub heading "Exempt development identified by the Plan", delete the words "demolishing, removing or relocating a building" and replace with the words "demolishing or removing a building".

Reason

This section lists the circumstances under which the demolition, removal or relocation of a building does not trigger the need for planning approval.

The term 'relocation' was used to cover the act of relocating a building off site. Discussions with the development industry revealed that the term could be misinterpreted to mean that the relocation of a building within the property was exempt from planning approval.

Council has specific planning provisions regarding the positioning of a building within a property such as setbacks from side boundaries. To avoid confusion and ensure the positioning provisions of the Plan are adhered to the term 'relocation' will be deleted. The term 'removing' is sufficient to cover the act of relocating a building off site.

OK

Amendment Number

C13

Chapter

5

Page

89 - Heritage Place Code

Section

1 - Application

Proposed Amendment

In the 2nd paragraph of Section 1 delete the word "citation" and replace with the word "report".
















Reason

The use of the term "citation" is inappropriate in the context of this paragraph. A "citation" is the official term used for the report justifying the listing of a building in the Heritage Register. This paragraph refers to the documentation prepared to support the removal of a building from the Register. In this context the term "report" is more appropriate.

OK

From: [redacted]
Sent: Tuesday, 22 June 2004 9:00 AM
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 [redacted]@epa.qld.gov.au'; [redacted]@transport.qld.gov.au';
 [redacted]@mainroads.qld.gov.au'; [redacted]@health.qld.gov.au';
 [redacted]@police.qld.gov.au'; [redacted]@dpi.qld.gov.au';
 [redacted]@police.qld.gov.au'; [redacted]@td.com.au'; →
 [redacted]@communities.qld.gov.au'; [redacted]@energy.qld.gov.au';
 [redacted]@energex.com.au'; [redacted]@publicworks.qld.gov.au';
 [redacted]@arts.qld.gov.au'; [redacted]@srq.qld.gov.au';
 [redacted]@powerlink.com.au'; [redacted]@srq.qld.gov.au';
 [redacted]@qed.qld.gov.au'; [redacted]@emergency.qld.gov.au'

Subject: MID 2004 Brisbane City Plan Amendments

-  Attachment J andgate Car Par...(Legislation amen...
-  Attachment C
-  Attachment D - (building heigh...
-  Attachment E (Bowen Hills).doc...
-  Attachment F (New Farm).doc
-  Attachment G (Newstead).doc
-  Attachment H (driveway).doc
-  Attachment I (EC).doc
-  Att B summary.doc
-  newstead teneriffe waterfront_...
-  bowen hills_mapb.pdf
-  new farm teneriffe hill_mapa.p...
-  newstead riverpark_mapd.pdf
-  newstead teneriffe waterfront_...
-  bowen hills_mapa.pdf

Dear State Agency Contacts,

On 17 June 2004, Brisbane City Council (Council) submitted the Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) to the Minister for Local Government and Planning for consideration of State interests and approval to publicly notify in accordance with section 11 of Schedule 1 of the IPA. Your agency is now formally requested to review the proposed amendments to the City Plan to assist the Minister to determine if the amendments adversely affects State interests.

Please find attached a copy of the proposed amendments, comprising Attachments B, C, E, F, G, H, I, J and 6 associated maps. Your agency's formal comments on the proposed amendment are requested in writing (preferably via email) to [redacted]@dlgp.qld.gov.au) by 20 July 2004. If no response has been received by this date it will be assumed your agency has no concerns.

If you have concerns or questions regarding the proposed amendments please contact me on [redacted] or [redacted] on [redacted]

Yours sincerely

[redacted]
Planner - Central-Southern Team
South East Queensland - Wide Bay Burnett Planning Division
Department of Local Government and Planning

Phone- [redacted] Fax- [redacted]
E mail- [redacted]@dlgp.qld.gov.au










[REDACTED]

From: [REDACTED]
Sent: Monday, 28 June 2004 11:52 AM
To: [REDACTED]@tq.com.au'; [REDACTED]@tq.com.au'
Subject: Mid 2004 Amendment package to Brisbane City Plan - first email

Annette

As per our phone call please find attached a copy of the email which was unsuccessfully forwarded to you on Tuesday 22 June 2004. To reduce the size of the file I have included the attachments as a series of two emails. Please contact me if you have any further queries.

Regards

- [REDACTED]
- | | | | | | | |
|---|---|---|---|--|---|---|
|  |  |  |  |  |  |  |
| Att B summary.doc | Attachment C
(Legislation amen... | Attachment D -
(building heigh... | Attachment E
(Bowen Hills).doc... | Attachment F (New
Farm).doc | Attachment G
(Newstead).doc | Attachment H
(driveway).doc |
|  |  | | | | | |
| Attachment I
(EC).doc | Attachment J
(Sandgate Car Par... | | | | | |

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Yours sincerely

[REDACTED]

Planner - Central-Southern Team
South East Queensland - Wide Bay Burnett Planning Division
Department of Local Government and Planning

[REDACTED]

From: [REDACTED]
Sent: Monday, 28 June 2004 11:52 AM
To: [REDACTED]@tq.com.au'; [REDACTED]@tq.com.au'
Subject: Mid 2004 Amendment package - second email including maps

[REDACTED]

Please find attached the relevant maps for the Mid 2004 Amendment package

Regards



bowen
hills_mapa.pdf



bowen
hills_mapb.pdf



new farm teneriffe
hill_mapa.p...



newstead
riverpark_mapd.pdf



newstead teneriffe
waterfront_...



newstead teneriffe
waterfront_...

Dear State Agency Contacts,

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If you have concerns or questions regarding the proposed amendments please contact me on [REDACTED] or [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]
Planner - Central-Southern Team
South East Queensland - Wide Bay Burnett Planning Division
Department of Local Government and Planning







[REDACTED]

From: [REDACTED]
Sent: Monday, 28 June 2004 11:46 AM
To: [REDACTED]@dpi.qld.gov.au'
Subject: Mid 2004 amendment package - second email with maps

[REDACTED]

This is the second part of the email forwarded to [REDACTED] with the relevant maps attached

Regards
[REDACTED]

     
bowen bowen new farm teneriffe newstead newstead teneriffe newstead teneriffe
hills_mapa.pdf hills_mapb.pdf hill_mapa.p... riverpark_mapd.pdf waterfront_... waterfront_...

Dear State Agency Contacts,

On 17 June 2004, Brisbane City Council (Council) submitted the Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) to the Minister for Local Government and Planning for consideration of State interests and approval to publicly notify in accordance with section 11 of Schedule 1 of the IPA. Your agency is now formally requested to review the proposed amendments to the City Plan to assist the Minister to determine if the amendments adversely affects State interests.

Please find attached a copy of the proposed amendments, comprising Attachments B, C, D, E, F, G, H, I, J and 6 associated maps. Your agency's formal comments on the proposed amendment are requested in writing (preferably via email) to [REDACTED] ([REDACTED]@dlgp.qld.gov.au) by 20 July 2004. If no response has been received by this date it will be assumed your agency has no concerns.

If you have concerns or questions regarding the proposed amendments please contact me on [REDACTED] or [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]

Planner - Central-Southern Team
South East Queensland - Wide Bay Burnett Planning Division
Department of Local Government and Planning

Phone- [REDACTED] Fax- [REDACTED]
E mail- [REDACTED]@dlgp.qld.gov.au










[REDACTED]

From: [REDACTED]
Sent: Monday, 28 June 2004 11:37 AM
To: [REDACTED]@dpi.qld.gov.au'
Subject: Mid 2004 Amendment package - First email with attachments

[REDACTED]

As per our phone call please find attached a copy of the email forward to [REDACTED] on Tuesday 22 June. This email has been broken down to reduce the size of the file being forwarded. Please find attached the Mid 2004 package of attachments. The maps will be forwarded in a second email.

Regards

- [REDACTED]
- | | | | | | | |
|---|---|---|---|--|---|---|
|  |  |  |  |  |  |  |
| Att B summary.doc | Attachment C
(Legislation amen... | Attachment D -
(building heigh... | Attachment E
(Bowen Hills).doc... | Attachment F (New
Farm).doc | Attachment G
(Newstead).doc | Attachment H
(driveway).doc |
|  |  | | | | | |
| Attachment I
(EC).doc | Attachment J
(Sandgate Car Par... | | | | | |

Dear State Agency Contacts,

On 17 June 2004, Brisbane City Council (Council) submitted the Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) to the Minister for Local Government and Planning for consideration of State interests and approval to publicly notify in accordance with section 11 of Schedule 1 of the IPA. Your agency is now formally requested to review the proposed amendments to the City Plan to assist the Minister to determine if the amendments adversely affects State interests.

Please find attached a copy of the proposed amendments, comprising Attachments B, C, D, E, F, G, H, I, J and 6 associated maps. Your agency's formal comments on the proposed amendment are requested in writing (preferably via email) to [REDACTED] ([REDACTED]@dlgp.qld.gov.au) by 20 July 2004. If no response has been received by this date it will be assumed your agency has no concerns.

If you have concerns or questions regarding the proposed amendments please contact me on [REDACTED] or [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]
Planner - Central-Southern Team
South East Queensland - Wide Bay Burnett Planning Division
Department of Local Government and Planning

Phone- [REDACTED] Fax- [REDACTED]
E mail- [REDACTED]@dlgp.qld.gov.au

**Listing of: Brisbane Amendments Cont. is
for:**

Name	Job Title	Section:	Department/Council	Telephone	Facsimile	Email address
[REDACTED]	Principal Project Officer	Capital Asset Management Unit	Arts Queensland	[REDACTED]	[REDACTED]	[REDACTED]@arts.qld.gov.au
[REDACTED]	Social Planner	Brisbane City Region	Department of Communities	[REDACTED]	[REDACTED]	[REDACTED]@communities.qld.gov.au
[REDACTED]	Manager - Planning Development and Coordination	Brisbane City Regional Office	Department of Communities	[REDACTED]	[REDACTED]	[REDACTED]@communities.qld.gov.au
[REDACTED]	The Director	Disaster Mitigation Unit Counter Disaster and Rescue Services	Department of Emergency Services	[REDACTED]	[REDACTED]	[REDACTED]@emergency.qld.gov.au
[REDACTED]	Manager	Public Housing and Housing Systems Initiatives	Department of Housing	[REDACTED]	[REDACTED]	[REDACTED]@housing.qld.gov.au
[REDACTED]	Development Control Officer	Transport Planning	Department of Main Roads	[REDACTED]	[REDACTED]	[REDACTED]@mainroads.qld.gov.au
[REDACTED]	Planning & Environment Coordinator	South East Region	Department of Natural Resources, Mines and Energy	[REDACTED]	[REDACTED]	[REDACTED]@dnr.qld.gov.au
[REDACTED]	Planning Officer	Office of the Director General	Department of Primary Industries and Fisheries	[REDACTED]	[REDACTED]	[REDACTED]@dpi.qld.gov.au
[REDACTED]	Manager	Accommodation Strategic Planning Group	Department of Public Works	[REDACTED]	[REDACTED]	[REDACTED]@publicworks.qld.gov.au
[REDACTED]	Manager, Land Management	Land Management Branch	Department of State Development & Innovation	[REDACTED]	[REDACTED]	[REDACTED]@sd.qld.gov.au
[REDACTED]	Principal Project Officer	Precinct Development and Land Planning	Department of State Development & Innovation	[REDACTED]	[REDACTED]	[REDACTED]@sd.qld.gov.au
[REDACTED]	Manager	Facilities Program Development Unit	Education Queensland	[REDACTED]	[REDACTED]	[REDACTED]@qed.qld.gov.au
[REDACTED]	Principal Facilities Services Officer	Facilities Services	Education Queensland	[REDACTED]	[REDACTED]	[REDACTED]@qed.qld.gov.au
[REDACTED]	Senior Town Planner	Network Property Asset Department	Energex Limited	[REDACTED]	[REDACTED]	[REDACTED]@energex.com.au
[REDACTED]	Planning Manager SEQ	Planning Division	Environmental Protection Agency	[REDACTED]	[REDACTED]	[REDACTED]@epa.qld.gov.au

Name **Section:** **Department/Council** **Telephone** **Facsimile** **Email address**

[Redacted]	Office of Energy	Innovation and Information Economy Sport and Recreation Queensland	[Redacted]	[Redacted]	[Redacted]
Manager, Technical Consumer Protection					@energy.qld.gov.au
Legal Compliance Officer	Conveyancing and Compliance	Powerlink Queensland	[Redacted]	[Redacted]	@powerlink.com.au
Manager	Environmental Health Unit	Queensland Health	[Redacted]	[Redacted]	@health.qld.gov.au
Senior Property Services Officer	Property and Facilities Branch	Queensland Police Service	[Redacted]	[Redacted]	@police.qld.gov.au
Manager	Property & Facilities Branch Administration Division	Queensland Police Service	[Redacted]	[Redacted]	@police.qld.gov.au
Manager (Land Use)	Transport Planning Branch	Queensland Transport	[Redacted]	[Redacted]	@transport.qld.gov.au
Adviser - Sport and Recreation	South East Region	Sport and Recreation Queensland	[Redacted]	[Redacted]	@srq.qld.gov.au
Principal Recreation Planner	Policy, Planning and Development Directorate	Sport and Recreation Queensland	[Redacted]	[Redacted]	@srq.qld.gov.au
Office Co-ordinator	Sustainable Tourism	Tourism Queensland	[Redacted]	[Redacted]	@tq.com.au

05137865
TR23110

[REDACTED]

From: [REDACTED]
Sent: Thursday, 22 July 2004 10:53 AM
To: [REDACTED]@brisbane.qld.gov.au'
Cc: [REDACTED]
Subject: State agency comments Mid 2004 Amendment package

[REDACTED],

As per our phone call please find attached a table of State agency comments with regard to the first State interest review for the Mid 2004 Amendment package for your perusal and comment. Generally State agencies have supported the proposed amendments but as anticipated Education Queensland has made comment regarding the level of assessment for driveways. I have also forwarded some advice from Sport and Recreation for your consideration.

Please call if you have any queries.

Regards

[REDACTED]



Table of State agency comments...

[REDACTED]

Planner -Central Southern Team
South East Queensland -Wide Bay Burnett Planning Division
Planning Services
Department of Local Government, Planning, Sport and Recreation
Mail to: [REDACTED]@dlgp.qld.gov.au
Telephone: [REDACTED] Fax: [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 16 August 2004 11:50 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: MID 2004 Brisbane City Plan Amendments



DES comment and
Council respo...

Good morning [REDACTED]

Thank you for providing comment with regard to the proposed Mid 2004 Amendment package first State Interest review. Your comments were duly forwarded to Council. Please find attached a response from Council stating there is no objection to deleting the reference to SPP 1/03 as proposed in Attachment C, amendment C6. To enable me to progress this proposed amendment package could you please advise at your earliest convenience if your agency has further comment.

Regards
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@emergency.qld.gov.au]
Sent: Monday, 26 July 2004 6:15 PM
To: [REDACTED]@dlgp.qld.gov.au
Subject: MID 2004 Brisbane City Plan Amendments

[REDACTED]

I refer to your request of 22 June 2004 seeking confirmation that the draft Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) reflect the Department of Emergency Services's interests and the requirements of State Planning Policy 1/03 "Mitigating the Adverse Impacts of Flood, bushfire and Landslide.

It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C).

Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management (AS/NZS4360) and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.

Please do not hesitate to contact me to discuss these matter further.

Regards

[REDACTED]
A/Senior Policy and Research Officer
Disaster Mitigation Unit

Phone: [REDACTED] (ONet 95076)
Fax: [REDACTED]
Email: [REDACTED]@emergency.qld.gov.au

Counter Disaster and Rescue Services

Department of Emergency Services

GPO Box 1425

Brisbane Qld 4001

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Any opinions expressed in this message are those of the individual sender except where the sender expressly,

and with the authority, states them to be the opinions of the Department of Emergency Services, Queensland.

Mid 2004 Amendment Package to Brisbane City Plan

First State Interest Review

Department of Emergency Services comment and Council Response

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion / Solution / Outcome Sought	State Interest categorisation	Council Comment
Department of Emergency Services	Attachment C Amendment number C6	<p>It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C).</p> <p>Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management(AS/NZS4360)and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.</p>	<p>Delete reference to State Planning Policy 1/03- Mitigating the Adverse Impacts of Flood, Bushfire and Landslide in proposed amendment number C6</p>	State interest	Council has no object to deleting the reference to State Planning Policy 1/03 in proposed amendment C6.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 27 July 2004 11:23 AM
To: [REDACTED] @brisbane.qld.gov.au'
Cc: [REDACTED]
Subject: Mid 2004 amendment package - DES comment

Good morning [REDACTED]

As per our phone call of yesterday with regard to Attachment C, Amendment Number C6 and the proposed amendment to section 4.3, DES have now advised that whilst it is acknowledged City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, there is still some further work to be undertaken prior to an agreement being reached that SPP 1/03 is reflected in the scheme. Accordingly, this precludes agreement by DES to reference SPP 1/03 in the proposed amendment to section 4.3 of City Plan. As you had indicated in our phone call of yesterday that work is underway with regard to making appropriate changes to reflect SPP 1/03 in City Plan the DES contact officer has offered to provide me with some additional studies and recommendations which may assist Council in this work.

Please find attached an amended table of State agency comments for Council's perusal and comment.

Many thanks



Table of State
agency comments...

[REDACTED]

Planner -Central Southern Team
South East Queensland -Wide Bay Burnett Planning Division
Planning Services
Department of Local Government, Planning, Sport and Recreation
Mail to: [REDACTED] @dlgp.qld.gov.au
phone: [REDACTED] Fax: [REDACTED]

Mid 2004 Amendment Package First State Interest Review

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion Solution / Outcome Sought	State interest categorisation	Council Comment
Education Queensland	Attachment H	<p>The proposed amendment seeks to impose development assessment conditions on the State that, under IPA, is self-assessable on land designated for educational or community use. The proposed amendment reduces the powers of the Minister for Education and Minister for the Arts through defining and limiting the concept of self-assessment.</p> <p>EQ and/or its service providers comply with Council requirements for accessing public thoroughfares from school sites. The planning, design and construction of infrastructure internal to EQ's sites is, under IPA, a matter for the Crown.</p>	<p>This would not appear to be in the State's interest and Education Queensland seeks to reject the proposed amendment.</p>	State interest	
Sport and Recreation	Attachment G	<p>The following comments are offered for consideration, (given the maps provided do not provide scale measurements to assess the actual size of open space areas), to encourage more active recreation / informal sport participation within this local community.</p> <p>Since the Newstead Riverpark area designations include a mix of uses that increases permanent (residents) and transient</p>		For information	

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion / Outcome Sought	State interest categorisation	Council Comment
		<p>(weekend / after hours users) population density in the area, it is suggested the open space allocated within the Riverpark area allow sufficient space for families, social gatherings and local employees to participate in informal / modified versions of sporting activities (eg. soccer, cricket, football, hockey, softball). It is clear this area and the areas surrounding Newstead and Teneriffe Waterfront attempt to cater for walking / cycling activities through the provision of walk/cycleways, however the only space large enough to encourage more active recreation / informal sport is New Farm Park which is some distance away and increasingly utilised as population density in the Fortitude Valley, Newstead, New Farm area increases.</p> <p>It is recommended to undertake close analysis of the open space areas allocated within the Newstead Riverpark to cater for more active recreation / informal sport participation within this local community of increasing population density and decreasing access to useable open space.</p>			
Department of Emergency Services	Attachment C Amendment	It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C).	Delete reference to State Planning Policy 1/03-Mitigating the Adverse Impacts of Flood,	State interest	

State Agency	Section	State Agency Interest// Comment	State Agency Suggestion Solution / Outcome Sought	State interest categorisation	Council Comment
	number C6	<p>Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management(AS/NZS4360)and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.</p>	<p>Bushfire and Landslide in proposed amendment number C6</p>		

05/37871
TPA23110

[REDACTED]

From: [REDACTED]@brisbane.qld.gov.au
Sent: Monday, 9 August 2004 6:38 PM
To: [REDACTED]@dlgp.qld.gov.au
Subject: Mid 2004 City Plan Amendments - Response to State agency comments



Response to State
issues.doc [REDACTED]

Attached is Council's response to the comments raised by Education Queensland, Sport & Recreation and Dept of Emergency Services to the proposed Mid 2004 City Plan Amendments.

If you have any questions please feel free to contact me. We are happy to meet with representatives from the relevant state agencies to discuss our feedback if required.

Regards

[REDACTED]
Senior Program Officer
City Plan Team
City Planning Branch
Brisbane City Council

Ph: [REDACTED]
Fax: [REDACTED]
email: [REDACTED]@brisbane.qld.gov.au

This message has passed through an insecure network.
Please direct all enquires to the message author.

Mid 2004 Amendment Package First State Interest Review

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion / Solution / Outcome Sought	State interest categorisation	Council Comment
Education Queensland	Attachment H	<p>The proposed amendment seeks to impose development assessment conditions on the State that, under IPA, is self-assessable on land designated for educational or community use. The proposed amendment reduces the powers of the Minister for Education and Minister for the Arts through defining and limiting the concept of self-assessment.</p> <p>EQ and/or its service providers comply with Council requirements for accessing public thoroughfares from school sites. The planning, design and construction of infrastructure internal to EQ's sites is, under IPA, a matter for the Crown.</p>	<p>This would not appear to be in the State's interest and Education Queensland seeks to reject the proposed amendment.</p>	State interest	<p>The proposed amendments seek to mitigate the impacts of new school driveways in residential areas, particularly the introduction of non-local traffic into quiet local and neighbourhood streets.</p> <p>The amendments are to address the practices of private schools in particular.</p> <p>As stated in Education Queensland comments they already comply with Council's requirements for accessing public thoroughfares from school. As such the proposed amendments should not impact upon EQ's operations, as they already adhere to these principles.</p> <p>Therefore Council requests the proposed amendments be retained as the State's interests are not unduly impact in this instance.</p>

State Agency	Section	State Agency Interest/ Comment	State Agency Suggestion / Outcome Sought	State interest categorisation	Council Comment
Sport and Recreation	Attachment G	<p>The following comments are offered for consideration, (given the maps provided do not provide scale measurements to assess the actual size of open space areas), to encourage more active recreation / informal sport participation within this local community.</p> <p>Since the Newstead Riverpark area designations include a mix of uses that increases permanent (residents) and transient (weekend / after hours users) population density in the area, it is suggested the open space allocated within the Riverpark area allow sufficient space for families, social gatherings and local employees to participate in informal / modified versions of sporting activities (eg. soccer, cricket, football, hockey, softball). It is clear this area and the areas surrounding Newstead and Teneriffe Waterfront attempt to cater for walking / cycling activities through the provision of walk/cycleways, however the only space large enough to encourage more active recreation / informal sport is New Farm Park which is some distance away and increasingly utilised as population density in the Fortitude Valley, Newstead, New Farm area increases. It is recommended to undertake close analysis</p>		For information	<p>The amendments to the Newstead Local Plan (relating to Newstead Riverpark) have been proposed in order to ensure the Local Plan reflects the preliminary approval granted by Council over the entire site in December 2002. The preliminary approval formalised an extensive Master Planning process that was finalised in 2001.</p> <p>The landscape concept outlined in the Master Plan envisages that proposed public outdoor spaces within Newstead Riverpark will support the overall urban design structure of the site, through a sequence of perceived 'experiences', carefully articulated within a cohesive framework. These outdoor spaces will be designed to both compliment activities within the buildings, as well as providing for independent uses. It is intended to activate these spaces both day and night, as well as on weekends, providing residents with an outdoor environment that supports</p>

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion / Outcome Sought	State interest categorisation	Council Comment
		<p>of the open space areas allocated within the Newstead Riverpark to cater for more active recreation / informal sport participation within this local community of increasing population density and decreasing access to useable open space.</p>			<p>both private and communal recreation and provides opportunities for social interaction.</p> <p>The Central Park running through the centre of the residential areas is specifically intended to provide those recreational opportunities nominated by S&R. Central Park will offer a large open setting that functions as an urban common, or 'green', fostering relaxation and informal passive and active recreation.</p> <p>Detailed planning and design is being undertaken with Environment and Parks (BCC) and the developers to further refine and deliver the Master Plan's landscape concept. Council appreciates Sport and Recreation's comments and will consider these as part of the detailed open space planning and design process; however, as the purpose of the proposed amendments to the local plan is to</p>

State Agency	Section	State Agency Interest/ Comment	State Agency Suggestion / Solution / Outcome Sought	State interest categorisation	Council Comment
Department of Emergency Services	Attachment C Amendment number C6	<p>It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C).</p> <p>Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management(AS/NZS4360)and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.</p>	Delete reference to State Planning Policy 1/03- Mitigating the Adverse Impacts of Flood, Bushfire and Landslide in proposed amendment number C6	State interest	<p>reflect an existing preliminary approval, no alteration to the proposed amendments are considered necessary.</p> <p>Council has no object to deleting the reference to State Planning Policy 1/03 in proposed amendment C6.</p>

[REDACTED]

From: [REDACTED]
Sent: Monday, 16 August 2004 11:50 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: MID 2004 Brisbane City Plan Amendments



DES comment and
Council respo...

Good morning [REDACTED]

Thank you for providing comment with regard to the proposed Mid 2004 Amendment package first State Interest review. Your comments were duly forwarded to Council. Please find attached a response from Council stating there is no objection to deleting the reference to SPP 1/03 as proposed in Attachment C, amendment C6. To enable me to progress this proposed amendment package could you please advise at your earliest convenience if your agency has further comment.

Regards
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@emergency.qld.gov.au]
Sent: Monday, 26 July 2004 6:15 PM
To: [REDACTED]@dlgp.qld.gov.au
Subject: MID 2004 Brisbane City Plan Amendments

[REDACTED]

I refer to your request of 22 June 2004 seeking confirmation that the draft Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) reflect the Department of Emergency Services's interests and the requirements of State Planning Policy 1/03 "Mitigating the Adverse Impacts of Flood, bushfire and Landslide."

It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C).

Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management (AS/NZS4360) and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.

Please do not hesitate to contact me to discuss these matter further.

Regards

[REDACTED]
A/Senior Policy and Research Officer
Disaster Mitigation Unit

Phone: [REDACTED] (ONet 95076)
Fax: [REDACTED]
Email: [REDACTED]@emergency.qld.gov.au

Counter Disaster and Rescue Services

Department of Emergency Services

GPO Box 1425

Brisbane Qld 4001

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and with the authority, states them to be the opinions of the Department of Emergency Services, Queensland.

Mid 2004 Amendment Package to Brisbane City Plan

First State Interest Review

Department of Emergency Services comment and Council Response

State Agency	Section	State Agency Interest / Comment	State Agency Suggestion / Outcome Sought	State interest categorisation	Council Comment
Department of Emergency Services	Attachment C Amendment number C6	It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03(s.4.3 as outlined in Attachment C). Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management(AS/NZS4360)and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.	Delete reference to State Planning Policy 1/03- Mitigating the Adverse Impacts of Flood, Bushfire and Landslide in proposed amendment number C6	State interest	Council has no object to deleting the reference to State Planning Policy 1/03 in proposed amendment C6.

05/37866
TPA23110

[REDACTED]

From: [REDACTED]@emergency.qld.gov.au
Sent: Tuesday, 17 August 2004 10:41 AM
To: [REDACTED]@dlgp.qld.gov.au
Cc: [REDACTED]
Subject: FW: MID 2004 Brisbane City Plan Amendments

Good Morning [REDACTED]

Thanks for this.

DES does not have any further comment at this stage.

Regards
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@dlgp.qld.gov.au]
Sent: Monday, 16 August 2004 11:50 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: MID 2004 Brisbane City Plan Amendments

Good morning [REDACTED]

Thank you for providing comment with regard to the proposed Mid 2004 Amendment package first State Interest review. Your comments were duly forwarded to Council. Please find attached a response from Council stating there is no objection to deleting the reference to SPP 1/03 as proposed in Attachment C, amendment C6. To enable me to progress this proposed amendment package could you please advise at your earliest convenience if your agency has further comment.

Regards
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@emergency.qld.gov.au]
Sent: Monday, 26 July 2004 6:15 PM
To: [REDACTED]@dlgp.qld.gov.au
Subject: MID 2004 Brisbane City Plan Amendments

[REDACTED]

I refer to your request of 22 June 2004 seeking confirmation that the draft Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) reflect the Department of Emergency Services's interests and the requirements of State Planning Policy 1/03 "Mitigating the Adverse Impacts of Flood, bushfire and Landslide.

It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03 (s.4.3 as outlined in Attachment C).

Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with

17/08/2004

the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management(AS/NZS4360)and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.

Please do not hesitate to contact me to discuss these matter further.

Regards

[REDACTED]
A/Senior Policy and Research Officer
Disaster Mitigation Unit

Phone: [REDACTED] (QNet 95076)
Fax: [REDACTED]
Email: [REDACTED]@emergency.qld.gov.au

Counter Disaster and Rescue Services

Department of Emergency Services

GPO Box 1425

Brisbane Qld 4001

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17/08/2004

and with the authority, states them to be the opinions of the Department of Emergency Services, Queensland.

1
[REDACTED]
From: [REDACTED]@emergency.qld.gov.au
Sent: Monday, 26 July 2004 6:15 PM
To: [REDACTED]@dlgp.qld.gov.au
Subject: MID 2004 Brisbane City Plan Amendments

[REDACTED]
I refer to your request of 22 June 2004 seeking confirmation that the draft Mid 2004 amendments to the Brisbane City Plan 2000 (City Plan) reflect the Department of Emergency Services's interests and the requirements of State Planning Policy 1/03 "Mitigating the Adverse Impacts of Flood, bushfire and Landslide."

It is noted that Council proposes to amend the core matters of the Scheme to indicate that the Scheme reflects SPP 1/03 (s.4.3 as outlined in Attachment C).

Whilst it is acknowledged that City Plan includes some codes which aim to ensure that development is compatible with the nature of the natural hazard, the dearth of published information on hazard consistent with the methodology adopted in the Australian and New Zealand Standard for Risk Management (AS/NZS4360) and natural hazard mapping precludes agreement to the position that SPP 1/03 is reflected in the Scheme.

Please do not hesitate to contact me to discuss these matter further.

Regards

[REDACTED]
A/Senior Policy and Research Officer
Disaster Mitigation Unit

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Counter Disaster and Rescue Services

Department of Emergency Services

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05/37879
TPA23110

[REDACTED]
From: [REDACTED]@brisbane.qld.gov.au]
Sent: Tuesday, 24 August 2004 11:38 AM
To: [REDACTED]@dlgp.qld.gov.au
Subject: Mid 2004 City Plan Amendments



Attachment C
(Legislation amen... (Bowen Hills) ver... [REDACTED])



Attachment E

Attached are modified versions of Attachments C & E incorporating the changes to amendments C6 & E5 as requested for the briefing note to the Minister.

Regards

[REDACTED]
Senior Program Officer
City Plan Team
City Planning Branch
Brisbane City Council

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This message has passed through an insecure network.
Please direct all enquires to the message author.

Amended Version of August 2004

Attachment C

**Proposed mid 2004 amendments to
Brisbane City Plan 2000:**

**Amendments to respond to changes in the
Child Care Act, Queensland Heritage Act and
State Planning Policies**

**Attachment C Proposed mid 2004 amendments to
Brisbane City Plan 2000: Amendments to respond to changes in the Child Care Act,
Queensland Heritage Act and State Planning Policies**

Amendment No	Chapter & Page	Section	Summary of Amendment
Amendments in response to changes in the Child Care Act			
C1	5/30 5/60 5/76	4 4 4	These amendments update the references in the Child Care Facility, Commercial Character Building, Community Use, and Home Business Codes to the most recently introduced State Government child care legislation.
C2	5/55	2	
C3	5/98	4	
Amendments in response to changes in the Queensland Heritage Act			
C4	5/89	1.1	Amendment recognising that work granted an 'Exemption Certificate' under the <i>Queensland Heritage Act</i> is exempt from the Heritage Place Code
C5	5/89	1.3	Amendment recognising that prior approval of work on a heritage place by the State Heritage Council is no longer possible, and that approval must be sort from the local authority first
Amendments in response to the introduction of new State Planning Policies			
C6	1/6	4.3	Update to the list of State Planning Policies recognised in the City Plan
C7	5/13	2	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Code
C8	Appendix 2 /5	1	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Planning Scheme Policy
C9	Appendix 2 /5	2	
C10	Appendix 2 /5	3	Amendment to update the list of matters to be taken into account when preparing an acid sulfate soils management plan
Minor Corrections			
C11	1/6	5	Clarifying which components of the Plan do not form part of the statutory planning scheme
C12	3/4	2.3	Clarification that the relocation of a pre-1946 building within a lot is not exempt from the Plan
C13	5/89	1	Clarification of terminology in the Heritage Place Code

Amendment Number

C1

Chapter

5

Page

30 – Centre Amenity and Performance Code
61 – Commercial Character Building Code
67 – Community Use Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

Replace the existing non-statutory note under “Where involving a material change of use to a Child Care Facility” with:

“A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003”

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C2

Chapter

5

Page

55 – Child Care Facility Code

Section

Section 2 – Purpose

Proposed Amendment

Replace the existing non-statutory note with

“A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003”

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C3

Chapter

5

Page

98 – Home Business Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

In Acceptable Solution A8 for *Self assessable development* and Acceptable Solution A8 for *Impact assessable development*, delete:

‘is in accordance with the Child Care Act 1991 and the Child Care (Family Day Care) Regulations 1991’

and insert

‘complies with the Child Care Act 2002 and the Child Care Regulation 2003’

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C4

Chapter

5

Page

89 – Heritage Place Code

Section

1.1

Proposed Amendment

Delete the 1st paragraph under Section 1.1 being:

This Code will not apply to any assessable development where the work constitutes "Excluded Work" pursuant to Section 8 of the *Queensland Heritage Regulation 1992* and where the Heritage Place is included in the Queensland Heritage Register.

and replace with the following new paragraph:

This Code will not apply to any assessable development where an "Exemption Certificate" has been issued for the work under Section 35 of the *Queensland Heritage Act 1992* and where the Heritage Place is included in the Queensland Heritage Register.

Reason

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. The purpose of the current paragraph is to ensure that the Heritage Code does not trigger development assessment for minor work on a state listed building that would not have triggered assessment against the Heritage Act itself.

The Heritage Act does not trigger heritage assessment for minor work such as maintenance and repairs. This work was previously defined as "Excluded work" under the *Queensland Heritage Regulation 1992*. Due to recent changes in the legislation the State Heritage Council now issues an "Exemption certificate" under the Act before these minor works can commence. The paragraph has been modified accordingly to reflect the changes to the legislation.

Amendment Number

C5

Chapter

5

Page

89 - Heritage Place Code

Section

1.3

Proposed Amendment

Delete point (c) in Section 1.3 and adjust the subsequent points accordingly.

Reason

Under the previous version of the Heritage Act it was possible to obtain approval from the State Heritage Council for work on a State listed site, prior to applying for development approval from Brisbane City Council.

Section 1.3 of the Heritage Code identifies building and other works on a heritage place that only trigger Code assessment under City Plan either because of their minor nature or due to prior assessment of the heritage issues. Point (c) recognised prior assessment of heritage issues by the Heritage Council.

Recently the Heritage Act was amended to make it compliant with the Integrated Development Assessment System (IDAS) provisions of the *Integrated Planning Act 1997* (IPA). It is no longer possible to gain approval from the Heritage Council prior to town planning approval. The development application must be lodged with Council in the first instance, and as part of Council's assessment process the application must be referred to the Heritage Council for comment.

The deletion of point (c) reflects the change to the legislation and new assessment process.

Amendment Number

C6

Chapter

1

Page

6

Section

4.3 – How the City Plan coordinates and integrates the core matters

Proposed Amendment

In the 3rd paragraph of Section 4.3 add the following new dot points to the existing list of dot points:

- State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils

Reason

Section 4.3 lists all the State Planning Policies (SPP) City Plan recognises and is consistent with. The amendment merely adds recently adopted State policies to the list.

Amendment Number

C7

Chapter

5

Page

13 – Acid Sulfate Soil Code

Section

2 – Using this Code

Proposed Amendment

Delete the non-statutory note after the 2nd paragraph of Section 2 and replace with the following new non-statutory note:

Any Acid Sulfate Soil report or management plan must also be in accordance with State Planning Policy 2/02 - Planning and Managing Development involving Acid Sulfate Soils

Reason

The current note does not refer to the new State Planning Policy SPP. This amendment merely updates the references.

The balance of the Code is consistent with the requirements of the new SPP.

Amendment Number

C8

Appendix

2

Page

5 – Acid Sulfate Soil Planning Scheme Policy

Section

1 – Introduction

Proposed Amendment

Insert the following new paragraph following the 3rd paragraph of Section 1:

State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils and the associated guidelines provide additional information on the management and investigation of acid sulfate soils.

Reason

This amendment merely includes reference to the new Acid Sulfate Soil State Planning Policy and associated Guidelines in the Planning Scheme Policy.

Amendment Number

C9

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

2 – Acid sulfate soil investigation reports

Proposed Amendment

In the 2nd paragraph of Section 2 delete the following document reference being:

Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland (1998) produced by the Queensland Acid Sulfate Soils Investigation Team, Department of Natural Resources

And replace with the following new document reference:

State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils (2002) produced by Natural Resource Sciences, Department of Natural Resources and Mines and Planning Services, Department of Local Government and Planning

Reason

With the introduction of the new Acid Sulfate Soil State Planning Policy and associated Guidelines the reference document for preparing an acid sulfate soil investigation report needs to be updated.

Amendment Number

C10

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

3 – Acid sulfate soil management plans

Proposed Amendment

In the 5th paragraph of Section 3 add the following new dot point to the list:

- Details of the treatment and management of surface drainage waters for disturbed acid sulfate soils

Reason

The State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils identifies matters that should be taken into account when preparing an acid sulfate soil management plan. The matter identified in the proposed amendment is recommended by the Guideline, but is not listed in matters recommended in the Acid Sulfate Soil Planning Scheme Policy. The amendment will ensure consistency between the Planning Scheme Policy and State Planning Policy Guideline.

Amendment Number

C11

Chapter

1

Page

6

Section

5 – Components of the Plan that do not form part of the scheme

Proposed Amendment

Delete the 1st dot point of the section being:

- List of places in *the Queensland Heritage Register of the Queensland Heritage Act 1992*

Reason

City Plan contains numerous maps, indexes, notes and photographs that are merely included for information purposes, do not have statutory weight, and are not officially part of the planning scheme.

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. For information purposes the City Plan Heritage Register highlights those sites that are also included in the State Heritage Register. The deleted dot point was meant to explain that the State Heritage Register was not a product of the City Plan. Upon review it was decided that the dot point could be misinterpreted to mean that those sites highlighted in the City Plan as also being listed in the State register weren't actually part of the City Plan register.

The deletion of the dot point avoids this confusion. There is sufficient information in the Heritage Register Planning Scheme Policy to indicate that sites can be listed in both heritage registers.

Amendment Number

C12

Chapter

3

Page

4

Section

2.3 – Exempt development

Proposed Amendment

In the 2nd dot point under the sub heading "Exempt development identified by the Plan", delete the words "demolishing, removing or relocating a building" and replace with the words "demolishing or removing a building".

Reason

This section lists the circumstances under which the demolition, removal or relocation of a building does not trigger the need for planning approval.

The term 'relocation' was used to cover the act of relocating a building off site. Discussions with the development industry revealed that the term could be misinterpreted to mean that the relocation of a building within the property was exempt from planning approval.

Council has specific planning provisions regarding the positioning of a building within a property such as setbacks from side boundaries. To avoid confusion and ensure the positioning provisions of the Plan are adhered to the term 'relocation' will be deleted. The term 'removing' is sufficient to cover the act of relocating a building off site.

Amendment Number

C13

Chapter

5

Page

89 - Heritage Place Code

Section

1 - Application

Proposed Amendment

In the 2nd paragraph of Section 1 delete the word "citation" and replace with the word "report".

Reason

The use of the term "citation" is inappropriate in the context of this paragraph. A "citation" is the official term used for the report justifying the listing of a building in the Heritage Register. This paragraph refers to the documentation prepared to support the removal of a building from the Register. In this context the term "report" is more appropriate.

Amended version 24 August 2004

Attachment E

Proposed mid 2004 amendments to Brisbane City Plan 2000:

**Amendments to Bowen Hills Local Plan to include a new
precinct, improve retention of light industrial activities and
to clarify open space provisions**

Summary: Attachment E

Proposed Amendments to Brisbane City Plan 2000: Amendments to Bowen Hills Local Plan to include a new precinct, improve retention of light industrial activities and to clarify open space provisions

Amendment No:	Chapter/ Page	Section	Summary of proposed amendments
E1	4/14	3.2	Amendment to intent of Mixed Use Transit Precinct to allow for a single supermarket within the precinct area
E2	4/15	3.9	Inclusion of a precinct intent for the new Ross Street Precinct which protects industrial activities
E3	4/16	4.3	Inclusion of an exception table for levels of assessment within the new Ross Street Precinct
E4	4/17 4/19	5.1	Amendment to general code provisions to refine open space, access and circulation provisions
E5	4/19	5	Inclusion of code provisions relating to new Ross Street Precinct
E6	4/20 4/21	Map A Map B	Inclusion of an amended Map A to reflect new Ross Street Precinct, and new Map B to reflect refinement of open space, access and circulation requirements

Amendment Number

E1

Chapter

4

Page

14

Section

3.2 – Mixed Use Transit Precinct

Proposed Amendment

1. Delete the last sentence of the 1st paragraph and replace with the following new sentence:

"Other supporting uses such as convenience retail (including a supermarket), community uses and clean, low impact industries are also appropriate."

2. Delete the 2nd last sentence of the 2nd paragraph and replace with the following new sentence:

"Retail uses will be limited to a single supermarket, and those of a convenience or specialist nature."

Reason

The current intent for the Mixed Use Transit Precinct precludes a supermarket. This is considered inconsistent with the overall intent of the precinct that is meant to be a transit orientated mixed use development that reduces the need for private transport and serves a focal role within the broader Bowen Hills area.

The proposed amendments therefore nominate development of a single supermarket within the precinct as being appropriate and removes any statements that conflict with that desired outcome.

Amendment Number

E2

Chapter

4

Page

15

Section

3 – Precinct Intents

Proposed Amendment

After Section 3.8 - Breakfast Creek Wharf Precinct insert the following new precinct intent:

3.9 Ross Street Precinct

The intent of the Ross Street Precinct is to create a high quality mixed use area comprising an integrated community of business and service industry employment uses located within dense medium scale buildings and unified by a cohesive streetscape.

The precinct seeks to promote a concentrated area of small business, light industry and showroom functions, that consolidates and reinforces existing land use patterns evident in the precinct. Retention and expansion of existing light industrial and business sector clusters is therefore encouraged, specifically vehicle sales and servicing; printing, publishing and recorded media; and business services, including business or professional advice.

Commercially oriented activities will remain the dominant land use on land fronting Breakfast Creek Road. However, it is not intended that shopping facilities be developed anywhere within the Ross Street Precinct.

Throughout the precinct, new buildings and refurbishment of existing buildings are to maintain similar levels of existing business and industrial activity.

New development on lots fronting both Ross Street and Wickham Grove are to address both street frontages and provide high quality street frontages.

New buildings may be built to the street and side boundaries and footpath planting is preferred to setback planting.

Through progressive redevelopment, it is intended to improve the amenity of the area and open up the creek frontage for public use.

Residential uses will be considered within the precinct, provided a reasonable standard of amenity can be demonstrated. However, it is intended that any permanent residential uses established will be secondary to the precinct's employment function. Such residential uses will only be supported where it can be demonstrated that a reasonable level of residential amenity is able to be provided, having regard to other land uses on and surrounding the site concerned. It is intended residential uses will be incorporated above street level allowing for active street frontages to be developed.

Reason

It is proposed that a new precinct be included within the Local Plan, specifically the "Ross Street Precinct". The new precinct currently forms the eastern half of the Light Industry Precinct.

There are currently growing development pressures within the Bowen Hills and Newstead area for the redevelopment of existing light industrial uses for residential purposes. In response to this pressure, the Urban Renewal Task Force undertook two studies to assist formulation of a planning response to the development pressure.

The first study was a master planning exercise over land currently included in the Light Industrial Area classification and in the vicinity of Breakfast Creek Road. This exercise explored opportunities for mixed-use development.

Concurrently, the Task Force undertook the Inner City Light Industrial Study in order to determine current and future demand for light industrial uses within the inner city and determine any under-supply or over-supply of suitably classified land under City Plan. The study identified a potential future shortfall of light industrial land within the Bowen Hills / Newstead area and recommended the retention of light industrial activities within Bowen Hills and Newstead in order to maintain economic and transport efficiency and promote a sustainable land use pattern.

The new precinct responds to the outcomes of these investigations and ongoing development pressures within Bowen Hills.

The precinct intent seeks a mixed use development outcome comprising residential, commercial (not retail) and light industrial uses. It nominates a number of key industry sectors that reflect existing provision and future demand within Bowen Hills; these were documented within the Inner City Light Industrial Study.

Built form statements within the precinct intent are derived from the positive development outcomes sought in the surrounding area and considered appropriate to the new precinct.

Amendment Number

E3

Chapter

4

Page

16

Section

4 – Level of Assessment

Proposed Amendment

After Section 4.2 Office Park Precinct, insert the following new level of assessment tablet:

“4.3 Ross Street Precinct

Code Assessment		Applicable Codes
1	Display and Sales Activities where vehicle sales and service.	Bowen Hills Local Plan Code and Centre Amenity and Performance Code and Centre Design Code
Impact Assessment		Relevant Codes
Generally appropriate		
1	Centre Activities , excluding the following Centre Activities: <ul style="list-style-type: none"> ▪ Display and Sales Activities where vehicle sales and service ▪ Garden Centre ▪ Restaurant ▪ Shop 	Bowen Hills Local Plan Code and Centre Amenity and Performance Code and Centre Design Code

Reason

Within the new Ross Street precinct, it is proposed to include a number of ‘exceptions’ to the standard City Plan levels of assessment. These exceptions reflect the specific precinct intent of the Ross Street Precinct, current development patterns within the proposed precinct, and the outcomes of the Inner City Light Industrial Study.

Amendment Number

E4

Chapter

4

Page

17

Section

5.1 – General (Performance Criteria and Acceptable Solutions)

Proposed Amendment

Insert into the table the following new Performance Criteria and Acceptable Solutions P2/A2, A3.2, P4/A4.2/A4.2, A5.1 – A5.3 into the Local Plan Code:

5.1 General

Performance Criteria		Acceptable Solutions	
Pedestrian and cycle access			
P2	Development adjoining Breakfast Creek on sites between 62 Ross Street and the eastern end of Murray Street must contribute to the provision of a continuous creekside bikeway/walkway linking Breakfast Creek Road and the northern end of Wickham Grove	A2	Any proposal for sites adjoining Breakfast Creek between 62 Ross Street and the eastern end of Murray Street provides a creekside bikeway/walkway that has a minimum width of 4.5 m designed in accordance with the <i>Public Riverside Facilities Design and Maintenance Manual</i>
Open Space			
P3		A3.2	Open space linkages are provided to parks and open space
Development fronting Enoggera and Breakfast Creek			
P4	Land adjoining Breakfast and Enoggera Creek must be preserved for public use along the entire creek frontage/s	A4.1	An Open Space corridor is preserved along the southern side of Breakfast and Enoggera Creeks extending from Breakfast Creek Road to Bowen Bridge Road in accordance with the provisions of <i>Map B - Open Space, Access and Circulation</i>
		A4.2	Development on sites adjacent to Breakfast or Enoggera Creeks provides an Open Space Corridor with a minimum width (measured from the top of the revetment wall or the high water mark) of 10 metres on land.

Performance Criteria	Acceptable Solutions
P5	<p data-bbox="708 259 1302 349">A5.1 Building elevations facing the Open Space Corridor are attractively designed to 'front' the creek rather than backing on to it</p> <p data-bbox="708 405 1321 521">A5.2 Building design provides opportunities for passive surveillance through the orientation of windows and balconies towards the Open Space Corridor</p> <p data-bbox="708 577 1329 754">A5.3 Where basement walls fronting the creek are proposed to be more than 1m above finished ground level, they are appropriately screened using a variety of landscape treatments to achieve an attractive frontage to the Open Space Corridor</p>

Renumber the table accordingly.

Reason

As part of the proposal to allow mixed-use development within the new Ross Street Precinct, open space provision along Breakfast Creek and Enoggera Creek, and pedestrian access and circulation within the Local Plan area, were reviewed. The proposed amendments to the open space and pedestrian access/circulation provisions ensure these are consistent with the intent of the new Ross Street precinct, which expands the potential for mixed use development further along Breakfast Creek. The amendments also ensure consistency with adjoining local plans to the west, namely the proposed Ithaca District Local Plan.

Amendment Number

E5

Chapter

4

Page

19

Section

5 – Bowen Hills Local Plan Code

Proposed Amendment

After Section 5.4 – Office Precinct, insert the following new Performance Criteria and Acceptable Solution Table:

5.5 Ross Street Precinct

Performance Criteria		Acceptable Solutions	
P1	Development size and bulk must maintain a 'human scale'.	A1	Maximum plot ratio is no more than 1.25:1
P2	Development height must maintain a human scale at street level and preserve significant views	A2	Building height is no more than 4 storeys and 14.4m
P3	Buildings facing Breakfast Creek Road must have distinctive facades, demonstrating architectural creativity and individuality of design	A3	No Acceptable Solution is prescribed
P4	Development will provide for the retention of business and industrial employment opportunities	A4	New buildings and refurbishment of existing buildings: <ul style="list-style-type: none">▪ retain the equivalent gross floor area currently used for light industrial or business activity for such purposes, or▪ where there is no existing light industrial or business activity, provide a minimum of 45% of allowable gross floor area for light industrial or business activities, whichever is greater.

Performance Criteria	Acceptable Solutions
<p>P5 Setbacks must be relative to building heights and street reserve widths and must not result in buildings, which are of an overbearing scale to pedestrians.</p> <p>New buildings may be built to the street and side boundaries and footpath planting is preferred to setback planting.</p>	<p>A5 Building levels up to 3 storeys may be built to boundary with any additional storeys setback no less than 6m.</p>

Reason

Specific code provisions have been included for the Ross Street Precinct to ensure appropriate built form and land use outcomes for this new precinct. The provisions have been generally derived from successful provisions in similar localities within the Urban Renewal Task Force area.

The requirements for the Ross Street Precinct reinforce the intent to achieve a minimum level (45% allowable gross floor area) of light industrial or business activity as part of any mixed-use redevelopment within the Precinct. The minimum level of 45% allowable gross floor area reflects the outcomes of the Inner City Light Industrial Study and current development yields being achieved for light industrial uses within the Newstead and Bowen Hills areas. Industrial development within the area currently achieve plot ratios in the order of 0.6 (with an acceptable built form outcome), which represents 45% of the overall 1.25 plot ratio proposed within the Ross Street Precinct.

The amendment has been drafted to ensure either similar levels of light industrial gross floor area as currently existing are maintained (on individual sites), or at least 45% of the allowable gross floor area is provided as part of any redevelopment, whichever is greater. This gives Council a degree of certainty with respect to the amount of industrial floor space that will be achieved, as well as discouraging land owners from ceasing or limiting existing light industrial uses in order to minimise industrial floor space that needs to be retained.

Amendment Number

E6

Chapter

4

Page

20 - 21

Section

Map A: Precincts

Map B: Open Space and Circulation

Proposed Amendment

1. Replace current *Map A: Precincts*, with the attached new *Map A: Precincts*.
2. Replace current *Map B: Open Space and Circulation*, with the attached new *Map B: Open Space, Access and Circulation*.

Reason

1. It is necessary to delineate the new Ross Street Precinct in *Map A: Precincts*.
2. As part of the proposal to allow mixed-use development within the new Ross Street Precinct, open space provision along Breakfast Creek and Enoggera Creek, and pedestrian access and circulation within the Local Plan area, were reviewed. The proposed amendments to the open space and pedestrian access/circulation provisions ensure these are consistent with the intent of the new Ross Street precinct, which expands the potential for mixed-use development further along Breakfast Creek. The mapping amendments also reflect recent development outcomes (at Breakfast Creek Wharf) and pedestrian and bikeway infrastructure provision (specifically along the Inner City Bypass).

Additional requirements have been included into the general provisions of the Local Plan code, as outlined in amendment E4. The associated Map B has been updated to reflect the spatial outcomes of these additional requirements.

COPY

P/04/01713

MIN52811.04 - TPA23110

BRIEFING NOTE

Doc No. 05/37904
File No. TPA23110

TO: MINISTER FOR ENVIRONMENT, LOCAL GOVERNMENT, PLANNING AND WOMEN

THROUGH: DIRECTOR-GENERAL

SUBJECT Incorporation of the proposed Mid 2004 Amendment Package to the Brisbane City Plan 2000

PURPOSE

To seek your approval to allow Brisbane City Council (Council) to publicly notify proposed amendments, included in the Mid 2004 Amendment Package, to the Brisbane City Plan 2000 (City Plan).

BACKGROUND

On 8 June 2004, Council resolved to amend City Plan by incorporating amendments included the Mid 2004 Amendment Package.

The proposed amendments comprise:

- amendments to reflect recent changes to State Legislation and State Planning Policies;
- the setting of maximum building height for developments in Multi-Purpose and Special Purpose Centres and select Local Plans, and clarification of related definitions;
- the introduction of a new precinct in the Bowen Hills Local Plan;
- amendments to New Farm and Teneriffe Hill Local Plan to improve structure and clarification of design guidelines for houses;
- amendments to New Farm and Teneriffe Waterfront Local Plan to improve structure and retention of existing light industrial activities, and clarification of precinct intents;
- the introduction of location and design criteria for school driveways;
- amendments to ensure the level of assessment for small lot houses in Emerging Community Area is consistent with other Area classifications; and
- a change to the Area classification of a car park in Sandgate from Parkland Area to Multi-purpose Centre, and consequential change to Sandgate District Local Plan.

ISSUES

On 11 June 2004, Council submitted the Mid 2004 Amendment Package for consideration of State interests and approval to commence public notification procedures.

Department of Local Government, Planning, Sport and Recreation officers coordinated a Whole of Government (WoG) review of the proposed amendments in June/July 2004. Modifications, outlined in the following text, were undertaken by Council with respect to a typographical error and recommendations raised in the WoG review.

Editorial to correct a typographical error

On 16 August 2004, Council officers responsible for the drafting of the Mid 2004 Amendment Package advised amendment E5, proposed to amend the Bowen Hills Local Plan Code, included a typographical error in section 5.5 Ross Street Precinct, Acceptable Solution A2, which stated 'building height is no more than 4 storeys or 14.4m'. Council intended this amendment should state 'building height is no more than 4 storeys and 14.4m'. This editorial enhances the clarity and interpretation of building height provisions as Attachment D of the Mid 2004 Amendment Package also includes proposed amendments regarding building height which consistently use 'and'. On 24 August 2004, Council forwarded a 'modified version' of amendment E5 to be included in the Mid 2004 Amendment Package, which incorporates this editorial.

Department of Emergency Services

The Department of Emergency Services (DES) generally supported the proposed amendments, acknowledging City Plan includes some codes that aim to ensure development is compatible with the nature of natural hazards. However, some work must still be carried out with regard to the interpretation and implementation of *State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP1/03)*. Accordingly, this precludes any agreement by DES that amendment C6, proposed to amend section 4.3 of City Plan, be included in the Mid 2004 Amendment Package. The proposed amendment seeks to identify that City Plan explicitly recognises, and is consistent with SPP 1/03. This advice was subsequently forwarded to Council. On 9 August 2004, Council officers advised proposed amendment C6 will be deleted. On 24 August 2004, Council forwarded a 'modified version' of amendment C6 to be included in the Mid 2004 Amendment Package, which incorporates this deletion.

Education Queensland

Amendment H1 proposes to include additional self assessable provisions in the Community Use Code for new driveways on sites used for Education purposes. The provisions seek to ensure new driveways do not access onto neighbourhood or local streets and site access locations accord with the Transport, Access Parking and Servicing Planning Scheme Policy.

Education Queensland (EQ) did not support these provisions and raised concerns about the additional assessment criteria imposed on EQ with regard to existing school sites. This advice was subsequently forwarded to Council. A meeting was held on 19 October 2004 between Council, EQ and this Department to resolve outstanding issues. At this meeting it was agreed to set aside amendment H1 as Council will undertake a review of the driveway provisions and hold further discussions with EQ. Once an agreed outcome is established with regard to driveway provisions, Council propose to include these provisions in a subsequent amendment package. Council considers this is the most appropriate action to undertake, as this will allow the remainder of the Mid 2004 Amendment Package to be progressed to public notification.

Conclusion

No significant issues were raised by State agencies in the WoG review that have not been resolved. The editorial to correct a typographical error in amendment E5 will not adversely affect State interests. The concerns raised by DES have been appropriately addressed as Council has agreed to delete the relevant section from amendment C6. On 24 August 2004, Council forwarded a 'modified version' of the Mid 2004 Amendment Package, which incorporates these changes.

The concerns raised by EQ have been appropriately addressed as Council has agreed to set aside amendment H1 from the Mid 2004 Amendment Package. Subject to your agreement to set aside amendment H1, Council propose to remove this amendment from the 'modified version' of the Mid 2004 Amendment Package prior to public notification.

PROPOSED COMMUNICATION ACTIVITIES

Forward a letter to Council as detailed below.

RECOMMENDATIONS

That, subject to your agreement: -

1. you agree State interests have been considered in respect to the proposed amendments and allow Council to publicly notify the 'modified version' of the Mid 2004 Amendment Package subject to the aforementioned modifications; and
2. you sign the attached letter notifying Council of the above.

Prepared by:

██████████
Planner
SEQ-WBB Planning Division
Tel: ██████████

Endorsed by:

██████████
Manager
SEQ-WBB Planning Division
Tel: ██████████

29 October 2004

Contact Officer: ██████████

Cleared by:

██████████
Acting Manager, Executive Services
Office of the Director-General

SIGNED BY MINISTER

RECOMMENDATIONS APPROVED/NOT APPROVED:.....

DATE: 12 NOV 2004.....

MIN 52811.04 – TPA23110

12/07/2004

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
PO Box 1434
BRISBANE QLD 4001

Dear Ms Munro

I refer to Brisbane City Council's letter of 11 June 2004 submitting the Mid 2004 City Plan Amendment Package to the Brisbane City Plan 2000 (City Plan) for consideration of State interests.

I have considered State interests in respect of the proposed amendments included in the Mid 2004 City Plan Amendment Package and advise Council may commence public notification procedures of the Mid 2004 City Plan Amendment Package subject to the following:

- the 'modified version' of the Mid 2004 City Plan Amendment Package as forwarded to the Department of Local Government, Planning, Sport and Recreation on 24 August 2004 is the version to be publicly notified; and
- amendment H1 is to be set aside from the 'modified version' of the Mid 2004 City Plan Amendment Package and will not be publicly notified with this amendment package.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments included in the Mid 2004 City Plan Amendment Package.

Yours sincerely

BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

Prepared by: Lyndy Rapson 54568

Endorsed by:for GM, Planning Services

Date:

COPY

MIN 52811.04 – TPA23110

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Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

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Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

Prepared by: Lyndy Rapson 54568

Endorsed by:for GM, Planning Services

Date:

460/2 (169/P1)

DECISION OF THE BRISBANE CITY COUNCIL

**URBAN PLANNING AND ECONOMIC DEVELOPMENT
COMMITTEE**

Recommendation of 10 May 2005

Presented to Council: 17 May 2005 and ADOPTED:

**A MID 2004 AMENDMENTS TO THE BRISBANE CITY PLAN 2000
460/2/(169/P1)**

1. The Divisional Manager, Urban Management Division, provides the following background information in relation to this matter.
2. On 8 June 2004, Council resolved to amend City Plan as per the proposed Mid 2004 amendment package. As a result amendments affecting six key areas of change to the City Plan, were publicly exhibited, and these are listed below.

Amendments to Reflect Recent Amendments to State Legislation and State Planning Policies

3. To ensure the City Plan is consistent with the new legislation, it is necessary to update references to the revised *Child Care Act*; include references to the new Acid Sulphate Soils State Planning Policy; and amend the Heritage Place Code to recognise the new assessment processes under the *Queensland Heritage Act*.

Setting Maximum Building Heights for Development in Multi-Purpose and Special Purpose Centres and Local Plans and Clarifying Related Definitions

4. Most design Codes in City Plan limit the height of buildings to both a maximum number of storeys and a maximum number of metres above ground level. In the Centre Design Code and 19 Local Plans, building height is only measured in storeys. These amendments nominate a maximum height in metres for all development, ensuring consistency in the determination of building height across the City. Related definitions have also been amended to clarify what constitutes a 'Ground storey' and a 'Storey'.

Amendments to Bowen Hills Local Plan to Include a New Precinct, Improve Retention of Light Industrial Activities and to Clarify Open Space Provisions

5. There is pressure in the Bowen Hills area to redevelop existing light industrial uses for residential purposes. The amendments include new precinct intents, levels of assessment and Code provisions to protect the existing industrial areas.

Amendments to New Farm and Teneriffe Hill Local Plan to Improve the Structure, Remove Redundant Provisions and to Clarify Design Guidelines for Houses

6. The amendments remove redundant provisions relating to specific sites that have since redeveloped in accordance with the "special area" requirements. The amendments also restructure the format of the Local Plan so that it is consistent with the structure of other Local Plans. Amended design guidelines have also been introduced to regulate the size and location of houses.

Amendments to ^{New Farm} Newstead and Teneriffe Waterfront Local Plan to Improve the Structure, Improve Retention of Light Industrial Activities and to Clarify Precinct Intents

7. There is pressure in the Newstead area to redevelop existing light industrial uses for residential purposes. The amendments include new precinct intents and Code provisions to protect the existing industrial activities.

8. The amendments also restructure the format of the Local Plan so that it is consistent with the structure of other Local Plans.

Amendments to Ensure the Level of Assessment for a Small Lot House in the Emerging Community Area Is Consistent With Other Area Classifications

9. The current level of assessment in the Emerging Community Area, for a house complying with the House Code, is self-assessable, even if it is on a small lot. This is inconsistent with other Area Classifications where the house must comply with the requirements of both the House Code and the Residential Design – Small Lot Code to be self-assessable. The amendments alter the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of Residential Area classifications.
10. On 12 November 2004, after consideration of State interests, the Minister for Local Government and Planning approved the commencement of public notification.
11. The amendments were on statutory exhibition for 30 business days from 11 February 2005 to 29 March 2005. Two submissions were received during the exhibition period. The key issues raised were:
- the public advertising was claimed not to be carried out correctly;
 - it was noted the amendments to the Heritage Place Code will mean that development approvals previously granted by the Environmental Protection Agency over State listed heritage places will not be recognised by Council, resulting in a higher level of assessment; and
 - it was claimed that the amendments to the Heritage Place Code would give Council the ability to remove heritage buildings without applying a rigorous and transparent process.
12. During the public exhibition period additional consultation was undertaken with industry representatives. Through this consultation, the following concerns were raised:
- the ability to achieve an industrial/residential mixed use outcome on sites in Bowen Hills, as proposed in the amendments to the Bowen Hills Local Plan, was questioned given financial, design and amenity considerations; and
 - the amendments to the definition of 'Ground storey' and 'Storey' do not assist in the determination of building height.
13. After consideration of the submissions and industry feedback a number of modifications are proposed to the amendments. The proposed modifications are:
- the Heritage Place Code will be modified to recognise development approvals previously granted by the Environmental Protection Agency over State listed heritage places;
 - the proposal to achieve an industrial/residential mixed use outcome on sites in Bowen Hills has been removed until the provisions can be tested; and
 - the definitions for 'Ground storey' and 'Storey' have been modified to better reflect building height provisions.
14. The public exhibition complied fully with the requirements of the *Integrated Planning Act 1997* (IPA).
15. The issue raised regarding Council's ability to remove heritage buildings without applying a rigorous and transparent process relates to an existing provision in City Plan, not a proposed amendment. As such, it must be considered through a future amendment package.
16. A full report on the submissions and industry feedback is included at Attachment A7 submitted.

17. A summary of the revised amendments is at Attachment B submitted. The revised amendments, incorporating modifications in response to submissions and feedback, are at Attachments C to H submitted.
18. Council is now required to consider whether to proceed with the proposed amendments, having regard to the submissions received. Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for the final consideration of State interests.

Consultation

Officers from Urban Renewal (City Planning Branch), have been consulted and support the proposed changes to the Bowen Hills Local Plan made in response to industry feedback.

A Senior Heritage Architect, of the Heritage Unit (City Planning Branch), has been consulted and supports the proposed changes to the Heritage Place Code made in response to the submissions.

19. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.
20. **RECOMMENDATION:**

TO RESPOND TO AMENDMENTS TO THE QUEENSLAND HERITAGE ACT, CHILD CARE ACT AND THE INTRODUCTION OF A NEW STATE PLANNING POLICY

THAT IT BE RESOLVED THAT:

- (i) As:
 - (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to respond to amendments to the *Queensland Heritage Act*, *Child Care Act* and the introduction of a new State Planning Policy;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment C submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

**TO SET MAXIMUM BUILDING HEIGHTS FOR DEVELOPMENT IN MULTI-PURPOSE AND
SPECIAL USE CENTRES AND SELECT LOCAL PLANS AND CLARIFY RELATED
DEFINITIONS**

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to set maximum building heights for development in Multi-purpose and Special Use Centres and select Local Plans and clarify related definitions;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, which is tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment D submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

**TO INCLUDE A NEW PRECINCT, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE
RETAINED AND TO CLARIFY OPEN SPACE PROVISIONS IN THE BOWEN HILLS LOCAL
PLAN**

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to include a new precinct, require light industrial activities to be retained and to clarify open space provisions in the Bowen Hills Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;

- (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are tabled;
- (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment E submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REMOVE REDUNDANT PROVISIONS AND TO CLARIFY THE DESIGN GUIDELINES FOR HOUSES IN THE NEW FARM AND TENERIFFE HILL LOCAL PLAN

THAT IE BE RESOLVED THAT:

- (i) As:
 - (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to improve the structure of the level of assessment tables, remove redundant provisions and to clarify the design guidelines for houses in the New Farm and Teneriffe Hill Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS** as set out in Attachment F submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE RETAINED AND TO CLARIFY PRECINCT INTENTS OF THE NEWSTEAD AND TENERIFFE WATERFRONT LOCAL PLAN

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to improve the structure of the level of assessment tables, require light industrial activities to be retained and to clarify precinct intents of the Newstead and Teneriffe Waterfront Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
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 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment G submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO ENSURE THE LEVEL OF ASSESSMENT FOR A SMALL LOT HOUSE IN THE EMERGING COMMUNITY AREA IS CONSISTENT WITH OTHER AREA CLASSIFICATIONS

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), amendments to ensure the level of assessment for a small lot house in the Emerging Community Area is consistent with other Area classifications;

- (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
- (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
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- (e) Pursuant to Section 17(2) of Schedule 1 of IPA a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS** as set out in Attachment H submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

MINUTES OF PROCEEDINGS



**THE 4157th MEETING OF THE BRISBANE CITY COUNCIL,
HELD AT THE PALOMA CENTRE, SUNNYBANK, BRISBANE, ON
TUESDAY 17 MAY 2005
AT 2:00 PM.**

Dedicated to a better Brisbane

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the Residential Design – Small Lot Code to be self-assessable. The amendments alter the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of Residential Area classifications.

10. On 12 November 2004, after consideration of State interests, the Minister for Local Government and Planning approved the commencement of public notification.
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 - the public advertising was claimed not to be carried out correctly;
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 - the ability to achieve an industrial/residential mixed use outcome on sites in Bowen Hills, as proposed in the amendments to the Bowen Hills Local Plan, was questioned given financial, design and amenity considerations; and
 - the amendments to the definition of ‘Ground storey’ and ‘Storey’ do not assist in the determination of building height.
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16. A full report on the submissions and industry feedback is included at Attachment A7 submitted.
17. A summary of the revised amendments is at Attachment B submitted. The revised amendments, incorporating modifications in response to submissions and feedback, are at Attachments C to H submitted.

18. Council is now required to consider whether to proceed with the proposed amendments, having regard to the submissions received. Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for the final consideration of State interests.

Consultation

Officers from Urban Renewal (City Planning Branch), have been consulted and support the proposed changes to the Bowen Hills Local Plan made in response to industry feedback.

A Senior Heritage Architect, of the Heritage Unit (City Planning Branch), has been consulted and supports the proposed changes to the Heritage Place Code made in response to the submissions.

19. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.

20. **RECOMMENDATION:**

TO RESPOND TO AMENDMENTS TO THE QUEENSLAND HERITAGE ACT, CHILD CARE ACT AND THE INTRODUCTION OF A NEW STATE PLANNING POLICY

THAT IT BE RESOLVED THAT:

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 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS, as set out in Attachment C submitted.



Brisbane City Council

ABN 72 002 765 795

Contact name: [REDACTED]
Phone: [REDACTED]
Fax *direct*: [REDACTED]
Our ref: 460/2(169)

City Planning
Urban Management Division
Level 16 69 Ann Street
Brisbane Qld 4000
GPO Box 1434 Brisbane Qld 4001

20 May 2005

Hon. Desley Boyle MP
Minister for Local Government and Planning
Minister for the Environment

Attention: [REDACTED]
Planning Services
South East Queensland Planning Division
PO Box 31
BRISBANE ALBERT STREET
QLD 4002

Dear Minister,

Mid 2004 amendments to the Brisbane City Plan 2000

Pursuant to Section 18 of Schedule 1 of the *Integrated Planning Act 1997*, please find attached a copy of the proposed Mid 2004 City Plan amendments as modified in response to submissions.

Enclosed is a copy of:

- Council's resolution to proceed with the modified amendments
- A report on the submissions received and Council's response
- 2 copies of the modified amendment package

An electronic copy of the package has also been forwarded to the Department.

In accordance with Section 18(4) of Schedule 1, could you please advise whether any State interests are adversely affected by the modified amendments.

Should you wish to discuss any of the proposed changes, please do not hesitate to contact [REDACTED] of City Planning Branch on [REDACTED].

Yours sincerely

[REDACTED]
Michael Papageorgiou
Manager City Planning
URBAN MANAGEMENT DIVISION

460/2 (169/P1)

DECISION OF THE BRISBANE CITY COUNCIL

**URBAN PLANNING AND ECONOMIC DEVELOPMENT
COMMITTEE**

Recommendation of 10 May 2005

05 70296

Presented to Council: 17 May 2005 and ADOPTED:

**A MID 2004 AMENDMENTS TO THE BRISBANE CITY PLAN 2000
460/2/(169/P1)**

1. The Divisional Manager, Urban Management Division, provides the following background information in relation to this matter.
2. On 8 June 2004, Council resolved to amend City Plan as per the proposed Mid 2004 amendment package. As a result amendments affecting six key areas of change to the City Plan, were publicly exhibited, and these are listed below.

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3. To ensure the City Plan is consistent with the new legislation, it is necessary to update references to the revised *Child Care Act*; include references to the new Acid Sulphate Soils State Planning Policy; and amend the Heritage Place Code to recognise the new assessment processes under the *Queensland Heritage Act*.

Setting Maximum Building Heights for Development in Multi-Purpose and Special Purpose Centres and Local Plans and Clarifying Related Definitions

4. Most design Codes in City Plan limit the height of buildings to both a maximum number of storeys and a maximum number of metres above ground level. In the Centre Design Code and 19 Local Plans, building height is only measured in storeys. These amendments nominate a maximum height in metres for all development, ensuring consistency in the determination of building height across the City. Related definitions have also been amended to clarify what constitutes a 'Ground storey' and a 'Storey'.

Amendments to Bowen Hills Local Plan to Include a New Precinct, Improve Retention of Light Industrial Activities and to Clarify Open Space Provisions

5. There is pressure in the Bowen Hills area to redevelop existing light industrial uses for residential purposes. The amendments include new precinct intents, levels of assessment and Code provisions to protect the existing industrial areas.

Amendments to New Farm and Teneriffe Hill Local Plan to Improve the Structure, Remove Redundant Provisions and to Clarify Design Guidelines for Houses

6. The amendments remove redundant provisions relating to specific sites that have since redeveloped in accordance with the "special area" requirements. The amendments also restructure the format of the Local Plan so that it is consistent with the structure of other Local Plans. Amended design guidelines have also been introduced to regulate the size and location of houses.

Amendments to New Farm and Teneriffe Waterfront Local Plan to Improve the Structure, Improve Retention of Light Industrial Activities and to Clarify Precinct Intents

7. There is pressure in the Newstead area to redevelop existing light industrial uses for residential purposes. The amendments include new precinct intents and Code provisions to protect the existing industrial activities.

8. The amendments also restructure the format of the Local Plan so that it is consistent with the structure of other Local Plans.

Amendments to Ensure the Level of Assessment for a Small Lot House in the Emerging Community Area Is Consistent With Other Area Classifications

9. The current level of assessment in the Emerging Community Area, for a house complying with the House Code, is self-assessable, even if it is on a small lot. This is inconsistent with other Area Classifications where the house must comply with the requirements of both the House Code and the Residential Design – Small Lot Code to be self-assessable. The amendments alter the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of Residential Area classifications.
10. On 12 November 2004, after consideration of State interests, the Minister for Local Government and Planning approved the commencement of public notification.
11. The amendments were on statutory exhibition for 30 business days from 11 February 2005 to 29 March 2005. Two submissions were received during the exhibition period. The key issues raised were:
 - the public advertising was claimed not to be carried out correctly;
 - it was noted the amendments to the Heritage Place Code will mean that development approvals previously granted by the Environmental Protection Agency over State listed heritage places will not be recognised by Council, resulting in a higher level of assessment; and
 - it was claimed that the amendments to the Heritage Place Code would give Council the ability to remove heritage buildings without applying a rigorous and transparent process.
12. During the public exhibition period additional consultation was undertaken with industry representatives. Through this consultation, the following concerns were raised:
 - the ability to achieve an industrial/residential mixed use outcome on sites in Bowen Hills, as proposed in the amendments to the Bowen Hills Local Plan, was questioned given financial, design and amenity considerations; and
 - the amendments to the definition of ‘Ground storey’ and ‘Storey’ do not assist in the determination of building height.
13. After consideration of the submissions and industry feedback a number of modifications are proposed to the amendments. The proposed modifications are:
 - the Heritage Place Code will be modified to recognise development approvals previously granted by the Environmental Protection Agency over State listed heritage places;
 - the proposal to achieve an industrial/residential mixed use outcome on sites in Bowen Hills has been removed until the provisions can be tested; and
 - the definitions for ‘Ground storey’ and ‘Storey’ have been modified to better reflect building height provisions.
14. The public exhibition complied fully with the requirements of the *Integrated Planning Act 1997* (IPA).
15. The issue raised regarding Council’s ability to remove heritage buildings without applying a rigorous and transparent process relates to an existing provision in City Plan, not a proposed amendment. As such, it must be considered through a future amendment package.
16. A full report on the submissions and industry feedback is included at Attachment A7 submitted.

17. A summary of the revised amendments is at Attachment B submitted. The revised amendments, incorporating modifications in response to submissions and feedback, are at Attachments C to H submitted.
18. Council is now required to consider whether to proceed with the proposed amendments, having regard to the submissions received. Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for the final consideration of State interests.

Consultation

Officers from Urban Renewal (City Planning Branch), have been consulted and support the proposed changes to the Bowen Hills Local Plan made in response to industry feedback.

A Senior Heritage Architect, of the Heritage Unit (City Planning Branch), has been consulted and supports the proposed changes to the Heritage Place Code made in response to the submissions.

19. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.
20. **RECOMMENDATION:**

TO RESPOND TO AMENDMENTS TO THE QUEENSLAND HERITAGE ACT, CHILD CARE ACT AND THE INTRODUCTION OF A NEW STATE PLANNING POLICY

THAT IT BE RESOLVED THAT:

- (i) As:
 - (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to respond to amendments to the *Queensland Heritage Act*, *Child Care Act* and the introduction of a new State Planning Policy;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment C submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

**TO SET MAXIMUM BUILDING HEIGHTS FOR DEVELOPMENT IN MULTI-PURPOSE AND
SPECIAL USE CENTRES AND SELECT LOCAL PLANS AND CLARIFY RELATED
DEFINITIONS**

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to set maximum building heights for development in Multi-purpose and Special Use Centres and select Local Plans and clarify related definitions;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, which is tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment D submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

**TO INCLUDE A NEW PRECINCT, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE
RETAINED AND TO CLARIFY OPEN SPACE PROVISIONS IN THE BOWEN HILLS LOCAL
PLAN**

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to include a new precinct, require light industrial activities to be retained and to clarify open space provisions in the Bowen Hills Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;

- (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are tabled;
- (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment E submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REMOVE REDUNDANT PROVISIONS AND TO CLARIFY THE DESIGN GUIDELINES FOR HOUSES IN THE NEW FARM AND TENERIFFE HILL LOCAL PLAN

THAT IE BE RESOLVED THAT:

- (i) As:
 - (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to improve the structure of the level of assessment tables, remove redundant provisions and to clarify the design guidelines for houses in the New Farm and Teneriffe Hill Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS** as set out in Attachment F submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO IMPROVE THE STRUCTURE OF THE LEVEL OF ASSESSMENT TABLES, REQUIRE LIGHT INDUSTRIAL ACTIVITIES TO BE RETAINED AND TO CLARIFY PRECINCT INTENTS OF THE NEWSTEAD AND TENERIFFE WATERFRONT LOCAL PLAN

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), to improve the structure of the level of assessment tables, require light industrial activities to be retained and to clarify precinct intents of the Newstead and Teneriffe Waterfront Local Plan;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are submitted and tabled;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS WITH MODIFICATIONS**, as set out in Attachment G submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

TO ENSURE THE LEVEL OF ASSESSMENT FOR A SMALL LOT HOUSE IN THE EMERGING COMMUNITY AREA IS CONSISTENT WITH OTHER AREA CLASSIFICATIONS

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), amendments to ensure the level of assessment for a small lot house in the Emerging Community Area is consistent with other Area classifications;

- (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
- (c) By letter dated 12 November 2004, submitted and tabled, the Minister advised that Council may publicly exhibit the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on the 11 February 2005, and were publicly exhibited until 29 March 2005, and two submissions were received and are tabled;
- (e) Pursuant to Section 17(2) of Schedule 1 of IPA a report on and response to such submissions has been prepared and is set out at Attachment A7 submitted;

COUNCIL, pursuant to Section 16(1)(b) of Schedule 1 of IPA after considering every properly made submission, **RESOLVES TO PROCEED WITH THE PROPOSED PLANNING SCHEME AMENDMENTS** as set out in Attachment H submitted.

- (ii) Council directs, pursuant to Section 18(2) of Schedule 1 of IPA, that the Minister be advised of Council's decision to proceed with the proposed amendments with modifications, and that the Minister be given a copy of such proposed amendments with modifications for reconsideration of State interests.

[REDACTED]
From: [REDACTED]@brisbane.qld.gov.au
Sent: Monday, 23 May 2005 11:53 AM
To: [REDACTED]
Subject: Mid 2004 City Plan amendments



Mid 2004



Mid 2004



Mid 2004



Mid 2004



Mid 2004



Mid 2004



Mid 2004 Att B
summary.doc

achment H (EC - srtachment C (Legislataachment D (buildinachment E (Bowen lachment F (New Faachment G (Newste



Mid 2004 report on
submissions... [REDACTED]

SEARCHED
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MAY 23 2005
MIA No. 05137907
TPA23110

Council reconsidered and approved the Mid 2004 amendments on 17 May. Attached is an electronic copy of the modified amendments & the report on submissions. A few changes were made in response to submissions. The report clearly indicates which amendments have changed.

The formal letter, etc are in the mail.

Regards

[REDACTED]
Urban Planner
City Plan Team
City Planning Branch
Brisbane City Council

Ph: [REDACTED]
Fax: [REDACTED]
email: [REDACTED]@brisbane.qld.gov.au

This message has passed through an insecure network.
Please direct all enquires to the message author.

[Redacted]

From: [Redacted]
Sent: Tuesday, 31 May 2005 1:37 PM
To: [Redacted]@qed.qld.gov.au; [Redacted]@housing.qld.gov.au;
[Redacted]@dnr.qld.gov.au; [Redacted]@epa.qld.gov.au;
[Redacted]@transport.qld.gov.au; [Redacted]@mainroads.qld.gov.au;
[Redacted]@health.qld.gov.au; [Redacted]@police.qld.gov.au;
[Redacted]@police.qld.gov.au; [Redacted]@energy.qld.gov.au;
[Redacted]@energex.com.au; [Redacted]@publicworks.qld.gov.au;
[Redacted]@powerlink.com.au; [Redacted]@communities.qld.gov.au; [Redacted];
[Redacted]@dpi.qld.gov.au; [Redacted]@sd.qld.gov.au;
[Redacted]@mainroads.qld.gov.au; [Redacted]@emergency.qld.gov.au'
Subject: Reconsideration of State interests - Mid 2004 Amendment Package

Dear State agency contacts

The Brisbane City Council has forwarded the proposed Mid 2004 Amendment Package for reconsideration of State interests and Ministerial approval to adopt. Please find included Attachments B to H of the Mid 2004 Amendment Package for your perusal and comment. Attachment B provides a summary of the proposed amendments included in Attachments C to H.

A Whole of Government first State interest review was coordinated in June/July 2004. Council subsequently prepared a 'modified version' of the Amendment Package to address concerns raised by State agencies and publicly notified the amendments from 11 February to 29 March 2005. Council received 2 submissions.

In order for the team to coordinate a response back to Council, we would appreciate your comments on the proposed amendments by **COB Thursday 23 June 2005**. If the Department has not received a response from your agency by COB 23 June 2005 it will be assumed your agency has no issues. Your assistance in the review of the draft local plan is appreciated. If you require further information please do not hesitate to contact me.

Regards

[Redacted]

Planner -Central Southern Team
South East Queensland -Wide Bay Burnett Planning Division
Planning Services
Department of Local Government, Planning, Sport and Recreation
Email to: [Redacted]@dlgp.qld.gov.au
Telephone: [Redacted] Fax: [Redacted]



Mid 2004 Att B summary.doc



Mid 2004 Attachment C (Legisla



Mid 2004 Attachment D (buildin



Mid 2004 Attachment E (Bowen



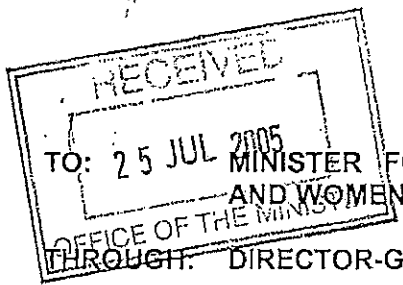
Mid 2004 Attachment F (New Fa



Mid 2004 Attachment G (Newste



Mid 2004 Attachment H (EC - sr



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P/05/01049

BRIEFING NOTE

TO: 25 JUL 2005 MINISTER FOR ENVIRONMENT, LOCAL GOVERNMENT, PLANNING AND WOMEN
OFFICE OF THE MINISTER
THROUGH: DIRECTOR-GENERAL [REDACTED] 25/7/05

SUBJECT: Incorporating Mid 2004 Amendment Package to Brisbane City Plan 2000

PURPOSE

To seek your approval to allow Brisbane City Council (Council) to adopt the proposed Mid 2004 Amendment Package to the Brisbane City Plan 2000 (City Plan).

BACKGROUND

On 17 May 2005 Council resolved to amend City Plan by incorporating proposed amendments included in the Mid 2004 Amendment Package.

The proposed amendments comprise:

- reflecting recent changes to State Legislation and State Planning Policies;
- setting of maximum building height for developments in Multi-Purpose and Special Purpose Centres and selected Local Plans, and clarification of related definitions;
- amendments to the Bowen Hills Local Plan to include a new precinct, improve retention of light industrial activities and clarify open space provisions;
- amendments to the New Farm and Teneriffe Waterfront Local Plan to improve structure and retention of existing light industrial activities, and clarification of precinct intents;
- amendments to the New Farm and Teneriffe Hill Local Plan to improve structure and clarification of design guidelines for houses; and
- amendments to ensure the level of assessment for small lot houses in the Emerging Community Area is consistent with other Area classifications.

On 11 June 2004 Council submitted the proposed amendments for consideration of State interests and approval to commence public notification procedures.

Officers of the Department of Local Government, Planning, Sport and Recreation (the Department) coordinated a Whole of Government (WoG) review of the proposed amendments in June / July 2004. Council undertook modifications with respect to a typographical error and recommendations raised in the WoG. On 12 November 2004 you advised Council it may commence public notification procedures (refer to MIN52811.04).

Public notification of the proposed amendments occurred from 11 February 2005 to 29 March 2005 and Council received 2 submissions. The key issues raised in the submissions relate to proposed amendments to the Heritage Place Code.

During the public notification period additional consultation was undertaken with industry representatives and the following concerns were raised:

- the proposed amendments to the Bowen Hills Local Plan were questioned with regard to the ability to achieve an industrial / residential mixed use outcome for sites in Bowen Hills given the financial, design and amenity considerations; and
- the proposed amendments to the definition of 'Ground storey' and 'Storey' do not assist in the determination of building height.

After consideration of submissions and industry feedback Council undertook the following:

- modifying Heritage Place Code to recognise development approvals previously granted by the Environmental Protection Agency over State listed heritage places;
- deletion of proposed amendment relating to an industrial / residential mixed use outcome in the Bowen Hills Local Plan for further consideration by Council; and
- modifications to the definitions for 'Ground storey' and 'Storey' to better reflect building height provisions.

ISSUES

On 20 May 2005 Council forwarded the 'modified' version of the Mid 2004 Amendment Package for reconsideration of State interests and approval to adopt. Departmental officers reviewed the 'modified' version of Mid 2004 Amendment Package and determined to undertake a targeted second State interest review. No State agencies raised issues with the proposed amendments. Departmental officers consider they will largely enhance the clarity and interpretation of the provisions ensuring there is an efficient, effective and accountable planning system and will assist Council to achieve its stated policy outcome.

PROPOSED COMMUNICATION ACTIVITIES

Forward letters to Council as detailed below.

RECOMMENDATIONS

That, subject to your agreement: -

1. you determine State interests would not be adversely affected by the Mid 2004 Amendment Package; and
2. sign the attached letters notifying Council it may adopt the Mid 2004 Amendment Package as forwarded on 20 May 2005.

Prepared by:

[Redacted]
Planner
SEQ-WBB Planning Division
Tel: [Redacted]

Endorsed by:

[Redacted]
Manager
SEQ-WBB Planning Division
Tel: [Redacted]

18 July 2005

Contact Officer: [Redacted]

Received and Cleared by:

[Redacted] *18/7/05*
Manager, Ministerial Correspondence Team
Executive Services
Office of the Director-General

NOTED / APPROVED / NOT APPROVED

DATE: *28-07-05*

MINISTER'S COMMENTS:.....

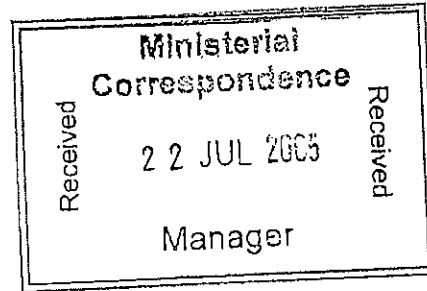
.....
.....
.....

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P/05/01049

28 JUL 2005

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
PO Box 1434
BRISBANE QLD 4001



Attention: [REDACTED]

Dear Ms Munro

I refer to Brisbane City Council's letter of 20 May 2005 forwarding the Mid 2004 Amendment Package, which includes proposed amendments to the Brisbane City Plan 2000 for reconsideration of State interests, in accordance with section 18(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA).

Following my reconsideration of State interests in respect of the proposed amendments included in the Mid 2004 Amendment Package I advise, in accordance with section 18(4)(a) of Schedule 1 of the IPA, Council may adopt the Mid 2004 Amendment Package, as forwarded to the Department of Local Government, Planning, Sport and Recreation on 20 May 2005.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

Prepared	[REDACTED]	71733	Init...	Date...	(both handwritten).
Approved	[REDACTED]	71763	Init...	Date...	(both handwritten)
Endorsed	GM		Init..	Date....	(both handwritten)

AT 24/7/05

COPY

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P/05/01049

28 JUL 2005

Cr David Hinchliffe
Deputy Mayor
Central Ward Office
Shops 22 and 23, TC Beirne Centre
315 Brunswick Street
FORTITUDE VALLEY QLD 4006



Dear Cr Hinchliffe

Today I wrote to the CEO of your Council, Ms Jude Munro, advising her I have approved the adoption of Mid 2004 Amendment Package.

I have also written to the Lord Mayor, Cr Campbell Newman.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

DT 28/7/05

Prepared		Init....	Date:...	(both handwritten).
Approved		Init....	Date...:	(both handwritten)
Endorsed		Init...	Date...:	(both handwritten)

COPY

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P/05/01049

28 JUL 2005

The Right Honourable the Lord Mayor of Brisbane
Cr Campbell Newman
Brisbane City Council
PO Box 2287
BRISBANE QLD 4001

Dear Lord Mayor

Today I wrote to the CEO of your Council, Ms Jude Munro, advising her I have approved the adoption of Mid 2004 Amendment Package.

I have also written to the Deputy Mayor, Cr David Hinchliffe.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

6/7/05

Prepared	████████	████████	Init....	Date ..	(both handwritten).
Approved	████████	████████	Init....	Date ..	(both handwritten)
Endorsed	████████	████████	Init....	Date....	(both handwritten)

Attachment A7

**Mid 2004 City Plan Amendments
Report on Submissions and Industry
Feedback**

Submitter details

Submission No.	Name	Address
Mid2004/001	M/s [REDACTED]	Brannock & Associates GPO Box 552 BRISBANE QLD 4001
Mid2004/002	M/s [REDACTED]	[REDACTED] Lucinda St TARINGA QLD 4068

Summary and response to submissions

Submission No.	Issue raised	Response	Proposed modifications
Mid2004/001	<p>Amendment C5 proposes to delete Section 1.3(c) of the Heritage Code which provides for a lower level of assessment for an application on the site of a State Heritage listed building where prior approval has already been granted by the Environmental Protection Agency (EPA).</p> <p>The reason for the amendment is that prior approval is no longer available from EPA under the revised Heritage Act.</p> <p>Whilst prior approvals are no longer available, the amendment will mean that approvals granted by the EPA prior to the change in the Heritage Act will not be recognised, despite still being valid under the Act. This will mean an application previously considered Code assessable under City Plan would become Impact assessable.</p> <p>Section 1.3(c) should remain ensuring that prior approvals granted by the EPA are still recognised</p> <p>Amendment C13 is referred to as a <i>minor correction for clarification of terminology in the Heritage Place Code</i>. The reason this amendment has not been publicly advertised is that it is considered a minor amendment. The amendment does not meet the definition of a "minor amendment" under the Integrated Planning Act 1997 (IPA). Nor have the advertising requirements of Schedule 1 advertising requirements have been met. Given Council's failure to advertise this proposed amendment it can not become valid.</p>	<p>It is agreed that the removal of this provision will have the unintended consequence of superseding previous approvals granted by the EPA.</p> <p>Rather than delete the section it will be clarified that it only applies to approvals granted under the superseded provisions of the Heritage Act. This will ensure existing approvals are recognised, whilst highlighting this option is no longer available under the revised Heritage Act.</p>	<p>Modify Amendment C5 to clarify that Section 1.3(c) of the Heritage Place Code only applies to approval granted under the superseded provisions of the Heritage Act.</p>
Mid2004/002		<p>The proposed amendment is not, nor was it proposed as a "minor amendment" as defined under IPA.</p> <p>The proposed amendment was advertised in accordance with the requirements of the Schedule 1 of IPA.</p>	N/A

Mid2004/002	Amendment C13 proposes to delete the word <i>citation</i> and replace it with <i>report</i> . The grounds being the term <i>report</i> is more appropriate for documentation supporting the removal of a site from the Heritage Register. However the same amendment is not being made to the Heritage Register Planning Scheme Policy which uses the term <i>citation</i> in the same context	To ensure consistency an additional amendment will be proposed to change the terminology in the Planning Scheme Policy.	Introduce a new Amendment C14 to address the inappropriate use of the word <i>citation</i> in the Heritage Register Planning Scheme Policy.
Mid2004/002	A <i>citation</i> has a specific meaning as defined in the Heritage Register Planning Scheme Policy. The term <i>report</i> is much more general, and by usual definition need not even be in writing. There is no indication that a report prepared in response to a development application need refer to any intrinsic qualities of the place. Heritage significance is thus made irrelevant. Indeed nothing is made relevant in the preparation of a report and thus the basis of decisions to withhold protection can become completely arbitrary.	The report is prepared to assist in the assessment of a development proposal against the Heritage Place Code. In doing so it must naturally address the intrinsic heritage value of the property, otherwise it would have no worth and be subject to challenge. Any such report must be documented on file. To do otherwise would be contrary to Council's procedures on documentation and would open Council's decision to challenge.	N/A
Mid2004/002	Another outcome of the proposed amendment is to allow the paragraph in the Heritage Place Code to be read alone, without reference to the wording in the Heritage Register Planning Scheme Policy from which it currently derives. A literal reading of the amended paragraph means the measure will come to apply to all places on the Brisbane Heritage Register; not just those which were entered before a citation was prepared. There is no longer a requirement to implement the process of removing a place from the Brisbane Heritage Register once the decision to withhold protection from a place is made.	The provision does apply to all places on the register. This is not unreasonable. Not all of the sites listed in the Register have been subject to a comprehensive investigation of their heritage value. This includes sites transferred from the Heritage Register of the superseded Town Plan. Furthermore Council's standards for listing on the Register have become more refined, and some of the earlier listed sites may not meet our current standards. Whilst the provision means the Heritage Place Code is no longer applied and can change the level of assessment. It does not automatically remove the site from the register. Council must still formally remove the site from the Register, even if the building has been demolished as a result of a previous development approval.	N/A

Mid2004/002

Invoking the provision under the Heritage Code which allows a report prepared by Council to override the Code and alter the level of assessment, means the final basis of assessment of a development application may bear no relationship to that outlined in an acknowledgment notice. There is not even a requirement for a development application to reach the acknowledgment stage.

There appears no reason a development proposal need proceed beyond this point if a 'report' is generated before an acknowledgment notice is issued. The application can then completely avoid the IDAS process and need never appear in the register of development applications.

There is no way to know from this register of development applications if, as a result of assessing an application, a report has been generated which does not support retaining a place on the Brisbane Heritage Register. Regardless of the outcome of that particular application's assessment and retention on the Brisbane Heritage Register, if such a report exists it means the basis of future assessment of demolition in particular will change. This change could be as radical as from impact assessment to exempt development. This could be the case even if the application was for a relatively minor, non-notifiable code assessment matter.

For those applications that do proceed through IDAS, there is no requirement for a negative report to be placed on the public scrutiny file or any other public record. Demolition may be the first way a person may learn of a registered place's change of status.

The only way someone can know the status of a place on the Brisbane Heritage Register is to lodge an FOI request every day to inquire about any changes. These applications take time to process. While waiting for a response, a place may be demolished. Once a place is lost, it is too late for any recourse to the Court.

N/A

The argument put forward by the submitter has merit. The fact that the level of assessment for a development proposal may change partway through the IDAS process as a result of heritage assessment raises questions about transparency and the ability of residents and developers alike to determine the level of assessment for an application with confidence.

This matter requires further investigation, however it can not be addressed through these amendments as the provision in question is not one of the proposed Mid 2004 amendments. It already forms part of City Plan and was adopted on 1 July 2003 in accordance with Schedule 1 of the Act.

As per Section 16(2) of Schedule 1, if a modification made in response to a submission changes the amendments significantly from that originally notified, the amendments must be readvertised.

It is not considered reasonable to delay the balance of the amendment package for this one provision. The matter will be addressed in the next available package of amendments to the City Plan.

	<p>Accountability is also severely affected by denial of submitter appeal rights. Where a lodged development proposal does not proceed to the decision stage, these rights are simply denied by Council. Even where a decision notice is issued, judgements by the Court on an appeal will become completely worthless. Regardless of the Court's judgement, a report which does not support retaining a place on the Brisbane Heritage Register will still exist as an outcome of an application's assessment. This will determine the assessment of any future development proposals, regardless of the Court's judgement on that particular approval.</p> <p>Overall, a general effect of this wording is to allow Council decisions to withhold protection from places on the Heritage Register to be kept from the public until a place is demolished, by which time any action such as through the Court is futile. It frustrates the purposes of the Act; allows avoidance of IDAS; and also avoids accountability; in particular regards access to the Court.</p>		
Mid2004/002	<p>The section of the Heritage Place Code to which Amendment C13 applies was never advertised in accordance with the requirements of the Integrated Planning Act (IPA). As the previous amendment is invalid, the proposed amendment is also invalid.</p> <p>Sections 2.1.6(a) and 2.1.20(a) of the Act state that amendments to a Planning Scheme and its Policies can only be valid if people are made aware of the existence and nature of the proposals.</p> <p>This was not the case for the amendments to the Heritage Place Code and Heritage Register Planning Scheme Policy that were adopted as part of the 1 July 2003 amendments to City Plan.</p> <p>The adopted wording is substantially different from that which was advertised. Any reasonable person would not have realised the full extent of the amendments proposed by Council to the Heritage Place Code.</p>	<p>The 1 July 2003 amendments to the Heritage Place Code and Heritage Register Planning Scheme Policy were advertised in accordance with the requirements of the IPA.</p> <p>The submitter is questioning Council's interpretation of Section 12(1)(b) of Schedule 1 and Section 2(1)(c) of Schedule 3, being the need to advertise the 'purpose and general effect' of the proposed amendments.</p> <p>It is the submitter's opinion that the purpose and general effect of each individual amendment must be listed in the public notice, similar to the summary of the amendments available during the advertising period. In not doing so people are being misled as to the true nature of the amendments.</p>	N/A

	<p>Council's has also failed to advertise the current proposed amendments in accordance with the Act. The summary of the proposed amendments provided with the public exposure draft is more informative and should be consulted when deciding what should be included in the public notice.</p>	
	<p>The purpose of the public notice is merely to draw attention to the fact that the Planning Scheme is being amended. It is not meant to provide exhaustive detail on the proposed amendments. The complete amendment package is made available to any persons wishing to further investigate the proposals.</p> <p>It is Council's practice to bundle amendments together of a similar purpose for ease of identification and interpretation. These are referred to as an Attachment. The purpose and general effect of each Attachment is then listed in the public notice. It is Council's opinion that this meets the requirements of the Act.</p> <p>The Act provides no guidance as to level of detail that must be provided in the public notice. Nor does the Department of Local Government & Planning have any implementation notes or guidelines on the subject.</p> <p>As indicated in Attachment 1, Council's advertising notices are no different to those of other local authorities. In fact the detail provided in our public notices exceeds those of other authorities.</p> <p>As per Section 2.1.6 of IPA, Council is satisfied that the advertising has been carried out substantially in compliance with Schedule 1 and that no one has been adversely affected or restricted by the level of information provided in the public notice.</p>	

Mid2004/002	<p>The adopted Heritage Register Planning Scheme Policy wording suffers further from a conflict with Section 2.1.18(2) of the Act which was inserted a few months after the appearance of the offending wording. This states that a <i>planning scheme policy must not apply, adopt or incorporate another document prepared by the local government</i>. A citation prepared by Council in response to a development application seems inescapably to be another document prepared by the local government. As the Policy amendment wording is invalid on this basis alone, all consequential amendments must also be invalid. This includes the amendment to the Heritage Place Code, and various assessment tables.</p>	<p>The Policy is not applying, adopting or incorporating citations. This section merely outlines the process for entering or removing a place from the Register.</p> <p>Whilst a citation/report is prepared as part of the investigation into the heritage value of a property, it is not referenced or called upon by the Policy itself.</p>	N/A
Mid2004/002	<p>The amendments to the Newstead and Teneriffe Waterfront Local Plan were advertised as the New Farm and Teneriffe Waterfront Local Plan</p>	<p>The public notice did contain a typographical error that identified the wrong suburb name in the Local Plan title.</p> <p>The reference to the Local Plan name was correct in all other publicly available information. Given there is only one Local Plan which refers to the Teneriffe Waterfront, and amendments to the New Farm and Teneriffe Hill Local Plan were advertised in the same package, it is reasonable to assume any person would ascertain which Local Plan was being amended despite the error.</p> <p>As per Section 2.1.6 of IPA, Council is satisfied that the advertising has been carried out substantially in compliance with Schedule 1 and that no one has been adversely affected or restricted by the typographical error.</p>	N/A
Mid2004/002	<p>The maximum building height provisions have not been applied to the Newstead and Teneriffe Waterfront Local Plan.</p>	<p>The Newstead and Teneriffe Waterfront Local Plan already states in Acceptable Solution A1.1 of the Local Plan Code that for the purpose of the Code a storey equates to 3m. As such further clarification of building height in metres is not necessary.</p>	N/A

Mid2004/002	<p>Amendment G7 - In Map C: <i>Open Space and Access</i> the asterisk indicating a <i>major landscape element forming important focal point</i> was removed from Newstead Park. I understand that this was a drafting error.</p>	<p>The removal of the asterisk was a drafting error & will be reinstated</p>	<p>Modify Amendment G7 to reinstate the <i>major landscape element forming important focal point marker</i> in Newstead Park</p>
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Summary and response to industry feedback received during public consultation period

Issue raised	Response	Proposed modifications
<p>Regarding proposed amendments to the Bowen Hills Local Plan and Newstead and Teneriffe Waterfront requiring a mixed use - residential/industrial outcome on individual sites in the proposed Ross St Precinct and Commercial Rd Precinct.</p>	<p>It is proposed to proceed with the amendments to the Commercial Rd Precinct in Newstead. The long-standing intent for this area has been for mixed-use. The rationale for proceeding with the provisions in this area is that the precinct has already undergone significant redevelopment, with a predominantly residential outcome (contrary to the precinct intent). This is due to the City Plan definition of mixed-use which only stipulates a minimum residential percentage. The requirement for a minimum percentage of industrial activities to be maintained is intended to arrest this recent trend.</p>	<p>Modify Amendment E2, E3 & E5 by removing provisions requiring a mixed residential/industrial use in the Ross St Precinct of the Bowen Hills Local Plan.</p>
<p>Industry representatives raised concerns about the ability to achieve a mixed-use outcome on individual sites in the proposed Ross St Precinct in the Bowen Hill Local Plan and the Commercial Rd Precinct in the Newstead and Teneriffe Waterfront Local Plan.</p>	<p>Should it be found difficult to achieve appropriate mixed-use residential/industrial outcomes due to commercial, design or amenity reasons, this will not result in a greater loss of industry than that is already possible under the current planning provisions.</p>	
<p>It is considered that financial, design and amenity issues will make it difficult to achieve the proposed outcome. It was considered that such difficulty might result in pressure to approve exclusively residential development within the Precincts.</p>	<p>The circumstances of the Commercial Rd Precinct are in contrast to those of the Ross St Precinct, which does not encourage residential development and has seen little residential intrusion.</p>	
	<p>Given the intactness of industrial uses within the Ross St Precinct in Bowen Hills and the overriding need to preserve these, it is considered prudent to maintain the status quo rather than testing the mixed use approach. If the provisions are found to be successful in the Commercial Rd Precinct, they will be applied to the Ross St Precinct and other relevant areas of the City.</p>	

<p>Amendment D1 regarding the definition of 'Ground Storey' and linking it to the definition of 'Storey' in order to assist in the determination of building height.</p> <p>Feedback from industry representatives indicated that linking the two definitions did not assist in the determination of building height, particularly where the property slopes and effectively has 2 ground storeys. It was suggested that the definitions be clearly separated.</p>	<p>Discussions with Development & Regulatory Services regarding the feedback indicated that it would be better if it were clarified that 'Ground storey' had no relationship to the determination of building height.</p>	<p>Modify Amendment D1 to clarify that the definition of 'Ground storey' is not applicable when determining overall building height.</p>
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Brisbane City Council

Notice of proposed amendments to the Brisbane City Plan 2000 pursuant to Schedule 1 of the Integrated Planning Act 1997

On 8 June 2004, the Brisbane City Council proposed to amend the Brisbane City Plan 2000 as follows:

- Updated references to new or amended State legislation and policies
- Setting a maximum building height for developments in Multi-purpose and Special Purpose Centres and select Local Plans, and clarification of related definitions
- Introduction of a new precinct in the Bowen Hills Local Plan to protect industrial activities
- Amendments to New Farm and Teneriffe Hill Local Plan to improve structure and clarification of design guidelines for houses
- Amendments to New Farm and Teneriffe Waterfront Local Plan to improve structure and retention of existing light industrial activities, and clarification of precinct intents
- Amendments to ensure the level of assessment for small lot houses in Emerging Community Area is consistent with other Area classifications

Purpose and general effect of the draft amendments

The purpose of the amendments is to ensure the Brisbane City Plan is consistent with relevant State legislation; ensure consistency in the determination of building heights across the City; preserve light industrial activities in the inner city; improve the structure and legibility of select Local Plans; ensure consistency in the level of assessment for small lot houses. The effect will be to clarify Council policy thereby improving interpretation and implementation of the planning scheme.

Where can I get a copy or further information?
Copies of the draft amendments are available for inspection and purchase from the Brisbane City Council Customer Service Counter, Level 1, 69 Ann Street, Brisbane. For more information please either visit the Council Customer Service Counter or telephone Council on 3403 8888.

Making a Submission
Any person may make a submission to Council regarding the draft amendments. A properly made submission must be in writing and signed by each person making the submission. The submission must state the name and address of each person making the submission, the grounds of the submission and the facts and circumstances relied on in support of those grounds. Submissions must be addressed to the Brisbane City Council, POCP1, GPO Box 1434, BRISBANE, QLD 4001 and be received on or before close of business Tuesday 29 March 2005.

Jude Munro Chief Executive Officer

Dedicated to a better Brisbane

DCCLAS381



Gold Coast City Council

PUBLIC NOTICE

In accordance with the provisions of Schedule 1 of the Integrated Planning Act (1997) (IPA), Council advises that it intends exhibiting Draft Amendment 2 to the Gold Coast Planning Scheme.

Formal exhibition of these documents starts on 7 April 2005 and ends on 25 May 2005.

The exhibited Draft Amendment 2 to the Gold Coast Planning Scheme includes amendments to planning scheme provisions and Local Area Plans for Broadbeach, Coolangatta and Oxenford.

The purpose of the exhibition is to provide the community and State agencies with an opportunity to make comments on these documents.

Copies of the draft documents can be viewed at Council's Nerang, Surfers Paradise, Coolangatta and Beenleigh Customer Service Centres as well as at all Gold Coast Libraries. For more information on any of the documents listed above contact:

Council's Technical Advice Counter at Nerang on (07) 5582 8708 or visit Council's website www.goldcoastcity.com.au/planningscheme

Written submissions about any aspect of the exhibited documents may be made to the Chief Executive Officer of Gold Coast City Council. Submissions must:

- be in writing;
- be signed by each person who made the submission;
- state the name and address of each person making the submission;
- state the grounds of the submission and the facts and circumstances in support of the grounds; and
- be received by Gold Coast City Council by close of business on 25 May 2005.

Submissions should be mailed to:

Attention: Strategic & Environmental Policy & Planning Branch
Dale Dickson, Chief Executive Officer,
Gold Coast City Council
PO Box 5042, Gold Coast MC Qld 9729.

or emailed through the website:
www.goldcoastcity.com.au/planningscheme

P8860

Attachment B

**Mid 2004
City Plan Amendments**

**Summary of amendments
Attachments C to H**

(as modified)

Summary of amendments Attachments C to H

Attachment C

Amendments to reflect recent changes to the Queensland Heritage Act and Child Care Act and the introduction of a State Planning Policy

The State government has recently updated the Queensland Heritage Act and Child Care Act and adopted a new State Planning Policies being the State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils

To ensure the Plan is compliant with the new legislation, it is necessary to update a number of provisions in the City Plan such as:

- Updating references in the Child Care Facility, Commercial Character Building, Community Use, and Home Business Codes to the most recently introduced State Government child care legislation.
- Recognising that work granted an 'Exemption Certificate' under the modified *Queensland Heritage Act* is exempt from the Heritage Place Code
- Recognising that prior approval of work on a heritage place by the State Heritage Council is no longer possible, and that approval must be sort from the local authority first
- Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Code and Acid Sulfate Soil Planning Scheme Policy
- Updating the list of matters to be taken into regard when preparing an acid sulfate soils management plan

The detailed amendments proposed to achieve these outcomes are documented at Attachment C.

Attachment D

Setting maximum building heights for development in Multi-purpose and Special Purpose Centres and select Local Plans and clarify relevant definitions

Most design Codes in City Plan limit the height of building to both a maximum number of storeys and a maximum number of metres above ground level. In the Centre Design Code and 19 Local Plans building height is only measured in storeys.

Currently a mezzanine level is not counted as a storey in its own right. This means a building incorporating one or more mezzanines will exceed the intended maximum building height. This issue was highlighted with a recent application under the Redcliffe City Council planning scheme where similar height controls resulted in an application for a 6 storey building (3 "storeys" and 3 "mezzanine" levels) where a 3 storey maximum height limit applied.

The proposed amendments nominate a maximum height in metres for all development, ensuring consistency in the determination of building height across the City.

Related definitions have also been amended to:

- Amend the definition of "Storey" to include mezzanine levels
- Amend the definitions of "Ground Storey" and "Storey" to clarify how to measure building height in storeys, ensuring that building height is always measured on the down hill face of the building. On sloping sites the height of a building has greatest impact when viewed from the lower side.

The detailed amendments proposed to achieve these outcomes are documented at Attachment D.

Attachment E

Amendments to Bowen Hills Local Plan to include a new precinct intent, improve retention of light industrial activities and clarify open space provisions

There is growing development pressure within the Bowen Hills area for the redevelopment of existing light industrial uses for residential purposes. In response to this pressure, the Urban Renewal Task Force undertook two studies to assist in the formulation of a planning response to the development pressure.

The first study was a master planning exercise over land currently included in the Light Industrial Area classification and in the vicinity of Breakfast Creek Road. This exercise explored opportunities for mixed-use development.

Concurrently, the Task Force undertook the Inner City Light Industrial Study in order to determine current and future demand for light industrial uses within the inner city and determine any under-supply or over-supply of suitably classified land under City Plan. The study identified a potential future shortfall of light industrial land within the Bowen Hills area and recommended the retention of light industrial activities within Bowen Hills in order to maintain economic and transport efficiency and promote a sustainable land use pattern.

It is proposed that a new precinct be included within the Local Plan, specifically the "Ross Street Precinct". The precinct intent seeks to retain light industrial uses within the precinct and specifically nominates a number of key 'clean' industry sectors that reflect existing provision and future demand within Bowen Hills.

Specific code provisions have been included for the Ross Street Precinct to ensure appropriate built form and land use outcomes for this new precinct. The provisions have been generally derived from successful provisions in similar localities within the Urban Renewal Task Force area.

As part of the proposal within the new Ross Street Precinct, open space provision along Breakfast Creek and Enoggera Creek, and pedestrian access and circulation within the Local Plan area, were reviewed.

The detailed amendments proposed to achieve these outcomes are documented at Attachment E.

Attachment F

Amendments to New Farm and Teneriffe Hill Local Plan to improve the structure, remove redundant provisions and clarify design guidelines for houses

The New Farm and Teneriffe Hill Local Plan is a 'stand alone' format with respect to determining the level of assessment for a development. That is the level of assessment is determined solely within the Local Plan. This is inconsistent with the current style of drafting, whereby the Local Plan only indicates exceptions to the generic levels of assessment in Chapter 3. It is proposed to convert the Local Plan in to an 'exception only' Plan, this will eliminate the inconsistency and reduce confusion for users of the Plan.

Amendments are also proposed to delete all remaining special areas within the Local Plan, as the provisions are redundant. Three of the deleted special areas were nominated specifically to provide additional guidance to the redevelopment of the sites, which were being used for non-residential purposes and/or had heritage value. These special areas have recently undergone redevelopment for the intended residential purpose, therefore the special area provisions are no longer considered necessary.

Amendments are proposed in relation to the size and positioning of houses in the Low Density Residential and Low-medium Density Residential Precincts. The existing provisions use a gross floor area (gfa) as a tool for controlling the size of houses. The use of gfa as a tool in controlling house size has been found unreliable and is not used elsewhere in the City Plan. Areas such as car parking and verandahs are not calculated as gfa, however they contribute significantly to the bulk of a dwelling.

Controlling house size through the application of setbacks and site coverage has been found to be more effective. It is proposed to replace the gfa restriction precincts with site coverage and rear setback provisions similar to that of the Residential Design – Small Lot Code. These provisions give greater certainty to the size and location of dwellings on allotments

Penalties for the unlawful removal of existing buildings have been deleted, as areas are covered by Council's Demolition Control Precinct. Punitive provisions are of no effect in a planning instrument. Enforcement and penalties are addressed in the Integrated Planning Act.

The detailed amendments proposed to achieve these outcomes are documented at Attachment F.

Attachment G

Amendments to Newstead and Teneriffe Waterfront Local Plan to improve the structure, improve retention of light industrial activities and clarify precinct intents

The Newstead and Teneriffe Waterfront Local Plan is a 'stand alone' format with respect to determining the level of assessment for a development. That is the level of assessment is determined solely within the Local Plan. This is inconsistent with the current style of drafting, whereby the Local Plan only indicates exceptions to the generic levels of assessment in Chapter 3. It is proposed to convert the Local Plan in to an 'exception only' Plan, this will eliminate the inconsistency and reduce confusion for users of the Plan.

The Newstead area is experiencing the same development pressures as Bowen Hills to redevelop existing light industrial uses for residential purposes. The Inner City Light Industrial Study undertaken by the Urban Renewal Task Force identified and recommended the matter be addressed. The existing precinct intents for the Newstead and Commercial Road Precincts require amendment to reinforce Council's long-standing objective to maintain existing levels of industrial and commercial activities within the Inner City. The existing intents are ambiguous and require clarification of the desired outcomes and policy direction.

Additionally, within the Newstead Precinct, it is also necessary to further clarify the intent to protect existing commercial and industrial activities (currently included in the Light Industry Area Classification) from encroachment by residential activities; there being little intrusion of residential uses into this area to date.

Additional requirements for the Commercial Road Precinct, similar to those proposed for Bowen Hills, reinforce the intent to achieve a minimum level (45% allowable gross floor area) of light industrial or business activity as part of any mixed-use redevelopment within the Commercial Road Precinct.

The intent for the Newstead Precinct has also been amended to include reference to proposed *Map D: Newstead Riverpark Structure Plan*. The Structure Plan has been prepared to reflect recent development approvals issued over for the site as part of the overall Newstead Riverpark proposal. The proposed structure plan reflects the Master Plan that was prepared in consultation with the development proponents. The Master Plan was finalised in 2001 and formally approved by a preliminary approval granted by Council December 2002.

The detailed amendments proposed to achieve these outcomes are documented at Attachment G.

Attachment H

Under the current level of assessment table for the Emerging Community Area, a house complying with the House Code is self assessable even if it is on a small lot, being a lot less than 450m² in area and/or with an average width less than 15m.

This is inconsistent with other Area classifications where the house design must comply with the requirements of both the House Code and the Residential Design – Small Lot Code to be self assessable. The provisions of the Small Lot Code manage the scale and bulk of new small lot houses to protect the amenity of the street and adjoining properties.

The amendment alters the level of assessment for a small lot house in the Emerging Community Area to be consistent with that of other Area classifications.

The detailed amendments proposed to achieve these outcomes are documented at Attachment H.

Attachment C

Proposed mid 2004 amendments to Brisbane City Plan 2000:

Amendments to respond to changes in the Child Care Act, Queensland Heritage Act and State Planning Policies

(with modifications)

**Attachment C Proposed mid 2004 amendments to
Brisbane City Plan 2000: Amendments to respond to changes in the Child Care Act,
Queensland Heritage Act and State Planning Policies**

Amendment No	Chapter & Page	Section	Summary of Amendment
Amendments in response to changes in the Child Care Act			
C1	5/30 5/60 5/76	4 4 4	These amendments update the references in the Child Care Facility, Commercial Character Building, Community Use, and Home Business Codes to the most recently introduced State Government child care legislation.
C2	5/55	2	
C3	5/98	4	
Amendments in response to changes in the Queensland Heritage Act			
C4	5/89	1.1	Amendment recognising that work granted an 'Exemption Certificate' under the <i>Queensland Heritage Act</i> is exempt from the Heritage Place Code
C5	5/89	1.3	Amendment recognising that prior approval of work on a heritage place by the State Heritage Council is no longer possible, and that approval must be sort from the local authority first
Amendments in response to the introduction of new State Planning Policies			
C6	1/6	4.3	Update to the list of State Planning Policies recognised in the City Plan
C7	5/13	2	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Code
C8	Appendix 2 /5	1	Updating the references to the new Acid Sulfate Soil State Planning Policy in the Acid Sulfate Soil Planning Scheme Policy
C9	Appendix 2 /5	2	
C10	Appendix 2 /5	3	Amendment to update the list of matters to be taken into account when preparing an acid sulfate soils management plan
Minor Corrections			
C11	1/6	5	Clarifying which components of the Plan do not form part of the statutory planning scheme
C12	3/4	2.3	Clarification that the relocation of a pre-1946 building within a lot is not exempt from the Plan
C13	5/89	1	Clarification of terminology in the Heritage Place Code
C14	Appendix 2 /93	3	Clarification of terminology in the Heritage Register Planning Scheme Policy

Amendment Number

C1

Chapter

5

Page

30 – Centre Amenity and Performance Code
61 – Commercial Character Building Code
67 – Community Use Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

Replace the existing non-statutory note under “Where involving a material change of use to a Child Care Facility” with:

“A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003”

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C2

Chapter

5

Page

55 – Child Care Facility Code

Section

Section 2 – Purpose

Proposed Amendment

Replace the existing non-statutory note with

“A child care facility will also need to comply with the relevant State Government legislation including the Child Care Act 2002 and the Child Care Regulation 2003”

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C3

Chapter

5

Page

98 – Home Business Code

Section

Section 4 – Performance Criteria and Acceptable Solutions

Proposed Amendment

In Acceptable Solution A8 for *Self assessable development* and Acceptable Solution A8 for *Impact assessable development*, delete:

‘is in accordance with the Child Care Act 1991 and the Child Care (Family Day Care) Regulations 1991’

and insert

‘complies with the Child Care Act 2002 and the Child Care Regulation 2003’

Reason

This amendment updates the references in the Codes to the most recently introduced State Government child care legislation.

Amendment Number

C4

Chapter

5

Page

89 – Heritage Place Code

Section

1.1

Proposed Amendment

Delete the 1st paragraph under Section 1.1 being:

This Code will not apply to any assessable development where the work constitutes "Excluded Work" pursuant to Section 8 of the *Queensland Heritage Regulation 1992* and where the Heritage Place is included in the Queensland Heritage Register.

and replace with the following new paragraph:

This Code will not apply to any assessable development where an "Exemption Certificate" has been issued for the work under Section 35 of the *Queensland Heritage Act 1992* and where the Heritage Place is included in the Queensland Heritage Register.

Reason

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. The purpose of the current paragraph is to ensure that the Heritage Code does not trigger development assessment for minor work on a state listed building that would not have triggered assessment against the Heritage Act itself.

The Heritage Act does not trigger heritage assessment for minor work such as maintenance and repairs. This work was previously defined as "Excluded work" under the *Queensland Heritage Regulation 1992*. Due to recent changes in the legislation the State Heritage Council now issues an "Exemption certificate" under the Act before these minor works can commence. The paragraph has been modified accordingly to reflect the changes to the legislation.

Amendment Number

C5

Chapter

5

Page

89 - Heritage Place Code

Section

1.3

Proposed Amendment

Delete existing point (c) in Section 1.3 and replace with the following new point (c) as follows:

Approval has been issued under the superseded provisions of the *Queensland Heritage Act 1992* where the Heritage Place is included in the Queensland Heritage Register.

Reason

Under the previous version of the Heritage Act it was possible to obtain approval from the State Heritage Council for work on a State listed site, prior to applying for development approval from Brisbane City Council.

Section 1.3 of the Heritage Code identifies building and other works on a heritage place that only trigger Code assessment under City Plan either because of their minor nature or due to prior assessment of the heritage issues. Point (c) recognised prior assessment of heritage issues by the Heritage Council.

Recently the Heritage Act was amended to make it compliant with the Integrated Development Assessment System (IDAS) provisions of the *Integrated Planning Act 1997* (IPA). It is no longer possible to gain approval from the Heritage Council prior to town planning approval. The development application must be lodged with Council in the first instance, and as part of Council's assessment process the application must be referred to the Heritage Council for comment.

The amendment to point (c) reflects the change to the legislation, whilst still recognising pre-existing approvals granted under the superseded provisions of the Act.

25/12
msdyke@bca.com.au

Amendment Number

C6

Chapter

1

Page

6

Section

4.3 – How the City Plan coordinates and integrates the core matters

Proposed Amendment

In the 3rd paragraph of Section 4.3 add the following new dot points to the existing list of dot points:

- State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils
- State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

Reason

Section 4.3 lists all the State Planning Policies (SPP) City Plan recognises and is consistent with. The amendment merely adds recently adopted State policies to the list.

Amendment Number

C7

Chapter

5

Page

13 – Acid Sulfate Soil Code

Section

2 – Using this Code

Proposed Amendment

Delete the non-statutory note after the 2nd paragraph of Section 2 and replace with the following new non-statutory note:

Any Acid Sulfate Soil report or management plan must also be in accordance with State Planning Policy 2/02 - Planning and Managing Development involving Acid Sulfate Soils

Reason

The current note does not refer to the new State Planning Policy SPP. This amendment merely updates the references.

The balance of the Code is consistent with the requirements of the new SPP.

Amendment Number

C8

Appendix

2

Page

5 – Acid Sulfate Soil Planning Scheme Policy

Section

1 – Introduction

Proposed Amendment

Insert the following new paragraph following the 3rd paragraph of Section 1:

State Planning Policy 2/02 – Planning and Managing Development involving Acid Sulfate Soils and the associated guidelines provide additional information on the management and investigation of acid sulfate soils.

Reason

This amendment merely includes reference to the new Acid Sulfate Soil State Planning Policy and associated Guidelines in the Planning Scheme Policy.

Amendment Number

C9

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

2 – Acid sulfate soil investigation reports

Proposed Amendment

In the 2nd paragraph of Section 2 delete the following document reference being:

Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland (1998) produced by the Queensland Acid Sulfate Soils Investigation Team, Department of Natural Resources

And replace with the following new document reference:

State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils (2002) produced by Natural Resource Sciences, Department of Natural Resources and Mines and Planning Services, Department of Local Government and Planning

Reason

With the introduction of the new Acid Sulfate Soil State Planning Policy and associated Guidelines the reference document for preparing an acid sulfate soil investigation report needs to be updated.

Amendment Number

C10

Appendix

2

Page

6 – Acid Sulfate Soil Planning Scheme Policy

Section

3 – Acid sulfate soil management plans

Proposed Amendment

In the 5th paragraph of Section 3 add the following new dot point to the list:

- Details of the treatment and management of surface drainage waters for disturbed acid sulfate soils

Reason

The State Planning Policy 2/02 Guideline – Planning and Managing Development involving Acid Sulfate Soils identifies matters that should be taken into account when preparing an acid sulfate soil management plan. The matter identified in the proposed amendment is recommended by the Guideline, but is not listed in matters recommended in the Acid Sulfate Soil Planning Scheme Policy. The amendment will ensure consistency between the Planning Scheme Policy and State Planning Policy Guideline.

Amendment Number

C11

Chapter

1

Page

6

Section

5 – Components of the Plan that do not form part of the scheme

Proposed Amendment

Delete the 1st dot point of the section being:

- List of places in *the Queensland Heritage Register of the Queensland Heritage Act 1992*

Reason

City Plan contains numerous maps, indexes, notes and photographs that are merely included for information purposes, do not have statutory weight, and are not officially part of the planning scheme.

It is common for a State Heritage listed building to also be listed in the City Plan Heritage Register given its local significance. For information purposes the City Plan Heritage Register highlights those sites that are also included in the State Heritage Register. The deleted dot point was meant to explain that the State Heritage Register was not a product of the City Plan. Upon review it was decided that the dot point could be misinterpreted to mean that those sites highlighted in the City Plan as also being listed in the State register weren't actually part of the City Plan register.

The deletion of the dot point avoids this confusion. There is sufficient information in the Heritage Register Planning Scheme Policy to indicate that sites can be listed in both heritage registers.

Amendment Number

C12

Chapter

3

Page

4

Section

2.3 – Exempt development

Proposed Amendment

In the 2nd dot point under the sub heading "Exempt development identified by the Plan", delete the words "demolishing, removing or relocating a building" and replace with the words "demolishing or removing a building".

Reason

This section lists the circumstances under which the demolition, removal or relocation of a building does not trigger the need for planning approval.

The term 'relocation' was used to cover the act of relocating a building off site. Discussions with the development industry revealed that the term could be misinterpreted to mean that the relocation of a building within the property was exempt from planning approval.

Council has specific planning provisions regarding the positioning of a building within a property such as setbacks from side boundaries. To avoid confusion and ensure the positioning provisions of the Plan are adhered to the term 'relocation' will be deleted. The term 'removing' is sufficient to cover the act of relocating a building off site.

Amendment Number

C13

Chapter

5

Page

89 - Heritage Place Code

Section

1 - Application

Proposed Amendment

In the 2nd paragraph of Section 1 delete the word "citation" and replace with the word "report".

Reason

The use of the term "citation" is inappropriate in the context of this paragraph. A "citation" is the official term used for the report justifying the listing of a building in the Heritage Register. This paragraph refers to the documentation prepared to support the removal of a building from the Register. In this context the term "report" is more appropriate.

Amendment Number

C14

Chapter

Appendix 2

Page

93 - Heritage Register Planning Scheme Policy

Section

3 – Process for entry in the Heritage Register

Proposed Amendment

In the 2nd and 3rd sentences of the 2nd paragraph of Section 3 delete the word "citation" and replace with the word "report".

Reason

The use of the term "citation" is inappropriate in the context of this paragraph. A "citation" is the official term used for the report justifying the listing of a building in the Heritage Register. This paragraph refers to the documentation prepared to support the removal of a building from the Register. In this context the term "report" is more appropriate.

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1 Introduction

The City Plan (the Plan) is a comprehensive statement of Council's intentions for the future development of Brisbane.

The Plan provides guidance for builders, developers, solicitors and others to ensure development progresses in a way that will enable achievement of the vision for Brisbane set out in the introduction to the Plan.

2 Structure of the Plan

The Plan is divided into several chapters and appendices as shown below. For further information on how to use the Plan in assessment, refer to General Assessment Processes in Chapter 3.

Structure of the Plan	Explains the components of the Plan and their purpose
The role of the Plan in relation to the <i>Integrated Planning Act 1997</i> (the Act)	How the Plan relates to the Act
Components of the Plan that do not form part of the Scheme	Lists components of the Plan that are included to assist interpretation and do not form part of the Scheme
Brisbane the Livable City	The vision for the City and how it is to be achieved
The Desired Environmental Outcomes and strategies for the City	Ties together Council's corporate and planning desired outcomes and strategies
Elements of the City	Expresses the Desired Environmental Outcomes and strategies in a spatial context
General assessment processes	Identifies measures that will affect the regulation of development
Desired Environmental Outcomes and level of assessment tables for each Area (Area allocated as indicated on the Scheme Maps) <ul style="list-style-type: none"> • Green Space Areas • Emerging Community Area • Residential Areas • Industrial Areas • Centres • Community Use Areas • Road Area 	The desired end state for the Area that development is to assist in achieving and the level of assessment required for different types of development in the Area
Definitions	Terms with specific meanings for the Plan
Local Plans for: <ul style="list-style-type: none"> • older suburbs • postwar suburbs • outer suburbs • specific localities 	Detailed guidance on the preferred development outcomes in a particular locality, suburb or neighbourhood. The Local Plan Code provisions and level of assessment override those in Chapter 3

Codes and provisions	Technical provisions that apply to different Areas or types of development
Contributions Policies	Outlines where development contributions are required for parks and recreation facilities, for water supply and sewerage headworks, and for development in specific localities
Infrastructure Charges Plans	Identifies future charging mechanisms
Planning Scheme Policies	Provides supporting information and guidance
Designations	Lists land designated for community infrastructure
Performance Indicator	Lists the Plan Performance Indicators to be used in assessing the achievement of the Plan's Desired Environmental Outcomes
References	Provides information about where to obtain documents referred to throughout the Plan
Local Laws	Provides a table of Local Laws relevant to development

3 Background to the Plan

The Plan is a result of a substantial amount of work undertaken by Council over recent years. In one cohesive integrated package, the Plan:

- adopts a performance approach to development assessment
- promotes urban design as a fundamental part of City development
- provides a strong local focus in its implementation.

The Plan draws together the outcomes for the City from:

- State planning and strategies such as the *Integrated Regional Transport Plan for South East Queensland 1997* and *South East Queensland Regional Air Quality Strategy*
- regional planning processes over the last decade through the SEQ2001 Regional Framework for Growth Management project and the *Brisbane 2011 Plan (B2011 Plan)*
- local area planning undertaken by Council in a rolling program covering many areas of the City.

Development of the State, regional and local programs involved substantial consultation and are drawn together for the first time in the Plan. They are supported by Areas to provide continuity with previous planning documents.

The Plan is a statement of Council's intentions for the future development of the City in the strategic timeframe set by the *B2011 Plan*.

These intentions will be achieved in two ways through:

- Council's role in assessing development proposals
- other Council and State Government legislation and programs, including investment in infrastructure and services as set out in the Corporate Plan and action plans prepared under the Corporate Plan.

4 The role of the Plan in relation to the *Integrated Planning Act 1997*

4.1 Ecological Sustainability

The Plan has been prepared under the *Integrated Planning Act 1997* (the Act), which sets out the requirements for integrated planning and integrated development assessment in Queensland. The Plan has been prepared to advance the purpose of the Act, which is to seek to achieve ecological sustainability. The Act defines ecological sustainability as the balance that integrates:

- protection of ecological processes and natural systems at local, regional, State and wider levels
- economic development
- maintenance of the cultural, economic, physical and social wellbeing of people and communities.

The Plan is an important tool available to Council to advance this purpose. However, it cannot achieve ecological sustainability on its own, given the extent of its jurisdiction under the Act. The Plan will operate in support of other strategies, programs and actions by Council that are coordinated under the umbrella of the Corporate Plan. Ecological sustainability is also dependent on the actions of other levels of government and the community.

In advancing the purpose of ecological sustainability, the Act requires that the Plan integrates and coordinates the following core matters, which are central to the jurisdiction of the Plan:

- land use and development
- infrastructure
- valuable features.

Fundamentally, the Plan fulfils these requirements of the Act by establishing a framework for managing the process by which development occurs and the effects of development on the environment.

The Plan provides strategic guidance for the City, in the form of Citywide Desired Environmental Outcomes and supporting strategies. Based on this guidance, it provides a framework for development assessment that establishes the type of assessment process required for different forms of development in different locations of the City and the standards of performance that should apply to them.

The balancing of the three components of ecological sustainability, and the integration and coordination of the core matters are primarily reflected in the Citywide Desired Environmental Outcomes and the supporting strategies identified in Chapter 2—The Strategic Plan.

Each Citywide Desired Environmental Outcome and its set of supporting strategies is relevant to all the components of ecological sustainability and the core matters, rather than dealing with them separately.

All other provisions of the Plan flow from the Citywide Desired Environmental Outcomes and their supporting strategies.

An overview of how the Plan fulfils the requirements of the Act in this regard is provided below. A separate report, entitled *City Plan—Ecological Sustainability and Integration and Coordination of Core Matters*, contains a more detailed explanation.

4.2 How the City Plan advances the purpose of the Act

The protection of ecological processes and natural systems is closely related to the concept of valuable features, in terms of the areas that are of ecological and landscape significance and of importance as economic resources. The Plan provisions firstly protect such features through their inclusion in green space areas, directing more intensive land uses and development to other areas; secondly, it establishes requirements for the level of assessment and performance standards (including those related to infrastructure) that will ensure these values will be protected in all areas.

Economic development is dependent on the management of all three core matters: land use and development, infrastructure and valuable features. The Plan allocates strategic land to provide for new and to protect existing business and industry land uses and development. Land so allocated reflects the ability to provide levels of infrastructure that will enable these activities to operate effectively while protecting the valuable features of the surrounding environment. They also reflect integrated land use and transport planning principles.

The Plan also provides for protection of economic resources from encroachment.

The maintenance of cultural, economic, physical and social wellbeing of people and communities is also clearly dependent on all three core matters. The Plan provides a framework for land use and development that will ensure protection of natural and man-made valuable features that contribute to the amenity, identity and cultural values of the City. Different types of land uses and development are directed to areas that will protect amenity and cultural values, and the allocation of land to the various residential areas reflects the ability to provide communities with adequate infrastructure, including basic utilities and community facilities. In addition, the development standards established by the Plan will provide for public health and safety.

4.3 How the City Plan coordinates and integrates the core matters

The process of preparing the Plan described in section 3 above has enabled Council to integrate and coordinate local, regional and State dimensions of the core matters.

The Plan is consistent with and advances the principles of the *Regional Framework for Growth Management for South East Queensland (RFGM) 1998*, which in turn involved the coordination of the various State agencies' intentions.

Ongoing consultation with State Government agencies occurred throughout the preparation of the Plan to ensure that local level policy complements regional and State policies. The Plan explicitly recognises, and is consistent with, the following State planning policies:

- *State Planning Policy 1/92—Development and the Conservation of Agricultural Land (SPP 1/92)*
- *State Planning Policy 2/92—Planning for Aerodromes and Other Aeronautical Facilities (SPP 2/92)*
- *State Planning Policy 1/97—Conservation of Koalas in the Koala Coast (SPP 1/97)*.

In essence, the Plan provides for:

- recognition and protection of valuable features, including renewable and non-renewable natural resources (both ecological and economic) as well as significant social/cultural resources
- land use and development in locations and in a form that will facilitate avoidance or lessening of adverse environmental effects. Impact assessment procedures are required for the types of development likely to have such effects. Also, appropriate standards will apply
- directing different forms of development to areas in which appropriate levels of infrastructure can be provided efficiently, and ensuring the impacts on or demand for infrastructure by development are considered.

5 Components of the Plan that do not form part of the Scheme

The following components of the Plan are included to assist interpretation and do not form part of the Scheme:

- list of places in the *Queensland Heritage Register of the Queensland Heritage Act 1992*
- 'action' components of maps in Local Plans
- non-statutory notes (shown in *italics*)
- photographs used for illustrative purposes, which are not referenced or titled as a figure
- large scale maps of the broad Area Classifications in Chapter 3
- table of contents and indexes in all Volumes of the Plan.

MINUTES OF PROCEEDINGS



THE 4169th MEETING OF THE BRISBANE CITY COUNCIL, HELD AT THE CITY HALL, BRISBANE, ON TUESDAY 25 OCTOBER 2005 AT 2:00 PM.

Dedicated to a better Brisbane

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- (c) Pursuant to Section 11 of Schedule 1 of IPA, by letter dated 21 February 2003, the Minister advised that Council may publicly notify the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, a public notice of the proposed amendments were advertised in *The Courier-Mail* on 29 September 2003, and were publicly exhibited from 29 September 2003 to 14 November 2003, with the closing date for submissions being 14 November 2003, and 10 submissions were received;
- (e) At its meeting held on 15 February 2005, Council considered the properly made submissions and, pursuant to Section 16 of Schedule 1 of IPA, resolved to proceed with such proposed amendments with modifications;
- (f) Pursuant to Section 18(2) of Schedule 1 of IPA, a copy of the proposed amendments with modifications was given to the Minister for reconsideration of State interests; and
- (g) By letters dated 11 April 2005 and 6 June 2005, copies submitted at Attachment B, the Minister advised Council that it may adopt such proposed amendments with modifications;

Pursuant to Section 19 of Schedule 1 of IPA, **COUNCIL ADOPTS SUCH PROPOSED AMENDMENTS TO THE PLANNING SCHEME WITH MODIFICATIONS** as set out at Attachment C submitted, **WITH SUCH AMENDMENTS TO BECOME EFFECTIVE ON 1 JANUARY 2006.**

- (ii) Council directs that all actions be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the planning scheme amendment process.

ADOPTED

D **MID 2004 PACKAGE OF AMENDMENTS TO THE BRISBANE CITY PLAN 2000**
460/2(169/P1)

225/2005-06

- 65. The Divisional Manager, City Policy and Strategy Division, provides the following background information in relation to this matter.
- 66. At its meeting held on 8 June 2004, Council resolved to propose to amend the Brisbane City Plan 2000 to include the Mid 2004 amendment package.
- 67. The Minister for Local Government and Planning approved the commencement of public notification of the amendments on 12 November 2004, and they were exhibited for 30 business days from 11 February 2004 to 29 March 2004.
- 68. On 17 May 2005, Council resolved to proceed with the Mid 2004 amendments with modifications, after considering submissions received during the public consultation process.
- 69. As required by the *Integrated Planning Act 1997*, the package was referred to the Minister for a second review of State interests. By letter dated 28 July 2005, as set out in Attachment B submitted, the Minister advised that Council may now adopt the proposed amendments.

70. This is the final resolution that, if adopted, will make the amendments (as modified) effective on 1 January 2006.
71. The package, as set out in Attachments C to H submitted, includes:
- Amendments to reflect recent changes to State legislation and State Planning Policies. These include references to the revised *Child Care Act*; the new Acid Sulphate Soils State Planning Policy and the new assessment processes under the *Queensland Heritage Act*.
 - Setting maximum building heights for development in Multi-purpose and Special Purpose Centres and Local Plans, and clarifying related definitions. This amendment sets a maximum height in metres for buildings in 19 Local Plans and the Centre Design Code.
 - Amendments to Bowen Hills Local Plan to include a new precinct, improve retention of light industrial activities and to clarify open space provisions.
 - Amendments to New Farm and Teneriffe Hill Local Plan to improve the structure, remove redundant provisions and to clarify design guidelines for houses.
 - Amendments to Newstead and Teneriffe Waterfront Local Plan to improve the structure, improve retention of light industrial activities and to clarify related precinct intents.
 - Amendments to ensure the level of assessment for a small lot house in the Emerging Community Area is consistent with other Area classifications. The amendments alter the level of assessment for a small lot house in the Emerging Community Area to self assessable where complying with the acceptable solutions of the Residential Design - Small Lot Code.
72. Council must now decide whether to adopt the proposed amendments. Under the *Integrated Planning Act 1997*, further amendment is not possible without recommencing the statutory process.
73. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.
74. **RECOMMENDATION:**

AMENDMENTS REQUIRED AS A RESULT OF AMENDMENTS TO THE QUEENSLAND HERITAGE ACT, CHILD CARE ACT AND THE INTRODUCTION OF A NEW STATE PLANNING POLICY

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) On 8 June 2004, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the Planning Scheme), which is required as a result of amendments to the *Queensland Heritage Act*, *Child Care Act* and the introduction of a new State Planning Policy (proposed amendments);

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The Plan is divided into several chapters and appendices as shown below. For further information on how to use the Plan in assessment, refer to General Assessment Processes in Chapter 3.

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Local Plans for: <ul style="list-style-type: none"> • older suburbs • postwar suburbs • outer suburbs • specific localities 	Detailed guidance on the preferred development outcomes in a particular locality, suburb or neighbourhood. The Local Plan Code provisions and level of assessment override those in Chapter 3

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3 Background to the Plan

The Plan is a result of a substantial amount of work undertaken by Council over recent years. In one cohesive integrated package, the Plan:

- adopts a performance approach to development assessment
- promotes urban design as a fundamental part of City development
- provides a strong local focus in its implementation.

The Plan draws together the outcomes for the City from:

- State planning and strategies such as the *Integrated Regional Transport Plan for South East Queensland 1997* and *South East Queensland Regional Air Quality Strategy*
- regional planning processes over the last decade through the SEQ2001 Regional Framework for Growth Management project and the *Brisbane 2011 Plan (B2011 Plan)*
- local area planning undertaken by Council in a rolling program covering many areas of the City.

Development of the State, regional and local programs involved substantial consultation and are drawn together for the first time in the Plan. They are supported by Areas to provide continuity with previous planning documents.

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These intentions will be achieved in two ways through:

- Council's role in assessing development proposals
- other Council and State Government legislation and programs, including investment in infrastructure and services as set out in the Corporate Plan and action plans prepared under the Corporate Plan.

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The Plan has been prepared under the *Integrated Planning Act 1997* (the Act), which sets out the requirements for integrated planning and integrated development assessment in Queensland. The Plan has been prepared to advance the purpose of the Act, which is to seek to achieve ecological sustainability. The Act defines ecological sustainability as the balance that integrates:

- protection of ecological processes and natural systems at local, regional, State and wider levels
- economic development
- maintenance of the cultural, economic, physical and social wellbeing of people and communities.

The Plan is an important tool available to Council to advance this purpose. However, it cannot achieve ecological sustainability on its own, given the extent of its jurisdiction under the Act. The Plan will operate in support of other strategies, programs and actions by Council that are coordinated under the umbrella of the Corporate Plan. Ecological sustainability is also dependent on the actions of other levels of government and the community.

In advancing the purpose of ecological sustainability, the Act requires that the Plan integrates and coordinates the following core matters, which are central to the jurisdiction of the Plan:

- land use and development
- infrastructure
- valuable features.

Fundamentally, the Plan fulfils these requirements of the Act by establishing a framework for managing the process by which development occurs and the effects of development on the environment.

The Plan provides strategic guidance for the City, in the form of Citywide Desired Environmental Outcomes and supporting strategies. Based on this guidance, it provides a framework for development assessment that establishes the type of assessment process required for different forms of development in different locations of the City and the standards of performance that should apply to them.

The balancing of the three components of ecological sustainability, and the integration and coordination of the core matters are primarily reflected in the Citywide Desired Environmental Outcomes and the supporting strategies identified in Chapter 2—The Strategic Plan.

Each Citywide Desired Environmental Outcome and its set of supporting strategies is relevant to all the components of ecological sustainability and the core matters, rather than dealing with them separately.

All other provisions of the Plan flow from the Citywide Desired Environmental Outcomes and their supporting strategies.

An overview of how the Plan fulfils the requirements of the Act in this regard is provided below. A separate report, entitled *City Plan—Ecological Sustainability and Integration and Coordination of Core Matters*, contains a more detailed explanation.

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The protection of ecological processes and natural systems is closely related to the concept of valuable features, in terms of the areas that are of ecological and landscape significance and of importance as economic resources. The Plan provisions firstly protect such features through their inclusion in green space areas, directing more intensive land uses and development to other areas; secondly, it establishes requirements for the level of assessment and performance standards (including those related to infrastructure) that will ensure these values will be protected in all areas.

Economic development is dependent on the management of all three core matters: land use and development, infrastructure and valuable features. The Plan allocates strategic land to provide for new and to protect existing business and industry land uses and development. Land so allocated reflects the ability to provide levels of infrastructure that will enable these activities to operate effectively while protecting the valuable features of the surrounding environment. They also reflect integrated land use and transport planning principles.

The Plan also provides for protection of economic resources from encroachment.

The maintenance of cultural, economic, physical and social wellbeing of people and communities is also clearly dependent on all three core matters. The Plan provides a framework for land use and development that will ensure protection of natural and man-made valuable features that contribute to the amenity, identity and cultural values of the City. Different types of land uses and development are directed to areas that will protect amenity and cultural values, and the allocation of land to the various residential areas reflects the ability to provide communities with adequate infrastructure, including basic utilities and community facilities. In addition, the development standards established by the Plan will provide for public health and safety.

2. How the City Plan coordinates and integrates the core matters

The process of preparing the Plan described in Section 3 above has enabled Council to integrate and coordinate local, regional and State dimensions of the core matters.

The Plan is consistent with and advances the principles of the *Regional Framework for Growth Management for South East Queensland (RFGM) 1998*, which in turn involved the coordination of the various State agencies' intentions.

Ongoing consultation with State Government agencies occurred throughout the preparation of the Plan to ensure that local level policy complements regional and State policies. The Plan explicitly recognises, and is consistent with, the following State planning policies:

- *State Planning Policy 1/92—Development and the Conservation of Agricultural Land (SPP 1/92)*
- *State Planning Policy 2/92—Planning for Aerodromes and Other Aeronautical Facilities (SPP 2/92)*
- *State Planning Policy 1/97—Conservation of Koalas in the Koala Coast (SPP 1/97)*
- *State Planning Policy 2/02—Planning and Managing Development involving Acid Sulfate Soils*
- *State Planning Policy 1/03—Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.*

In essence, the Plan provides for:

- recognition and protection of valuable features, including renewable and non-renewable natural resources (both ecological and economic) as well as significant social/cultural resources
- land use and development in locations and in a form that will facilitate avoidance or lessening of adverse environmental effects. Impact assessment procedures are required for the types of development likely to have such effects. Also, appropriate standards will apply
- directing different forms of development to areas in which appropriate levels of infrastructure can be provided efficiently, and ensuring the impacts on or demand for infrastructure by development are considered.

5 Components of the Plan that do not form part of the Scheme

The following components of the Plan are included to assist interpretation and do not form part of the Scheme:

- 'action' components of maps in Local Plans
- non-statutory notes (shown in *italics*)
- photographs used for illustrative purposes, which are not referenced or titled as a figure
- large scale maps of the broad Area Classifications in Chapter 3
- table of contents and indexes in all Volumes of the Plan.

TRA 23

9.04.06

AH6

URGENT

MC05.4865

Explanation of Urgency/Deadline:

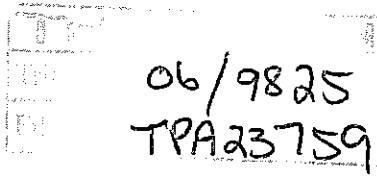
If Brisbane City Council is to include this amendment package in the July 2006 update of the Brisbane City Plan 2000, they require the Minister's approval/signature/letters to Council on Tuesday 18 April to enable Council to undertake the necessary arrangements for gazettal and preparation of the new DVD.

Why it's coming today:

This brief was prepared and finalised in Planning Services in early February 2006 but due to an administrative error it was not forwarded to ESU for progressing to the Minister's Office. Council are now urgently needing this.

Contact Officer's name, Division and telephone number:

[REDACTED] Sustainable Planning, phone: [REDACTED]



MC05. 4865-- TPA23759
P/05/02516

BRIEFING NOTE

TO: MINISTER FOR ENVIRONMENT, LOCAL GOVERNMENT, PLANNING
AND WOMEN

THROUGH: DIRECTOR-GENERAL

SUBJECT INCORPORATION OF PRIORITY AMENDMENTS TO THE BRISBANE
CITY PLAN 2000

PURPOSE

To seek your agreement to allow Brisbane City Council to shorten the process for the incorporation of the Priority Amendments to the Brisbane City Plan 2000 (City Plan).

BACKGROUND

On 18 October 2005 Council resolved to amend City Plan to include Priority Amendments, which seek to align City Plan with the South East Queensland Regional Plan 2005-2026 (the Regional Plan).

The Priority Amendments seek to:

- amend the Strategic Plan mapping to align with the Urban Footprint boundaries of the Regional Plan and the Koala Conservation Area;
- reclassify land at Boondall from Investigation Area to Conservation Area and align with the Regional Landscape and Rural Production Area boundary of the Regional Plan;
- amend the Subdivision Code to require a 100ha minimum lot size in the Rural and Environmental Protection Areas identified as Regional Landscape and Rural Production Area in the Regional Plan; and
- amend the intent of the Rural and Environmental Protection Area to ensure consistency with the Regional Plan.

Effect of the Regional Plan

The *Integrated Planning Act 1997* (IPA) established a regional planning framework for South East Queensland, which now requires particular local governments to amend its planning scheme, through a series of short, medium and long term amendments, to align with the Regional Plan (refer to section 2.5A.22 of the IPA). As planning schemes play an important role in implementing the Regional Plan it is important planning schemes align with the Regional Plan as soon as possible. The Act assumes local governments would commence the amendment process quickly and required local governments to submit necessary amendments within 90 business days of the Regional Plan coming into effect. The proposed amendments were required to be approved by the regional planning Minister, the Honourable Peter Beattie, MP, Premier and Treasurer on or before 3 November 2005.

Shortened process for Schedule 1 of the IPA

The recent Act amendments also amended Schedule 1 of the IPA to reflect the Regional Plan as a consideration in the process for amending planning schemes. In summary the amendments allow you to:

- shorten the process where you are satisfied the proposed amendments reflect the Regional plan and there has already been adequate public consultation about the matter, the subject of the proposed amendments [refer to section 10 (1)(b)(ii)];
- forego further public consultation on a planning scheme amendment [refer to section 10 (2)]; and
- forego the consideration of adverse affects on State interests [refer to section 10(3)].

ISSUES

The OUM prepared the Implementation Guideline No.1: 'Amending planning schemes and other plans to reflect the Regional Plan' (the Guideline) to provide advice on the amendment of IPA compliant planning schemes. The Guideline focused on what local governments and state agencies are required to do by 3 November 2005.

The Guideline provided a process and timeframes for local governments to review and, if necessary, amend planning documents to achieve consistency with the Regional Plan. Specifically, local governments were required to:

- identify inconsistencies between the Regional Plan and its planning scheme (by 25 August 2005);
- identify key implementation priorities of the Regional Plan to be dealt with in the short term, these being Urban Footprint boundaries, Koala Conservation Area, rural subdivision, regional activity centres, transit orientated development and major development sites greater than 100ha where structure plans will be required;
- prepare Amendments Schedules to identify components of the planning scheme for amendment and the timeframes for achieving consistency with the Regional Plan (by 22 September 2005); and
- establish agreement about the Amendments Schedules and approval by the regional planning Minister (by 3 November 2005).

Protocol to progress proposed amendments

On 24 October 2005 Council referred the proposed short, medium and long term amendments to OUM for consideration and approval by the Regional Planning Minister, the Premier. On 15 November 2005 the Premier wrote to Council advising OUM is satisfied with the proposed amendments.

In addition, on 24 October 2005 Council also forwarded the Priority Amendments (i.e. the short term amendments) to the Department in accordance with section 9(3) of Schedule 1 of the IPA. Subject to your agreement and advice to Council, the Priority Amendments will not require public notification in accordance with sections 12 to 18 of Schedule 1 of the IPA. In addition, if you advise Council it may forego public notification, the Priority Amendments will not be required to undergo consideration of State interests in accordance with section 11 of Schedule 1 of the IPA. Council is then required to continue the adoption of the Priority Amendments in accordance with sections 19 to 21 of Schedule 1 of the IPA.

Given the above, Departmental officers met on several occasions with OUM to determine a protocol to progress the proposed amendments. The following protocol has been agreed to and will apply to proposed amendments forwarded by local governments:

- OUM is to formally advise the Department of the consistency of the proposed amendments with the Regional Plan and OUM's support to shorten the process for amending planning schemes;
- OUM to advise the Regional Planning Minister of the above;
- The Minister for Local Government and Planning formally advise the respective local government it may shorten the process for amending planning schemes.

Accordingly, on 2 February 2006 OUM forwarded correspondence to the Department advising of OUM's support to shorten the process for amending planning schemes. OUM agreed Council may at this stage only address key implementation priorities regarding the Urban Footprint boundaries, Koala Conservation Area, and rural subdivision with the remaining priorities to be addressed through Council's Local Growth Management Strategy.

PROPOSED COMMUNICATION ACTIVITIES

Forward letters to Council.

RECOMMENDATION

That you:-

1. determine satisfied the proposed amendments reflect the SEQ Regional Plan and there has already been adequate public consultation about the matter, the subject of the proposed amendments;
2. allow Council to shorten the planning scheme amendment process by foregoing further public consultation; and
3. sign the attached letters notifying Council of the above.

Prepared by:

[Redacted]

Planner
SEQ-WBB Planning Branch
Tel: 323 71733

7 February 2006

Endorsed by:

[Redacted]

A/Director
SEQ-WBB Planning Branch
Tel: 323 71763

Contact Officer:

[Redacted]

Received and Cleared by:

[Redacted]

Acting Manager, Ministerial Correspondence Unit
Ministerial and Executive Services Branch

[Redacted]

NOTED / APPROVED / NOT APPROVED:.....

[Redacted]

DATE:.....

19-04-06

MINISTER'S COMMENTS:.....

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06/9826
TPA23759

COPY

MC05.4865- TPA23759

20 APR 2006

The Right Honourable the Lord Mayor of Brisbane
Cr Campbell Newman
Brisbane City Council
PO Box 2287
BRISBANE QLD 4001

Dear Lord Mayor

Today I wrote to the CEO of your Council, Ms Jude Munro, advising her I have approved the shortening of the process to adopt the proposed Priority Amendments to the Brisbane City Plan 2000.

I have also written to the Deputy Mayor, Councillor David Hinchliffe.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women



Prepared		Init....	Date:...	(both handwritten).
Approved		Init....	Date:...	(both handwritten)
Endorsed		Init....	Date:...	(both handwritten)

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06/9831
TPA23759

MC05. 4865- TPA23759

20 APR 2006

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Attention: [REDACTED]

Dear Ms Munro

I refer to Brisbane City Council's letter of 24 October 2005 forwarding the Priority Amendments as proposed amendments to the Brisbane City Plan 2000 (City Plan).

Following my consideration of the Priority Amendments, I advise Council may shorten the process to adopt the Priority Amendments as forwarded to the Department of Local Government, Planning, Sport and Recreation on 24 October 2005. In accordance with section 10(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA) Council need not comply with sections 12 to 18 of Schedule 1 of the IPA as there has already been adequate public consultation about the matter, the subject of the proposed amendments.

Council is to be commended for the timely preparation of proposed amendments to the City Plan to align with the South East Queensland Regional Plan 2005-2026 (Regional Plan). The City Plan will play an important role in implementing Regional Plan policies.

Yours sincerely

~~CONFIDENTIAL~~

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

[REDACTED]

Prepared	[REDACTED]	71733	Init...	Date...	(both handwritten)
Approved	[REDACTED]	71763	Init...	Date...	(both handwritten)
Endorsed	[REDACTED]	71241	Init...	Date...	(both handwritten)

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TPA23759

MC05. 4865- TPA23759

20 APR 2006

Cr David Hinchliffe
Deputy Mayor
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Cr Hinchliffe

Today I wrote to the CEO of your Council, Ms Jude Munro, advising her I have approved the shortening of the process to adopt the Priority Amendments to the Brisbane City Plan 2000.

I have also written to the Lord Mayor, Councillor Campbell Newman.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women



Prepared		Init....	Date....	(both handwritten).
Approved		Init....	Date....	(both handwritten)
Endorsed		Init....	Date....	(both handwritten)

12/4

AHZ

MC06.4376

13.08.06

File No.	07/7214 TFA 23724
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BRIEFING NOTE

TO: MINISTER FOR ENVIRONMENT, LOCAL GOVERNMENT, PLANNING AND WOMEN

THROUGH: DIRECTOR-GENERAL

SUBJECT: Amendments to the Brisbane City Plan 2000 (City Plan) – Mid 2005 Amendments

BACKGROUND

On 16 June 2006 Brisbane City Council forwarded the Mid 2005 Amendments to the City Plan for your approval to adopt in accordance with section 18 of the *Integrated Planning Act 1997* (IPA).

On 12 December 2005, after consideration of State interests, you approved the commencement of public notification for the Mid 2005 Amendment Package. All State interests were finalised prior to your approval to notify. The amendments were on statutory exhibition from 3 February 2006 to 17 March 2006. Nine submissions were received during the exhibition period.

After consideration of the submissions and industry feedback, a number of modifications were undertaken to the amendments. Department of Local Government, Planning, Sport and Recreation (DLGPSR) officers reviewed the modifications and advise no State interests are adversely affected.

ISSUESCurrent Legal Challenge to Council's Heritage Planning Scheme Policy:

Attachments F and H of the Mid 2005 Amendment package relate to the Heritage Code and Heritage Register Planning Scheme Policy (PSP). Council indicated the amendments to the Heritage Place Code and Heritage Register PSP will ensure Heritage Precincts and Places, including commercial character buildings are recognised and given a level of protection. Affected landowners have rights of objection to a proposed listing.

Notwithstanding, Council is currently preparing for a legal challenge to validity of Council's Heritage Register PSP under section 2.1.23(4) of the IPA. Council has written to the Director-General, Mr Michael Kinnane, requesting urgent legislative amendments specifically declaring Council's Heritage PSP does and always has complied with the IPA and the possibility of the implementation of a Temporary Local Planning Instrument. DLGPSR officers are currently investigating this matter in depth and this will be the subject of a more detailed Briefing Note following the investigation and subsequent legal advice.

Due to the nature of Attachments F and H their removal is recommended as a condition of your approval. Council officers agreed this is the most appropriate action, and following DLGPSR advice or the Court's ruling will advise on the future of these amendments.

PROPOSED COMMUNICATION ACTIVITIES

Letters to Council as attached.

RECOMMENDATIONS

That you;-

- agree State interests have been considered in respect to the proposed Mid 2005 Amendments to the Brisbane City Plan 2000 and subject to the following condition allow Brisbane City Council to adopt the proposed amendments as submitted to the Department of Local Government, Planning, Sport and Recreation on 16 June 2006:
 - Remove Attachments F and H prior to adoption; and
- sign the attached letters advising Council it may adopt the proposed amendments subject to one condition.

 Prepared by:
 [Redacted]
 A/Senior Planning Team Leader
 Sustainable Planning Division
 Tel: [Redacted]
 9 August 2006

 Endorsed by:
 Name: [Redacted]
 Executive Director
 Division Sustainable Planning
 Tel: Full Work No. [Redacted]
 Date

 Reviewed by:
 [Redacted]
 Acting Manager
 Executive Correspondence Unit
 Tel: Full Work No.
 Date 11/8/06

 Endorsed by:
 Name
 Director
 Business & Financial Management
 Tel: Full Work No.
 Date

 Endorsed by:
 Name
 Title
 Legal and Administrative Review Services
 Tel: Full Work No.
 Date

[Redacted]

 DIRECTOR GENERAL
 Date: 11/8/06

.....
 NOTED / APPROVED / NOT APPROVED: [Redacted]
 DATE: 13-08-06

MINISTER'S COMMENTS:.....

MC06.4376 – TPA23835

14 AUG 2006

COPY

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Ms Munro

I refer to a letter from Michael Papageorgiou, Manager City Planning, dated 16 June 2006, referring the Mid 2005 amendments to me for approval to adopt in accordance with section 18 of the *Integrated Planning Act 1997* (IPA).

I have recently become aware of a legal challenge in the Planning and Environment Court in relation to Council's Heritage Register Planning Scheme Policy and the validity of this under section 2.1.23(4) of the IPA. Officers of the Department of Local Government, Planning, Sport and Recreation are currently investigating these matters thoroughly. However, as the matter is currently before the Court it is considered, and has been agreed to by Council officers, that Attachments F and H should be suspended from the Mid 2005 Amendment package until such time as these issues have been resolved.

As such, in accordance with section 18(4)(b) of the IPA I approve the Mid 2005 Amendment for adoption subject to the following condition:

- Remove Attachments F and H prior to adoption.

I thank Council officers for working closely with departmental officers in progressing these amendments.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

11/8/06

[Redacted]

[Redacted]

11/8/06

MC06.4376 – TPA 23835

14 AUG 2006

COPY

The Right Honourable the Lord Mayor of Brisbane
Cr Campbell Newman
Brisbane City Council
GPO Box 2287
BRISBANE QLD 4001

Dear Lord Mayor

I refer to my letter to the Chief Executive Officer of your Council, Ms Jude Munro, advising of my approval of the adoption of the Mid 2005 Amendments to the Brisbane City Plan 2000, as provided to the Department of Local Government, Planning, Sport and Recreation on 16 June 2006, subject to the removal of attachments F & H prior to adoption.

I have also written to the Deputy Mayor, Councillor David Hinchliffe.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

[Redacted signature area] 11/8/06

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MC06.4376 – TPA 23835

14 AUG 2006

Cr David Hinchliffe
Deputy Mayor
Brisbane City Council
GPO Box 1431
BRISBANE QLD 4001

COPY

Dear Cr Hinchliffe

I refer to my letter to the Chief Executive Officer of your Council, Ms Jude Munro, advising of my approval of the adoption of the Mid 2005 Amendments to the Brisbane City Plan 2000 as provided to the Department of Local Government, Planning, Sport and Recreation on 16 June 2006, subject to the removal of attachments F & H prior to adoption.

I have also written to the Right Honourable the Lord Mayor of Brisbane, Councillor Campbell Newman.

Yours sincerely

SIGNED BY MINISTER

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

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11/8/06

DECISION OF THE BRISBANE CITY COUNCIL

ESTABLISHMENT AND CO-ORDINATION Committee's Recommendation of 13 NOVEMBER 2006

Presented to Council: 21 NOVEMBER 2006; and ADOPTED

B ADOPTION OF THE END 2005 AMENDMENTS TO THE BRISBANE CITY PLAN
2000
460/2(204)

14. The Divisional Manager, City Policy and Strategy Division, provides the following background information in relation to this matter.
15. At its meeting held on 7 June 2005, Council resolved to amend the Brisbane City Plan 2000 (City Plan) with a series of amendments collectively described as the End 2005 amendment package.
16. The package was publicly exhibited from 3 February 2006 to 17 March 2006, in accordance with the provisions of the *Integrated Planning Act 1997* (IPA), and five submissions were received.
17. At its meeting held on 6 June 2006, Council reconsidered the proposed amendments having regard to the submissions received, and resolved to proceed with the proposed amendments with modifications. The modified proposed amendments were again referred to the Minister for a reconsideration of State interests as required by IPA. By letter dated 14 August 2006, the Minister advised that Council could adopt the proposed amendments. A copy of the Minister's letter is submitted at Attachment I.
18. At this stage of the statutory planning scheme process, there is no provision under IPA that allows Council to further amend the proposals.
19. Should Council adopt the proposed amendments, it is recommended that they become effective on and from 1 January 2007. They will then be included in the upcoming City Plan Update due to be released on that day.

Summary of Contents of Amendments' Package

20. These amendments contains five key areas of change to the Brisbane City Plan 2000, being:

Amendments to increase the minimum lot size in the Low Density Residential Area where in the Demolition Control Precinct from 400 square metres to 450 square metres (as set out at Attachment C submitted)

The amendments will help to maintain the existing subdivision pattern in Low Density Residential Areas, and will reduce the incentive to remove character houses. New lots below 450 square metres will be generally inappropriate. The provisions will not impact on existing small lots or lots outside the Demolition Control Precinct.

Amendments to the provisions regulating the location of child care facilities (as set out at Attachment D submitted)

Growing demand for child care has highlighted the difficulty in finding enough sites that comply with all criteria in the existing Code. The proposed amendments:

- provide applicants with the option not to co-locate with other community facilities or centres where sites are near public transport; and

- replace existing provisions, which do not support child care facilities on arterial roads, with more targeted provisions to ensure that projected traffic volumes near proposed child care facilities do not present a significant health risk.

Amendments to clarify that peri-urban uses are not envisaged in the Environmental Protection Area (as set out at Attachment E submitted)

Council has received a number of applications for places of public worship, retirement villages and other large urban uses on sites in the Environmental Protection Area due to the cheaper land prices and larger lots. Recently the Planning and Environment Court overturned a Council decision to refuse a large place of public worship in the Environmental Protection Area. These amendments reinforce that large urban uses are not appropriate in the Environmental Protection Area.

Amendments to link the Filling and Excavation Code and Waterways Code to the Compensatory Earthworks Planning Scheme Policy (as set out at Attachment F submitted)

Earthworks within a waterway corridor will only be considered where it does not conflict with the Waterways Code or the Filling and Excavation Code. This amendment directs applicants to the Compensatory Earthworks Planning Scheme Policy. The Policy ensures that earthworks do not impact on the water carrying capacity or flooding characteristics of a channel that can impact on adjoining properties.

Amendments to improve the interpretation and application of select City Plan Codes and Planning Scheme maps (as set out at Attachment H submitted)

- Correction to the City Plan Road hierarchy maps to correct an inconsistency between the Wakerley Local Plan and the citywide maps.
- Clarification that on a house, aerials, chimneys, roof vents and other minor structures are excluded when determining the maximum height of a house over 8.5 metres.

21. A detailed summary of the proposed amendments is submitted at Attachment B.
22. Attachment G from the original package contained the Compensatory Earthworks Policy. It was adopted by Council on 16 May 2006 and was included in City Plan on 1 July 2006.

Implications of Proposal

23. Increasing the minimum lot size in the Low Density Residential Area where in a Demolition Control Precinct will reduce the number of lots with subdivision potential by 1700. This will assist in maintaining the existing subdivision pattern and reduce the incentive to remove character buildings on large lots.
24. The amendments to the child care facilities provisions will reduce the barriers to establishing centres on suitable sites while maintaining Council's existing environmental and development standards.

25. The amendments to the Environmental Protection Area will reinforce that urban uses are not appropriate in this area.
26. Linking the Filling and Excavation Code to the Compensatory Earthworks Planning Scheme Policy will allow the policy to be applied to Code assessment applications.
27. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.
28. **RECOMMENDATION:**

TO INCREASE THE MINIMUM LOT SIZE TO 450M² IN THE LOW DENSITY RESIDENTIAL AREA WHERE SUCH LOTS ARE ALSO IN THE DEMOLITION CONTROL PRECINCT

THAT IT BE RESOLVED THAT:

- (i) As:
 - (a) At its meeting held on 25 October 2005, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the planning scheme) to increase the minimum lot size to 450 square metres in the Low Density Residential Area where such lots are also in the Demolition Control Precinct (proposed amendments);
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 December 2005, the Minister advised that Council could publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 6 February 2006, and were publicly exhibited until 17 March 2006, and two properly made submissions were received;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on the properly made submissions received was prepared, and Council, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, resolved to proceed with the proposed planning scheme amendments as originally exhibited, as set out in Attachment C submitted;
 - (f) Pursuant to Section 18(2) of Schedule 1 of IPA, the Minister was again given a copy of the proposed amendments for reconsideration of State interests, and by letter dated 14 August 2006, copy submitted at Attachment I, the Minister advised Council that it may adopt the proposed amendments;

Pursuant to Section 19(1) of Schedule 1 of IPA, COUNCIL ADOPTS THE PROPOSED AMENDMENTS AND SUCH AMENDMENTS ARE TO BECOME EFFECTIVE ON AND FROM 1 JANUARY 2007.
- (ii) Council directs that all action be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the statutory planning scheme amendment process.

TO REVISE THE PROVISIONS CONTROLLING THE LOCATION OF CHILD CARE FACILITIES

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) At its meeting held on 25 October 2005, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the planning scheme) to amend the location provisions in the Child Care Facility Code and the Centre Amenity and Performance Code;
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 December 2005, the Minister advised that Council could publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 6 February 2006, and were publicly exhibited until 17 March 2006, and three properly made submissions were received;
 - (e) Pursuant to Section 17(2) of Schedule 1 of IPA, a report on the properly made submissions received was prepared, and Council, pursuant to Section 16(1)(b) of Schedule 1 of IPA, after considering every properly made submission, resolved to proceed with the proposed amendments with modifications (proposed modified amendments), as set out in Attachment D submitted;
 - (f) Pursuant to Section 18(2) of Schedule 1 of IPA, the Minister was again given a copy of the proposed amendments for reconsideration of State interests, and by letter dated 14 August 2006, copy submitted at Attachment I, the Minister advised Council that it may adopt the proposed modified amendments;

Pursuant to Section 19(1) of Schedule 1 of IPA, **COUNCIL ADOPTS THE PROPOSED MODIFIED AMENDMENTS AND SUCH AMENDMENTS ARE TO BECOME EFFECTIVE ON AND FROM 1 JANUARY 2007.**

- (ii) Council directs that all action be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the statutory planning scheme amendment process.

TO CLARIFY THAT URBAN USES SUCH AS A PLACE OF PUBLIC WORSHIP OR RETIREMENT VILLAGES ARE NOT ENVISAGED IN THE ENVIRONMENTAL PROTECTION AREA

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) At its meeting held on 25 October 2005, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the planning scheme) to clarify that urban uses such as a place of public worship or retirement villages are not envisaged in the Environmental Protection Area (proposed amendments);

- (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
- (c) By letter dated 12 December 2005, the Minister advised that Council could publicly exhibit the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 6 February 2006, and were publicly exhibited until 17 March 2006, and no submissions were received;
- (e) Pursuant to Section 18(2) of Schedule 1 of IPA, the Minister was again given a copy of the proposed amendments for reconsideration of State interests, and by letter dated 14 August 2006, copy submitted at Attachment I, the Minister advised Council that it may adopt the proposed amendments;

Pursuant to Section 19(1) of Schedule 1 of IPA, **COUNCIL ADOPTS THE PROPOSED AMENDMENTS AND SUCH PROPOSED AMENDMENTS ARE TO BECOME EFFECTIVE ON AND FROM 1 JANUARY 2007.**

- (ii) Council directs that all action be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the statutory planning scheme amendment process.

TO INCLUDE REFERENCE TO THE COMPENSATORY EARTHWORKS PLANNING SCHEME POLICY IN THE FILLING AND EXCAVATION CODE AND THE WATERWAYS CODE

THAT IT BE RESOLVED THAT:

- (i) As:
 - (a) At its meeting held on 25 October 2005, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the Brisbane City Plan 2000 (the planning scheme) to include reference to the Compensatory Earthworks Planning Scheme Policy in the Filling and Excavation Code and the Waterways Code (proposed amendments);
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 December 2005, the Minister advised that Council could publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 6 February 2006, and were publicly exhibited until 17 March 2006, and no submissions were received;
 - (e) Pursuant to Section 18(2) of Schedule 1 of IPA, the Minister was again given a copy of the proposed amendments for reconsideration of State interests and by letter dated 14 August 2006, copy submitted at Attachment I, the Minister advised Council that it may adopt the proposed amendments;

Pursuant to Section 19(1) of Schedule 1 of IPA, **COUNCIL ADOPTS THE PROPOSED AMENDMENTS AND SUCH PROPOSED AMENDMENTS ARE TO BECOME EFFECTIVE ON AND FROM 1 JANUARY 2007.**

- (ii) Council directs that all action be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the statutory planning scheme amendment process.

**TO IMPROVE INTERPRETATION AND APPLICATION OF CITY PLAN CODES AND THE
PLANNING SCHEME MAPS**

THAT IT BE RESOLVED THAT:

- (i) As:
- (a) At its meeting held on 25 October 2005, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to improve interpretation of the City Plan by correcting the road hierarchy maps so that they are consistent with the Wakerley Local Plan, and identifying minor structures that may exceed the 8.5 metre height limit in the House Code (proposed amendments);
 - (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State Interests;
 - (c) By letter dated 12 December 2005, the Minister advised that Council could publicly exhibit the proposed amendments;
 - (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 6 February 2006, and were publicly exhibited until 17 March 2006, and no properly made submissions were received;
 - (e) Pursuant to Section 18(2) of Schedule 1 of IPA, the Minister was again given a copy of the proposed amendments for reconsideration of State interests, and by letter dated 14 August 2006, copy submitted at Attachment I, the Minister advised Council that it may adopt the proposed amendments;

Pursuant to Section 19(1) of Schedule 1 of IPA, **COUNCIL ADOPTS THE PROPOSED AMENDMENTS AND SUCH PROPOSED AMENDMENTS ARE TO BECOME EFFECTIVE ON AND FROM 1 JANUARY 2007.**

- (ii) Council directs that all action be taken pursuant to Sections 20 and 21 of Schedule 1 of IPA to complete the statutory planning scheme amendment process.

Attachment F

**Proposed End 2005 Amendments to
Brisbane City Plan 2000**

**Amendments to improve consideration of
Compensatory Earthworks in the
Brisbane City Plan 2000**

Attachment F – Amendments to improve the application of the Filling and Excavation Code and the Waterways Code by ensuring that any earthworks are carried out in accordance with compensatory earthworks principles

Amendment No	Chapter & Page	Section	Summary of Amendment
F1	5/84	4	Includes reference to the Compensatory Earthworks Planning Scheme Policy in the Filling and Excavation Code
F2	5/84	4	This amendment removes an inconsistency between the acceptable solution and performance criteria dealing with flooding and drainage in the Filling and Excavation Code.
F3	5/	4	Includes reference to the Compensatory Earthworks Planning Scheme Policy in the Waterways Code

Amendment Number

F1

Chapter

5

Page

84

Section

Filling and Excavation Code - 4 Performance Criteria and Acceptable Solutions

Proposed Amendment

Delete Performance Criteria P3 and replace with the following performance criteria

“Filling or excavation must not directly, indirectly or cumulatively, cause any increase in flooding or drainage problems

Earthworks within a Waterway Corridor are to be in accordance with the **Compensatory Earthworks Planning Scheme Policy”**

Reason

Earthworks within a waterway corridor will only be considered where it does not conflict with the Waterways Code or the Filling and Excavation Code. Filling or excavation will not be supported where it will cause an increase in flooding and drainage problems.

This amendment refers applicants to the proposed Compensatory Earthworks Planning Scheme Policy which details Council’s requirements when reshaping land within the flood regulation line or Waterway Corridor.

Amendment Number

F2

Chapter

5

Page

84

Section

Filling and Excavation Code - 4 Performance Criteria and Acceptable Solutions

Proposed Amendment

Replace Acceptable Solution A3.3 being:

"Any increase in flooding will not adversely affect the safety or use of any adjoining site and land upstream and downstream"

with the following:

"Changes to flooding due to filling or excavation will not adversely affect the safety or use of any adjoining site and land upstream and downstream"

Reason

Existing acceptable solution A3.3 conflicts with the performance criteria as it implies that an increase in flooding is acceptable. This amendment brings the acceptable solution in line with the performance criteria by removing the reference to increased flooding.

Amendment Number

F3

Chapter

5

Page

264c

Section

Waterway Code – 4.7 Riparian Landscape

Proposed Amendment

Insert the following new text under performance criteria P2:

“Earthworks within a Waterway Corridor are to be in accordance with the **Compensatory Earthworks Planning Scheme Policy”**

Reason

Earthworks within a waterway corridor will only be considered where it does not conflict with the Waterways Code or the Filling and Excavation Code. Filling or excavation will not be supported where it will cause an increase in flooding and drainage problems.

This amendment refers applicants to the proposed Compensatory Earthworks Planning Scheme Policy which details Council's requirements when reshaping land within a Waterway Corridor

Att 10

03.11.06



**Queensland
Government**

Our Ref: P131514
Your Ref: TPA

**Strategic Policy and
Executive Services**

Department of
Emergency Services

3 November 2006

Ms [redacted]
Department of Local Government, Planning and Sport
PO Box 15031
CITY EAST QLD 4002

Department of Local Government, Planning
Sport & Recreation

- 6 NOV 2006

RECEIVED

ENTERED
TPA 230 84
06/22422

Dear Ms [redacted]

Re: Draft Brisbane City Plan 2000 Amendments – Area Classification changes

Thank you for your letter dated 3 October 2006, regarding the Area Classification changes proposed as amendments to the Brisbane City Plan 2000 (City Plan).

The Department of Emergency Services (DES) makes the following comments regarding the extent to which State Planning Policy 1/03 is reflected.

Generally, the proposed area classifications will allow land use intensification to occur. In terms of reflecting State Planning Policy 1/03 (SPP 1/03), it is important that when re-classifications of areas are made that will lead to intensification of land use in areas that are also natural hazard management areas, SPP 1/03 is adhered to so that natural hazards relevant to the area can continue to be mitigated effectively.

DES believes that the locality of Number 14 Reclassification may be affected by flood hazard. The resulting development that will occur because of the reclassification of Parkland to Low Density Residential may cause disturbance to the flooding characteristics of Enoggera Creek, thus increasing impact to residences built in the vicinity of Number 14 as well as the communities up and down stream.

Lot reconfiguration and material change of use can cause land use intensification and are permitted within some of the proposed area classifications. These land uses are dealt with in detail in SPP 1/03 relating to natural hazard management areas. Because of the potential for these re-classified areas to occur within natural hazard management areas (particularly flood hazard), DES recommends that council considers SPP 1/03 prior to reclassification. Refer to SPP 1/03 Guideline, Appendix 5 for a detailed treatment of natural hazard management areas.

Strategic Policy Unit

Emergency Services Complex
Cnr Kedron Park Road and Park Road
Kedron Queensland 4031

.../2

GPO Box 1425 Brisbane
Queensland 4001 Australia

Telephone +61 7 3247 8787
Facsimile +61 7 3247 8798
Website www.emergency.qld.gov.au

Should you have any queries regarding this matter, please do not hesitate to contact Mr Gavin McCullagh, Senior Policy Officer, Strategic Policy, Strategic Policy & Executive Services, on telephone number (07) [REDACTED], or via email at [REDACTED] who will be pleased to assist.

Yours sincerely

[REDACTED]

Director

[Redacted]

From: [Redacted]
Sent: Thursday, 11 January 2007 2:31 PM
To: [Redacted]@emergency.qld.gov.au'
Subject: FW: Brisbane City Plan Area Classification Amendment Package Comments



DES comments
response.doc (33 ...

Sorry forgot to attach before...

-----Original Message-----

From: [Redacted]
Sent: Thursday, 11 January 2007 2:30 PM
To: [Redacted]@emergency.qld.gov.au'
Subject: Brisbane City Plan Area Classification Amendment Package Comments

Gavin,

Please find attached Council's response to the issues raised by DES in relation to the planning scheme area reclassification amendment package which your agency commented on 30 October 06 (your reference P 131514).

Could you please confirm if DES considers Council's responses adequate.

It would be appreciated if a response could be received by COB Thursday 18 January. If no response is received it will be assumed that your agency is satisfied with Council's response.

If you have any questions please call.

[Redacted]

Assistant Planner
Sustainable Planning
Dept. of Local Government, Planning, Sport and Recreation
ph. [Redacted]
fx. [Redacted]

5.	Attachment C Overall	<p>along the Brisbane River to protect biodiversity values.</p> <p>Maintain and enhance Brisbane's important cultural and architectural heritage</p>	<p>Additions to the Demolition Control Precincts are encouraged to assist in maintaining and enhancing Brisbane's important cultural and architectural heritage.</p>	Advice	Agreed
		<p>Department of Emergency Services</p>			
6.	Overall	<p>Where the proposed Area classification changes allow an intensification of land use to occur State Planning Policy 1/03 (SPP 1/03) must be reflected.</p> <p>When reclassifications for intensification of land use occur in areas that are also natural hazard management areas, SPP 1/03 must be adhered to so that natural hazards can be mitigated effectively.</p>	<p>When reclassifications for intensification of land use occur in areas that are also natural hazard management areas, SPP 1/03 must be adhered to so that natural hazards can be mitigated effectively.</p>	Advice	<p>Agreed. Definitive mapping of areas with natural hazards is yet to be completed. However, it is proposed that the City Plan provision for natural hazards will be a development code. Therefore, it will apply to all land affected by a natural hazard irrespective of Area classification.</p>
7.	Attachment B Map No. 14	<p>It is believed that the locality of the area reclassification at 102 School Road, The Gap may be affected by flood hazard.</p> <p>There is concern development of this site may cause disturbance to the flood characteristics of Enoggera Creek, thus increasing impact to residences built in the vicinity of the proposed reclassification and impacting both up and down stream.</p> <p><i>Also refer to number 2</i></p>	<p>Council should consider SPP 1/03 before reclassification. Refer to SPP 1/03 Guideline, Appendix 5 for detailed treatment of natural hazard management areas.</p>	State Interest	<p>102 School Road falls outside the Council's flooding regulation lines (please see attached maps). Also the site has been developed with a house and was inadvertently classified Parkland. Changing the Area classification would correct this anomaly.</p>

BRIEFING NOTE**ELECTORATE:** Brisbane City Wide**REQUESTED BY:** Internally generated**TO:** MINISTER FOR LOCAL GOVERNMENT, PLANNING AND SPORT**FROM:** DIRECTOR-GENERAL**Title:** PROPOSED AMENDMENTS TO THE BRISBANE CITY PLAN 2000 (AREA CLASSIFICATION CHANGES). **Date:** 30 March 2007**1. Issues**

- On 11 September 2006 the Brisbane City Council resolved to prepare amendments to the Brisbane City Plan 2000 (City Plan) by changing the area classification of certain parcels of land throughout Brisbane. The proposed area classification changes relate to previously unclassified properties, reflection of development approvals, correction of classification anomalies and proposed additions to and removals from Demolition Control Precincts.
- On 28 September 2006 Council submitted the proposed amendments for the initial consideration of State interests and approval to commence public notification. The Department of Local Government, Planning, Sport and Recreation coordinated a whole-of-Government review of the proposed amendments in October/November 2006.
- Concerns were raised in the whole-of-Government Review by the Environmental Protection Agency (EPA), the Department of Natural Resources and Water (NRW), and the Department of Emergency Services (DES). NRW raised concerns about the proposed area reclassification of State land from Emerging Community to Low Density Residential. A Parkland classification is considered a more appropriate classification in this instance. DES indicated reclassifications for intensification of land use in areas that are also natural hazard management areas, must adhere to SPP1/03: Mitigating the Adverse Effects of Flood, Bushfire and Landslide to ensure effective mitigation. EPA was supportive of additions to the Demolition Control Precincts to assist in maintenance and enhancement of Brisbane's important cultural and architectural heritage.
- These State agencies have suggested modifications and Council officers have agreed to incorporate the modifications to address State concerns.
- The proposed amendments as re-submitted to the Department on 9 February 2007 included the modifications requested by the respective State agencies. Departmental officers consider the proposed amendments will not adversely affect State interests. The proposed amendments will enhance the clarity and interpretation of the City Plan ensuring there is an efficient, effective and accountable planning system and will assist Council to achieve its stated policy outcome.

2. Proposed Communication Activities

- Letters to Council attached.

3. Recommendation

- That subject to your agreement, you: -
 1. agree State interests have been considered in respect to the proposed amendments included in the Area Classifications Changes 2006 Package and **allow Council to publicly notify** the ' modified version' of Area Classifications Changes 2006 Package forwarded by the Department on 9 February 2007; and
 2. sign the attached letters notifying Council of the above.

 Prepared by:
 [Redacted]
 Student Planner
 Statutory Planning
 Tel: [Redacted]
 30 March 2007

[Redacted]
 Endorsed by:
 [Redacted]
 Executive Director
 Sustainable Planning Division
 Tel: [Redacted]
 3 April 2007

[Redacted]
 Reviewed by:
 [Redacted]
 Manager
 Executive Correspondence Unit
 Tel: [Redacted]
 Date 5.4.07

 Endorsed by:
 Name
 Director
 Business & Financial Management
 Tel: Full Work No.
 Date

 Endorsed by:
 Name
 Title
 Legal and Administrative Review
 Services
 Tel: Full Work No.
 Date

[Redacted]

 DIRECTOR-GENERAL
 Date: 11/4/07

NOTED / APPROVED / NOT APPROVED: [Redacted]

DATE: 29/4/7

MINISTER'S COMMENTS:

.....

.....

.....

.....

.....

.....

.....

MC07.5268 - TPA 3748

30 APR 2007

COPY

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Attention: [REDACTED]

I refer to Council's letter of 28 September 2006 submitting proposed amendments included in the Area Classifications Changes 2006 Package to the Brisbane City Plan 2000.

Following my consideration of State interests in respect of the proposed Area Classifications Changes 2006 Package, I advise Council may commence public notification procedures of the modified version of the Area Classifications Changes 2006 Package as forwarded to the Department of Local Government, Planning, Sport and Recreation on 9 February 2007.

I have also written to the Right Honourable the Lord Mayor of Brisbane, Councillor Campbell Newman, regarding this matter.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments.

Yours sincerely

SIGNED

ANDREW FRASER

[REDACTED]

3/4/07 U

[REDACTED] 5.4.07

[REDACTED] 11/4/07

MC06.5268 - TPA 3748

30 APR 2007

COPY

The Right Honourable the Lord Mayor of Brisbane
Councillor Campbell Newman
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

I refer to Council's letter of 28 September 2006 submitting proposed amendments included in the Area Classifications Changes 2006 Package to the Brisbane City Plan 2000.

Following my consideration of State interests in respect of the proposed Area Classifications Changes 2006 Package, I advise Council may commence public notification procedures of the modified version of the Area Classifications Changes 2006 Package as forwarded to the Department of Local Government, Planning, Sport and Recreation on 9 February 2007.

I have also written to the Chief Executive Officer, Ms Jude Munro, regarding this matter.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments.

Yours sincerely

SIGNED

ANDREW FRASER

[Redacted signature]

3/4/07
5.4.07

[Redacted stamp]
1/4/07



Att 13 19 12.06

Brisbane City Council
ABN 72 002 765 795

Contact name: [REDACTED]
Phone: [REDACTED]
Fax *direct*: [REDACTED]
Our ref: 460/2(242)

City Planning
City Policy & Strategy Division
Level 16 69 Ann Street
Brisbane Qld 4000
GPO Box 1434 Brisbane Qld 4001

19 December 2006

The Honourable Andrew Fraser
Minister for Local Government and Planning
PO Box 31,
BRISBANE ALBERT STREET Qld 4002



Attention: [REDACTED], Planning Services

Dear Minister,

End 2006 Amendments to the Brisbane City Plan 2000

At its meeting of 28 November 2006, Council resolved to amend the Brisbane City Plan 2000 in accordance with the proposed End 2006 amendments package. The proposed changes include:

- Amendments to improve flood hazard immunity standards in the Stormwater Management Code
- Update of the Subdivision and Development Guidelines
- Amendments to the West End Woolloongabba Local Plan to refer to the new West End Riverside Parks Master Plan Planning Scheme Policy

Copies of the amendment package are attached, along with a copy of Council's resolution. An electronic copy of the package has also been forwarded to the Department.

In accordance with Section 11(2) of the Schedule, could you please advise whether any State interests are adversely affected by the proposed amendments, and when statutory notification of the draft amendments may commence.

Should you wish to discuss any of the proposed changes, please do not hesitate to contact Sharon Nicol of City Planning Branch on 3403 4666.

Yours sincerely

[REDACTED]

Michael Papageorgiou
Manager City Planning
URBAN MANAGEMENT DIVISION

Attach:

DECISION OF THE BRISBANE CITY COUNCIL

ESTABLISHMENT AND CO-ORDINATION Committee's Recommendation of 11 DECEMBER 2006

Presented to Council: 12 DECEMBER 2006; and ADOPTED

F END 2006 AMENDMENTS TO THE BRISBANE CITY PLAN 2000
460/2(242)

70. The Divisional Manager, City Policy and Strategy Division, provides the following background information in relation to this matter.
71. The End 2006 amendment package proposes the following three key areas of change to the Brisbane City Plan 2000 (City Plan).

Update of the Subdivision and Development Guidelines

72. The Subdivision and Development Guidelines have been revised substantially since the original version was approved with the City Plan in 2000. The Guidelines have been updated to reflect best practice development standards and include water sensitive urban design.

Amendments to improve flood hazard immunity standards in the Stormwater Management and House Codes

73. The Stormwater Management Code is proposed to be amended to refer to the safety of all persons not just public safety. These provisions will ensure that flood hazard immunity is provided to all aspects of a development, not just those areas accessed by the public.

Introduce the West End Riverside Parks Master Plan Planning Scheme Policy

74. This master plan contains broad parkland and specific precinct strategies for the riverside parks and lease areas in the West End area. It is proposed to list the master plan as a planning scheme policy (PSP) and to amend the West End Woolloongabba Local Plan to refer to the PSP.

75. A detailed summary of the proposed amendments is submitted at Attachment B. The proposed amendments are submitted at Attachments E to G.

76. Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for consideration of State interests. On the Minister's approval, the draft amendments will be exhibited for public comment (over a 30 business-day period) in accordance with statutory requirements of the *Integrated Planning Act 1997* (IPA).

Implications of Proposal

77. The Stormwater Code amendments will prevent applicants from providing car parking and non-public areas of a development with lesser flood immunity than those accessed by the public. These provisions will assist the Development Assessment Teams in ensuring improved flood hazard immunity for developments in higher risk areas.
78. The revised Subdivision and Development Guidelines provide clear guidance and best practice standards for designers and the development industry. The Guidelines are an integral part of the development assessment and construction process, and are likely to be well received by the industry.

Customer Impact

79. Through the amendments to the Stormwater Management Code, Council is ensuring that flood hazard immunity is provided to all staff areas in a development (including car parking), as well as those accessed by the public.
80. The revision of the Subdivision and Development Guidelines will ensure that consultants and industry representatives are applying best practice standards for new developments.
81. The Divisional Manager therefore submits the following draft resolutions, with which the Committee concurs.
82. **RECOMMENDATION:**

TO UPDATE THE SUBDIVISION AND DEVELOPMENT GUIDELINES PLANNING SCHEME POLICY

THAT IT BE RESOLVED THAT:

- (i) Pursuant to Section 1(1) of Schedule 3 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (planning scheme), **TO REPLACE THE SUBDIVISION AND DEVELOPMENT GUIDELINES PLANNING SCHEME POLICY 1997, BY MAKING A NEW PLANNING SCHEME POLICY ENTITLED "SUBDIVISION AND DEVELOPMENT GUIDELINES PLANNING SCHEME POLICY"**, submitted and tabled, together with relevant consequential amendments as set out in Attachment E submitted (amendments).
- (ii) Council, pursuant to Section 1(2) of Schedule 3 of IPA, has prepared explanatory statements about these proposals.
- (iii) Pursuant to Section 2(1) of Schedule 3 of IPA, Council directs that all actions be taken to publicly exhibit such proposed amendments.

TO IMPROVE FLOOD HAZARD IMMUNITY STANDARDS

THAT IT BE RESOLVED THAT:

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (planning scheme), **TO IMPROVE FLOOD HAZARD IMMUNITY STANDARDS**, as set out in Attachment F submitted (amendments).
- (ii) Council, pursuant to Section 9(2) of Schedule 1 of IPA, proposes such amendments to the planning scheme.
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments for consideration of State interests.

**TO MAKE THE WEST END RIVERSIDE PARKS MASTER PLAN PLANNING SCHEME
POLICY**

THAT IT BE RESOLVED THAT:

- (i) Pursuant to Section 1(1) of Schedule 3 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme), **TO INTRODUCE THE RIVERSIDE PARKLANDS PLANNING SCHEME POLICY**, submitted and tabled.
- (ii) Council, pursuant to Section 1(2) of Schedule 3 of IPA, has prepared explanatory statements about these proposals.
- (iii) Pursuant to Section 2(1) of Schedule 3 of IPA, Council directs that all actions be taken to publicly exhibit such proposed amendments.

**AMENDMENTS TO THE WEST END WOOLLONGABBA LOCAL PLAN AND
REFERENCES TO INCLUDE THE WEST END RIVERSIDE PARKS MASTER PLAN
PLANNING SCHEME POLICY**

THAT IT BE RESOLVED THAT:

- (i) Pursuant to Section 1(1) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **COUNCIL PROPOSES TO PREPARE AMENDMENTS TO THE BRISBANE CITY PLAN 2000** (the planning scheme), **TO INCLUDE REFERENCES TO THE WEST END RIVERSIDE PARKS MASTER PLAN PLANNING SCHEME POLICY** as set out in Attachment G submitted.
- (ii) Council, pursuant to Section 9(2) of Schedule 1 of IPA, proposes such amendments to the planning scheme.
- (iii) Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments for consideration of State interests.

1.0 FILE NUMBER: 460/2(242)

SUBMISSION TO THE ESTABLISHMENT AND CO-ORDINATION COMMITTEE

2.0 TITLE

End 2006 Amendments to Brisbane City Plan 2000

3.0 ISSUE/PURPOSE

To propose amendments to the Brisbane City Plan 2000 to:

- Update the Subdivision and Development Guidelines;
- Improve flood hazard immunity standards;
- Introduce the West End Riverside Parkland Master Plan Planning Scheme Policy.

4.0 PROPONENT

[Redacted], Divisional Manager, City Policy and Strategy Division

5.0 SUBMISSION PREPARED BY

[Redacted] Senior Program Officer, City Planning, ext 34666

RECEIVED

11 DEC 2006

6.0 DATE

17 November 2006

COMMITTEE SECTION

7.0 FOR E&C APPROVAL OR RECOMMENDATION TO COUNCIL

For recommendation to Council

8.0 IF FOR RECOMMENDATION TO COUNCIL, IS A COUNCIL RESOLUTION REQUIRED UNDER AN ACT OR LOCAL LAW?

YES. Council resolutions are required pursuant to Schedule 1 and Schedule 3 of the *Integrated Planning Act 1997*.

9.0 RECOMMENDATION

That Council adopt the draft resolutions in Attachments "A1" to "A4".

10.0 DIVISIONAL MANAGER

[Redacted Signature]

Terry Hogan
Divisional Manager
CITY POLICY AND STRATEGY

I Recommend Accordingly

[Redacted Signature]

CHIEF EXECUTIVE OFFICER

APPROVED

11 DEC 2006

[Redacted Signature]
Lord Mayor
[Redacted Signature]

11.0 BACKGROUND

The End 2006 amendment package proposes 3 key areas of change to the City Plan, these include:

Update of the Subdivision and Development Guidelines

The Subdivision and Development Guidelines have been revised substantially since the original version was approved with the City Plan in 2000. The Guidelines have been updated to reflect best practice development standards and include water sensitive urban design.

Amendments to improve flood hazard immunity standards in the Stormwater Management and House Codes

The Stormwater Management Code is proposed to be amended to refer to the safety of all persons not just public safety. These provisions will ensure that flood hazard immunity is provided to all aspects of a development, not just those areas accessed by the public.

Introduce the West End Riverside Parks Master Plan Planning Scheme Policy

This master plan contains broad parkland and specific precinct strategies for the riverside parks and lease areas in the West End area. It is proposed to list the master plan as a planning scheme policy (PSP) and to amend the West End Woolloongabba Local Plan to refer to the PSP.

A detailed summary of the proposed amendments is at Attachment B. The proposed amendments are at Attachments E to G.

Should Council agree to proceed, the proposed amendments will be referred to the Minister for Local Government and Planning for consideration of State interests. On the Minister's approval, the draft amendments will be exhibited for public comment (over a 30 business day period) in accordance with statutory requirements of the *Integrated Planning Act 1997* (IPA).

12.0 CONSULTATION

Cr David Hinchliffe, Chairperson, Urban Planning & Economic Development Committee (2/11/06 and 16/11/06)

Cr Carol Cashman, member Urban Planning & Economic Development Committee (2/11/06 and 17/11/06)

██████████, Policy Advisor, Lord Mayor's Office (2/11/06 and 17/11/06)

Establishment and Coordination Committee (Planning Guidance) were consulted on 13 November 2006 and supported the proposed amendments.

The City Plan amendments were prepared in consultation with officers from the following branches:

- Development Assessment
- Community Development Services
- Transport and Traffic
- Water Resources
- Natural Environment and Sustainability
- City Life
- City Assets
- City Design
- Brisbane City Legal Practice

All persons consulted support the proposed amendments.

[REDACTED] of Brisbane City Legal Practice has reviewed the draft resolutions.

13.0 IMPLICATIONS OF PROPOSAL

The Stormwater Code amendments will prevent applicants from providing car parking and non-public areas of a development with lesser flood immunity than those accessed by the public. These provisions will assist the Development Assessment Teams in ensuring improved flood hazard immunity for developments in higher risk areas.

The revised Subdivision and Development Guidelines provide clear guidance and best practice standards for designers and the development industry. The Guidelines are an integral part of the development assessment and construction process and are likely to be well received by the industry.

14.0 COMMERCIAL IN CONFIDENCE

No

15.0 CORPORATE PLAN IMPACT

The proposed amendments comply with Program 6 – Future Brisbane, specifically:

- Smart Development Regulation – by improving interpretation and application of City Plan Codes and Local Plans

16.0 CUSTOMER IMPACT

Through the amendments to the Stormwater Management Code, Council is ensuring flood hazard immunity is provided to all staff areas in a development (including car parking) as well as those accessed by the public.

The revision of the Subdivision and Development Guidelines will ensure that consultants and industry representatives are applying best practice standards for new developments.

17.0 ENVIRONMENTAL IMPACT

The proposed amendments do not impact on existing environmental objectives.

18.0 POLICY IMPACT

Consistent with Council Policy.

19.0 FINANCIAL IMPACT

Funding is available in the 2006/2007 budget to cover the cost of statutory advertising required by the *Integrated Planning Act 1997*.

20.0 HUMAN RESOURCE IMPACT

Nil

21.0 URGENCY

Approval prior to the Council recess will enable public exhibition of the amendment package in early 2007.

22.0 PUBLICITY/MARKETING

Publicity will be consistent with that required for compliance with the statutory advertising requirements of the *Integrated Planning Act*.

23.0 OPTIONS

1. That Council resolve to amend City Plan in accordance with the proposed amendments in Attachments E to G.
2. That Council resolve not to proceed.

Option 1 is the preferred option.

"A1"

Draft resolution to propose amendments to the Brisbane City Plan 2000 pursuant to Schedule 3 of the Integrated Planning Act 1997 to update the Subdivision and Development Guidelines Planning Scheme Policy

[RECOMMENDATION: That Council resolve that. 1
[RESOLUTION: That 1

1. Pursuant to Section 1(1) of Schedule 3 of the Integrated Planning Act 1997 (IPA), Council proposes to prepare amendments to the Brisbane City Plan 2000 (planning scheme) to replace the Subdivision and Development Guidelines Planning Scheme Policy 1997 by making a new Planning Scheme Policy entitled "Subdivision and Development Guidelines Planning Scheme Policy, as tabled, together with relevant consequential amendments as set out in Attachment E (amendments).
2. Council, pursuant to Section 1(2) of Schedule 3 of IPA, has prepared explanatory statements about these proposals.
3. Pursuant to Section 2(1) of Schedule 3 of IPA, Council directs that all actions be taken to publicly exhibit such proposed amendments.

"A2"

**Draft resolution to propose amendments to the Brisbane City Plan 2000
pursuant to Schedule 1 of the Integrated Planning Act 1997 to improve flood
hazard immunity standards**

[RECOMMENDATION:	That Council resolve that]
[RESOLUTION:	That]

1. Pursuant to Section 1(1) of Schedule 1 of the Integrated Planning Act 1997 (IPA), Council proposes to prepare amendments to the Brisbane City Plan 2000 (planning scheme) to improve flood hazard immunity standards, as set out in Attachment F (amendments).
2. Council, pursuant to Section 9(2) of Schedule 1 of IPA, proposes such amendments to the planning scheme.
3. Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments for consideration of State interests.

"A3"

**Draft resolution to propose amendments to the Brisbane City Plan 2000
pursuant to Schedule 3 of the Integrated Planning Act 1997 to make the West
End Riverside Parks Master Plan Planning Scheme Policy**

[RECOMMENDATION: That Council resolve that]
[RESOLUTION: That]

1. Pursuant to Section 1(1) of Schedule 3 of the Integrated Planning Act 1997 (IPA), Council proposes to prepare amendments to the Brisbane City Plan 2000 (the planning scheme) to introduce the Riverside Parklands Planning Scheme Policy, as tabled.
2. Council, pursuant to Section 1(2) of Schedule 3 of IPA, has prepared explanatory statements about these proposals.
3. Pursuant to Section 2(1) of Schedule 3 of IPA, Council directs that all actions be taken to publicly exhibit such proposed amendments.

"A4"

**Draft resolution to propose amendments to the Brisbane City Plan 2000
pursuant to Schedule 1 of the Integrated Planning Act 1997 to the West End
Woollongabba Local Plan and References to include the West End Riverside
Parks Master Plan Planning Scheme Policy**

[RECOMMENDATION:	That Council resolve that]
[RESOLUTION:	That]

1. Pursuant to Section 1(1) of Schedule 1 of the Integrated Planning Act 1997 (IPA), Council proposes to prepare amendments to the Brisbane City Plan 2000 (the planning scheme) to include references to the West End Riverside Parks Master Plan Planning Scheme Policy as set out in Attachment G.
2. Council, pursuant to Section 9(2) of Schedule 1 of IPA, proposes such amendments to the planning scheme.
3. Pursuant to Section 9(3) of Schedule 1 of IPA, Council directs that the Minister be given a copy of such proposed amendments for consideration of State interests.

Attachment F

**Proposed End 2006 Amendments to
Brisbane City Plan 2000**

**Amendments to Improve Flood Hazard Immunity Standards in
the Brisbane City Plan 2000**

Summary: Attachment G

Proposed amendments to the Stormwater Management Code to clarify Council's position on flood hazard immunity.

Amendment No	Chapter & Page	Section	Summary of Amendment
F1	5/212	4.1	Amend Performance Criteria P1 to refer to the safety of all persons.
F2	5/213	4.1	Amend Acceptable Solution A1.2 to refer to the safety of all persons.
F3	5/214	4.2	Delete Performance Criteria P3 and replace with new criteria to the safety of all persons.
F4	5/214	4.2	Amend Performance Criteria P6 to refer to the safety of all persons.
F5	5/215	4.2	Amend Performance Criteria P7 to refer to the safety of all persons.
F6	5/214	4.2	Amend Acceptable Solution A3.1 to ensure ancillary structures and carparking areas are provided with adequate flood immunity levels.

Amendment Number

F1

Chapter

5

Page

212

Section

4.1

Proposed Amendment

In Performance Criteria P1 delete the sixth dot point and replace with the following:

- Minimise safety risk to all persons

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons and requiring flood immunity for car parking.

Amendment Number

F2

Chapter

5

Page

213

Section

4.1

Proposed Amendment

In Acceptable Solution A1.2 delete the fifth dot point and replace with the following:

- safety of all persons and risk management measures

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons and requiring flood immunity for car parking.

Amendment Number

F3

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Delete Performance Criteria P3 and replace with the following new P3:

Development design (including any carparking areas) must reduce property damage, provide flood immune access to the property and, where applicable, ensure the safety of all persons by ensuring that the development levels are set above the relevant design flood level or storm surge level

Reason

The proposed amendments remove any ambiguity about whether this criteria applies to car parking and what the appropriate development levels for car parking are. Reference to flood immune access has been included to ensure access points to a site are not subject to an inappropriate level of flood inundation.

Amendment Number

F4

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Delete Performance Criteria P6 and replace with the following new P6:

Bridges and culverts provided for flood immunity to minimise traffic disruption must improve the safety of all people and allow for fauna movement and recreation corridors where these needs are identified

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons.

Amendment Number

F5

Chapter

5

Page

215

Section

4.2

Proposed Amendment

Under Performance Criteria P7, replace the third dot point with the following:

- achieve acceptable risk to all person's safety and property

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has lead to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons.

Amendment Number

F6

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Amend Acceptable Solution A3.1 as follows:

All development (including ancillary structures and carparking areas) is located above minimum flood immunity levels in accordance with Council's Subdivision and Development Guidelines.

Reason

The proposed amendments are necessary to remove any doubt that ancillary structures, including car parking areas need to comply with the flood immunity levels in the Subdivision and Development Guidelines.

Check completed ✓ 02-05-07

Att 14

Tracking No. MC07.22 - TPA 23991

Trimmed
Trim No. 07/0988
File No. TPA23991

COPY

BRIEFING NOTE

ELECTORATE: BRISBANE CITY WIDE

REQUESTED BY: INTERNALLY GENERATED

TO: MINISTER FOR LOCAL GOVERNMENT, PLANNING AND SPORT

FROM: DIRECTOR-GENERAL

Title: Proposed Amendments to the Brisbane City Plan 2000 Date: 9 May 2007
(End 2006 Amendment Package)

1. Issues

- On 28 November 2006, Brisbane City Council resolved to prepare amendments to the Brisbane City Plan 2000 (City Plan) in accordance with the End 2006 amendments package. The proposed amendments include improvements to flood hazard immunity standards in the Stormwater Management and House Codes, an update to the Subdivision and Development Guidelines, and amendments to the West End Woolloongabba Local Plan to refer to the new West End Riverside Parks Master Plan Planning Scheme Policy.
- On 19 December 2006, Council subsequently submitted the proposed amendments for the initial consideration of State interests and approval to commence public notification. The Department of Local Government, Planning, Sport and Recreation (DLGPSR) coordinated a whole-of-Government review of the proposed amendments.
- The whole-of-Government review identified a minor concern with the proposed amendments from the Department of Primary Industries and Fisheries (DPI&F) in regard to a request to make a specific reference to fish, rather than simply classify it as 'fauna'. Council noted DPI&F's comment and responded appropriately. Council and DPI&F also reached an agreement for Council to consider the request in subsequent related amendments.
- Following review, Departmental officers consider the proposed amendments will not adversely affect State interests. The proposed amendments will enhance the clarity and interpretation of the City Plan ensuring there is an efficient, effective and accountable planning system and will assist Council to achieve its stated policy outcome.

2. Proposed Communication Activities

- Forward attached letters to Council.

SP

3. Recommendation

- o That subject to your agreement, you: -
 1. agree State interests have been considered in respect to the proposed amendments included in the End 2006 Amendment Package and allow Council to publicly notify the End 2006 Amendment Package forwarded to the Department on 19 December 2006; and
 2. sign the attached letters notifying Council of the above.

 Prepared by:
 [Redacted]
 Student Planner
 Sustainable Planning
 Tel: [Redacted]
 8 May 2007

 [Redacted]
 Endorsed by:
 [Redacted]
 Executive Director
 Sustainable Planning
 Tel: [Redacted]
 9 May 2007

 [Redacted]
 Reviewed by:
 [Redacted]
 Manager
 Executive Correspondence Unit
 Tel: [Redacted]
 Date 14 May 2007

 Endorsed by:
 Name
 Director
 Business & Financial Management
 Tel: Full Work No.
 Date

 Endorsed by:
 Name
 Title
 Legal and Administrative Review
 Services
 Tel: Full Work No.
 Date

 [Redacted]
 da DIRECTOR-GENERAL
 Date: 16/05/07

.....

.....

NOTED / APPROVED / NOT APPROVED:..... [Redacted]

DATE:..... [Redacted]

MINISTER'S COMMENTS:.....

.....

.....

.....

.....

.....



Hon Andrew Fraser MP
Member for Mt Coot-tha
MC07.22 - TPA 23991



Queensland
Government

Minister for Local Government,
Planning and Sport

28 MAY 2007

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Attention: [REDACTED]

Dear Ms Munro

I refer to Brisbane City Council's letter of 19 December 2006 submitting the End 2006 Amendment Package (Amendment Package) as proposed amendments to the Brisbane City Plan 2000.

Following my consideration of State interests in respect of the proposed Amendment Package, I advise Council may commence public notification procedures of the Amendment Package as forwarded to the Department of Local Government, Planning, Sport and Recreation.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments.

Should you require further information in relation to this matter, please contact Mr [REDACTED], Senior Advisor, of my office on telephone number [REDACTED].

Yours sincerely

[REDACTED]
ANDREW FRASER

Level 18 41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3227 8819
Facsimile +61 7 3221 9964
Email LGPS@ministerial.qld.gov.au
Website www.qld.gov.au



Hon Andrew Fraser MP
Member for Mt Coot-tha
MC07.22 - TPA 23991



Queensland
Government

Minister for Local Government,
Planning and Sport

28 MAY 2007

The Right Honourable the Lord Mayor of Brisbane
Councillor Campbell Newman
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Lord Mayor

I refer to Brisbane City Council's letter of 19 December 2006 submitting the End 2006 Amendment Package (Amendment Package) as proposed amendments to the Brisbane City Plan 2000.

Following my consideration of State interests in respect of the proposed Amendment Package, I advised Council may commence public notification procedures of the Amendment Package as forwarded to the Department of Local Government, Planning, Sport and Recreation.

Council is to be commended for the work undertaken in addressing State interests in the local government context and for the opportunity to provide State input into the proposed amendments.

I have also written to the Chief Executive Officer, Ms Jude Munro, regarding this matter.

Yours sincerely

ANDREW FRASER

Level 18 41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3227 8819
Facsimile +61 7 3221 9964
Email LGPS@ministerial.qld.gov.au
Website www.qld.gov.au

18.02.08
A#15

20 FEB 2008



Dedicated to a better Brisbane

Contact name: Steve Schwartz
Phone: [REDACTED]
Fax direct: [REDACTED]
Our Reference: 460/2(258)

18 February 2008

The Honourable Paul Lucas MP
Minister for Infrastructure and Planning
Attention [REDACTED]
Statutory Planning Branch – Sustainable Planning
Department of Infrastructure and Planning
Level 14 Mineral House
41 George St
Brisbane 4000

Dear Minister,

End 2006 amendments to the Brisbane City Plan 2000

Pursuant to Section 18(1) of Schedule 1 of the *Integrated Planning Act 1997*, I advise that Council is proceeding with the following amendments to the *Brisbane City Plan 2000* without modification:

- Amendments to improve flood hazard immunity standards in the Stormwater Management and House Codes
- Amendments to introduce the West End Riverside Parks Master Plan Planning Scheme Policy

A summary of these amendments is attached.

In accordance with Section 18(4) of Schedule 1, could you please advise whether any State interests are adversely affected by the amendments as notified.

Should you wish to discuss any of the proposed changes, please do not hesitate to contact Steve Schwartz of City Planning Branch on [REDACTED]

Yours sincerely,

[REDACTED SIGNATURE]

Michael Papageorgiou
Manager City Planning
CITY POLICY AND STRATEGY DIVISION

Brisbane City Council ABN 72 002 765 795
City Policy and Strategy
City Planning Branch
Reception Level 7 Brisbane Square 266 George Street Brisbane Qld 4000 GPO Box 1434 Brisbane Qld 4001
T 07 3403 5192 F 07 3403 1917

www.brisbane.qld.gov.au

Attachment B

**Proposed End 2006
City Plan Amendments**

**Summary of amendments
Attachments C to E**

Summary of amendments Attachments C to E

Attachment C

Amendments to improve flood hazard immunity standards in the Stormwater Management and House Codes

The Stormwater Management Code is proposed to be amended to ensure that flood hazard immunity is provided to all aspects of a development, not just those areas accessed by the public.

The detailed amendments proposed to achieve these outcomes are documented at Attachment C.

Attachment D

Amendments to introduce the West End Riverside Parks Master Plan Planning Scheme Policy

This master plan contains broad parkland and specific precinct strategies for the riverside parks and lease areas in the West End area. It is proposed to list the master plan as a planning scheme policy (PSP) and to amend the West End Woolloongabba Local Plan to refer to the PSP.

The detailed amendments proposed to achieve these outcomes are documented at Attachment D.

Attachment E

Amendments to update the Subdivision and Development Guidelines

The Subdivision and Development Guidelines have been revised substantially since the original version was approved with the City Plan in 2000. The Guidelines have been updated to reflect best practice development standards and include water sensitive urban design.

The detailed amendments proposed to achieve these outcomes are documented at Attachment E.

Attachment C

**Proposed End 2006 Amendments to
Brisbane City Plan 2000**

**Amendments to Improve Flood Hazard Immunity Standards in
the Brisbane City Plan 2000**

Summary: Attachment C

Proposed amendments to the Stormwater Management Code to clarify Council's position on flood hazard immunity.

Amendment No	Chapter & Page	Section	Summary of Amendment
C1	5/212	4.1	Amend Performance Criteria P1 to refer to the safety of all persons.
C2	5/213	4.1	Amend Acceptable Solution A1.2 to refer to the safety of all persons.
C3	5/214	4.2	Delete Performance Criteria P3 and replace with new criteria to the safety of all persons.
C4	5/214	4.2	Amend Performance Criteria P6 to refer to the safety of all persons.
C5	5/215	4.2	Amend Performance Criteria P7 to refer to the safety of all persons.
C6	5/214	4.2	Amend Acceptable Solution A3.1 to ensure ancillary structures and carparking areas are provided with adequate flood immunity levels.

Amendment Number

C1

Chapter

5

Page

212

Section

4.1

Proposed Amendment

In Performance Criteria P1 delete the sixth dot point and replace with the following:

- Minimise safety risk to all persons

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons and requiring flood immunity for car parking.

Amendment Number

C2

Chapter

5

Page

213

Section

4.1

Proposed Amendment

In Acceptable Solution A1.2 delete the fifth dot point and replace with the following:

- safety of all persons and risk management measures

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons and requiring flood immunity for car parking.

Amendment Number

C3

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Delete Performance Criteria P3 and replace with the following new P3:

Development design (including any carparking areas) must reduce property damage, provide flood immune access to the property and, where applicable, ensure the safety of all persons by ensuring that the development levels are set above the relevant design flood level or storm surge level

Reason

The proposed amendments remove any ambiguity about whether this criteria applies to car parking and what the appropriate development levels for car parking are. Reference to flood immune access has been included to ensure access points to a site are not subject to an inappropriate level of flood inundation.

Amendment Number

C4

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Delete Performance Criteria P6 and replace with the following new P6:

Bridges and culverts provided for flood immunity to minimise traffic disruption must improve the safety of all people and allow for fauna movement and recreation corridors where these needs are identified

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has led to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons.

Amendment Number

C5

Chapter

5

Page

215

Section

4.2

Proposed Amendment

Under Performance Criteria P7, replace the third dot point with the following:

- achieve acceptable risk to all person's safety and property

Reason

Current provisions in the Stormwater Management Code refer to public safety for flood immunity. This has lead to uncertainty about whether those provisions are applicable to areas of a development that aren't accessed by the public, for example a staff car park. The proposed amendments remove any ambiguity by ensuring the safety of all persons.

Amendment Number

C6

Chapter

5

Page

214

Section

4.2

Proposed Amendment

Amend Acceptable Solution A3.1 as follows:

All development (including ancillary structures and carparking areas) is located above minimum flood immunity levels in accordance with Council's Subdivision and Development Guidelines.

Reason

The proposed amendments are necessary to remove any doubt that ancillary structures, including car parking areas need to comply with the flood immunity levels in the Subdivision and Development Guidelines.

BRIEFING NOTE

ELECTORATE: BRISBANE CITY WIDE

REQUESTED BY: INTERNALLY GENERATED

TO: MINISTER FOR LOCAL GOVERNMENT, PLANNING AND SPORT

FROM: DIRECTOR-GENERAL

**Title: Proposed Amendments to the Brisbane City Plan 2000 Date: 9 May 2007
(End 2006 Amendment Package)**

1. Issues

- On 28 November 2006, Brisbane City Council resolved to prepare amendments to the Brisbane City Plan 2000 (City Plan) in accordance with the End 2006 amendments package. The proposed amendments include improvements to flood hazard immunity standards in the Stormwater Management and House Codes, an update to the Subdivision and Development Guidelines, and amendments to the West End Woolloongabba Local Plan to refer to the new West End Riverside Parks Master Plan Planning Scheme Policy.
- On 19 December 2006, Council subsequently submitted the proposed amendments for the initial consideration of State interests and approval to commence public notification. The Department of Local Government, Planning, Sport and Recreation (DLGPSR) coordinated a whole-of-Government review of the proposed amendments.
- The whole-of-Government review identified a minor concern with the proposed amendments from the Department of Primary Industries and Fisheries (DPI&F) in regard to a request to make a specific reference to fish, rather than simply classify it as 'fauna'. Council noted DPI&F's comment and responded appropriately. Council and DPI&F also reached an agreement for Council to consider the request in subsequent related amendments.
- Following review, Departmental officers consider the proposed amendments will not adversely affect State interests. The proposed amendments will enhance the clarity and interpretation of the City Plan ensuring there is an efficient, effective and accountable planning system and will assist Council to achieve its stated policy outcome.

2. Proposed Communication Activities

- Forward attached letters to Council.

3. Recommendation

- o That subject to your agreement, you: -
 1. agree State interests have been considered in respect to the proposed amendments included in the End 2006 Amendment Package and allow Council to publicly notify the End 2006 Amendment Package forwarded to the Department on 19 December 2006; and
 2. sign the attached letters notifying Council of the above.

Prepared by:
 [Redacted]
 Student Planner
 Sustainable Planning
 Tel: [Redacted]
 8 May 2007

Endorsed by:
 [Redacted]
 Executive Director
 Sustainable Planning
 Tel: [Redacted]
 9 May 2007

Reviewed by:
 [Redacted]
 Manager
 Executive Correspondence Unit
 Tel: [Redacted]
 Date 14 May 2007

Endorsed by:
 Name
 Director
 Business & Financial Management
 Tel: Full Work No.
 Date

Endorsed by:
 Name
 Title
 Legal and Administrative Review
 Services
 Tel: Full Work No.
 Date

[Redacted]

da DIRECTOR-GENERAL
 Date: 16/05/07

.....

NOTED / APPROVED / NOT APPROVED: [Redacted]

DATE: [Redacted]

MINISTER'S COMMENTS:.....

From:
Sent:
To:

Tuesday, 23 January 2007 2:57 PM

[REDACTED]@qed.qld.gov.au'; [REDACTED]@emergency.qld.gov.au';
[REDACTED]@pmm.com.au'; [REDACTED]@brisbane.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au';
[REDACTED]@brisbane.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au';
[REDACTED]@brisbane.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au';
[REDACTED]@brisbane.qld.gov.au'; [REDACTED]@dnr.qld.gov.au';
[REDACTED]@communities.qld.gov.au'; [REDACTED]@mainroads.qld.gov.au';
[REDACTED]@health.qld.gov.au'; [REDACTED]@qr.com.au';
[REDACTED]@epa.qld.gov.au'; [REDACTED]@epa.qld.gov.au'; [REDACTED]@epa.qld.gov.au'; [REDACTED]@epa.qld.gov.au';
[REDACTED]@brisbane.qld.gov.au'; [REDACTED]@epa.qld.gov.au'; [REDACTED]@brisbane.qld.gov.au';
[REDACTED]@det.qld.gov.au'; [REDACTED]@datsip.qld.gov.au';
[REDACTED]@arts.qld.gov.au'

Subject: End 2006 amendments to the Brisbane City Plan 2000

Dear State agency contacts

On 23 January 2007 the Brisbane City Council submitted the End 2006 amendments to the Brisbane City Plan 2000 (City Plan) to the Minister for Local Government, Planning, Sport and Recreation for consideration of State interests and approval to publicly notify in accordance with section 11 of schedule 1 of the IPA. Your agency is now formally requested to review the proposed amendments to the City Plan to assist the Minister to determine if the amendments adversely affect State interests.

Please find attached a copy of the proposed amendments, comprising Attachments E to G. The proposed amendments included in the various attachments relate to:

- A summary of the amendments (attachment B)
- Update of the subdivision and Development Guidelines (attachment E)
- Amendments to improve flood hazard immunity standards in the Stormwater Management and House Codes (attachment F)
- Amendments to the West End Woolloongabba Local Plan to refer to the new West End Riverside Parks Master Plan Planning Scheme Policy (attachment G).

Your agency's formal comments on the proposed amendments are requested in writing to [REDACTED] preferably by email to [REDACTED]@dlgpsr.qld.gov.au by COB **Thursday 20 February 2007**. If no response has been received by this date it will be assumed your agency has no comments.

Thanks you for assisting in the State interest review and if you have any further queries please do not hesitate to contact me on telephone [REDACTED].



Attachment B Summary without w... Attachment E-Sub & Dev Glines... Attachment F-Flood Hazard.doc ... Attachment G - West End Rivers...

Regards

[REDACTED]

south queensland statutory planning team | sustainable planning
department of local government, planning, sport & recreation
level 14 mineral house 41 george st brisbane | po box 15031 city east brisbane qld 4000
phone: [REDACTED] fax: [REDACTED] | email: [REDACTED]@dlgpsr.qld.gov.au



18.02.08
AH16

Dedicated to a better Brisbane

Contact name: Steve Schwartz
Phone: [REDACTED]
Fax direct: [REDACTED]
Our Reference: 460/2(258)

18 February 2008

The Honourable Paul Lucas MP
Minister for Infrastructure and Planning
Attention: Andrew Foley
Statutory Planning Branch – Sustainable Planning
Department of Infrastructure and Planning
Level 14 Mineral House
41 George St
Brisbane 4000

Dear Minister,

End 2006 amendments to the Brisbane City Plan 2000

Pursuant to Section 8 of Schedule 3 of the *Integrated Planning Act 1997*, please find attached a copy of the Subdivision and Development Guidelines, a Planning Scheme Policy listed under the *Brisbane City Plan 2000* and recently amended as part of the End 2006 City Plan Amendment Package.

Please find enclosed:

- A copy of the notice appearing in the Courier Mail and the Government Gazette on 8 February 2008
- An electronic copy of the amended Planning Scheme Policy on a CD-ROM disc

Due to their size, three certified copies of the amended Planning Scheme Policy have been delivered to the Plans Office of the Department of Infrastructure and Planning.

Should you wish to discuss the amended Planning Scheme Policy, please do not hesitate to contact Steve Schwartz of City Planning Branch on 3403 6126.

Yours sincerely,

[REDACTED SIGNATURE]

Michael Papageorgiou
Manager City Planning
CITY POLICY AND STRATEGY DIVISION

Brisbane City Council ABN 72 002 765 795
City Policy and Strategy
City Planning Branch
Reception Level 7 Brisbane Square 266 George Street Brisbane Qld 4000 GPO Box 1434 Brisbane Qld 4001
T [REDACTED] F [REDACTED]

www.brisbane.qld.gov.au

BRISBANE CITY COUNCIL

X REF..... C/C 12 32	31 OCT 2007 ACT/113 558
INFORMATION MANAGEMENT	

RECOMMENDATION OF THE ESTABLISHMENT AND CO-ORDINATION COMMITTEE, AS DELEGATE OF THE COUNCIL DURING THE SPRING RECESS 2007, ON A MATTER USUALLY CONSIDERED BY THAT COMMITTEE

Presented to Council: 30 OCTOBER 2007; and ADOPTED

**D END 2006 AMENDMENTS TO BRISBANE CITY PLAN 2000
460/2(242)**

36. The Divisional Manager, City Policy and Strategy Division, provides the following information.
37. At its meeting of 12 December 2006, Council resolved to propose to amend the *Brisbane City Plan 2000* as per the End 2006 amendment package. The package includes amendments to the City Plan being prepared under Schedule 1 of the *Integrated Planning Act 1997* (IPA) and amendments to Planning Scheme Policies being prepared under Schedule 3 of IPA.
38. The proposed amendments to City Plan under Schedule 1 are summarised as:
 - **Amendments to improve flood hazard immunity standards in the Stormwater Management Code**
The code is to be amended to ensure that flood hazard immunity is provided to all aspects of a development, not just those areas accessed by the public.
 - **Amendments to the West End-Woolloongabba Local Plan to introduce the West End Riverside Parks Master Plan Planning Scheme Policy**
The proposed amendments will list the master plan as a planning scheme policy and make references to the planning scheme policy to the West End-Woolloongabba Local Plan.
39. Amendments to Planning Scheme Policies or new Planning Scheme Policies under Schedule 3 are summarised as:
 - **Update of the Subdivision and Development Guidelines**
The Subdivision and Development Guidelines have been revised substantially since the original version was approved with the City Plan in 2000. The guidelines have been updated to reflect best practice development standards.
 - **West End Riverside Parks Master Plan Planning Scheme Policy**
This master plan contains broad parkland and specific precinct strategies for the riverside parks and lease areas in West End.
40. The draft City Plan amendments were advertised in accordance with section 12 of Schedule 1 of IPA between 22 June 2007 and 3 August 2007. The draft planning scheme policies were advertised in accordance with section 2 of Schedule 3 of IPA between 6 July 2007 and 3 August 2007.
41. No submissions were received on the Schedule 1 amendments. One submission was received regarding the West End Riverside Parks Master Plan Planning Scheme Policy. The planning scheme policy is currently being revised in response to the submission and will be finalised by December 2007. The revised planning scheme policy will be presented to Council when the above planning scheme amendments have completed the second State interest check.

42. The two Schedule 1 amendments are now ready to proceed for a second consideration of State interests.
43. In addition, the updated Subdivision and Development Guidelines are now ready for final adoption in the form set out in Attachment "E" submitted. A detailed summary of the proposed amendments is at Attachment "B" submitted. The proposed amendments are at Attachments "C" and "D" submitted.
44. Should Council agree to proceed, the proposed Schedule 1 amendments as notified will be referred to the Minister for Infrastructure and Planning for a reconsideration of State interests, and the Subdivision and Development Guidelines will be included in the next update to City Plan in January 2008.

Implications of Proposal

45. The amendments to the Stormwater Management Code will prevent applicants from providing car parking and non-public areas of a development with lesser flood immunity than those accessed by the public. These provisions will remove any ambiguity by ensuring the safety of all persons and requiring flood immunity for car parking.
46. The amendments to the West End-Woolloongabba Local Plan will make possible the use of the West End Riverside Parks Master Plan Planning Scheme Policy in assessing new development applications in the plan area.
47. The updated Subdivision and Development Guidelines will ensure development in Brisbane is carried out in accordance with best practice engineering standards.
48. The Divisional Manager therefore submits the following resolutions numbered "A1", "A2" and "A3", with which the Committee agreed at its meeting held on 22 October 2007.

49. **RECOMMENDATION:**

THAT COUNCIL RESOLVE THAT:

"A1"

To proceed with amendments to the Stormwater Management Code pursuant to Schedule 1 of the Integrated Planning Act 1997

(i) As:

- (a) At its meeting of 12 December 2006, Council resolved, pursuant to section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the *Brisbane City Plan 2000* (the planning scheme) by amending the Stormwater Management Code to provide for improved flood hazard immunity (proposed amendments) as set out in Attachment "C" submitted;
- (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State interests;
- (c) By letter dated 19 December 2006, which is tabled, the Minister advised that Council may publicly notify the proposed amendments;

- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 22 June 2007, with the final date for receipt of submissions being 3 August 2007 and no submissions were received;

THEN COUNCIL, PURSUANT TO SECTION 16(1)(A) OF SCHEDULE 1 OF IPA, RESOLVES TO PROCEED WITH THE PROPOSED AMENDMENTS AS NOTIFIED.

- (ii) Council directs, pursuant to Section 18(1) of Schedule 1 of IPA, that the Minister be advised of the Council's decision to proceed with the proposed amendments as notified.

"A2"

To proceed with amendments to the West End-Woolloongabba Local Plan pursuant to Schedule 1 of the *Integrated Planning Act 1997* to include references to the West End Riverside Parks Master Plan Planning Scheme Policy

- (i) As:
- (a) At its meeting of 12 December 2006, Council resolved, pursuant to Section 9(2) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), to propose to amend the *Brisbane City Plan 2000* by including references to the West End Riverside Parks Master Plan Planning Scheme Policy in the West End-Woolloongabba Local Plan (proposed amendments) as set out in Attachment "D" submitted;
- (b) Pursuant to Section 9(3) of Schedule 1 of IPA, the Minister was given a copy of the proposed amendments for consideration of State interests;
- (c) By letter dated 19 December 2006, which is tabled, the Minister advised that Council may publicly notify the proposed amendments;
- (d) Pursuant to Section 12 of Schedule 1 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 22 June 2007, with the final date for receipt of submissions being 3 August 2007. and no submissions were received;

THEN COUNCIL, PURSUANT TO SECTION 16(1)(A) OF SCHEDULE 1 OF IPA, RESOLVES TO PROCEED WITH THE PROPOSED AMENDMENTS AS NOTIFIED.

- (ii) Council directs, pursuant to Section 18(1) of Schedule 1 of IPA, that the Minister be advised of the Council's decision to proceed with the proposed amendments as notified.

“A3”

To adopt amendments to the Subdivision and Development Guidelines Planning Scheme Policy pursuant to Schedule 3 of the *Integrated Planning Act 1997*

- (i) As:
- (a) At its meeting of 12 December 2006, Council resolved pursuant to Section 1(1) of Schedule 3 of the *Integrated Planning Act 1997* (IPA), to propose amendments to the *Brisbane City Plan 2000* to replace the Subdivision and Development Guidelines Planning Scheme Policy 1997, by making a new planning scheme policy entitled “Subdivision and Development Guidelines Planning Scheme Policy” (proposed amendments), submitted and tabled, together with consequential amendments;
 - (b) Pursuant to Section 2(1) of Schedule 3 of IPA, the proposed amendments were advertised in *The Courier-Mail* on 22 June 2007 with the final date for receipt of submissions being 3 August 2007 and no submissions were received;

THEN COUNCIL, PURSUANT TO SECTION 5(A) OF SCHEDULE 3 OF IPA, RESOLVES TO ADOPT THE PROPOSED AMENDMENTS WITH MODIFICATIONS FOR GRAMMAR AND CLARITY, AS SET OUT IN ATTACHMENT “E” SUBMITTED.

- (ii) Council directs, pursuant to Sections 6, 7 and 8 of Schedule 3 of IPA, that all necessary actions be taken to complete the statutory planning scheme policy amendment process.

Attachment E

**Proposed End 2006 Amendments to
Brisbane City Plan 2000**

**Amendments to Subdivision and Development
Guidelines Planning Scheme Policy
Brisbane City Plan 2000**

Summary: Attachment E

Amendment No	Chapter & Page	Section	Summary of Amendment
E1	Entire Document	4	Amendments to improve the application of the Subdivision and Development Guidelines, to give additional legal weight to the Guidelines, and bring them into line with current industry standards.
E2	Appendix 2	Introduction	Delete the date from the title of the Subdivision and Development Guidelines.
	Appendix 4/22	3	Delete the date from the title of the Subdivision and Development Guidelines and replace the author with City Assets Branch.

Amendment Number

E1

Proposed Amendment

Proposed updated Subdivision and Development Guidelines

Reason

Amendment Number

E2

Chapter

Appendix 2

Page

3

Section

Introduction – List of additional Council documents called up in the plan that are adopted as planning scheme policies.

Proposed Amendment

Change dot point 22, which currently states:

- Subdivision and Development Guidelines 1997

to the following:

- Subdivision and Development Guidelines

Reason

The Subdivision and Development Guidelines are currently being amended. As such, the latest version will become the 2006 version. Therefore, it is no longer appropriate for the introduction of Appendix 2 to refer the reader to the 1997 version of the Guidelines.

The reason why the date will be removed rather than amended to state "*Subdivision and Development Guidelines 2006*" is because it is intended to make formal amendments to the Guidelines every six months. To avoid the need to amend this date every time an amendment is made to the Guidelines, it is considered more practical to remove the date altogether. This will not affect the legal standing of the policy under the *Integrated Planning Act 1997*.

Subdivision and Development Guidelines



Prepared by:
City Policy and Strategy Division
Brisbane City Council

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PREFACE

The *Subdivision and Development Guidelines* (the *Guidelines*) is a Planning Scheme Policy under the *Brisbane City Plan* (the *Plan*). The intent of the Planning Scheme Policy is to provide guidance in the submission of development proposals to support the Codes contained in the *Plan*.

The onus is on the proponent to demonstrate achievement of the desired outcomes set out in the *Plan*. The proponent can adopt the prescribed acceptable solutions or seek alternative solutions that meet the specified performance criteria.

The *Guidelines* provides a consistent framework in which both the industry and Council can operate without inhibiting innovative development proposals within Brisbane City. Every effort and care has been taken by Brisbane City Council to verify that the contents of the *Guidelines* are consistent with the *Plan* and reflect Council's current requirements. In cases of inconsistencies, the requirements of the *Plan* and the decisions of the Council Delegate in relation to specific matters will override the *Guidelines*.

The use of the *Guidelines* requires professional interpretation and judgement. Appropriate design procedures and assessment must be applied, to suit particular circumstances under consideration. The proponent must not assume that the development approval will be automatically granted even if the development proposal complies with the *Guidelines*. Where a particular situation so warrants, the *Guidelines* may be departed from at the discretion of the Council Delegate.

The *Guidelines* will be revised and updated on a continuing basis as new information and techniques become available. Therefore feedback from users is essential to the continued relevance of the document. Users are welcomed to provide feedback via electronic mail to specs@brisbane.qld.gov.au or by written correspondence to:

Strategic Asset Manager (SOCA)
City Assets
City Policy and Strategy Division
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BRISBANE QLD 4001

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CHAPTER 1.0 FLOOD AFFECTED LAND

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1.0 INTRODUCTION

Development on land affected by flooding will be assessed against the risk, hazard and adverse consequences caused by flooding. This chapter outlines Council's design criteria that aim to reduce property damage and ensure safety of persons.

Floodable land is any land that is affected by river, creek or localised flooding. The three types of flooding are described as follows:

- River flooding occurs when there is widespread prolonged rain over the catchment of the Brisbane River.
- Creek flooding occurs when bankfull capacities are exceeded. On average Brisbane's natural creeks have a 50-100% chance of exceeding their bankfull capacities in any one year.
- Local flooding occurs when components of the stormwater drainage system such as pipes and gully inlets are blocked and/or design capacity is exceeded and/or when the overland flow path is blocked by a building or fence. (Note: The 'Flood Search Flag' theme in Council's BIMAP database generally refers to indicative areas of known potential creek/river flooding problems based on historical flood records. The areas currently mapped under this theme do not extend to any areas with potential localised overland flow problems. The FloodWise Property Report is a free report issued by Council and is designed to provide property based information about flood levels.)

2.0 FLOOD IMMUNITY

2.1 RECONFIGURING A LOT

For a subdivision (freehold lots or community title scheme) where there is dedication and opening of road or where the subdivision creates more than 6 lots, design levels must comply with Table A1.1. The flood immunity standards are assigned to eliminate the creation of new lots below the desired flood immunity level.



TABLE A1.1
 FLOOD IMMUNITY LEVELS FOR SUBDIVISION

Flooding type (Note 1)	Minimum lot levels (mAHD) (Note 4)	
	Residential	Other than residential
Brisbane River (Note 2)	DFL + 0.3m	DFL
Waterway ^A	100y ARI + 0.3m	100y ARI
Local flooding ^B	50y ARI + 0.3m	50y ARI
Storm tide (Note 3)	100y ARI + 0.3m	100y ARI

NOTES:

1. Where the site is subject to more than one type of flooding (ie local flooding and/or waterway flooding and/or river flooding and/or storm tide), the minimum flood immunity level is the highest level determined from these sources. It should be noted that the flood immunity level in some older inner city areas is often controlled by local ponding.
2. The Defined Flood Level (DFL) for Brisbane River is based on the 3.7 mAHD level at the Brisbane Port Office Gauge. This standard was adopted by Council on 2 December 2003.
3. A storm tide is the effect on coastal water levels of a storm surge combining with the normally occurring astronomical tide. Storm surge (or more correctly meteorological tide) is a rise above normal water level due to the combined effects of surface wind stress and atmospheric pressure fluctuations caused by severe weather conditions such as tropical cyclone. The 100 year ARI storm tide is 2.5 mAHD. This value incorporates 0.3 m allowance to offset the potential effects of climate change.
4. If no hydraulic modelling data is available, the applicant should engage a suitably qualified Registered Professional Engineer in Queensland (RPEQ) to undertake appropriate hydrologic and hydraulic assessments.

For the purpose of this chapter, an infill subdivision refers to a subdivision where there is no dedication and opening of road and where the subdivision creates 6 lots or less. Infill subdivision typically occurs in a site either fully or partly surrounded by developed sites, for example, reconfiguring an existing 1215 m² lot to 3 individual 405 m² lots with frontage to an existing road.

Lots must have an appropriate area and dimensions for the siting and construction of potential buildings, the provision of outdoor space, convenient vehicle access and parking. For this reason, it is required that 60% of the new lot size or 300 m² rectangular shaped area (whichever is the greater area), achieves the flood immunity standards specified in Table A1.1.

^A A waterway (including those indicated on the Planning Scheme Maps) is defined as any element of a river, creek, stream, gully or drainage channel, including the bed and banks.

^B Local flooding usually occurs when the capacity of the underground piped drainage system is exceeded and/or when the overland flow path is blocked. Localised overland flow paths generally traverse along roadways and in the older established areas, through private properties. A localised overland flow path is not characterised by well-defined bed and banks and the contributing catchment is generally less than 30 hectares.



2.3 OTHER DEVELOPMENTS

2.3.1 Definition

For the purpose of this chapter, other developments refer to a development or redevelopment in an established area, which usually involves the intensification of land use in a site either fully or partly surrounded by developed sites. Typical examples include:

- The start of a new use of the premises (eg construction of a factory on a vacant lot).
- The re-establishment on the premises of a use that has been abandoned.
- A material change in the intensity or scale of the use of the premises (eg changing use of land from a house to a multi-unit building, increasing the gross floor area, etc).

2.3.2 Design Floor/Pavement Levels

Brisbane City Council will only consider the intensification of land use in floodable areas if the flood hazard is acceptable. However, it is preferred that filling be undertaken (no adverse impacts in accordance with *City Plan*) to eliminate flood hazard risks in the first instance so that the lot has the required flood immunity.

The acceptable degree of hazard is characterised by an inundation depth of ≤ 0.5 m and flow velocity of ≤ 2.0 m/s and depth*velocity product of ≤ 0.6 m²/s from all flooding sources except the Brisbane River. Flooding from these sources can peak in a matter of a few hours. The hazard criteria are applied to the building footprint measured from the outermost projections of all roofed buildings and structures. The adopted hazard parameters are generally based on the following criteria set out in the publication *Floodplain Management in Australia - Best Practice Principles and Guidelines* (Commonwealth of Australia, 2000):

- The ability to evacuate people and possessions by trucks.
- The ability for fit adults to wade through floodwaters.
- Low flood damage potential.

Brisbane River can take a day to peak between Wivenhoe dam and the Brisbane City Gauge, thus allowing time to disseminate flood warnings. For this reason, Brisbane City Council have adopted a risk management approach to selected building types at existing lots and infill sites that do not meet the prescribed flood immunity standard (refer Section 4.0) as a result of backwater influence from the Brisbane River or direct river flooding.

Design levels for buildings and incidental works must comply with the flood immunity standards specified in Tables A1.2 and A1.3. Design levels are assigned to each building class as defined in the *Building Code of Australia* (refer Section 2.3.3 for definitions). The assigned flood immunity standards for developments in an established area recognises that the site is constrained in meeting the higher standard as required for a subdivision, whilst achieving acceptable safety and amenity outcomes.



TABLE A1.2
CATEGORIES OF FLOOD IMMUNITY LEVELS

Flooding type (Note 1)	Minimum design floor or pavement levels (mAHD) (Note 4) (Refer Table A1.3 for assignment of these categories)				
	Category A	Category B	Category C	Category D	Category E
Brisbane River (Note 2)	DFL + 0.5m	DFL + 0.3m	DFL	20y ARI	20y ARI
Waterway ^A	100y ARI + 0.5m	100y ARI + 0.3m	100y ARI	100y ARI	20y ARI
Local flooding ^B	50y ARI + 0.5m	50y ARI + 0.3m	50y ARI	50y ARI	20y ARI
Storm tide (Note 3)	100y ARI + 0.5m	100y ARI + 0.3m	100y ARI	50y ARI	50y ARI

NOTES:

1. Where the site is subject to more than one type of flooding (ie local flooding and/or waterway flooding and/or river flooding and/or storm tide), the minimum flood immunity level is the highest level determined from these sources. It should be noted that the flood immunity level in some older areas is often controlled by local ponding.
2. The Defined Flood Level (DFL) for Brisbane River is based on the 3.7 mAHD level at the Brisbane Port Office Gauge. This standard was adopted by Council on 2 December 2003.
3. A storm tide is the effect on coastal water levels of a storm surge combining with the normally occurring astronomical tide. Storm surge (or more correctly meteorological tide) is a rise above normal water level due to the combined effects of surface wind stress and atmospheric pressure fluctuations caused by severe weather conditions such as tropical cyclone. The 100 and 50 year ARI storm tides are 2.5 mAHD and 2.2 mAHD respectively. These values incorporate 0.3 m allowance to offset the potential effects of climate change.
4. If no hydraulic modelling data is available, the applicant should engage a suitably qualified Registered Professional Engineer in Queensland (RPEQ) to undertake appropriate hydrologic and hydraulic assessments.

^A A waterway (including those indicated on the Planning Scheme Maps) is defined as any element of a river, creek, stream, gully or drainage channel, including the bed and banks.

^B Local flooding usually occurs when the capacity of the underground piped drainage system is exceeded and/or when the overland flow path is blocked. Localised overland flow paths generally traverse along roadways and in the older established areas, through private properties. A localised overland flow path is not characterised by well-defined bed and banks and the contributing catchment is generally less than 30 hectares.



TABLE A1.3
 ASSIGNED FLOOD IMMUNITY LEVELS

BCA building classification*	Assigned design floor or pavement levels (Refer Table A 1.1 for interpretation of flood immunity categories)
Class 1a & 1b, Class 2, Class 3, Class 4	Habitable room*: Category A Non-habitable room including patio and courtyard: Category B, except for Class 1a building where the 50y ARI + 0.3m applies to Brisbane River Non-habitable part of a Class 2 or Class 3 building excluding the essential services [@] control room: Risk management approach to Brisbane River flooding (refer Section 4) is permitted Garage associated with a building that is Class 1, 2, 3, or 4: Category B, except for Class 1a building where the 50y ARI + 0.3m applies to Brisbane River Carpark located in the building undercroft [#] of a multi-unit dwelling associated with a building that is Class 1, 2, 3, or 4: Category B Carport ¹ or unroofed carpark: Category D Vehicular access and manoeuvring areas: Category D
Class 5, Class 6, Class 8	Building floor level: Category C, risk management approach to Brisbane River flooding is permitted (does not apply to the essential services [@] control room) Garage or carpark located in the building undercroft [#] : Category C Carport ¹ or unroofed carpark: Category D Vehicular access and manoeuvring areas: Category D
Class 7a	Refer to the relevant building class specified in this table
Class 7b	Building floor level: Category C, risk management approach to Brisbane River flooding is permitted (does not apply to the essential services [@] control room) Vehicular access and manoeuvring areas: Category D
Class 9a, 9b, 9c	Building floor level: Category A Garage or carpark located in the building undercroft [#] : Category C Carport ¹ or unroofed carpark: Category D Vehicular access and manoeuvring areas: Category D
Class 10a	Carparking facility: Refer to the relevant building class specified in this table Shed ² or the like: Category D
Class 10b	Swimming pool: Category E Associated mechanical and electrical pool equipment: Category C Other structures: Flood immunity standard does not apply

* Refer Section 2.3.3 for definitions.

@ Essential services may include fire control panel, electrical switchboard, telephone, PABX, mains distribution, etc.

Basement carparks can be constructed to below the specified levels provided that suitably waterproofed perimeter walls, air vents, and entry/exit ramps at the carpark entrance are above the Defined Flood Level (DFL) for Brisbane River and 100 year ARI flood levels for all the other flooding sources.

¹ A shelter for a motor vehicle, which has a roof and one or more open sides, and which can be built against the side of a building.

² A slight or rough structure built for shelter and storage; or a large strongly built structure, often open at the sides or end.



The flood immunity standards specified in Table A1.3 may not be adequate for community infrastructure³. The *State Planning Policy 1/03: Mitigating the Adverse Impacts of flood, Bushfire and Landslide* (SPP 1/03) requires that these infrastructure have higher levels of flood protection than many other forms of development. Community infrastructure performs vital response and recovery roles during and immediately after a natural hazard event, or store valuable or irreplaceable items. The recommended flood immunity levels as set out in the *SPP Guideline 1/03* are provided in Table A1.4.

TABLE A1.4
FLOOD IMMUNITY LEVELS FOR COMMUNITY INFRASTRUCTURE

Type of community infrastructure	Recommended flood levels
Emergency services	500y ARI
Emergency shelters	200y ARI
Police facilities	200y ARI
Hospitals and associated facilities	500y ARI
Stores of valuable records or items of historic or cultural significance (eg galleries and libraries)	200y ARI
State-controlled roads Works of an electricity entity not otherwise listed in this table Railway lines, stations and associated facilities Aeronautical facilities Communication network facilities	No specific recommended level but development proponents should ensure that the infrastructure is optimally located and designed to achieve suitable levels of service, having regard to the processes and policies of the administering government agency.
Power stations	500y ARI
Major switch yards	500y ARI
Substations	200y ARI
Sewage treatment plants	DFE
Water treatment plants	200y ARI

³ The following types of community infrastructure provide services vital to the wellbeing of the community:

- police and emergency services facilities including emergency shelters;
- hospitals and associated institutions;
- facilities for the storage of valuable records or items of cultural or historic significance;
- State-controlled roads;
- railway lines, stations and associated facilities;
- aeronautical facilities;
- communication network facilities;
- works of an electricity entity under the Electrical Safety Act 2002; and
- water cycle management infrastructure.



2.3.3 Building Code Definitions

The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used. Classifications in accordance with the *Building Code of Australia* (BCA) are as follows:

Class 1: one or more buildings which in association constitute -

- (a) **Class 1a** - a single dwelling being -
 - (i) a detached house; or
 - (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or
- (b) **Class 1b** - a boarding house, guest house, hostel or the like
 - (i) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b; and
 - (ii) in which not more than 12 persons would ordinarily be resident,

which is not located above or below another dwelling or another Class of building other than a private garage.

Class 2: a building containing 2 or more sole-occupancy units each being a separate dwelling.

Class 3: a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including -

- (a) a boarding-house, guest house, hostel, lodging-house or backpackers accommodation; or
- (b) a residential part of an hotel or motel; or
- (c) a residential part of a school; or
- (d) accommodation for the aged, children or people with disabilities; or
- (e) a residential part of a health-care building which accommodates members of staff; or
- (f) a residential part of a detention centre.

Class 4: a dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.

Class 5: an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6: a shop or other building for the sale of goods by retail or the supply of services direct to the public, including -

- (a) an eating room, cafe, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar, shop or kiosk part of a hotel or motel; or
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) market or sale room, showroom, or service station.



Class 7: a building which is -

- (a) **Class 7a** - a *carpark*⁴; or
- (b) **Class 7b** - for storage, or display of goods or produce for sale by wholesale.

Class 8: a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

Class 9: a building of a public nature -

- (a) **Class 9a** - a health-care building; including those parts of the building set aside as a laboratory; or
- (b) **Class 9b** - an *assembly building*⁵, including a trade workshop, laboratory or the like in a primary or secondary school, but excluding any other parts of the building that are of another Class; or
- (c) **Class 9c** - an *aged care building*

Class 10: a non-habitable building or structure -

- (a) **Class 10a** - a non-habitable building being a *private garage*⁶, carport, shed, or the like; or
- (b) **Class 10b** - structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.

A building or part of a building may have more than one classification applying to the whole building or to the whole of that part of the building.

Habitable room means a room used for normal domestic activities, and -

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

⁴ Carpark means a building that is used for the parking of motor vehicles that is neither a private garage nor used for the servicing of vehicles, other than washing, cleaning or polishing. (Source: BCA)

⁵ Assembly building means a building where people may assemble for -
(a) civic, theatrical, social, political or religious purposes; or
(b) educational purposes in a school, early childhood centre, preschool, or the like; or
(c) entertainment, recreational or sporting purposes; or
(d) transit purposes. (Source: BCA)

⁶ Private garage means -
(a) any garage associated with a Class 1 building; or
(b) any single storey of a building of another Class capable of accommodating not more than 3 vehicles, if there is only one such storey in the building; or
(c) any separate single storey garage associated with another building where such garage is capable of accommodating not more than 3 vehicles. (Source: BCA)



3.0 ROAD TRAFFICABILITY

3.1 STANDARDS

All new dedicated or internal roads within any subdivision (freehold lots or community title scheme) must comply with the minimum levels specified in Table A1.5.

TABLE A1.5
 FLOOD IMMUNITY LEVELS FOR NEW ROADS WITHIN A SUBDIVISION

Flooding type ⁽¹⁾	Minimum design levels at crown of road (mAHD) ⁽⁴⁾	
	Residential development	Industrial/ commercial development
Brisbane River ⁽²⁾	Defined Flood Level	50y ARI
Waterway ^A	100y ARI	50y ARI
Local flooding ^B	50y ARI	50y ARI
Storm tide ⁽³⁾	100y ARI	100y ARI

NOTES:

- Where the site is subject to more than one type of flooding (ie local flooding and/or waterway flooding and/or river flooding and/or storm tide), the minimum flood immunity level is the highest level determined from these sources. It should be noted that the flood immunity level in some older areas is often controlled by local ponding.
- The Defined Flood Level (DFL) for Brisbane River is based on the 3.7 mAHD level at the Brisbane Port Office Gauge. This standard was adopted by Council on 2 December 2003.
- A storm tide is the effect on coastal water levels of a storm surge combining with the normally occurring astronomical tide. Storm surge (or more correctly meteorological tide) is a rise above normal water level due to the combined effects of surface wind stress and atmospheric pressure fluctuations caused by severe weather conditions such as tropical cyclone. The 100 year ARI storm tide is 2.5 mAHD. This value incorporates 0.3 m allowance to offset the potential effects of climate change.
- If no hydraulic modelling data is available, the applicant should engage a suitably qualified Registered Professional Engineer in Queensland (RPEQ) to undertake appropriate hydrologic and hydraulic assessments.

The existing dedicated road fronting the development or providing access within 200 m of the development must comply with the flood immunity standards specified in Table A1.6. In addition, the level of serviceability of the existing dedicated road must also conform to the requirements of Section 3.2.

^A A waterway (including those indicated on the Planning Scheme Maps) is defined as any element of a river, creek, stream, gully or drainage channel, including the bed and banks.

^B Local flooding usually occurs when the capacity of the underground piped drainage system is exceeded and/or when the overland flow path is blocked. Localised overland flow paths generally traverse along roadways and in the older established areas, through private properties. A localised overland flow path is not characterised by well-defined bed and banks and the contributing catchment is generally less than 30 hectares.



TABLE A1.6
FLOOD IMMUNITY LEVELS FOR EXISTING DEDICATED ROAD
PROVIDING ACCESS TO OR FRONTING A DEVELOPMENT

Flooding type ⁽¹⁾	Minimum design levels at crown of road (mAHD) ⁽²⁾			
	Local access ⁽³⁾	Neighbourhood access ⁽³⁾	Industrial access ⁽³⁾	District access/ suburban route/ arterial route ⁽³⁾
Brisbane River	20y ARI	50y ARI	20y ARI	50y ARI
Waterway ^A	20y ARI	50y ARI	20y ARI	50y ARI
Local flooding ^B	20y ARI	20y ARI	20y ARI	20y ARI
Storm tide ⁽⁴⁾	20y ARI	50y ARI	20y ARI	50y ARI

NOTES:

1. Where the site is subject to more than one type of flooding (ie local flooding and/or waterway flooding and/or river flooding and/or storm tide), the minimum flood immunity level is the highest level determined from these sources. It should be noted that the flood immunity level in some older areas is often controlled by local ponding.
2. If no hydraulic modelling data is available, the applicant should engage a suitably qualified Registered Professional Engineer in Queensland (RPEQ) to undertake appropriate hydrologic and hydraulic assessments.
3. Refer to Chapter 1 of Part B of this document for description of the road hierarchy.
4. A storm tide is the effect on coastal water levels of a storm surge combining with the normally occurring astronomical tide. Storm surge (or more correctly meteorological tide) is a rise above normal water level due to the combined effects of surface wind stress and atmospheric pressure fluctuations caused by severe weather conditions such as tropical cyclone. The 50 and 20 year ARI storm tides are 2.2 and 2.1 mAHD respectively. These values incorporate 0.3 m allowance to offset the potential effects of climate change.

3.2 SERVICEABILITY

The level of serviceability to be provided to traffic at a waterway crossing will depend upon the ARI of the flood for which the creek crossing will be passable to traffic and the duration of road closure during times of flooding. Trafficability will depend upon the combination of depth and velocity of flow over a floodway, when the frictional resistance between a vehicle's tyres and the floodway surface is overcome and the vehicle loses stability.

^A A waterway (including those indicated on the Planning Scheme Maps) is defined as any element of a river, creek, stream, gully or drainage channel, including the bed and banks.

^B Local flooding usually occurs when the capacity of the underground piped drainage system is exceeded and/or when the overland flow path is blocked. Localised overland flow paths generally traverse along roadways and in the older established areas, through private properties. A localised overland flow path is not characterised by well-defined bed and banks and the contributing catchment is generally less than 30 hectares.



Trafficable access to the development site from at least one suburban route (or higher category road network) is required to maintain emergency services. In this instance, the applicant must satisfactorily demonstrate compliance with the two trafficability criteria specified below, applied to the road network between the development site and the closest suburban or convenience centre. Council will also consider other issues such as the number of affected properties and the proposed use of the development.

1. The **time of closure** for the 50 year ARI flood event from all the nominated flooding sources with the exception of Brisbane River, must not exceed 6 hours
2. The **Average Annual Time of Closure (AATC)** from all the nominated flooding sources with the exception of Brisbane River, must not exceed 2 hours.

Road closure is normally assumed when the total head (static plus velocity) on a carriageway with a two-way crossfall or across the highest edge of a carriageway with a one-way crossfall exceeds 300 mm. For detailed procedures or explanations of terminologies, the applicant should make reference to the publication *Waterway Design. A Guideline to the Hydraulic Design of Bridges, Culverts and Floodways* (Austroads, 1994).

The time of closure is calculated by drawing a horizontal line on the hydrograph at the trafficable discharge level and measuring the time for which the flow is above this level. (Note: The time of closure for each ARI event is not necessarily the design hydrograph that produces the highest peak flood level but rather the critical duration envelope is usually derived from a series different duration flood hydrographs. For example for a given trafficable capacity, the 24 hour storm may generate the longest time of closure at the crossing rather than the 6 hour critical duration storm that produces the highest peak flood level at the crossing.)

4.0 BRISBANE RIVER FLOODING

4.1 BACKGROUND

The Brisbane River has been the focus of city life, trade and commerce since the settlement of Brisbane. The Brisbane River catchment covers an area of 13 570 km² and is bounded on the west by the Great Dividing Range and by a number of smaller coastal ranges to the east and north. Most of the catchment comprises forest and grazing land, with the exception of the Brisbane-Ipswich metropolitan areas and a number of small rural townships. Several dams and reservoirs, most notably Somerset Dam and Wivenhoe Dam, regulate the flows in the Brisbane River and its major tributaries.

4.2 RISK MANAGEMENT APPROACH

4.2.1 General

Flood risk management is a formal means of identifying and managing the existing, future and residual risks of flooding. A suitably qualified professional consultant must be engaged to undertake the risk management evaluation in accordance with the framework outlined in AS 4360 Risk Management. The key aim is to ensure that risks (including safety, environmental, social and economic) associated with the proposed use are compatible with the level of flood immunity. For example a warehouse for the purpose of storing perishable goods such as fruits and vegetables will incur less flood damage losses when compared to a warehouse used to store electrical appliances. The storage of hazardous chemicals may not be an appropriate use.



4.2.2 Warning Time

Flood hazard can be reduced by evacuation if adequate time is available. The longer the warning period, the greater time there is available for evacuating people and removing goods and possessions. However, even if people and possessions are fully evacuated, a flood will still cause significant damage to buildings and to infrastructure and still cause substantial community disruption.

Available warning time is determined largely by catchment characteristics. The larger the catchment and the slower the rate of rise of floodwaters, the longer the available warning time. In small steep catchments, there is often no available warning time as the catchments respond too quickly.

Brisbane City Council has a flood forecasting model that utilises Council's network of real time rainfall and flood level monitoring systems and flood modelling program, together with Council's geographical information system (BIMAP) to provide a flood warning and information service to the community. Brisbane River can take a day to peak between Wivenhoe dam and the Brisbane City Gauge, thus allowing time to disseminate flood warnings.

4.2.3 Scope of Application

The risk assessment only applies to a select group of building types (nominated in Table A1.3) proposed in development sites located in established areas that do not meet the prescribed flood immunity standard for Brisbane River.

4.2.4 Risk Management Process

There are instances where the exact use is not known (eg centre and industrial activities) and instances where the use is known (eg lobby of an apartment block). Therefore the risk management formulation should cover a range of proposed and likely uses. The key elements of the flood risk management process should include:

1. Identification of the stakeholders exposed to or affected by the risk of flooding.
2. Identification of public and private property, social systems and environmental elements at risk of flooding.
3. Estimation of flood risks ie the likelihood and consequences of flooding. This evaluation will involve the undertaking of a quantitative analysis that uses numerical values (rather than the descriptive scales used in qualitative and semi-quantitative analysis) for both consequences and likelihood. The quality of the analysis depends on the accuracy and completeness of the numerical values used.
4. Assessment of the acceptability of flood risk. This evaluation will involve the determination of the total flood damage (potential) for a range of annual exceedance probabilities (PMF, 1%, 2%, 5%, 10%, 20%, 50%), and the average annual damage. Flood damages are generally divided into two categories of tangible and intangible damages. Tangible damages⁷ are financial and can be measured in monetary terms. Intangible damages⁸ are usually difficult to estimate in financial terms. The owner (and future owners) must assume all responsibility and all liability for all losses, damages and costs that might be incurred as a result of the reduced flood immunity standards.

⁷ Tangible damages include the cost of repairing items damaged by floodwaters or the loss in value caused by floodwaters wetting goods and possessions (direct damages), together with the loss of wages and extra outlays incurred during clean-up and in post-flood recovery (indirect damages).

⁸ Intangible damages include the increased levels of physical and psychological illness and emotional distress caused by the flood. A flood is a traumatic experience for many.



5. Definition of flood risk management strategies. As a minimum, this assessment must address the following items.
 - The proposed method of perpetuating the restricted use (through appropriate forms of legal documentation, notation on titles, rate notices, etc) and conveying the risk management data to future owners and leaseholders.
 - The procedure to conduct emergency evacuation and rescue operations.

5.0 CYCLIST AND PEDESTRIAN FACILITIES

On road cyclist and pedestrian facilities must comply with the road trafficability standards specified in Section 3. However off road facilities including those traversing through parks and adjacent to watercourses, should generally achieve at least the 2y ARI flood immunity standard for all flooding sources except Brisbane River. In the case of Brisbane River and the Moreton Bay area, the design level should be a minimum of 2.1 mAHD. Where the site is subject to more than one type of flooding sources, the more stringent criteria will apply. Council approval is required for lesser standards.

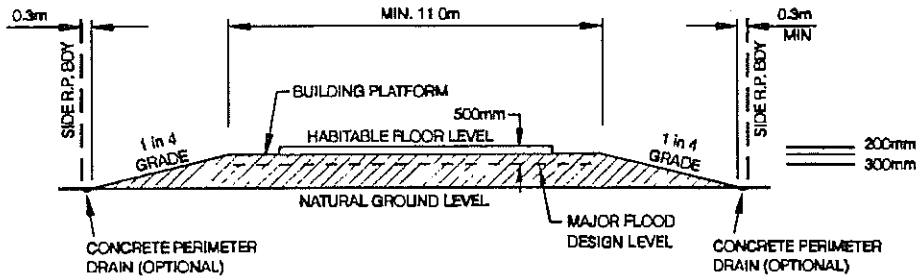
6.0 EARTHWORKS

Any earthworks activities adjacent to waterways and overland flow paths must comply with all the provisions of the *Brisbane City Plan* (refer to illustration on Figure A1.1). The applicant should ensure that the development proposal does not adversely impact on the hydraulic conveyance or flood storage.

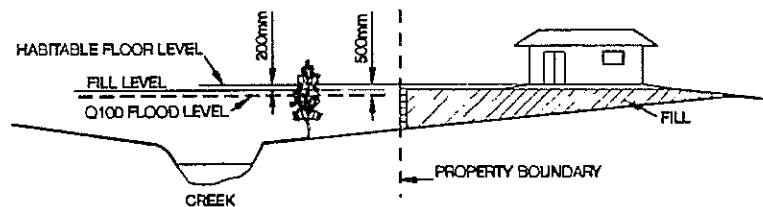
Hydraulic conveyance is a measure of the flow carrying capacity of a watercourse and is a function of the geometry and surface impedance of that watercourse. The loss of conveyance from obstruction or filling is usually characterised by increases in flood levels upstream. Mathematical models that are appropriate to assess the impacts of flood flow conveyance include HEC-RAS steady state hydraulic model and MIKE-11 hydrodynamic model.

As floodwaters flowing in a watercourse rise during a flood event and overtop the banks, a portion of floodwaters are transferred into storage areas of the floodplain where the flow velocities are small in comparison with the main channel. The loss of critical **flood storage** from obstruction or filling is usually characterised by increases in flow velocities and/or flood levels downstream. Mathematical models that are appropriate to assess the impacts of flood storage include RAFTS runoff routing model and MIKE-11 hydrodynamic model.

For overland flow paths that are not designated channels (channels usually have clearly defined bed and banks) or waterways, the overland flow path may be altered to suit the development provided that the 50y ARI depth*velocity product is $\leq 0.6 \text{ m}^2/\text{s}$. Compensatory earthworks must not cause the depth velocity product to exceed $0.6 \text{ m}^2/\text{s}$ nor concentrate flows onto adjacent properties. Flood storage capacity areas below the 50y ARI flood levels must be preserved by matching any filled area with an excavated area of equal volume at the same levels.



FILLING OF LAND (BATTERS)



FILLING OF LAND (RETAINING WALLS)

NOTES:

1. Where the neighbouring property is low lying with existing drainage problems Council may require a concrete perimeter drain at the toe of the embankment or retaining wall.
2. The toe of all embankments adjoining public space (eg park, road reserve, etc) should be at least 0.3 m clear of the property alignment. All embankments to neighbouring properties are to be maintainable. In most cases, a batter of 1V in 4H is desirable but steeper landscaped embankments may be considered. Where the property adjoins parkland the batters are to be no steeper than 1V in 6H to allow easy access.
3. Retaining walls instead of the earth batters may be accepted with approval of Development Assessment subject to appropriate landscaping to soften the visual impact of the retaining wall. Refer to Chapter 3 of Part B of this document.
4. Retaining wall structures should conform to the requirements set out in the Building Regulation 2006. In general any retaining walls greater than 1.0 m in height will require a building application and structural certification. Where the combined height of a fence and a wall exceeds 2.0 m, the aforementioned requirements plus the written authorisation from the neighbour will need to be provided with the engineering drawings.

FIGURE A1.1
TYPICAL FILLING EXAMPLE

7.0 LEVELS

Historically, levees have been used as a structural flood mitigation measure in Brisbane to reduce existing flood losses. However, Council will not permit the use of levees in new developments to satisfy flood immunity standards, for the following reasons:

- There is no guarantee that the levees will remain with the land.
- Levees are a band-aid solution rather than an intrinsic solution.
- There is possibility that levees can be breached or overtopped in extreme storms, which can lead to an increase in damage, and subsequently greater potential for damage.

DEPARTMENT OF INFRASTRUCTURE AND PLANNING BRIEF FOR DECISION

Our Ref: TN128798/MC08.892 - TPA 23991
Date: 13 March 2008
TO Deputy Premier and Minister for Infrastructure and Planning
FROM Planning Group
SUBJECT Brisbane City Council – Planning Scheme Amendments (End 2006)
Requested by Departmentally Generated
Decision required by ASAP

Explain in more detail what these three things mean?

RECOMMENDATIONS

- **Determine**, pursuant to section 18(3) of Schedule 1 of the *Integrated Planning Act 1997* (IPA), **state interests would not be adversely affected** by the proposed Brisbane City Planning Scheme Amendment Package (End 2006).
- **Approve adoption of** the proposed Brisbane City Council Amendment Package (End 2006) in accordance with section 18(4)(a) of Schedule 1 of the IPA.
- **Sign the attached letters to** the Mayor and Chief Executive Officer of Brisbane City Council advising them of your decision (**Attachment 1**).

BACKGROUND SUMMARY

- On 19 December 2006, Council submitted its Amendment Package (End 2006), for consideration of state interests and approval to publicly notify, in accordance with section 11 of Schedule 1 of the IPA.
- The proposed amendments included **improvements to flood hazard immunity standards in the Stormwater Management and House Codes; an update to the Subdivision and Development Guidelines; and amendments to the West End Woolloongabba Local Plan so as to refer to the West End Riverside Parks Master Plan Planning Scheme Policy.**
- The first state interest check was undertaken and, as a result, the former Department of Local Government, Planning, Sport and Recreation **recommended to the former Minister for Local Government, Planning and Sport, the Honourable Andrew Fraser MP, that the proposed amendment package would not adversely affect state interests.** On 28 May 2007, the former Minister advised Council it may proceed with public notification, without conditions.
- Council undertook public notification from 6 July 2007 to 3 August 2007. No submissions were received.

Additional 3 del included put into CTPac
Page 1 of 3
AF / H/for

- On 18 February 2008, Council wrote to you stating Council was wishing to proceed with the amendments without modification (**Attachment 2**).
- As no state interests were unresolved at the time of approval to notify, and no changes have been made as a result of notification, officers from the department recommend you approve adoption of the amendment package as originally submitted.

ISSUES

- Council is seeking your approval for the planning scheme amendments. There are no unresolved issues.

CONSULTATION WITH STAKEHOLDERS

- No further state agency consultation is required.

FINANCIAL IMPLICATIONS

- N/A

POTENTIAL MEDIA

- N/A

NOTED or APPROVED / NOT APPROVED Deputy Premier and Minister for Infrastructure and Planning Comments		
<hr/> <hr/> <hr/> <hr/> <hr/>		
Paul Lucas Deputy Premier and Minister for Infrastructure and Planning / /	Principal Advisor / /	Policy Advisor / /

Political Representatives

Local Government

N/A

State Government

N/A

Federal Government

N/A

Contact Officer: [Redacted]	_____ / /
Principal Planner [Redacted]	_____ / /
Approved: Colin Cassidy Executive Director [Redacted]	[Redacted] _____ 14 1 3 10 80
Endorsed: [Redacted] Coordinator-General Director-General	_____ / /

Election Commitment

CBRC / Cabinet related

ECM related



Hon Paul Lucas MP



Queensland
Government

Our ref: TN128798/MC08.892 – TPA23991

Deputy Premier
Minister for Infrastructure
and Planning

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Dear Ms Munro

I refer to Council's letter of 18 February 2008, requesting consideration of a proposed amendment to Brisbane City Council's planning scheme under sections 18 (3) and 18 (4) of Schedule 1 of the *Integrated Planning Act 1997* (IPA). The proposed amendment relates to the incorporation of End 2006 amendments to the Brisbane City Plan 2000.

I understand officers of the Department of Infrastructure and Planning have assessed the proposed scheme amendments in terms of compliance with the IPA and whether or not state interests would be adversely affected by the adoption of the scheme.

In accordance with section 18 (4) (a) of Schedule 1 of the IPA, I am pleased to advise Council may adopt the proposed planning scheme amendment, resubmitted to the department on 18 February 2008.

I trust this information is of assistance. If you require further information, please call [REDACTED] Principal Planner, Statutory Planning Branch, Department of Infrastructure and Planning on [REDACTED], who will be pleased to assist.

Yours sincerely

PAUL LUCAS MP
Deputy Premier
Minister for Infrastructure and Planning

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au
ABN 65 959 415 158



Hon Paul Lucas MP



Queensland
Government

Our ref: TN128798/MC08.892 – TPA 23991

Deputy Premier
Minister for Infrastructure
and Planning

The Right Honourable the Lord Mayor of Brisbane
Councillor Campbell Newman
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Dear Lord Mayor

I refer to Council's letter requesting consideration of a proposed amendment to Brisbane City Council's planning scheme under section 18 of Schedule 1 of the *Integrated Planning Act 1997* (IPA). The proposed amendment relates to End 2006 amendments to the Brisbane City Plan 2000.

In accordance with section 18 (4) (a) of Schedule 1 of the IPA, I am pleased to advise Council may adopt the proposed planning scheme amendment, resubmitted to the Department of Infrastructure and Planning on 18 February 2008.

I have also written to Ms Jude Munro, the Chief Executive Officer, regarding this matter.

Yours sincerely

PAUL LUCAS MP
Deputy Premier
Minister for Infrastructure and Planning

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100 George Street Brisbane
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BRIEFING NOTE

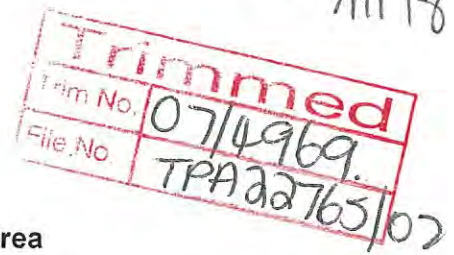
REQUESTED BY: Director General

ELECTORATE: All Electorates in Brisbane City Council area

TO: MINISTER FOR LOCAL GOVERNMENT, PLANNING AND SPORT

THROUGH: DIRECTOR-GENERAL

SUBJECT: Waterway Corridor Mapping – Urgent Request to Approve Public Notification of Amendments to City Plan 2000

**BACKGROUND**

During the preparation of City Plan, a number of waterway corridors were designated and mapped by Brisbane City Council which has the effect of triggering varying levels of assessment for development. Proposed development in a waterway corridor is regulated to ensure there are no adverse impacts on the waterway and the proposed development is safe from flooding. As such, development applications for subdivision and detached houses within a mapped waterway corridor both require assessment under the City Plan.

Council officers advised the purpose of the proposed amendment is to avoid a large number of unnecessary development applications for detached houses where those houses are proposed on lots which have already been assessed against the waterway provisions as part of the subdivision application. In most instances a house would be self-assessable and not require an application but for the fact it is proposed within a mapped waterway corridor.

On 21 November 2006, Council adopted amendments to the City Plan by changing the Waterway Corridors and Wetlands Planning Scheme Map 2 of 3 as a minor amendment in respect of reviewed development approvals as "factual matters incorrectly stated" in accordance with the Schedule 10 definition of a minor amendment under the *Integrated Planning Act 1997* (IPA).

Council is seeking your assistance to facilitate a series of urgent amendments to City Plan to ensure a number of development applications for detached houses are not required where proposed on an approved subdivision already assessed in accordance with the City Plan provisions for waterway corridors.

ISSUESApplications in a designated waterway corridor

Under the City Plan, a development application for a residential subdivision in a waterway corridor triggers either Code (Notifiable) Assessment, subject to public notification provisions requesting additional information under section 3.2.7 of the IPA, or as Impact Assessment, requiring statutory public notification and securing third party appeal rights for submitters.

Council advises there are usually no State referral agencies triggered by these applications and the impacts of residential development in the waterway corridors have been considered in the assessment. Council considers the impacts of such development have already been addressed through the subdivision assessment process.

Departmental officers support Council's view that where all impacts have already been addressed in the subdivision approval it is unnecessary and considered over regulation to require a further application to assess the same impacts again.

Minor Amendment

On 21 November 2006, Council resolved to adopt a minor amendment to the Waterway Corridors and Wetlands Planning Scheme Map 2 of 3. In accordance with Schedule 10 of the IPA, a minor amendment to a planning instrument means an amendment correcting or changing an explanatory matter; or the format or presentation; a grammatical or mapping error; or a factual matter incorrectly stated.

Given the duplication of process, Council concluded the waterway corridor mapping was now factually incorrect material, and Council adopted changes to the waterway corridor maps as a minor amendment, 'factual matters incorrectly stated'. This amendment 'fixed' a number of immediate concerns for Council and the development industry.

Proposed Amendments to City Plan

On 28 November 2006, Council resolved to propose amendments to City Plan to the House Code to clarify the level of assessment for houses in waterway corridors with a previous development approval. This amendment makes houses on building envelopes approved as part of a subdivision application in a waterway corridor self assessable. Council further proposes to change (reduce) the level of assessment for houses and ancillary structures in a waterway corridor from Code (Notifiable) to Code Assessable.

Council considers the assessment for houses and ancillary structures is of a technical nature rather than one of community impacts. The public notification of these applications does not provide new technical information to assess; it merely lengthens the assessment process and makes it more costly for the applicant. The current notification of the application is not statutory in nature and does not provide appeal rights to the submitter.

This amendment will negate the need to make urgent and on-going amendments to the Waterway Corridor Mapping in City Plan to reflect development approvals, while giving owners and public certifiers' certainty over the level of assessment required for a house.

Department officers consider a whole of Government review on the proposed amendments to the House Code is not required and has not been undertaken.

To assist Council Department officers have investigated the option of a shortened amendment process in accordance with section 10 of Schedule 1 of the IPA, for these amendments and sought advice from Legal and Administrative Review Services (LARS) Branch. Advice has been provided that the amendments do not reflect one or more of the requirements under section 10 to justify a shortened process (i.e. no public notification). As such, Council will be required to comply with sections 12 to 18 of Schedule 1 to publicly notify and resubmit for your final approval to adopt. This was always anticipated by Council officers and is accepted by them. Notwithstanding, Departmental officers will undertake a timely second State interest review for your approval so that the amendments can be adopted by Council ASAP. This means that when the proposed amendments are received by the Department for second State interest review, the Department will not consult with other State agencies but simply deal with them 'in-house'. This will save considerable time for Council.

Departmental officers have discussed this process with Council officers. Council officers have indicated they will not be preparing further amendment to the mapping for a six month period, by which time it is anticipated the amendments to the House Code will be adopted by Council. As such, the amendment process to the House Code is the most efficient process to undertake to achieve outcomes sought by Council and the development industry.

PROPOSED COMMUNICATION ACTIVITIES

Letters to Council attached.

RECOMMENDATION

That you note to contents of the briefing note and you:

- 1) determine, pursuant to section 11(1) of Schedule 1 of the IPA, State interests would not be adversely affected by the proposed amendments to the Brisbane City Plan; and
- 2) sign the attached correspondence informing Brisbane City Council, pursuant to section 11(2)(a) of Schedule 1 of the IPA, the scheme amendments may proceed to notification.

 Prepared by: [Redacted]
 A/Planner / A/ Senior Planning Team
 Leader
 Statutory Planning Branch
 Tel: [Redacted]
 4 December 2006

[Redacted]

 Endorsed by: [Redacted]
 Acting Executive Director
 Sustainable Planning Division
 Tel: [Redacted]
 8 January 2007

[Redacted]

 Reviewed by: Cheryl Bateson
 Senior Correspondence Officer
 Executive Correspondence Unit
 Tel: [Redacted]
 Date 19/1/07

[Redacted]
 DIRECTOR-GENERAL
 Date: 19/1/07

Minister:
at all of final level
they are heavy with the
approval.

 NOTED / APPROVED / NOT APPROVED: [Redacted]

DATE: 17/2/7

MINISTER'S COMMENTS:-----

COPY

MC06.6449

19 FEB 2007

Ms Jude Munro
Chief Executive Officer
Brisbane City Council
PO Box 1434
BRISBANE QLD 4001

Thank you for your letter of 7 December 2006 regarding proposed amendments to the House Code to clarify the level of assessment for houses in waterway corridors with a previous development approval. I understand the amendments to the House Code will remove the requirement to lodge a development application for a house in a waterway corridor where a previous approval has resolved the waterway corridor issues, and further removing the requirement for applicants to seek third party comment for code assessable applications. This will in turn create a more effective and efficient development assessment system for Brisbane City Council, consumers and private certifiers.

I am advised that you also wrote to Mr Michael Kinnane, Director-General, Department of Local Government, Planning, Sport and Recreation on 24 November 2006 advising of Council's adoption of a minor mapping amendment to the Brisbane City Plan 2000 and seeking Departmental assistance with an expeditious review of amendments to the House Code under Schedule 1 of the *Integrated Planning Act 1997* (IPA). Discussions have been held between Council and Departmental officers to investigate ways of assisting Council in this matter.

I understand on 21 November 2006 Council resolved to adopt changes to the *Waterway Corridors and Wetlands, Planning Scheme Map 2 of 3* as a 'minor amendment' under Schedule 10 of the IPA, as a factual matter incorrectly stated in the instrument. As such, Council has fulfilled the requirements of sections 19 to 21 of Schedule 1 of the IPA in relation to this amendment.

Following a review of the proposed amendments to the House Code by officers from the Department, and as a result of discussions between yourself, Mr Kinnane and Mr Colin Cassidy, Executive Director of Sustainable Planning of the Department on 21 November 2006, I am pleased to advise that in accordance with section 11(2)(a) of Schedule 1 of the IPA Council may publicly notify the proposed amendments.

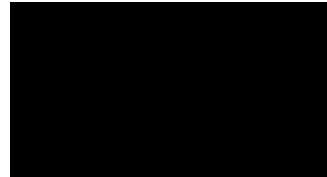
Council officers recently advised Departmental officers no further amendment to the Waterway Corridor mapping will be prepared for a six month period, by which time it is anticipated the amendments to the House Code will be adopted by Council. As such, the amendment process to the House Code is the most efficient process to undertake to achieve outcomes sought by Council and the development industry.

I trust this information is of assistance to you. Should you require further information in relation to this matter, please contact [REDACTED] Senior Advisor of my office on telephone number [REDACTED]

Yours sincerely

SIGNED

ANDREW FRASER



COPY

MCO6.6449

19 FEB 2007

The Right Honourable the Lord Mayor of Brisbane
Councillor Campbell Newman
Brisbane City Council
PO Box 2287
BRISBANE QLD 4001

Today I wrote to the Chief Executive Officer of your Council, Ms Jude Munro, advising her I have received Council's notification of a minor amendment to the Brisbane City Plan 2000 to modify *Waterway Corridors and Wetlands, Planning Scheme Map 2 of 3* and further, amendments to the House Code under Schedule 1 of the *Integrated Planning Act 1997* (IPA).

I understand on 21 November 2006 Council resolved to adopt changes to the *Waterway Corridors and Wetlands, Planning Scheme Map 2 of 3* as a 'minor amendment' under Schedule 10 of the IPA, as a factual matter incorrectly stated in the instrument. As such, Council has fulfilled the requirements of sections 19 to 21 of Schedule 1 of the IPA in relation to this amendment.

On 7 December 2006, Council further forwarded proposed amendments to the House Code to clarify the level of assessment for houses in waterway corridors with a previous development approval. I understand the amendments to the House Code will remove the requirement to lodge a development application for a house in a waterway corridor where a previous approval has resolved the waterway corridor issues, and further removing the requirement for applicants to seek third party comment for code assessable applications. This will in turn create a more effective and efficient development assessment system for Council, consumers and private certifiers.

Following a review of the proposed amendments to the House Code by officers from the Department of Local Government, Planning, Sport and Recreation, and as a result of discussions between your Chief Executive Officer and the Director-General of the Department, Mr Michael Kinnane, on 21 November 2006, I advise that in accordance with section 11(2)(a) of Schedule 1 of the IPA, Council may publicly notify the proposed amendments.

The amendment process to the House Code is the most efficient process to undertake to achieve outcomes sought by Council and the development industry in a timely manner.

Yours sincerely

SIGNED

ANDREW FRASER



Att 34

HNST 31K

with B-C-L
comments

Amendment to planning scheme for Brisbane City Council

Amendments to the Newstead and Teneriffe Waterfront Neighbourhood Plan

First State interest review – comments to Local Government - 4 February 2009

This document has been prepared to enable officers of Local and State Government to consult on the proposed amendment, to assist in the consideration of whether the proposed amendment has an adverse effect on State interests.

The document comprises two parts. Part A concerns State Interests. These are matters that **must** be satisfactorily addressed by the Local Government before approval can be granted to proceed to public notification. Part B outlines other advice including best practice and editorial matters that **should** be incorporated or considered by the Local Government.

Local Government should review the identified matters, and may respond in the space provided. A revised amendment (where applicable, and showing tracked changes), along with responses to the State matters raised, should be returned to Department of Infrastructure and Planning.



Part A – State interests

State interests must be satisfactorily addressed by the Local Government before proceeding to public notification.

definitions for State interest under Integrated Planning Act 1997

2.5A.19 State interest
For this Act, a designated region's regional plan is taken to be a State interest.

2.5C.4 State interest
For this Act, a State planning regulatory provision is taken to be a State interest.

State interest means—
(a) an interest that, in the Minister's opinion, affects an economic or environmental interest of the State or a region; or
(b) an interest in ensuring there is an efficient, effective and accountable planning and development assessment system.

#For the purposes of the review of this planning scheme amendment, other State interests include:

- legislation other than IPA,
- other statutory instruments (such as State Planning Policies),
- endorsed policies of the Queensland Government.

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment	
A1	Overall	Department of Infrastructure and Planning (DIP); Planning Services Division Contact Name: [REDACTED] Contact Number: [REDACTED] Contact Name: [REDACTED] Contact Number: [REDACTED]	The following comments below are set in the context of Transit oriented development principles of the <i>South East Queensland Regional Plan 2009-2031</i> (the Regional Plan). The Newstead / Teneriffe Neighbourhood Plan Area will be	For noting by Council	Noted



A2 Where for development within the Riverpark Precinct (page 12)	TOD Principle: Design	Consider the following throughout the Riverpark Precinct	Amend the Riverpark Precinct performance criteria as follows:
<p>well serviced by high frequency public transport in the form of the City Cat and proposed City Glider bus services. Some northern parts of the Precinct are within the 800 metre walking catchment of the Bowen Hills rail station. However, given the topography of that part of the area, the 800 metre walk to the station is less desirable than the bus services.</p> <p>Given the proximity to the Brisbane CBD, the area benefits from significant infrastructure. The area demonstrates some transit oriented development opportunities, particularly in terms of location, land use and design.</p> <p>The limits on increases in public transport services are noted however. The proposed development intensity for this locality is therefore considered consistent with the capacity of the public transport services in this location in the medium term (5 – 10 years). There are also development limits with respect to the inherent built form character of the area.</p>			



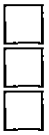
		<p><i>Safety and accessibility:</i> <i>Ensure development promotes a high sense of personal and community safety and equitable access to all public areas</i></p> <p>Ensure that there are active groundfloor frontages, particularly within the primary residential buildings with the Riverpark Precinct to address vitality and safety issues.</p>	<ul style="list-style-type: none"> • Activate street frontages with pedestrian entrances, active land uses (e.g. shops and cafes) and windows • Ensure entrances to buildings are well-defined and in the main facade of the building, with multiple entrances for multi-unit complexes • Activate upper-floor facades with windows, verandas and balconies. 	<ul style="list-style-type: none"> • Insert new dot point – “Development contributes to passive surveillance and visual amenity by incorporating windows and balconies to upper floor facades.” • Amend existing dot point so that active frontages are required at ground level throughout the precinct. <p>Note that these issues are also addressed through the Residential Design – High Density Code and the Centre Design Code.</p>
A3	General	<p>TOD Principle: Social diversity and inclusion.</p> <p><i>Ensure development creates an environment that supports social inclusion and diversity of different age, cultural, employment and income groups.</i></p> <p><i>Provide a mix of housing types, tenures and affordability to support social diversity.</i></p> <p><i>Promote physical and social connections between new and existing communities.</i></p> <p><i>Ensure community development initiatives are carried out as an</i></p>		<p>The Newstead area has already attracted affordable housing in recent redevelopments in and around the Commercial Road Precinct.</p> <p>New Development Principles have been added to emphasise the Plan’s support for diversity in housing styles and for the establishment of community facilities in the area:</p> <p>“2.6 – New development assists in the provision of community facilities to meet the needs of the growing local community.”</p>



		<p><i>integral part of community building.</i></p> <p>It is not clear from the Neighbourhood Plan how these aspects, in particular the diversity of housing, provision of community facilities will be addressed. Social diversity and inclusion in areas well serviced by transit is needed and can be achieved by :</p> <ul style="list-style-type: none">• Providing a range of housing types, tenures and sizes to cater for different ages, household sizes and socio-economic groups• Setting goals for the provision of non-market affordable housing• Considering mechanisms to incorporate affordable housing into private development• Providing for employment diversity• Planning for retail diversity• Providing social infrastructure and community facilities (e.g. schools and hospitals) that match community needs and comply with precinct design and density principles• Ascertaining population growth and work with human		<p>"2.7 – A range of housing types and sizes are provided, including affordable housing, so as to meet the diverse needs of the future population."</p> <p>The broader City Plan also includes provisions to encourage affordable housing (such as reduced carparking rates).</p>
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		<p>services and emergency agencies to plan for future community facilities</p> <ul style="list-style-type: none">• Designing compact social infrastructure with multiple uses• Encouraging community and cultural development		
A4	General	<p>TOD Principle: Design – Parking</p> <p><i>Locate, design, provide and manage car parking in transit oriented development precincts to support walking, cycling and public transport accessibility.</i></p> <p>Parking provisions should reflect the proximity of public transport and should be managed to ensure it is located, designed and provided in a manner that supports walking, cycling and public transport accessibility.</p> <p>The parking need of residents in TOD precincts will be less than in conventional suburbs because most daily needs are easily assessable by walking or transit.</p> <p>The Plan area is considered similar to a Suburban TOD Precinct according to the TOD typology classification indicated in the SEQ</p>		Noted.



		<p>Regional Plan.</p> <p>The car parking rates that apply to the Plan area are within the expected range considered appropriate for this type of Precinct.</p>		
A5	General within the Neighbourhood Plan area (page 7)	<p>TOD Principle: Transport</p> <p><i>Create an increased mode share for walking, cycling and public transport by providing high levels of accessibility and public amenity within precincts to stations and surrounding areas for cyclists and pedestrians.</i></p> <ul style="list-style-type: none"> Greater emphasis could be placed on the encouragement of active transport, particularly cycling, as a feasible alternative to private vehicle travel. Newstead represents an important linkage of cycle and pedestrian ways between the City, Fortitude Valley, Bowen Hills, Hamilton and eastern suburbs. These connections need to be reinforced within the Newstead River Precinct. The requirement for cross block links is supported. This requirement could be extended to Precincts 5 and 4 for any 	<p>In addition to the provision of safe cycle paths the following should be considered :</p> <ul style="list-style-type: none"> Make direct and legible connections between key destinations including Bowen Hills, Fortitude Valley and Hamilton Requiring end-of-trip facilities for all places of employment Good pedestrian access to public transport nodes Extending the requirement of cross-block linkages to Precincts 5 and 4 for future redevelopment opportunities. 	<p>The Neighbourhood Plan is considered to provide excellent pedestrian and cycle connections throughout the area. The Riverwalk, cross block links, and extensive system of paths in the Riverpark development provide a high level of access to the upcoming major public transport facilities of the CityCat ferry and City Glider bus.</p> <p>The Neighbourhood Plan has been amended to include Breakfast Creek Road as a Subtropical Boulevard. Widened footpaths and a double row of tree planting will signify Breakfast Creek Road as a major connecting route and improve pedestrian and cyclist amenity.</p> <p>The Neighbourhood Plan has been amended to include a requirement for end of trip cyclist facilities over and above that of the City Plan Transport, Access, Parking and Servicing Code.</p>



		future redevelopment opportunities to facilitate improved levels of permeability within the whole area.		A new north-south cross block link has been added in Precinct 5 through the large site between Austin and Evelyn Street. It is considered that this is the only site in Precinct 4 or Precinct 5 on which a cross block link is justified and likely to be achievable during the life of the Plan.
Department of Community Safety Contact Name: [REDACTED] Contact Number: [REDACTED]				
A6	Newstead and Teneriffe Waterfront Neighbourhood Plan Precinct Map - Proposed Area Classifications (Page 21)	Council flood hazard mapping designates sections throughout the neighbourhood plan area as susceptible to flood hazard, particularly in the Northern and Southern sections. SPP 1/03 provides guidance for achieving development flood mitigation outcomes.	Council should ensure development within the neighbourhood plan areas achieves SPP 1/03 compliance within flood hazard areas. The SPP 1/03 guideline provides further guidance to achieve this.	Noted.
Department of Transport and Main Roads Aviation Contact Name: [REDACTED] Contact Number: [REDACTED]				
A7	5/7	State Planning Policy 1/02	DTMR has in interest in protecting airport safety and efficiency and ensuring that development does not cause a permanent or temporary obstruction into an airport's operational airspace as	It is not proposed to convert maximum building height specifications in the Neighbourhood Plan from storeys to AHD levels.



			<p>noted in the SPP1/02.</p> <p>Brisbane Airport's operational airspace extends over the subject site. The Draft Newstead and Teneriffe Waterfront Neighbourhood Plan should specify the proposed maximum height (above the Australian Height Datum) of the proposed buildings, structures or things. Proposed building heights should not obstruct the airport's operational airspace.</p>	<p>The tallest buildings (25 storeys) are located in the Riverpark Precinct. The ground level in this precinct is approximately 3-4m AHD. The maximum height of a 25 storey commercial building would be approximately 100 – 110m AHD.</p>
<p>ENERGEX Contact Name: [REDACTED] Contact Number: [REDACTED]</p>				
A8	Section 5, Page 12	<p>Performance Criteria 19</p> <p>"Where located in sub-precinct C (Riverside), the proposal demonstrates that users of the development will not be subject to unacceptable health and safety impacts arising from the electricity substation and/or transmission tower"</p>	<p>Refine Performance Criteria to reflect:</p> <p>"Where located in sub-precinct C (Riverside), the proposal demonstrates that the development must ensure that buildings are designed and located to minimise the visual impact from the electricity sub-transmission tower"</p>	<p>This objective is considered to be more appropriately included in the Precinct Intent. The relevant part of the Precinct Intent has been amended to the following:</p> <p>" Any proposal for development within the sub-precinct while the electricity substation, sub-transmission tower or power lines remain operational must demonstrate that residents/employees will not be subject to unacceptable health and safety impacts arising from the electricity infrastructure. Building design should recognise the ongoing prominent visual feature of</p>



			the sub-transmission tower."
A9	Section 5, Page 12	Addition of Performance Criteria under "Where for development within the Riverpark District"	<p>Performance Criteria to reflect: "Proposed new residential buildings are located to minimise exposure of future on-site residents / employees to electro-magnetic fields from the electricity sub-transmission tower and power lines in accordance with the principle of prudent avoidance."</p> <p><i>Ask Energex →</i></p> <p>Energex has undertaken to investigate whether it is possible to quantify setback requirements to address the safety issue. In the meantime, the performance criterion has been amended to the following:</p> <p>"Where located in sub-precinct B (Riverside), the proposal demonstrates that residents/employees will not be subject to unacceptable health and safety impacts arising from the electricity substation, sub-transmission tower or power lines, in accordance with the principle of prudent avoidance."</p>
<p>Department of Environment and Resource Management Beenleigh, South East Region Contact Name: Dan Coy, A/ Senior Planning Officer Contact Number: [REDACTED] South East Regional Office Contact Name: [REDACTED] Senior Heritage Officer Contact Number: [REDACTED]</p>			
A10	Page 3 – 3.2.2 Commercial Road sub-precinct B (Riverside)	<p>South-East Queensland Regional Plan 2009-2031</p> <p>6.5 Cultural heritage, arts and cultural development</p> <p>Planning and design processes should recognise and reflect an</p>	<p>Sub-precinct B (Riverside) development should not completely disconnect the heritage buildings (such as the former warehouses) from their relationship to the river. Any development should maintain views between the river and the heritage buildings.</p> <p>Views of the majority of heritage listed former woolstores will be unaffected by the proposed development in Commercial Road Precinct sub-precinct B. Some views from the river to the W4 former woolstore will be lost from any form of development in sub-</p>



	<p>Page 7 – “General within the Neighbourhood Plan area” - P1 (re: provision of a continuous riverside walkway/bikeway)</p>	<p>area’s unique character, historic fabric and potential contribution to the life of the... community.</p> <p>6.5.1 – Identify and protect Queensland heritage places and local heritage places and ensure development in or adjacent to those places does not compromise their cultural heritage significance.</p>	<p>A continuous bikeway/walkway should not impact on existing wharfage and other river structures. Where these exist, they should be retained to provide direct access to the water and to maintain the historical connection of Newstead Teneriffe area to the river.</p>	<p>precinct B. The design provisions require the built form of any new development in this area to be sympathetic to the prevailing built form of the former woolstores.</p> <p>The only wharves that will be affected by construction of the RiverWalk are those in Commercial Road Precinct sub-precinct B. The future of these wharves will be considered at development assessment stage, taking into account such issues as heritage values, public access to the river, public safety, and restoration and on-going maintenance costs.</p>
A11	<p>Page 7 – P3 and A3.1 (Performance Criteria and Acceptable Solutions) “No acceptable solution is prescribed”</p>	<p>Legislation other than IPA <i>Queensland Heritage Regulation 2003</i> Schedule 2 Code for IDAS</p>	<p>Part 2 of Schedule 2 Code for IDAS provides specific outcomes and probable solutions for development on a local heritage place (including material change of use, reconfiguring of a lot and carrying out building work or operation work).</p>	<p>Many of the historical features in the area are included on the Local or State Heritage Registers and are already subject to the provisions of the Heritage Place Code and other Local and State Government legislation. The purpose of P3 is to identify that the strong preference of Council in this area is to retain these historical features and creatively re-use them (as has been done successfully with the former woolstores). The provision is not intended to reiterate specific regulations contained within other documents.</p>



A12	General	Legislation other than IPA <i>State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils (SPP 2/02)</i> ¹ sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. SPP 2/02 may apply to developments occurring in low-lying parts of the Newstead and Tenerite Waterfront Neighbourhood Plan Area.	For noting.	Noted.
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¹ *State Planning Policy 202: Planning and Managing Development involving Acid Sulfate Soils (SPP 2/02)* is available from http://www.dip.qld.gov.au/docs/ipla/ass_spp_oct_02.pdf.



Part B – Advice

Part B outlines other advice including best practice and editorial matters that **should** be incorporated or considered by the Local Government. Non planning scheme matters and other information may be included here for noting.

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
	Department of Infrastructure and Planning [DIP]: Planning Services Contact Name: [REDACTED] Contact Number: [REDACTED] Contact Name: [REDACTED] Contact Number: [REDACTED]			
B1	Overall	South East Queensland Regional Plan 2009 – 2031 (SEQ Regional Plan) DIP is satisfied that the proposed Neighbourhood Plan adequately reflects the intent of the SEQ Regional Plan. The proposed Neighbourhood Plan supports the Sub-Regional Narrative set out in the SEQ Regional Plan for Brisbane. The Brisbane sub-regional narrative provides a strategic outline about the planned pattern of growth for the city, which is necessary to achieve the objectives of the SEQ Regional Plan. The sub-regional narrative identifies target numbers of dwellings in each regional	For noting by Council.	Support noted.



	<p>council which are required in order to sustain rapid growth occurring in the SEQ Region.</p> <p>DIP believes that the Neighbourhood Plan supports the intent of the SEQ Regional Plan by facilitating planning that will contribute to achieving the target dwellings by providing higher density residential housing options and an increase in mixed use development.</p>		
<p>B2</p> <p>Section 4 Levels of Assessment Table 4.1 Waterfront Precinct and Table 4.4 Newstead North Precinct</p>	<p>An efficient development assessment system contributes to achieving the target dwelling figures across the Region.</p> <p>DIP supports increased residential development, as well as mixed use development to provide the necessary supportive services and facilities for the community. This is aided by an efficient DA system which does not involve unnecessary applications or higher levels of assessment than needed.</p> <p>DIP proposes that where possible the levels of assessment be reduced to facilitate more efficient planning outcomes.</p>	<p>DIP proposes that the levels of assessment may be reduced in two cases.</p> <p>Levels of Assessment - Table 4.1: Waterfront Precinct, Code Assessment Part 1</p> <p><i>"1. Where for the conversion of an existing Office, Restaurant or Shop, and not involving building work:</i></p> <ul style="list-style-type: none"> • Office • Restaurant • Shop" <p>and;</p> <p>Levels of Assessment – Table 4.4: Newstead North Precinct, Code Assessment Part 2</p>	<p>The Neighbourhood Plan has been amended to make the conversion of an existing Office, Restaurant or Shop into another of those uses (where not involving building work) Self Assessable in the Waterfront Precinct.</p> <p>It is not considered necessary or desirable to change Office to Self Assessable where in the Newstead North Precinct and not involving building work. New offices are only likely to be established in this area as part of redevelopments involving building work. Council is also seeking to maintain a light industry or service function on each site, and this can best be achieved through new Offices being considered by Council through</p>

			<p>"2. Office"</p> <p>DIP proposes that a more appropriate level of assessment for these uses would be Self Assessable development (when not involving building work).</p>	Code Assessment.
B3	<p>Newstead and Teneriffe Waterfront Neighbourhood Plan Code: Acceptable Solutions – A14.2</p>	<p>Performance Criteria 14 (P14) deals with ensuring vehicle entrances, servicing and car parking are designed and located to minimise disruption to building frontages, the pedestrian environment and to reduce the visual impact on the street environment.</p> <p>DIP suggests that there is room for an additional point to be added to Acceptable Solution 14.2 to assist in achieving the intent of P14.</p>	<p>Suggestion that the final point, as shown below, be added to A14.2:</p> <p><i>"A14.2 Where carparking is provided behind the building at ground level, the:</i></p> <ul style="list-style-type: none"> • <i>carparking is not visible from the street or River Walk</i> • <i>carparking is fully enclosed and roofed with no openings</i> • <i>roof area above the carparking is used as a recreational area with small shade trees and other vegetation</i> • <i>carpark access is limited to one driveway to ensure primacy of the footpath and pedestrian movement is maintained"</i> 	<p>A14.2 has been amended as suggested.</p>
B4	<p>Achieving high densities – general comment</p>	<p>It is noted that the Neighbourhood Plan, as a result of its goal of increasing densities, proposes</p>	<p>Consider achieving high density through means other than tall buildings: in the Commercial Road</p>	<p>The Neighbourhood Plan adopts a variety of building height policies that respond to the specific</p>



		<p>significantly higher building heights in particular areas; predominantly within the Commercial Road Precinct and Commercial Road Sub-Precinct B Riverside.</p> <p>Council should be aware that alternative methods of achieving high densities, without tall buildings, may be appropriate.</p> <p>This may assist in creating appropriate transitions between each precinct to ensure that the Newstead/Teneriffe area is a connected and cohesive environment.</p>	<p>Precinct, and Commercial Road Sub-Precinct B – Riverside.</p>	<p>characteristics of different parts of the plan area.</p> <p>Building heights are limited in sensitive areas such as the Commercial Road sub-precinct A (Heritage). In this sub-precinct high densities are still achieved due to minimal setback requirements (consistent with the existing built form character).</p> <p>The tall building heights in the Riverpark Precinct allow an appropriate density to be achieved while providing an extensive parkland system.</p> <p>The Newstead Terrace and Waterfront Precincts are already largely developed. The maximum building height in these precincts is consistent with the established built form in these areas, and is unchanged by the Neighbourhood Plan.</p>
B5	Whole document	<p>It should be noted that a partnership has been established between Brisbane City Council and the Queensland Government to develop an overarching plan to guide the development of the five kilometre radius of the inner city – the River City Blueprint (RCB).</p>	<p>The Neighbourhood Planning team are advised to liaise with the River City Blueprint team within Brisbane City Council to assist in promoting synergies between the projects and information sharing to achieve the best planning outcomes for both projects.</p>	<p>Noted.</p>



B6	Section 2 Development Principles	It is acknowledged that few marine plants (mangroves, saltcouch,	It should be noted that marine plants may only be removed,	Noted.
<p>Department of Employment, Economic Development and Innovation [DEEDI]</p> <p>Contact Name: [REDACTED] Contact Number: [REDACTED] Contact Name: [REDACTED] Contact Number: [REDACTED]</p> <p>The RCB was officially launched in December 2009, and will primarily focus on a 20-year timeframe to 2031, while also considering a 50-year horizon to 2061. The RCB will address a range of issues including housing, commercial development, social infrastructure, sustainable subtropical design, and improvements to public spaces.</p> <p>The RCB will address new public transport systems, including the Cross River Rail project, and the resulting increase in public transport capacity for Brisbane. This is particularly important to the Newstead Teneriffe area in relation to potential new station locations within the local area.</p> <p>The RCB is further investigating the need for increased residential densities and employment areas in particular areas of the inner Brisbane area to meet infill targets under the SEQ Regional Plan.</p>				



B7	Commercial Road Precinct	<p>There are significant community benefits (such as jobs and services within the local community) in providing a range of employment opportunities within the local community.</p> <p>Industrial activities generally can't</p>	Identification of new or additional site(s) within the local government area that replace the lost industrial land.	The light industry area centred on Commercial Road will be progressively redeveloped over the life of the Neighbourhood Plan. However the area already includes many small businesses that are either office or retail based and do not require a light industry zoning.
Part 2.2 Page 2		<p>seagrass etc) remain along the Brisbane River adjacent to the Newstead and Teneriffe Local Area Plan site apart from just south of the Riverpark Precinct border. However it is noted that the plan area is to have a continuous riverside bikeway/walkway. Marine plants are an integral part of the marine ecosystem and are protected under the <i>Fisheries Act 1994</i>, consequently any works that includes the removal, destruction or damage of marine plants must only be carried out under the appropriate approval from DEEDI. In some case works may be able to be carried out under a self assessable code. For further information on marine plants, the application process and self assessable codes, please visit the DEEDI website at: Department of Employment, Economic Development and Innovation - Home</p>	<p>destroyed or damaged under approval from DEEDI or under an appropriate self assessable code, if appropriate.</p> <p>Approvals are not automatic upon application and may be issued or refused as appropriate to the relevant legislation and policies, the individual application, circumstances, impacts, and information supplied.</p>	



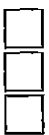
		<p>compete with the land prices associated with residential and commercial activities. Once land is zoned for other purposes, it may be difficult to reintroduce this activity into the area at a future date.</p> <p>Consideration should be given to retaining some industrial areas in the vicinity of Commercial Road.</p>		<p>These uses could potentially be incorporated in any commercial redevelopment of the site.</p> <p>The Newstead North Precinct is a light industry area that is currently under-developed and contains a number of vacant buildings. The Neighbourhood Plan preserves the light industry zoning, but is designed to increase the area's employment capacity through enabling re-development for office uses in addition to light industry or service industry. All developments are required to retain a light industry or service function on site.</p>
B8	Commercial Road Precinct	<p>Consideration should be given to managing the change from industrial, to residential and commercial to minimise conflicts between uses.</p>	<p>Prepare a management plan to ensure a smooth transition between land uses.</p> <p>Consideration should be given to odour, dust, vibration, light spill, etc. The planning scheme requirements relating to residential buildings achieving attenuation of noise from external sources is supported.</p>	<p>Noted. This issue is addressed on a site by site basis at development assessment stage using a range of provisions in the broader City Plan. It is not considered necessary to replicate these provisions in the Neighbourhood Plan.</p>
<p>Department of Community Safety Contact Name: [REDACTED] Contact Number: [REDACTED]</p>				
B9	DCS Operational Requirements (relevant to development detailed)	For future reference regional offices of Queensland Fire and	Council is requested to engage DCS at the appropriate times	Noted.



	<p>designed stages)</p>	<p>Rescue Service, Queensland Ambulance Service and Emergency Management Queensland should be consulted during detailed design phases for development within the neighbourhood plan area and prior to construction regarding the following issues:</p> <ul style="list-style-type: none"> • permeability • Site access and egress; • Construction staging; • Road closures and traffic hazards; • Storage and location of hazardous goods on-site; and • Other concerns as identified 	<p>regarding these issues.</p> <p>The relevant contact information is provided below.</p> <p>Brisbane Regional Contacts:</p> <ul style="list-style-type: none"> • <i>Queensland Fire and Rescue Service Assistant Commissioner</i> - Telephone Number (07) 3247 8507 • <i>Queensland Ambulance Service Assistant Commissioner</i> - Telephone Number (07) 3247 8206 • <i>Emergency Management Queensland Regional Director</i> - Telephone Number (07) 3247 8411 	
<p>Department of Transport and Main Roads Transport & Main Roads, Waterways, Planning & Infrastructure Contact Name: [REDACTED] Contact Number: [REDACTED]</p>				
<p>B10</p>	<p>Cite SO6 Development has access to PPT or can be cost effectively serviced- PS6.5 Other developments Queensland Streets - 3.7.4 On-street parking supply Queensland Transport PPT Notes-taxi facilities (Attachment 1(8/5/08)</p>	<p>Provision of Taxi facilities based on Building function</p>	<p>Consideration for provision of taxi bays within 100m of major buildings such as hotel, office tower, medical centre & restaurant precinct. Planners and designers need to be aware that 20 % of Brisbane's taxi fleet are Maxi taxis. Maxis require 5.4 m vehicle length + 3 m to use tailgate loader for wheelchair passengers. Suggest for a 2 vehicle taxi bay - 2.6 m lead</p>	<p>Noted.</p>



	Department of Environment and Resource Management, Beenleigh, South East Region Contact Name: [REDACTED] AV Senior Planning Officer Contact Number: [REDACTED] South East Regional Office Contact Name: [REDACTED] Senior Heritage Officer Contact Number: [REDACTED]			
B11	General	Legislation other than IPA State Land and the Land Act 1994 DERM advises that any development of State land may require resource entitlement from this Department. This may include State land outside the Newstead and Tenerife Waterfront Neighbourhood Plan Area, for instance along any proposed route for the provision of services to the site.	For noting.	Noted.
B12	General	Legislation other than IPA <i>Aboriginal Cultural Heritage Act 2003</i> : Aboriginal Cultural Heritage is protected whether or not it has been identified or listed by the Department. In this sense, the Aboriginal Cultural Heritage	For noting.	Noted.

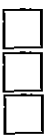


		<p>register and database is continually evolving as new information comes to light; however, the onus lies with a proponent of an activity to adhere to the Aboriginal Cultural Heritage Duty of Care guidelines and other requirements to undertake a cultural heritage survey or develop an Aboriginal Cultural Heritage Management Plan.</p>		
B13	<p>Page 2, Section 2.4</p> <p>Page 7, P3</p>	<p>Conservation means all the processes of looking after a place so as to retain its cultural significance – which includes preservation.</p>	<p>Replace references to 'preserved' with 'conserved'.</p>	<p>Changed 'preserved' to 'conserved'.</p>
B14	<p>Page 21 – Map "Proposed Area Classifications"</p>	<p>South-East Queensland Regional Plan 2009-2031</p> <p><i>6.5 Cultural heritage, arts and cultural development</i></p> <p>Planning and design processes should recognise and reflect an area's unique character, historic fabric and potential contribution to the life of the...community.</p> <p>6.5.1 – Identify and protect Queensland heritage places and local heritage places and ensure development in or adjacent to those places does not compromise</p>	<p>A layer should be added to this map to show those places that are entered in the Queensland Heritage Register.</p>	<p>The planning scheme (Brisbane City Plan) maps heritage-listed places on the "Heritage Places and Demolition Control Precincts" Map, and also via an online interactive map. A full list of heritage-listed places is included in the "Heritage Register Planning Scheme Policy". No changes are proposed as part of the amendments to the Neighbourhood Plan, and therefore an additional map is not considered necessary.</p>

		their cultural heritage significance.		
Department of Communities Contact Name: [REDACTED] Contact Number: [REDACTED]				
B15	Section 2 Development Principles p.2 Development Principle 2.2 Public open spaces ... including cycle and pedestrian links and new parkland facilities.....	With the increasing population density of South East Queensland and demand for suitable land for development expected in the Plan area, the retention, maintenance and further development of existing public open space and related sport and active recreation facilities in the medium to longer term requires consideration.	Noting limited venues and facilities for sport and recreation presently available in the Plan area; consideration could be given to developing a sport and recreation master plan for the Plan area and adjoining areas aimed at developing new and existing facilities able to cater for increased population.	Noted.
B16	Section 2 Development Principles p.2 Development Principle 2.4 Historical features ... are preserved and re-used for a range of activities	Plan to acknowledge the history of Indigenous settlement in its planning documents and the traditional owners of the area.	For example, the public open space areas in this Plan Area represent an opportunity to recognise the history of indigenous and non-indigenous settlement via design elements within these spaces, inclusive of public art.	The Neighbourhood Plan is primarily concerned with the future built form of the area, and as such focusses on historic buildings rather than a broader discussion of the history of human settlement and activities in the area.
B17	Section 3 Precinct Intentions	Refer comments on Development Principles 2.2 and 2.4	Refer comments on Development Principles 2.2 and 2.4 and	The broader planning scheme already contains a range of



	Section 3.3 Riverpark Precinct p.3, 4	In recognition of the role planning and urban design plays in supporting socially inclusive communities, it is recommended that the Plan provide equal accessibility opportunity to all members of the community, including people with a disability, frail older people and those with a mental illness, their families and carers.	opportunities to address these matters in this section of the Plan. Recommend inclusion of a statement that all new development in the precinct must consider the access requirements as referenced in the Design for access and mobility suite of Australian Standards.	requirements relating to equitable access to buildings and parks – refer for example to the Centre Amenity and Performance Code and the Park Code. State and Federal Government legislation and building codes also include requirements for equitable access. The Neighbourhood Plan makes specific reference to equitable access for some non-built form elements – for example the cross-block links (A4.2).
B18	Section 3 Precinct Intent Section 3.6 Major Parks Precinct p. 4	Refer comments on Development Principles 2.2 and 2.4	Refer comments on Development Principles 2.2 and 2.4 and opportunities to address these matters in this section of the Plan.	Refer to above.
B19	Section 5 Newstead and Teneriffe Neighbourhood Plan Code Performance Criteria and Acceptable Solutions: P1, A1.1, A1.2, P2, A2.1, P3, A3, (p.7) P24, A24.1, P22, A22.1P25, A25.1 (p.13)	Refer comments on Development Principles 2.2 and 2.4	Refer comments on Development Principles 2.2 and 2.4 and opportunities to address these matters in this section of the Plan.	Refer to above.
B20	Section 5 Newstead and Teneriffe Neighbourhood Plan Code Performance Criteria and Acceptable Solutions: P11,A11.1 Riverfront Walk p.10	In recognition of the role planning and urban design plays in supporting socially inclusive communities, it is recommended that the Plan provide equal accessibility opportunity to all members of the community,	Recommend that the Riverfront walk should be fully accessible to people with a disability, meeting the Design for access and mobility suite of Australian Standards and include wayfinding features in the design.	These issues are addressed through Council's Centres Detail Design Manual and other Council standards.



		<p>including people with a disability, frail older people and those with a mental illness, their families and carers.</p>		
B21	<p>Section 5 Newstead and Teneriffe Neighbourhood Plan Code Performance Criteria and Acceptable Solutions: P18, A18.1, A18.2 Pedestrian Networks p.11,12</p>	<p>In recognition of the role planning and urban design plays in supporting socially inclusive communities, it is recommended that the Plan provide equal accessibility opportunity to all members of the community, including people with a disability, frail older people and those with a mental illness, their families and carers.</p>	<p>Recommend that all pedestrian networks should accommodate the needs of people with disabilities, and meet the Design for access and mobility suite of Australian Standards and include wayfinding features in the design.</p>	<p>These issues are addressed through Council's Centres Detail Design Manual and other Council standards.</p>

**DEPARTMENT OF INFRASTRUCTURE AND PLANNING
BRIEF FOR DECISION**

Received
22 MAR 2010
ESU

Our Ref: 10/10203
 Date: 18 March 2010
 TO **Minister for Infrastructure and Planning**
 FROM Local Government and Planning Group
 SUBJECT Approval to publicly notify the proposed amendments to the Brisbane Planning Scheme, *City Plan 2000 – draft Newstead and Teneriffe Waterfront Neighbourhood Plan*
 Requested by Departmentally Generated
 Decision required by 19 March 2010 – to meet Brisbane City Council’s proposed public notification timeframes

RECOMMENDATIONS

- That you note the contents of this brief.
- That you approve public notification of the *draft Newstead and Teneriffe Waterfront Neighbourhood Plan* (amendment package) in accordance with schedule 1, section 11(2)(b) of the repealed *Integrated Planning Act 1997* (IPA) (**Attachment 1, 1a, 1b, 1c, 1d, 1e and 1f**).
- That you sign the attached letters to Ms Jude Munro, Chief Executive Officer, Brisbane City Council (BCC) and The Right Honourable the Lord Mayor, Councillor Campbell Newman (**Attachments 2 and 3**).

BACKGROUND SUMMARY

- On 1 December 2009, BCC resolved to submit the amendment package to you in accordance with schedule 1, section 11 of IPA for consideration of State interests. ✓
- On 17 December 2009, the amendment package was received by the Department of Infrastructure and Planning (DIP). ✓
- The proposed amendments are a result of a need to update the planning scheme to reflect current development pressures and to better align it with other more recent planning policy such as the *South East Queensland Regional Plan 2009–2031*, and include: ✓
 - changing the name of the local plan from ‘Newstead and Teneriffe Waterfront Local Plan’ to ‘Newstead and Teneriffe Waterfront Neighbourhood Plan’ ✓
 - new provisions to reflect the preliminary approvals relevant to the Newstead Riverpark Development
 - maintaining the existing character of recently redeveloped areas (including the converted woolstores and the former sugar refinery site) ✓

- ① - concentrating new medium-high density residential and commercial development in the Riverpark site and the adjoining Commercial Road Precinct ✓
- ① - ensuring that new development near the converted woolstores incorporates a podium level built form that is complementary to the character of the converted woolstores ✓
- ① - preserving an employment base (including light industry and service activities) in the northern part of the plan area ✓
- ① - improving the public realm through the creation of cross-block-links and the continuation of River Walk. ✓

- As a result of this, amendments to the Brisbane planning scheme will include:
 - amendments to the development principles
 - update of the maps in the neighbourhood plan to reflect current area classifications
 - reconfiguration of the precinct boundaries and titles
 - changes to the levels of assessment tables
 - restructuring of the Newstead and Teneriffe Waterfront Neighbourhood Plan Code
 - change to building heights and setbacks.
- In accordance with section 11, Schedule 1 of IPA you are now required to:
 - consider whether the LAP will have adverse impacts on State interests
 - advise BCC that it may:
 - commence public notification or
 - commence public notification, subject to conditions or
 - not commence public notification.

ISSUES

- On 21 December 2009, the amendment package was forwarded to the Department of Environment Resource Management (DERM); the Department of Communities (DC); the Department of Transport and Main Roads (DTMR); the Department of Community Safety (DCS); Building Codes Queensland (BCQ); the Department of Employment, Economic Development and Innovation (DEEDI); Urban Land Development Authority (ULDA); the Department of Education and Training (DET); Energex; Powerlink; the Department of Health; Translink; the Department of the Premier and Cabinet (DPC) and the Department of Public Works (Public Works). Comments from the State agencies were due on 29 January 2010.
- On 4 February 2010, DIP provided BCC with first State interest comments.
- On 12 February 2010, BCC provided its response to the first State interest review (**Attachment 4**). The key matters raised by State Government agencies and BCC's response are outlined in the table below:

State Agency Comments	Resolution
<p>✓</p> <p>DIP made a number of comments for noting by Council and suggested a number of text additions/amendments. The suggested amendments related mostly to the promotion of Transit Oriented Development principles in the Neighbourhood Plan, ensuring the South East Queensland Regional Plan 2009 – 2031 (SEQ Regional Plan) is adequately reflected in the plan, reiterating the role of DIP's River City Blueprint team and a suggestion in the lowering of the level of assessment in two cases.</p>	<p>BCC removed or altered all text referenced by DIP. DIP is therefore satisfied that these matters have been resolved.</p> <p style="text-align: right;">✓</p>
<p>✓</p> <p>DTMR requested that, in interest of <i>State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities</i>, the draft neighbourhood plan should specify the proposed maximum height (above the Australian Height Datum - AHD) of the proposed structures.</p>	<p>Initially Council were opposed to this recommendation however after discussions with Brisbane Airport, BCC have resolved to change the height to address the issue of possible interference with the Brisbane Airport operational airspace. In response to Brisbane Airport's requirements BCC reduced the maximum height of 98m AHD to 95m AHD in certain areas of the site. Refer to Attachment 5. <u>DIP is satisfied that this matter has been resolved.</u></p> <p style="text-align: right;">✓</p>
<p>✓</p> <p>Energex requested that Council refine Section 5, Performance Criteria 19 to reduce the visual impacts of transmission tower on surrounding area.</p>	<p>BCC chose to include this in the precinct intent (section 3.2.2). DIP is satisfied that this matter has been resolved.</p> <p style="text-align: right;">✓</p>
<p>✓</p> <p>DERM raised no major concerns with the amendment package. DERM did make reference to its State interests in heritage issues, State Land and <i>State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils</i> for Council's consideration.</p>	<p>BCC noted DERM's comments and advice, however no changes were required.</p> <p style="text-align: right;">✓</p>
<p>✓</p> <p>DCS advised that there are areas of significant flooding in the northern and southern sections of the subject area. DCS advised Council of a State interest in <i>State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</i>.</p>	<p>BCC noted the comments from DCS. DIP is satisfied with Council's response.</p> <p style="text-align: right;">✓</p>
<p>✓</p> <p>DEEDI stated an interest in retention of marine plants along the Brisbane River and the retention of industrial zonings in the vicinity of Commercial Road to minimise conflicts between uses.</p>	<p>BCC noted DEEDI's advice. DIP is satisfied with Council's response.</p> <p style="text-align: right;">✓</p>

State Agency Comments	Resolution
DC made a number of general comments on the plan however made no request for changes to the package. ✓	BCC considered DC's comments. DIP is satisfied with Council's response in this case. ✓

- ✓ Having regard to the above, DIP is satisfied that the proposed amendment package will not have an adverse impact on State interests.



- You are therefore recommended to approve the public notification of the amendment package in accordance with section 11(2)(b), Schedule 1 of IPA.

CONSULTATION WITH STAKEHOLDERS

- In addition to an internal review by DIP officers, the proposed amendments were consulted with the following stakeholders: DERM, DEEDI, DC, DCS, DTMR, BCQ, ULDA, DET, Energex, Powerlink, Health, DPC, Public Works and BCC.
- ✓ Upon approval of this brief BCC will commence public notification of the amendment package. This process will allow the public to make submissions on the amendment package. *scheduled for next week.*

CULTURAL IMPACT

- DIP is not aware of any cultural impact that may occur.

EMPLOYMENT IMPACT

- DIP is not aware of any employment impact that may occur.

RIGHT TO INFORMATION PUBLICATION SCHEME

- There is no publication with this brief.

FINANCIAL IMPLICATIONS

- Nil

POTENTIAL MEDIA

- N/a

[Handwritten signature]
 NOTED or APPROVED / NOT APPROVED
Minister for Infrastructure and Planning
Comments

[Redacted]
Stirling Hinchliffe MP V V
Minister for Infrastructure and Planning
 20/3/2010

Principal Advisor
 / /

Policy Advisor
[Redacted]
 19/03/2010

Political Representatives

Local Government

The Right Honourable the Lord Mayor of Brisbane, Councillor Campbell Newman

Councillor David Hinchliffe, Member for Central Ward

State Government

Ms Grace Grace MP, Member for Brisbane Central

Federal Government

The Honourable Arch Bevis MP, Member for Brisbane

<p>Contact Officer: [Redacted] Principal Planner [Redacted]</p>	<p>Approved: Amy Marsden Director [Redacted]</p>
<p>Signed 10/03/10</p>	<p>Signed 10/03/10</p>
<p>Approved: Brendan Nelson Executive Director [Redacted]</p>	<p>Endorsed: [Redacted] for Gary White Deputy Director- General</p>
<p>Signed 17/03/10</p>	<p>Signed 17/03/10</p>

- Election Commitment
 CBRC / Cabinet related
 ECM related

and SIR DCS response AH 36

From: Gary Mahon [Gary.Mahon@...]
Sent: Friday, 24 September 2010 11:50 AM
To: Steven Schwartz
Cc: ...
Subject: Draft Newstead and Teneriffe Waterfront Neighbourhood Plan - Second State Interest Check.

Importance: High

Attachments: NTWNP 2 SIR Track Changes version.doc; Draft Newstead and Teneriffe NP.PDF; Draft Newstead and Teneriffe NP 2nd SIR.doc

I refer to your correspondence of 8 September 2010 inviting the Department of Community Safety (DCS) to provide feedback regarding the draft Newstead and Teneriffe Waterfront Neighbourhood Plan - Second State Interest Check.

DCS officers have reviewed the documents provided and have no further State interest concerns.

DCS requires no further information.

Should you require any further information regarding this submission please contact, Mr Peter Mason, Policy Advisor, Strategic Policy Division on telephone number (07) 3247 8249.

Yours sincerely
Gary M

Gary Mahon | Assistant Director-General | Strategic Policy Division | Department of Community Safety | - 94792 | gary.mahon@... |

From: ...
Sent: Wednesday, 8 September 2010 10:48 AM
To: ...@energex.com.au; ...@dem.qld.gov.au; ...@tmr.qld.gov.au; ...@tmdr.qld.gov.au; ...@trdri.qld.gov.au; ...
Cc: Steven Schwartz; ...
Subject: Newstead and Teneriffe Waterfront Neighbourhood Plan - Second State Interest Review

Dear State Agencies,

The Brisbane City Council (BCC) submitted the Draft Newstead and Teneriffe Waterfront Neighbourhood Plan (NTWNP) to the Minister for Infrastructure and Planning for Second State interest review in accordance with Schedule 1 of the repealed *Integrated Planning Act 1997* (IPA).

Your agency is now formally requested to review the amendments as part of a second State interest review to assist the Minister to determine if the proposed amendments adversely affect State interests as per Schedule 1, section 11 of the IPA. Please note the due date for comments required at the end of this email.

The Draft NTWNP was publicly exhibited from 26 March until 14 May 2010 and received sixty seven (67) properly made submissions and fifteen (15) not properly made submissions.

In support of the above, please find attached the following:

- 1) The Draft Newstead and Teneriffe Waterfront Neighbourhood Plan in PDF and a track changes version in Word.
<<NTWNP 2 SIR Track Changes version.doc>> <<Draft Newstead and Teneriffe NP.PDF>>
- 2) A list of all consequential amendments
* To be attached *
- 3) The Brisbane City Council's report on public submissions
* To be attached *
- 4) A copy of the first State interest review table (with comments from the BCC)
* To be attached *

Please find attached a guideline showing the preferred format for your agency's comments. You are encouraged to use the attached guideline as it will facilitate the collation and assessment of State interests.

<<Draft Newstead and Teneriffe NP 2nd SIR.doc>>
Your agency's formal comments on the proposed amendment package to the Brisbane City Plan are requested in writing, preferably via e-mail to ...@dip.qld.gov.au .

In the interest of providing a timely response back to the Council please provide your comments by close of business **Tuesday 21 September 2010**. If a response has not been received by this date it will be assumed your agency has no comments. If your agency identifies any significant concerns regarding a State interest that may require a major amendment to the draft provisions, please advise me or Steven Schwartz at the earliest opportunity prior to this date so that the response back to Council is not delayed.

If you have concerns with this request or if you have any questions regarding the proposed amendments or review process, please contact either myself on the details below or Steven Schwartz on ... or Steven.Schwartz@...

Kind Regards,
Planner
Regional Services Division
Strategy and Governance Group
Department of Infrastructure and Planning
Queensland Government
tel + ...
post PO Box 15009 City East Qld 4002
visit Level 7, 63 George Street Brisbane
...@dip.qld.gov.au
<http://www.dip.qld.gov.au/>
Please consider the environment before printing this email

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This correspondence is for the named persons only. It may contain confidential or privileged information or both. No confidentiality or other legal obligations will be waived. All reasonable precautions will be taken to respect the privacy of individuals in accordance with the Information Privacy Act 2009 (Qld)

AH 37

DEPARTMENT OF INFRASTRUCTURE AND PLANNING

BRIEF FOR DECISION

Received

24 NOV 2010

ESU

Our Ref: 10/39716
Date: 16 November 2010
TO **Minister for Infrastructure and Planning**
FROM Strategy and Governance group
SUBJECT Brisbane City Council Planning Scheme Amendment Package – *Newstead and Teneriffe Waterfront Neighbourhood Plan* – brief for adoption
Requested by Departmentally Generated
Decision required by **16 November 2010** – This will assist Brisbane City Council to meet the final Council meetings of 2010, facilitating the adoption of the draft *Newstead and Teneriffe Waterfront Neighbourhood Plan* in January 2011.

RECOMMENDATIONS

- That you **note** the contents of this brief.
- That you **advise** Brisbane City Council (Council) it may adopt the proposed *Newstead and Teneriffe Waterfront Neighbourhood Plan* (neighbourhood plan) as submitted to the Department of Infrastructure and Planning (DIP) on 2 November 2010 (**Attachment 1**), in accordance with section 18(4)(a), Schedule 1 of the repealed *Integrated Planning Act 1997* (IPA).
- That you **sign** the attached letters to the Right Honourable, the Lord Mayor of Brisbane, Councillor Campbell Newman, and to the Chief Executive Officer, Mr Colin Jensen, advising of your decision (**Attachments 2 and 3**).

BACKGROUND SUMMARY

- On 1 December 2009, Council resolved to submit the amendment package to DIP in accordance with Schedule 1 of the repealed IPA, for first State interest review and for approval to publicly notify the plan.
- On 17 December 2009, the amendment package was received by DIP.
- On 4 February 2010, collated State agency comments were sent to Council. Council responded to these comments and provided a revised draft of the neighbourhood plan to DIP on 12 February 2010.
- On 22 March 2010 you advised Council that it may publicly notify the neighbourhood plan.

- Council commenced public notification of the neighbourhood plan on 26 March 2010 until 14 May 2010. During this time, 67 properly made submissions and 15 not properly made submissions were received. Council made changes to the neighbourhood plan as a result of these submissions, in addition to minor changes to improve the neighbourhood plan.
- By letter dated 24 August 2010 (received 27 August 2010), Council submitted the amended neighbourhood plan for a second State Interest review.
- The proposed amendment package builds upon and replaces the existing *Newstead and Teneriffe Waterfront Local Plan*. The neighbourhood plan area focuses on the land bounded by Newstead Park in the north, New Farm Park to the south, Commercial and Breakfast Creek Roads to the west and the Brisbane River to the east.
- The development objectives to be advanced by the plan include:
 - continuing the transition of the area from a former industrial area to a compatible mix of residential, commercial, industrial and recreational activities
 - buildings being designed to present an attractive frontage that enhances the streetscape and other public spaces
 - conservation and re-use of existing historical buildings, including the former woolstores, sugar refinery and gasworks sites. New developments nearby are to compliment their scale and character
 - retention of existing public open spaces (including Newstead Park and Powerhouse Park), and the inclusion of new public open space facilities in the Riverpark Precinct
 - that development enhances the character and amenity of the street
 - that preservation of city centre views from Kingsford Smith Drive
 - that development will assist in the provision of community facilities
 - that development will contribute to an extensive pedestrian and cyclist network links within the plan area, including a continuous riverside bike/walk way (River Walk)
 - that carparking is provided which maximises pedestrian and vehicular safety, while contributing to an attractive visual environment
 - provision of a range of housing types and sizes, including affordable housing.
- To this end the neighbourhood plan identifies a number of different precinct areas (see Map A (Precincts) as included within **Attachment 1**), and intents including a:
 - medium density residential development area within the Waterfront Precinct, including small scale supporting commercial uses, with heights ranging up to six storeys. Existing buildings of heritage significance are retained and new developments are complementary to their scale, character and setting

- mixed use, medium to high density urban community with commercial uses focused around Commercial Road and Longland Street (Commercial Road Precinct). This precinct includes provision for development up to 15 storeys, with the former woolstores to maintain a visual dominance in the locality. Two sub-precincts are also identified which address existing heritage buildings and provide a transitional area to the larger scale Riverpark Precinct adjacent and the other areas of the Commercial Road precinct
 - mixed use integrated community of residential, shopping, business and employment activities located around a large parkland area (Riverpark Precinct). The Riverpark Precinct will provide a substantial amount of residential and commercial activity proportionate to the precinct's city fringe location and high level of access to public transport, while incorporating an extensive network of pedestrian and cyclist paths to integrate the open space, Brisbane River, and adjoining precinct areas. The built form will range up to 25 storeys in height
 - medium density residential precinct centred around Newstead Terrace (Newstead Terrace Precinct) with building heights ranging in height from four to six storeys
 - low to mid rise light industrial, commercial and showroom activities centre with associated office functions, with building heights ranging up to four storeys
 - parkland precinct centred around the area's major recreational and parkland facilities, including New Farm Park and Newstead Park. Land within this precinct will be retained and enhanced as public open space. Any development is to reinforce the cultural facility of the New Farm Powerhouse site and is to serve a primarily public function, while being compatible with existing open space, recreational uses, and the area's heritage values.
- To stimulate development, the level of assessment for most centre activities has been identified as code assessable, where complying with the relevant acceptable solutions.
 - It can be anticipated that the neighbourhood plan will facilitate the redevelopment of the Newstead and Teneriffe area into a medium to high density urban environment, providing a variety of uses including residential, commercial and employment, in close proximity to public transport and open space areas.
 - On the 4 October 2010, DIP forwarded Second State Interest comments to Council. Notable comments and issues are discussed in the following section of this brief.
 - Council responded to the Second State Interest comments on the October 2010.

ISSUES

Public submissions

- There were 67 properly made submissions received about the amendment package, commenting on aspects of the plan including:

- building height and setbacks
 - site coverage and tower dimensions
 - level of assessment tables
 - precinct boundaries
 - development adjoining heritage buildings
 - riverwalk location and characteristics
 - car parking location and ratios
 - road upgrades and public transport
 - airport noise
 - views
 - open space
 - streetscape and cross block links
- Council has addressed each of the submissions in a report, and made subsequent changes to the neighbourhood plan where possible and appropriate (**Attachment 4**). The key changes include:
 - reduce building height to eight storeys in part of the Commercial Road Precinct
 - increase building height to 10 storeys in the Commercial Road Precinct where within 50 metres of Longland Street or Commercial Road
 - simplify building setback criteria throughout the Commercial Road Precinct
 - amend the threshold for tall tower setbacks
 - reconfiguration of precinct boundaries between the Commercial Road Precinct and the Commercial Road Precinct sub-precinct A
 - carparking criteria simplified and applied to whole of plan area
 - identification of a view corridor to Brisbane's city centre in addition to a breeze corridor
 - insertion of new criteria relating to surveillance of cross block links
 - amended criteria increasing the width of the River Walk corridor

Obstacle Limitation Surface (OLS)

- The Department of Transport and Main Roads (DTMR) raised an issue with the building heights proposed in the neighbourhood plan at the First State Interest review, in relation to State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities (SPP). Council subsequently indicated the likely height of buildings in Riverpark precinct to be between 100 metres – 110 metres AHD, and indicated that it did not wish to amend the neighbourhood plan heights to AHD levels.

- The proposed heights identified by Council would exceed the OLS heights for airport safety identified by the SPP.
- During the Second State Interest Review, DTMR suggested the inclusion of Performance Criteria and Acceptable Solutions to address OLS issue.
- DIP officers liaised with DTMR officers and concluded that the suggestions made by DTMR were not sufficient to ensure OLS heights would not be exceeded by the neighbourhood plan.
- DIP officers identified the issue in the Second State Interest review comments and suggested the inclusion of alternate Performance Criteria and Acceptable Solutions to ensure that OLS heights were not exceeded, in liaison with DTMR.
- Council responded to the Second State Interest comments by including an amended Performance Criteria which states '*development must not compromise aircraft safety or the operational airspace of the Brisbane Airport*', and an Acceptable Solution which states '*buildings do not in any case exceed 95 metres AHD, as structures above this height may present an obstacle for aircraft using Brisbane Airport*'.
- DTMR has confirmed via email dated 1 November 2010 that the amendments made by Council adequately address the concerns raised by DTMR in the second State Interest review comments.

Heritage

- The Department of Environment and Resource Management (DERM) raised issues with the neighbourhood plan's impact on views of the Heritage listed former woolstores, and its impact on the existing wharves along the Brisbane River. Further, that the development identified by the neighbourhood plan would impact on the historical connection of the area with the Brisbane River. DERM identified this as a concern at the First State Interest review, and again in the Second State Interest review.
- Council responded to DERM's first State Interest review comments by indicating that the majority of views to the former woolstores would be unaffected by the proposed development, and further that design provisions in this area would be sympathetic to the prevailing built form of the former woolstores.
- DIP officers indicated in the Second State Interest review comments that a meeting to discuss the issue would be appropriate.
- DIP officers met onsite with DERM officers on the 14 October 2010 to discuss their concerns. The site visit reviewed the view lines towards the former woolstores, the area of Commercial Road sub-precinct B (Riverside) including a consideration of the likely form of proposed development, and the location and character of the wharves along the Brisbane River.
- Following the onsite meeting between DIP and DERM officers and further internal review and discussion of the neighbourhood plan between DIP and DERM officers, DERM advised that heritage issues had been resolved with regard to the neighbourhood plan and that no changes were required.

Other Issues

- DIP officers from Transit Oriented Development and Design Division (Growth Management Queensland) made a request during the Second State Interest review to include reference to the Teneriffe/Bulimba Green Bridge within the neighbourhood plan. DTMR advice regarding this link indicates that this connection is at the feasibility stage and is identified for further investigation by the *Draft Connecting SEQ 2031: An Integrated Regional Transport Plan for South East Queensland*. DIP officers (Regional Services and Statutory Planning) considered that given the status of the link is not certain, the link should not form part of a statutory planning document. Council was advised not to include reference to this link in the neighbourhood plan, in the Second State Interest comments. Council has removed all references to the link from the neighbourhood plan.
- A number of editorial comments and clarification points were made by DIP officers and other State agencies. Council made a significant number of amendments to the neighbourhood plan resulting from the second State Interest comments, and subsequent DIP officer correspondence with Council.
- DIP officers consider that the amendments made by Council to the neighbourhood plan as a result of the second State Interest review do not adversely impact State Interests. Further, DIP officers consider that the editorial amendments made by Council are adequate to ensure a workable statutory document. The additional clarification provided by Council is considered to have addressed the remaining outstanding issues identified by the Second State Interest review. For the above reasons it is not considered necessary to impose conditions on the adoption of the neighbourhood plan.
- In accordance with Section 18(3) of Schedule 1 of repealed IPA, you are required to consider whether or not State Interests would be adversely affected by the proposed neighbourhood plan, before advising the Local Government if it may proceed with adoption of the amendment.

RECOMMENDATION

- That you advise Council they may adopt the neighbourhood plan in accordance with Section 18(4) (a) of Schedule 1 of the repealed IPA

CULTURAL IMPACT

- DIP is not aware of any cultural impact that may occur.

EMPLOYMENT IMPACT

- As well as employment generated from the anticipated (medium to high density) development activities, the neighbourhood plan seeks to provide land for employment uses, particularly in the Commercial Road and Newstead North precincts.

RIGHT TO INFORMATION PUBLICATION SCHEME

- It is recommended that this publication (neighbourhood plan) not be included in DIP's Right to Information publication scheme as, subject to your approval, the plan has been publicly notified by Council in accordance with the process set out in Schedule 1 of the repealed IPA.

CONSULTATION WITH STAKEHOLDERS

- The neighbourhood plan has been reviewed and comments provided by the following State Government Departments:
 - DIP (Growth Management Queensland)
 - DTMR
 - DERM
 - Department of Communities
 - Department of Community Safety
 - Department of Employment, Economic Development and Innovation
 - Department of Public Works
 - Department of Education and Training
 - Department of Health

- The neighbourhood plan has also been reviewed by the following entities:
 - Urban Land Development Authority
 - Smart City / River City Blueprint
 - Powerlink
 - Translink Transit Authority
 - Energex

FINANCIAL IMPLICATIONS

- There are no financial implications identified by DIP.

POTENTIAL MEDIA

- DIP is not aware of any media issues relating to the neighbourhood plan.

<p>NOTED or APPROVED / NOT APPROVED Minister for Infrastructure and Planning Comments</p>		
<p>Stirling Hinchliffe MP Minister for Infrastructure and Planning <i>24 / 11 / 2010</i></p>	<p>Principal Advisor <i>/ /</i></p>	<p>Policy Advisor <i>23 / 11 / 10 .</i></p>

Political Representatives

Local Government

The Right Honourable the Lord Mayor of Brisbane, Councillor Campbell Newman
 Councillor David Hinchliffe, Member for Central Ward
 Councillor David McLachlan, Member for Hamilton Ward

State Government

Ms Grace Grace MP, Member for Brisbane Central

Federal Government

The Honourable Teresa Gambaro MP, Member for Brisbane

<p>Contact Officer: [Redacted] Principal Planner [Redacted]</p>	<p>Signed 05/11/10</p>	<p>Approved: [Redacted] Director [Redacted]</p>	<p>Signed 09/11/10</p>
<p>Approved: Brendan Nelson Executive Director [Redacted]</p>	<p>Signed 12/11/2010</p>	<p>Approved: Gary White Government Planner [Redacted]</p>	<p>Signed 15/11/2010</p>
<p>Endorsed: Paul Low Chief Executive Officer [Redacted]</p>	<p>Signed 16/11/2010</p>		

- Election Commitment CBRC / Cabinet related ECM related

1st BIR DCS response
AH 45

[Redacted]

From: [Redacted]@dcs.qld.gov.au]
Sent: Thursday, 11 March 2010 5:06 PM
To: [Redacted]
Cc: Peter Mason (SP&ES); [Redacted]; Gary Mahon
Subject: RE: First State Interest Review - BCC planning scheme amendment: Draft South Brisbane Riverside Neighbourhood Plan

Attachments: DCS State Interest Review Table - South Brisbane Riverside Neighbourhood Plan.doc

[Redacted]

Try this

[Redacted]

[Redacted]

Director Strategy
Department of Community Safety
Tel: [Redacted]
Mob: [Redacted]
email: [Redacted]@dcs.qld.gov.au

From: Gary Mahon
Sent: Thursday, 11 March 2010 16:52
To: [Redacted]@dip.qld.gov.au'
Cc: [Redacted]; Peter Mason (SP&ES); [Redacted]
Subject: First State Interest Review - BCC planning scheme amendment: Draft South Brisbane Riverside Neighbourhood Plan

Hi [Redacted]

First State Interest Review - Brisbane City Council Planning Scheme Amendment - Draft South Brisbane Riverside Neighbourhood Plan

Thank you for your correspondence of 17 February 2010 inviting the Department of Community Safety (DCS) to provide comment regarding the Draft Neighbourhood Plan.

DCS officers have reviewed the draft and provide State Interest Review comments in the attached table.

Should you require any further information regarding this matter please contact, Mr Peter Mason, Policy Advisor, Policy and Legislative Reform on telephone number [Redacted]

Regards
Gary M

Gary Mahon | Assistant Director-General | Strategic Policy Division | Department of Community Safety | [Redacted] | gary.mahon@[Redacted]

From: [Redacted] [mailto:[Redacted]@dip.qld.gov.au]
Sent: Wednesday, 17 February 2010 11:58
To: [Redacted] (Powerlink); [Redacted]; [Redacted]; [Redacted]
[Redacted]@tmr.qld.gov.au; [Redacted]@mainroads.qld.gov.au; planningschemes@tmr.qld.gov.au;
[Redacted]; [Redacted]@deta.qld.gov.au; [Redacted]; [Redacted] (ENERGEX); [Redacted]

[redacted]; dacoordinationseqsouth@derm.qld.gov.au; [redacted]@health.qld.gov.au;
[redacted]@translink.com.au; [redacted]@arts.qld.gov.au; [redacted]
[redacted]@qr.com.au; [redacted]@south-bank.net.au

Subject: First State Interest Review - BCC planning scheme amendment: Draft South Brisbane Riverside Neighbourhood Plan

Hi there,

Brisbane City Council has lodged a planning scheme amendment, *draft South Brisbane Riverside Neighbourhood Plan*, with the Minister for Infrastructure and Planning. Council are proposing amendments to the planning scheme by including a draft plan entitled *South Brisbane Riverside Neighbourhood Plan*, together with any necessary consequential amendments and relevant changes to area classifications.

You are now formally requested to review the attached documents to determine whether or not the proposed planning scheme amendments adversely affect State interests.

Your agency's formal comments on the proposed amendment to the planning scheme are requested in writing, preferably via email to [redacted]@dip.qld.gov.au by close of business **Friday 12 March 2010**.

In support of the above, please find attached the following:

- (1) A copy of the proposed planning scheme amendment;
<<20100210_SBR_DRAFT_NP.pdf>>
- (2) A guideline showing the preferred format for your agency's comments. You are encouraged to use the attached guideline as it will facilitate the collation and assessment of State interests.

<<State Interest Review template BCC Newstead and Teneriffe LAP.doc>>

If you are not the appropriate contact officer to undertake this review please advise our department on the below details.

Please don't hesitate to contact me if you have any queries.

Kind Regards,

[redacted]
[redacted]
Graduate Planner
Planning Services Division
Local Government and Planning Group
Department of **Infrastructure and Planning**
Queensland Government

tel [redacted]
post PO Box 15009 City East Qld 4002
visit Level 7, 63 George Street Brisbane
[redacted]@dip.qld.gov.au

www.dip.qld.gov.au

P Please consider the environment before printing this email

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11/03/2010

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
	Department of Infrastructure and Planning [Redacted]			
A1	Overall	DIP supports the intent of the Neighbourhood Plan. However it is important to demonstrate that sufficient local infrastructure exists (or is planned) to cope with increased populations of residents and workers.	Please demonstrate that sufficient local infrastructure exists (or is planned), by means of an infrastructure strategy or similar. Please address factors such as local roads, public open space, basic services, social infrastructure and infrastructure charging regimes in the	<p><u>General comments</u></p> <p>Council has undertaken an intensive planning and consultation process to ensure that the South Brisbane Riverside Neighbourhood Plan achieves an appropriate balance between the need for growth (driven by the SEQ Regional Plan) and the need to preserve character, amenity and liveability for the community.</p> <p>Some of the issues raised by the State are outside the scope of a statutory local plan. As the City Plan is already a very large and complex document, Council wants to keep the content of neighbourhood plans to a minimum. Therefore city wide issues (e.g. Flooding, Emergency Access) that are adequately addressed elsewhere in the City Plan, should not be readdressed in individual neighbourhood plans.</p>
		DIP's request for an infrastructure strategy is noted.	Through the Neighbourhood Planning process local infrastructure needs and improvements have been identified as follows:	The improvement of connectivity and safety for pedestrians and cyclists is a key focus of the

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
			response.	<p>strategy. Streetscape upgrades are planned to enhance pedestrian movement between parks, cultural and community facilities such as schools. Various techniques such as traffic calming and management, new traffic lights, footpath widening and the provision of mid-block pedestrian links are being promoted in the strategy.</p> <p>In addition, an emphasis is being placed on public transport with new initiatives such as the City Glider bus service and a new City Cat terminal in the vicinity of Victoria Street. These services will support the anticipated population growth and provide viable alternatives to the private vehicle.</p> <p>Brisbane Water are aware of the future demands for the area and they will schedule infrastructure upgrades accordingly. New water pipes are being installed as part of the Hale Street Link.</p> <p>As part of the Neighbourhood Plan, Council is proposing the establishment of 7 new public open spaces. In addition to these new spaces, Council will be undertaking improvements to existing open spaces, including a comprehensive upgrade of the West End Riverside Parklands, and requiring that major new developments provide at least 20% of their sites for publicly accessible open space.</p> <p>Council has developed a community dividend policy to complement the Renewal Strategy. This policy will seek the establishment of community infrastructure as part of major new development. A specific development principle has been included in the Neighbourhood Plan to encourage</p>

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		<p>DIP supports a compact growth pattern in appropriate locations, as described by DRO8 of the SEQ Regional Plan. With the scale of development proposed by this and other recent inner city Neighbourhood Plans, and other planned redevelopment areas such as Bowen Hills UDA and the future Woolloongabba UDA, the Department would like to understand the broader urban growth strategy for the inner and broader city. The Department is also interested in how this growth pattern will result in changes to the predominant role and character of different inner city suburbs, and the effects on housing diversity and affordability.</p>	<p>Please contextualise and justify the proposed intensification at South Brisbane Riverside, in light of a broader inner-city and city-wide growth strategy. The will enable the Department to better understand the appropriateness and feasibility of the proposals for South Brisbane Riverside.</p>	<p>the provision of new social facilities and infrastructure.</p> <p>In due course, Council's Priority Infrastructure Plan will be amended to reflect the revised growth forecast for SBR to enable the collection of accurate infrastructure charges.</p> <p>Planning for South Brisbane Riverside has been undertaken with consideration for regional and city-wide growth strategies including the SEQ Regional Plan, City Shape and River City Blueprint. A brief summary of the guidance provided by City Shape and River City Blueprint is set out below.</p> <p>City Shape:</p> <p>The draft CityShape Implementation Strategy is part of Brisbane City Council's response to the SEQ Regional Plan. The draft CityShape Strategy (p.25) confirmed that the CBD and CBD fringe, including South Brisbane and West End are key economic zones to be considered for prioritised infrastructure provision and development facilitation. South Brisbane is also identified as a major renewal area in the residential development strategy within City Shape (p.15) with Peel Street (Kurilpa Precinct) and South Bank explicitly mentioned. City Shape also identifies that other opportunities for new living areas will arise in Brisbane post 2011, including redundant industrial lands such as those found in areas of South Brisbane and West End.</p>
	<p>Overall</p>			<p>The draft CityShape Implementation Strategy is part of Brisbane City Council's response to the SEQ Regional Plan. The draft CityShape Strategy (p.25) confirmed that the CBD and CBD fringe, including South Brisbane and West End are key economic zones to be considered for prioritised infrastructure provision and development facilitation. South Brisbane is also identified as a major renewal area in the residential development strategy within City Shape (p.15) with Peel Street (Kurilpa Precinct) and South Bank explicitly mentioned. City Shape also identifies that other opportunities for new living areas will arise in Brisbane post 2011, including redundant industrial lands such as those found in areas of South Brisbane and West End.</p> <p>The draft South Brisbane Riverside</p>

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				<p>Neighbourhood Plan delivers on many of the core matters raised in the SEQ Regional Plan. Significantly, the Neighbourhood Plan proposes residential growth around established activity centres and growth corridors along high-frequency and high-capacity public transport routes. In addition, the entire plan area lies within 5-25 minutes walk of the CBD. The existence of established rail infrastructure and expanding bus and Citycat services provides excellent opportunities for TOD-style intensification and allows for a higher level of integration between transport, residential, recreational and employment activities.</p> <p>River City Blueprint:</p> <p>The River City Blueprint is a joint initiative of BCC and the State Government currently being developed to provide clear strategic direction and coordination of planning and infrastructure projects. Some of the key strategic issues raised through phase two of the project include defining a sustainable city structure and shifting the development trend (height/density) from river-oriented to transit-oriented. The Background Research and Scoping Report highlights the fact that the South Brisbane area is well equipped to deal with sustainable growth.</p> <p><i>“The South Brisbane locality is characterised by a high degree of public transport accessibility, acting as a confluence for rail, bus and ferry services, community facilities and open space. The area benefits immensely from its proximity to, and</i></p>

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A2	Open space provision	<p>The Department raises concerns about the amount of open space proposed in the area. With the significant proposed increase in building heights it is recognised that there is a need for adequate open space.</p>	<p>Please provide mapping of all – existing and proposed – the public open space in the area and any figures of open space allocation per resident in the area.</p>	<p><i>emerging synergies with the CBD and is further characterised by an established and increasing mix of land use activities (including more intense forms of residential development). A range of private, public and vacant land holdings can be found within the locality that are capable of being assembled for development purposes and South Brisbane as a whole has been subject to a wave of development application activity “.</i></p> <p>A map has been provided showing all existing opens space as well as new public open spaces that will be delivered through redevelopment. Key figures related to existing open space provision are as follows. The figures below only relate to existing park classifications and do not include the extensive open space areas within Southbank Corporation Lands.</p> <ul style="list-style-type: none"> • Total Plan Area: 292 Hectares • Estimated Population 2009 (Based on BCC BUG model): 7485 residents • Public Open Space Total Area: 20 Hectares. • Public Open Space Proportion: 1 Hectare per 374 people. <p>Given the assumptions associated with population projections in the Renewal Strategy and the uncertainty around the take-up of rate of development opportunities, future open space provision in 2031 is difficult to gauge accurately.</p> <p>Based on Renewal Strategy Projections, the estimated population for the plan area in 2031 is approximately 33,000 residents. . The conversion</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
				<p>of existing road to parklands in the West End Riverside Lands Park will add a further 2.2 Hectares of open space. Seven new public open spaces will also be delivered through redevelopments and master planned sites, delivering a conservative estimate of 2.0 hectares of public space. Sites in the plan area over 1 hectare in size that redevelop will also need to make 20% of the site publicly accessible. Considering the above, an additional 5 Ha of open space is possible by 2031 which would translate to 1 Hectare per 1320 people.</p> <p>It is noted that new open spaces will be delivered through infrastructure charges and also as part of new development and whilst minimum requirements have been set for master planned sites, exact quantities can not be determined.</p> <p>The Renewal Strategy for South Brisbane Riverside places an emphasis on the increased quality of public realm – looking not only at enhanced green space but also at a diverse range of public realm opportunities including urban plazas, laneways and streetscapes.</p> <p>In terms of green space, master plans are being developed for Davies Park, West End Riverside Lands Park and Musgrave Park to ensure that these existing spaces are optimise for a diverse range of public uses.</p> <p>Given the changing demographic expected in South Brisbane Riverside with increasing densities, it is important that urban public spaces</p>

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A3	South Bank and social/cultural infrastructure	<p>The State has an interest in the State infrastructure in the local area including the Gallery of Modern Art (GOMA), the South Bank 'entertainment precinct', Queensland Conservatorium Griffith university, Southbank Institute and the Queensland Cultural Centre.</p> <p>DIP notes that while new development in the area will encourage the use of the social infrastructure, Council needs to be mindful that new development doesn't encroach on the existing infrastructure and enhances rather than hampers their functioning capacity.</p>	<p>For noting and Council's consideration.</p>	<p>are delivered to cater for changing needs. The proposed railway viaduct space, Fish Lane upgrade and Russell Street upgrade are examples of projects that will deliver high quality public realm outcomes.</p> <p>Point noted.</p> <p>Brisbane's cultural precinct and South Bank's entertainment and education precincts are integral to the identity and function of the South Brisbane Riverside area. The draft plan seeks to support and compliment these precincts through enhanced public realm, pedestrian connections and public transport improvements.</p>
South Bank Corporation				
A1	General	<p>The Corporation generally supports the overall development principles, precinct intents and planning provisions in the form of performance criteria and acceptable solutions and considers these go a long</p>	<p>Address the Corporation's concerns identified in the attached submission on the Renewal Strategy in the Neighbourhood Plan.</p>	<p>Refer items below</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A2	Page 1, Section 3.1 – South Brisbane Reach Precinct	<p>way to addressing good built form and urban design outcomes, well beyond the provisions currently contained in City Plan.</p> <p>However, the Corporation had a number of concerns with the Renewal Strategy (raised in the attached submission) which has informed the Neighbourhood Plan. The Corporation notes that a number of these concerns have not been addressed in the Neighbourhood Plan.</p>	Correct typographical error.	Noted. Suggested change has been made to the draft Neighbourhood Plan.
A4	Map B – Street Hierarchy, Front Setbacks & Corner Sites	<p>Three sites within the South Bank Corporation Area have been identified as important 'Corner Sites', including:</p> <ol style="list-style-type: none"> 1. South Point site (corner Vulture and Grey Streets) 2. QR site (corner Melbourne and Grey Streets) 3. SW1 site (corner 	Acknowledge that the 'Corner Sites' within the Corporation Area are not to be constrained by the Local Plan Code.	The point is acknowledged and the Neighbourhood Plan has been amended accordingly. All corner sites located within the South Bank Corporation Area on Map B have been deleted from the map.

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A5	Map C – New Public Open Space, Cross Block Links, Laneways and Significant Views	<p>Merivale and Russell Streets)</p> <p>Whilst the Corporation acknowledges that sites (1) and (2) are important corner redevelopment sites, the Corporation does not agree that any provisions in the Local Plan Code should constrain the future redevelopment potential of these sites. Site (3) contains a recently completed 8 storey commercial building and is not proposed to undergo any changes.</p>	<p>Provide an explanation as to why the South Bank Railway Station is identified as a site for 'new public open space'.</p>	<p>It is confirmed that the South Bank railway station is the site that has been identified in the Neighbourhood Plan for a 'new public open space'.</p> <p>The intention for the identification of the site is to flag the potential for site redevelopment to incorporate public realm outcomes and better integrate South Bank rail and bus stations.</p> <p>It is acknowledged that the planned South Point development will provide for street edge activation and gathering areas as well as dedicated pedestrian movement corridors through the site to the train station. These planned pedestrian spaces effectively deliver the form of public realm improvement envisaged in the neighbourhood plan. The site continues to be identified on Map C</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A6	Map C – New Public Open Space, Cross Block Links, Laneways and Significant Views	The SW1 site located between Merivale, Cordella, Melbourne and Russell Streets is identified as containing two 'existing cross block links'. This site contains a total of four 'existing cross block links' (one north-south and three east-west) and should be identified as so.	Identify the additional 'existing cross block links' at the SW1 site.	to indicate a future public realm outcome. For the purposes of clarity, a note has been added to section 3.1 of the Neighbourhood Plan to clarify that all planning and development occurring in the South Bank Corporation area is to be administered through the SouthBank Corporation Approved Development Plan which is the controlling statutory planning instrument for development in the Corporation Area. Note that a request has been made to the SBC via DIP for an accurate map that identifies the location of the cross block links identified. Council has been unable to make the requested change without this information.
<p>Department: Transport and Main Roads Contact Name: [REDACTED] Contact Number: [REDACTED]</p>				
Public Transport				
A1	s.3.1 South Brisbane Reach Precinct, s.3.4 Kurilpa Precinct, pp. 1-2	Development around bus layover facilities.	A requirement should be required that ensures that development fronting the bus layover facilities on Hope and Grey Streets does not reduce the ability to operate these bus layover facilities as required by the department.	The Transport, Access, Parking and Servicing Code in the City Plan includes city wide provisions for matters such as standing areas at bus stops and taxi ranks. Given that this is a City-wide issue, suggestions for new provisions covering bus and taxi operations should be made as part of the City Plan review process currently underway and which the State will be involved in shaping.

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A	General – all precincts	Development around bus stops must support an efficient and effective bus service.	<p>The neighbourhood plan must ensure that all new developments:</p> <p>a) provide sufficient space is provided for commuters waiting at a bus stop and for pedestrians walking past along the footpath, provide appropriate shelter is provided for bus stops in the local plan area</p> <p>b) ensure safety is maintained for pedestrians and passengers around bus stops</p>	<p>The Transport, Access, Parking and Servicing Code in the City Plan includes city wide provisions for matters such as standing areas at bus stops and taxi ranks.</p> <p>Given that this is a City-wide issue, suggestions for new provisions covering bus and taxi operations should be made as part of the City Plan review process currently underway and which the State will be involved in shaping.</p>
Rail Infrastructure				
A5	s.2 Development Principles. p. 1	In accordance with departmental planning policies Q/TIPS3 – Noise; s.2. <i>Development Principles</i> should outline that noise and vibration generated from the railway corridor should be mitigated to ensure acceptable noise and vibration levels for sensitive development are achieved.	<p>The <i>South Brisbane Riverside Local Plan</i> should be amended to include the following as an additional item in point 2. Development Principles, 'New development includes design measures to minimise the effects of noise and vibration from the railway corridor'.</p>	<p>The point is acknowledged and the Neighbourhood Plan has been amended accordingly.</p> <p>Development Principle 2.5 already addresses ambient noise levels in the plan area with respect to existing industrial activities. This principle has been re-worded to include specific reference to the railway corridor.</p>
A6	s.3 South Brisbane Riverside Local Plan Code, p. 6 Proposed item: Noise	In accordance with the Noise Impact Assessment Planning Scheme Policy and the Transport Infrastructure Act 1994 (TIA), the South Brisbane Riverside Local Plan Code	<p>The <i>South Brisbane Riverside Local Plan Code</i> should be amended to include the following,</p> <p>Where within the South Brisbane Precinct</p>	<p>The point is acknowledged and the Neighbourhood Plan has been amended accordingly.</p> <p>The Research and Performance solution have been added to the South Brisbane</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
		<p>should protect rail corridor interests.</p> <p>Acceptable noise levels should be achieved by sensitive development within proximity to the railway corridor.</p>	<p>P30 Noise sensitive development must not be affected by noise generated from the railway corridor.</p> <p>A30.1 Residential development of the railway corridor must undertake a Noise Assessment in accordance with the Noise Impact Assessment Planning Scheme Policy which demonstrates achievement of the Planning Scheme Policy criteria.</p>	
A7	<p>s.3 South Brisbane Riverside Local Plan Code; P22, p. 12</p> <p>Safety</p>	<p>In accordance with s.258.2 (a) of the TIA, development should be designed to avoid risks to operations (emergency access, regular maintenance), safety (the event of derailment) and infrastructure associated with a railway viaduct.</p> <p>Accordingly, any development under railway viaducts is to be limited to temporary structures and minor uses such as car parking and outdoor storage.</p> <p>The proposed performance criteria as outlined in P22 of the South Brisbane Riverside Local Plan Code should reflect the safety and operational requirements of s.258.2 (a) of the TIA.</p>	<p>The South Brisbane Riverside Local Plan Code should be amended by inserting the following acceptable solutions into P22:</p> <ul style="list-style-type: none"> - development or structures under railway viaducts should be temporary only and limited to minor uses, such as car parking and outdoor storage; - land underneath a railway viaduct should be clear of permanent structures or any other activity which may impede construction and maintenance of railway infrastructure or emergency access; - development should not restrict emergency 	<p>Council notes the suggested inclusions to the Local Plan Code. Further discussions with the Department and Queensland Rail have clarified their concerns about public use of the area under the railway viaduct. Given that any future redevelopment of the space will need to be undertaken with QR and the Department, Council proposes the inclusions of a consolidated acceptable solution that encompasses the performance criteria recommended by the Department. The inclusion of this criteria ensures that the overall intent of the Department is protected in the Neighbourhood Plan.</p> <p>Proposed Wording : <i>Development located below a railway viaduct will be used for temporary activities only and is to be clear of permanent structures or any other activity that may impede construction and maintenance of railway infrastructure and emergency access.</i></p>

No.	Reference (Section/page number)	State Interest	Suggested outcome	Local Government comment
A8	Map – Proposed Area Classification Map	<p>The Brisbane City Plan 2000 identifies railway corridor land as CU7 Railway Activities.</p> <p>As such, Brisbane City Council (BCC) should accurately identify railway corridor land on the Proposed Area Classification Map.</p>	<p>access to a railway viaduct; and development abutting a railway viaduct should be set back a minimum of three metres from the viaduct structure itself.</p> <p>-</p> <p>Amend the Proposed Area Classification Map to reflect the railway corridor land as CU7 Railway Activities.</p>	<p>Council agrees with the Department and the Area classification map has been amended to allow for a CU7 classification over Railway Activities.</p>
A9	s.3.4 Kurilpa Precinct, p. 2	<p>The neighbourhood plan suggests that the under-structure area of the rail viaduct at Hope Street become activated and provide linkages.</p>	<p>While the department generally supports temporary use/activation of the under-structure viaduct area, there are complex leasing arrangements over this site involving Parmalat Australia Ltd and TAFE's use of the carparking that would need to be addressed.</p> <p>The department would be happy to assist with further investigations of temporary uses of this area. Please contact Kate Isles on 31461912.</p>	<p>The support of the Department is noted and the complexity of leasing arrangements is acknowledged for future investigations into the proposed Railway Viaduct Open Space.</p>
Cycling				
A10	s.3.1 South Brisbane Reach Precinct, p. 1	<p>The department supports improved pedestrian and cycle</p>	<p>Please amend the neighbourhood plan to include</p>	<p>Table 4 in the Neighbourhood Plan sets out acceptable solutions for public spaces including</p>

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A11	s.3.4 Kurilpa Precinct, p. 2	links to the Brisbane River, and cross block links connecting existing networks and proposed sites for redevelopment. The department supports the activation of Fish Lane.	provisions that future links should be designed using CPTED principles. Should activation of Fish Lane reduce access for cyclists, it is recommended that access for cyclists us vastly improved on Melbourne Street. The department suggests Fish Lane be a shared zone with appropriate paving treatment to encourage a slow traffic area, open to all uses. <i>(Please note, Fish Lane is currently used as a cycle route alternative to Melbourne Street. This current active transport use should be considered in any future planning of this laneway).</i>	cross block links and corridor links. CPTED (Crime Prevention Through Environmental Design) requirements have been included in this table Council supports the principle of establishing a shared zone for Fish Lane. It is confirmed that future planning for Fish Lane will consider cycling and active transport.
A12	General – all precincts	Support car parking away from pedestrian uses.	Given the increased pedestrian and cycle movements (as well as the proposed City Glider service), the department suggests that where possible, on-street car parking be reduced. Consideration should especially be given to Boundary Street, where it is desired that footpaths are widened to a City Street 1 classification for the entirety of the street's inclusion in the plan.	While Council agrees with the assertion that pedestrian , cycle and public transport use will increase in the future, a balance needs to be met in terms of ongoing provision for private vehicles. Through consultation on the Renewal Strategy, the community and particularly traders along Boundary Street were clear that the ongoing provision of adequate on-street parking was seen as a key factor in the success of retail and business. While the concept of applying a City Street 1

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A13	General - Maps	Current and proposed active transport routes are not identified in the current maps.	Please amend the neighbourhood plan to include maps that identify connections and proposed cross-block links.	Council supports the inclusion of active transport routes and connections onto plans in terms of context.
A14	s.3 Kurilpa Precinct Riverside North Precinct Buchanan & Davies Park Precinct Riverside South Precinct, pp. 2-3	Riverside Drive is widely used by cyclists (and is marked on BCC Bikeway Maps as an on-road bikeway) and connects Orleigh Park, Davies Park and Kurilpa Park. It is important to preserve and enhance this very popular and scenic route for commuter and recreational cycling.	Please amend the neighbourhood plan to include Riverside Drive.	Council notes that Riverside Drive is actually designated as park. The West End Riverside Master Plan makes provision for a 4 meter wide dedicated cycle path from Orleigh Park to Kurilpa Point Park. This is supported by a separate 3 meter wide pedestrian path running along the river.
Department of Environment and Resource Management Senior Heritage Officer South East Regional Office Telephone: [REDACTED]				
A1	Page 1 – sub-section 2.11 (part of Section 2 Development Principles)	South-East Queensland Regional Plan 2009-2031 <i>6.5 Cultural heritage, arts and cultural development</i>	The proposal to retain, refurbish, reuse and adapt heritage buildings is an appropriate one. However, such activities must not compromise their cultural	Noted. Councils Heritage Unit undertook a comprehensive assessment of character and heritage values as part of preparing this plan. As part of this

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
	<p>Page 2 – sub-section 3.3 (Boundary and Vulture Street precinct)</p> <p>Page 2 – subsection 3.5 (Riverside North precinct) (part of Section 3 Precincts)</p>	<p>Planning and design processes should recognise and reflect an area's unique character, historic fabric and potential contribution to the life of the...community.</p> <p>6.5.1 – Identify and protect Queensland heritage places and local heritage places and ensure development in or adjacent to those places does not compromise their cultural heritage significance.</p>	<p>heritage significance.</p> <p>Any redevelopment within former industrial areas should retain the dominant presence of extant warehouse and industrial buildings</p> <p>The relationship between heritage and character buildings and the river should be maintained where this relationship exists.</p> <p>Should any wharfage and other river structures exist, these ought to be retained to provide direct access to the water and to maintain the historical connection of the industrial areas of South Brisbane to the river.</p>	<p>assessment, sites and features determined to be of heritage significance were identified. While wharf and other river structure were not identified through the assessment, the Neighbourhood Plan includes guidance about the reuse of onsite heritage structures. (Refer Development Principle 2.9)</p>
A2	<p>Page 7 – “General within the Neighbourhood Plan Area” Table</p> <p>Performance Criteria and Acceptable Solutions</p>	<p>Legislation other than SPA</p> <p><i>Queensland Heritage Regulation 2003</i></p> <p>Schedule 2 Code for IDAS</p>	<p>There is no provision in the tables for Performance Criteria and Acceptable Solutions associated with development in or adjacent to heritage or character buildings.</p> <p>Add a performance criteria relating to development in or adjacent to heritage or character buildings.</p> <p>Part 2 of Schedule 2 Code for IDAS provides specific outcomes</p>	<p>It is noted that the Heritage Place Code in the City Plan includes provision for proposed development in or adjacent to heritage or character buildings.</p> <p>The Heritage Place Code applies-</p> <ul style="list-style-type: none"> • on a premises that includes a heritage place • within a heritage precinct • on a premises adjoining a heritage place • on a premises adjoining a heritage precinct

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
			and probable solutions for development on a local heritage place (including material change of use, reconfiguring of a lot and carrying out building work or operational work).	
A1	<p>Department of Community Safety Contact Name: [REDACTED] Contact Number: [REDACTED]</p> <p>Flood prone land - Draft South Brisbane Riverside Neighbourhood Plan</p>	<p>It is noted that areas of the Draft South Brisbane Riverside Neighbourhood Plan area are identified by the Brisbane River Flood Study as flood prone during a Defined Flood Event (DFE) (eBimap, Brisbane City Council, 2010).</p> <p>The Brisbane City Plan 2000 calls up Secondary Codes that provide requirements for particular types of development on land subject to flooding during a 100 year ARI event. These Codes are the Stormwater Management Code and the Waterway Code.</p> <p>However, it is evident that other Local Plans/Neighbourhood Plans, including the current West End-Woolloongabba District Local Plan provide</p>	<p>It is advised that the Draft South Brisbane Riverside Neighbourhood Plan should incorporate mechanisms to address specific flood prone areas; whether it is by development principles, performance criteria or an acceptable solution, responding to the particular constraints of the South Brisbane area.</p>	<p>Advice from Councils Water Resources Unit has confirmed that it is not standard practice to add any specific provisions to the NP Code in terms of flooding. This is because flooding is covered adequately under either the House Code or under the Stormwater Management Code and Subdivision Development Guidelines.</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
		<p>requirements to address particular areas of flood prone land within a Plan area.</p> <p>The current Draft Neighbourhood Plan does not address the specific constraints of flood prone land in the area or provide any specific mechanisms in the code to ensure that development mitigates the risk of flood hazard.</p>		
A2	Section 2.1 – Page 1	Adequate emergency vehicle access	Provisions to improve emergency vehicle access, response and turn around capabilities in consultation with QFRS.	Points A2-A6 from the Department of Community Safety are matters that are routinely considered at a site specific level through the general Development Assessment process and various City Plan Codes. Any suggested changes would need to be covered through the City Plan review which is currently in progress. Comments will be passed on members of the team overseeing the City Plan Review.
A3	Section 3/Page 1-3	Supported Infrastructure – Water Mains	Consideration to be given to water mains and street hydrants to ensure demand from additional construction will provide minimum acceptable standards of Firefighting water supplies.	See comment in A2 above.
A4	Section 3. South Brisbane Riverside Local Plan Code Page 6	Adequate emergency vehicle access	Provisions to improve emergency vehicle access, response and turn around capabilities in consultation with QFRS.	See comment in A2 above.
A5	Section 3. Urban Design and Street Interface Page	Adequate emergency vehicle access	Provisions to improve emergency vehicle access, response and	See comment in A2 above.

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A6	9 – reference A11.1 dot point 2 'City Street CS1-5m Car Parking , Access and Servicing Performance Criteria 17 Page 11	Service lanes and vehicle access to be adequate for emergency vehicle access	Continued consultation with QFRS and site visits during construction to ensure emergency response vehicle access is adequate	See comment in A2 above.
Department of EEDI				
A1	Sections 2.3; 2.10; 3.1; 3.5; 3.6; P2; and P14.	Fisheries Act 1994; protection and management of marine plants	Comply with Brisbane River Marine Plant Management Strategy being developed jointly by Brisbane City Council and DEEDI (Fisheries Queensland) for foreshores along Brisbane River.	Points A1 and A2 from DEEDI are relevant matters to be considered on a site by site basis through the general Development Application process. Any suggested changes would need to occur at a city-wide level and hence would be covered through the City Plan review which is currently in progress.
A2	Proposed Area Classification Map; SP15 Marina category in legend	Fisheries Act 1994; protection and management of marine plants; beam trawl fishery	Comply with Brisbane River Marine Plant Management Strategy being developed jointly by Brisbane City Council and DEEDI (Fisheries Queensland) for foreshores along Brisbane River. Avoid or minimise impact on existing licensed beam trawl operations.	See comment in A1 above.
ENERGEX				

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
A1	Proposed South Brisbane Riverside Neighbourhood Plan - Proposed Area Classification Map	Existing Substation Site	Rezoning of existing substation site (Lot 1 on RP210502) to Community Use Area: Utility Installation. (CU8)	Request for rezoning noted. Given the location of the site on a prominent corner of Boundary Street, the intention of the Neighbourhood Plan is to maintain the existing Medium Density Residential land use classification. Maintaining the existing classification ensures that future opportunities for the site are protected without impacting upon the existing use of the site as a substation
Department of Communities Alan Dick, Manager, Strategy, Policy and Performance				
A1.	<p>2. Developments</p> <p>p.1</p> <p>2.4 <i>Appropriate affordable housing, student and key worker accommodation is encouraged to accommodate the broad ranging needs of the established community.</i></p> <p>3. Precincts</p> <p>3.2 Musgrave Precinct p.1</p> <p><i>Key worker and student accommodation is encouraged.</i></p> <p>3.3 Boundary and</p>	<p>Provision of affordable housing to address socio-economic and demographic diversity. The department encourages the provision of a range of housing products at different price entry points in order to meet the diverse housing needs of the community.</p> <p>The department advocates housing to meet the needs of a diverse community.</p>	<p>Council to consider strategies, including planning mechanisms, which encourage the provision of housing options that are suitable for all incomes, ages and abilities. This will be necessary in order for council to achieve its stated development principle of <i>appropriate affordable housing; student and key worker accommodation is encouraged to accommodate the broad ranging needs of the established community.</i></p> <p>It is recommended that Council consider how master planning processes could contribute to the provision of affordable housing, student and key worker accommodation.</p> <p>The department encourages the</p>	<p>Council acknowledges the need to address the issues of housing diversity and affordable housing and is tackling these matters on a city-wide basis through the City Plan Review. Drafting of the South Brisbane Riverside Neighbourhood Plan cannot pre-empt the approach to delivering diverse and affordable housing given that the City Plan Review process is currently in progress.</p> <p>On 2 December 2008, Council adopted the Affordable Housing Incentives Policy which commits Council to provide incentives to developers who include long term affordable housing in their developments. The intention of the Policy is to increase the supply of affordable housing within Brisbane for households on low to moderate incomes. The purposes of the Guidelines are to:</p> <ul style="list-style-type: none"> • Inform developers about Council's affordable housing incentives available under the Policy; • Provide details of the nature and amounts of the incentives available; and

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
	<p>Vulture Precinct p. 2</p> <p><i>Residential accommodation provides opportunities for a diverse population including families, students, and key workers.</i></p>		<p>provision of a range of housing products at different price entry points in order to meet the diverse housing needs of the community (including affordable housing). Refer to State Planning Policy 1/07 (SPP 1/07), including Guideline Housing and Residential Development for information on measures which support housing diversity and choice – in particular Appendix 10.</p> <p>The <i>Brisbane City Plan 2000 Residential Design – Low Density, Character and Low-Medium Density Code</i> (Affordable housing outcomes, P23 & A23), the <i>Residential Design – Medium Density Code</i> (Affordable housing outcomes P28 & A28) and the <i>Residential Design – High Density Code</i> (Affordable housing outcomes P28 & A28) be called up, or made more explicit in the draft South Brisbane Riverside Neighbourhood Plan.</p>	<p>• Set out the eligibility requirements for receiving the incentives, including the provision that the affordable dwellings must remain affordable for a minimum period of 10 years.</p>
A2.	<p>1. Introduction p.1</p> <p>Car parking rates are in accordance with the City Plan.</p>	<p>The department supports planning measures which assist housing outcomes for low to moderate income households such as location of dwellings within 800 metres of</p>	<p>In accordance with the SPP 1/07: <i>Housing and Residential Development</i>, the Department supports the use of performance based graduated standards as opposed to flat rate or universal</p>	<p>Council has a consistent, city-wide position on car parking rates as they apply to new neighbourhood plans. Current Council policy is that neighbourhood plans will not vary from existing city parking standard rates.</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
		<p>employment, services and facilities, and graduated planning standards which reflect the needs of intended users/residents.</p> <p>It is assumed that the rationale for such an increase in density in this location (e.g. <i>South East Queensland Regional Plan 2009 – 2031</i>) is to take advantage of its proximity to transport, services, employment, education, entertainment etc. Given this context, it is recommended that an opportunity to use differing car parking rates for multi-unit dwellings be realised, rather than using a flat rate of 1 – 1.5 under the City Plan. This may also be necessary given the significant potential for traffic generation in a comparatively small geographic area and the consequent impact on pedestrian and cycling amenity and safety.</p>	<p>standards for determining rates of car parking.</p> <p>It should be noted the Department supports the allowance of car parking spaces to be separately titled as this supports the provision of housing at different entry points/ price points meaning housing with parking would incur a higher price than those places without parking.</p> <p>It is also suggested the Council could incorporate further measures into the Acceptable Solutions that encourages developers to use innovative measures to reduce car parking rates whilst still providing suitable transport solutions.</p> <p>For instance: -the provision of a car sharing program, subsidised taxi program or a commuter bus could result in the reduction of rate of car parking provision ; or -if research indicates high usage of motorcycles or bicycles, then car parking spaces could be replaced with motorcycle/bicycle parking spaces.</p>	<p>City Frame carparking rates will apply to this area to balance parking demand and traffic demand management. Reducing carparking rates further would lead to an increase in on street parking and reduce accessibility to new developments.</p>

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
			<p>The outcome sought from a reduction in the current car parking rate is the provision of a range of housing options at different price entry points available in the market. This also provides housing which is more reflective of lifestyle and intended use. Additionally, a reduction in car parking rates increases walking and cycling thereby contributing to a safer healthier community.</p> <p>Similarly, graduated planning standards can be applied to private open space provisions based for example on the number of bedrooms.</p> <p>For example, the use of flat rate standards in multi unit developments often results in minimum courtyard and balcony standards dwelling invariably being the same size regardless of assumed household size and bedroom numbers. This leads to an increase in the cost of development.</p> <p>The outcome sought from using graduated planning standards is the provision of housing options at different price entry points to encourage a range of dwelling</p>	

No.	Reference (Section/page number)	State interest	Suggested outcome	Local Government comment
			<p>sizes. For further information on graduated planning standards refer to Appendix 10 pages 54 – 59 of the State Planning Policy 1/07 <i>Housing and Residential Development</i> (SPP1/07).</p>	

Part B – Advice

Part B outlines other advice including best practice and editorial matters that **should** be incorporated or considered by the Local Government. Non planning scheme matters and other information may be included here for noting.

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
Department of Infrastructure and Planning				
	Precincts – 3.7 Riverside South Precinct pp. 3	<p>The statement “<i>Development along the eastern side of Montage Road and the northern side of Forbes Street is sensitive to adjoining residences outside of the South Brisbane Riverside area, by using layout and architectural treatments to minimise impacts</i>”</p> <p>DIP is concerned about the impact that the increased building heights in this precinct will have on the existing amenity and character of ‘tin and timber’ housing in close proximity to this area.</p>	<p>Please provide further information about the meaning of the statement ‘<i>using layout and architectural treatments to minimise impacts</i>’ – including such methods and how these would be regulated.</p>	<p>Within the South Brisbane Riverside Local Plan Code, Performance Criteria 4 has been added to address interface treatments between plan areas and existing residential areas outside the plan. Acceptable Solutions have been added as follows:</p> <p>A.4.1 - Where a site adjoins a Residential Area not located in the Neighbourhood Plan area, building height is no more than 2 storeys for a distance of 10m from the common property boundary and 4 storeys for a distance of 10m to 20m from the common property boundary</p> <p>A.4.2 - Where a site fronts a local road fronted by a Residential Area not located in the Neighbourhood Plan area, building height is no more than 2 storeys for a distance of 10m from the front property boundary</p> <p>Various codes in the City Plan provide further</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
				<p>information and methods for the regulation of layout and architectural treatments.</p> <ul style="list-style-type: none"> • Centre Design Code – Residential Uses in a Centre • Residential Design – Low Density, Character and Low-Medium Density Code; • Residential Design – Medium Density Code; • Residential Design – High Density Code;
	<p>Levels of Assessment tables</p>	<p>DIP notes that in the Levels of Assessments Tables reference is made to compliance with Table 1 of the South Brisbane Riverside Neighbourhood Plan Code however no mention is made to Table 2 or 3 of the Code.</p>	<p>Provide clarification for this if this is intended or amend the Neighbourhood Plan to make reference to all tables in the South Brisbane Riverside Neighbourhood Plan Code.</p>	<p>Reference is made to Table 1- Building Heights in the Level of Assessment tables because the issue of height has been a focus of community feedback and has thus been given due emphasis. The matters of maximum site cover (Table 2) and Sleeve Component and Podium Heights (Table 3) are important design considerations but have not been deemed critical triggers for impact assessable development.</p>
	<p>Level of Assessment table 4.4 'Where in a Multi-purpose Centre in the Riverside South Precinct'pp.5</p>	<p>It appears that there is inconsistency from the description of Code Assessment, it states – "1. Centre Activities except a Shop with a gross floor area greater than 1,000 sq.m, involving building work and complying with Table 1 of the South Brisbane Riverside Neighbourhood Plan Code" And for Impact Assessment –</p>	<p>DIP would like clarification/justification on for this or the text amended to remove the inconsistency.</p>	<p>Council acknowledges that there is an existing inconsistency in Table 4.4 of the draft Neighbourhood Plan. The text has been amended to change the figure under Code Assessment from 1000 m² to 1500m² to remove the current inconsistency.</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
		<p>generally inappropriate it states</p> <p>"1. Centre Activities where a shop with a gross floor area greater than 1,500 sq.m"</p> <p>DIP is concerned that there is an error in this and that Impact Assessment should actually state:</p> <p>"1. Centre Activities where a shop with a gross floor area greater than 1,000 sq. m"</p>		
	<p>South Brisbane Riverside Local Plan Code – General within Neighbourhood Plan Area Built Form A2.1</p>	<p>The Acceptable Solution 2.1 which reads "<i>Building heights and design maintains significant view corridors to the Taylor Ranges and the Brisbane River as identified on Map C – New Public Open Space, Cross Block Links, Laneways and Significant Views</i>" is considered to be more appropriate as a Performance Criteria.</p>	<p>DIP would like justification of how this is to be achieved? How will the view corridors be maintained?</p>	<p>Significant views and vistas were identified through the West End Wolloongabba Plan and have been carried through to planning for South Brisbane Riverside. It is noted that the identified view sheds and view windows are available from streets, bridges or other public spaces and the view is primarily protected through the street corridor. Plan provisions related to building heights and setbacks and streetscape hierarchy concepts have all been developed to provide a degree of protection to views.</p> <p>The recommendation from DIP that Acceptable Solution A2.1 be transferred to the Performance Criteria column is noted and this amendment has been made to draft Neighbourhood Plan.</p>
	<p>South Brisbane Riverside Local Plan Code – General within Neighbourhood Plan Area Built Form A9.1</p>	<p>The Acceptable Solution 9.1 states that corner buildings can have two additional storeys oh height than shown on Table 1 – Maximum Building Heights</p>	<p>This indicates that there will 32 storey buildings in the Kurilpa end of the local area.</p> <p>Please provide</p>	<p>As expressed under Performance Criteria P9, corner sites have been identified to create identifiable local nodes, give architectural emphasis and provide landmark definition.</p> <p>Upon further consideration of the above, it is acknowledged that the provision for 2 additional</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>further information on the reasoning behind this AS.</p>	<p>stories would only achieve the intent of the performance criteria in some instances. For the identified corner site in the Riverside South Precinct for example, an allowance for an 8 storey building in a predominantly 4-6 storey streetscape would assist in delivering a landmark corner outcome. In the Kurilpa Precinct however, it is considered unlikely that an additional 2 stories would assist in creating a landmark corner treatment given that the prevailing heights in the precinct are likely to be 20-30 stories.</p> <p>As such, it is considered unnecessary to allow an additional two stories for sites in the Kurilpa precinct and a notes had been added to Acceptable Solution A9.1 to this effect.</p>
	<p>South Brisbane Riverside Local Plan Code – Urban Design and Street Interface A11.1</p>	<p>A11.1 sets out new minimum footpath widths for the local area. These appear to be inconsistent.</p>	<p>The DIP is not satisfied that the proposed minimum widths are appropriate due to inconsistency.</p> <p>Please provide further justification or amend this acceptable solution.</p>	<p>The perceived inconsistency in the proposed footpath widths will be clarified through perusal of the attached Citywide Streetscape Hierarchy document. It should be noted that this document has been provided for information purposes only and is still in draft form. The Citywide Streetscape Hierarchy sets standard 'footway' and 'footpath' dimensions for each street type. The dimensions given in A11.1 are total footway dimensions reflecting the total distance from kerb to building frontage. Footway widths have been set based on the function and role of each street and are explained in the Citywide Streetscape Hierarchy Document. The Neighbourhood Plan has been amended to replace the term 'footpath' with 'footway'.</p>
	<p>South Brisbane Riverside Local Plan Code – Precincts Where for development within the</p>	<p>"A commercial carpark is provided in basement format and has approximately 450 carparks"</p>	<p>DIP is seeking further information about this</p>	<p>The commercial carpark requirement on the Absoe site is for the purposes of meeting parking demand generated by the Absoe redevelopment.</p>

No.	Reference (Section/page number)	Advice	Suggested outcome statement.	Local Government comment
B1	<p>Boundary and Vulture Precinct A29.1</p> <p>Whole Document (in particular Development principle 2.1).</p>	<p>It should be noted that a partnership has been established between Brisbane City Council and the Queensland Government to develop an overarching plan to guide the development of the five kilometre radius of the inner city – the River City Blueprint (RCB).</p> <p>The RCB was officially launched in December 2009, and will primarily focus on a 20-year timeframe to 2031, while also considering a 50-year horizon to 2061. The RCB will address a range of issues including transport, housing, commercial development, social infrastructure, sustainable subtropical design, and improvements to public spaces.</p> <p>The RCB will focus on the provision of a coherent and safe cycling network within and through the Plan area, with the aim of increasing the commuter mode share through the provision of appropriate cycle infrastructure.</p> <p>The RCB is further investigating the need for increased residential densities and employment areas in particular areas of the inner Brisbane area to meet infill targets under the <i>South East Queensland</i></p>	<p>The Neighbourhood Planning team are advised to liaise with the River City Blueprint team within Brisbane City Council to assist in promoting synergies between the projects and information sharing to achieve the best planning outcomes for both projects, especially in relation to active transport corridors and infrastructure such as dedicated cycle lanes and off-road cycle paths.</p>	<p>In addition, the commercial carpark will help to address existing pressures on street parking.</p> <p>The existence of the RCB project is acknowledged and well understood by Urban Renewal staff. Ongoing feedback and collaboration will occur between Councils River City Blueprint team and those involved in neighbourhood plans within Brisbane's inner 5km.</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
B2	Section 2, Development Principles page 1	Regional Plan 2009-2031 (SEQ Regional Plan). There is a mix of terminology in Section 2 Development principles as the various subsections make reference to 'development' (s2.2, 2.6), 'new development' (s2.3, 2.5) and 'new buildings' (s2.7).	Drafting consideration.	Feedback noted. The plan has been amended with the term 'development' used in place of the various terms previously used.
B3	Section 2, Development Principles Sub-section 2.3, page 1	It is noted this section deals with new development along the rivers edged and parklands which are public spaces for pedestrians and cyclists. Best practice is to ensure development promotes a high sense of personal and community safety.	Although section 2.7 includes principles for casual surveillance for new buildings it is recommend including wording to ensure new development provides opportunities for casual surveillance to ensure public spaces are overlooked by active street frontages, windows and balconies and extended sightlines.	It is noted than under the Local Plan heading 'Urban Design and Street Interface', Performance Criteria P13 and Acceptable Solution A13.1 address casual surveillance through the activation of building frontages.
B4	Section 2, Development Principles Sub-section 2.6, page 1	The SEQ Regional Plan outlines Subtropical design principles for SEQ (refer to page 93).	BCC may wish to consider including a reference to the subtropical design principles for SEQ to assist proponents in the building and design of new	Sub-tropical building design is being considered in detail as part of the City Plan review. It is noted that P8 requires sub-tropical design outcomes to be achieved.

No.	Reference (Section/page number)	Advice	Suggested outcome developments.	Local Government comment
B4	Section 3. Precincts Sub-section 3.2 Musgrave Precinct, page 1	Given the strategic location of this precinct to the South Bank Busway and the South Bank Rail Station it is recommended future development incorporates best practice transit oriented development (TOD) principles as outlined in the SEQ Regional Plan (refer to page 102).	The development intent for the Musgrave Precinct include a reference to TOD principles to further support the intent to provide for a mix of activities and uses, mixed use development and shape mixed use neighbourhoods with high accessibility to the South Bank transit hub.	Noted. TOD principles are embedded in much of the South Brisbane Riverside Neighbourhood Plan and apply to numerous precincts in the plan area.
B5	South Brisbane Riverside Local Plan Code, Built Form P1, page 7	To further support the development principles as outlined in subsection 2.6 Council may wish to consider an additional dot point under P1 to identify the built form features high quality sub-tropical design Editorials: South Brisbane Riverside Local Plan Code should be section 5 not 3.	For consideration by Council	Sub-tropical building design is being considered in detail as part of the City Plan review. At this stage, specific Code based requirements are not provided to enable the proposal of innovative, context relevant design solutions.
B6	Page 6		For editing by Council	Noted. Amendment made.
Department: Transport and Main Roads				
	Department: Transport and Main Roads Contact Name: [REDACTED] Contact Number: [REDACTED]			
	Cite - SO6 Development has access to	Provision of taxi facilities based on building function or Precinct	Consideration for the provision of taxi	It is noted that the Transport, Access, Parking and Servicing Code in the City Plan includes city wide

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
	<p>PPT or can be cost effectively serviced- PS6.5 other developments</p> <p>Queensland Streets – 3.7.4 On-street parking supply</p> <p>Queensland Transport PPT Notes – taxi facilities (attachment 1 - (8/5/08)</p>	<p>approach</p>	<p>bays within 50 metres of major buildings such as office towers, major medical, shopping & restaurant precinct, in particular at the Brisbane Railway Station and the Queensland Performing Arts Centre. Planners and designers need to be aware that currently, over 20% of Brisbane's taxi fleet is Maxi taxi based. Maxis length is 5.4 m and requires 3 m to rear for transfer of wheelchair passengers. Suggest taxi bays are – 2.6 m lead in + 5.4 m (passenger vehicle) + 8.4 m (maxi) + 1.0 m lead out.</p> <p>Desirable street amenities would include shelter and seating for taxi patrons.</p> <p>Taxi can successfully use</p>	<p>provisions for matters such as standing areas at bus stops and taxi ranks.</p> <p>Given that this is a City-wide issue, suggestions for new provisions covering bus and taxi operations should be made as part of the City Plan review process currently underway and which the State will be involved in shaping.</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
	General - all precincts	<p>The department has noted areas within the South Brisbane area where sightlines from the buses to see:</p> <ul style="list-style-type: none"> a) commuters waiting at a bus stop, and b) other vehicles on the road, are at times limited due to buildings and structures. 	<p>DDA compliant 2 minute passenger loading bay, which is least 12 m in length.</p> <p>Please amend the neighbourhood plan to include provisions to ensure that sightlines from buses to commuters waiting at bus stops or other vehicles are not impacted by vegetation or built environment.</p>	<p>Noted. Refer comment above regarding TAPS code.</p>
A4	General – all precincts	<p>The department is concerned about the integrity of bus layover facilities in the neighbourhood plan area. Bus layover and driver facilities are critical to the operation of public transport in the greater Brisbane region.</p>	<p>The department would like to see layover space provided within proximity to Montague Road in either the Kurilpa or Riverside North Precinct. The department would be happy to discuss options with Brisbane City Council and Brisbane Transport, to further progress this issue, please contact Kieran Nelson from TransLink on</p>	<p>Noted. Refer comment above regarding TAPS code.</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
Department of Environment and Resource Management Robert Harrison, Principal Planning Officer				
General		Resource Entitlements, Road Closures and Openings under the <i>Land Act 1994</i>	<p>Note: DERM advises that any development of State land may require resource entitlement from this Department. This includes road reserve closures or uses other than for a road and may also include State land outside the subject site, for instance along any proposed route for the provision of services to the site.</p>	Noted
General		Potential disturbances of Acid Sulfate Soils (ASS) in regards to <i>State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils</i>	<p>Note: <i>State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils (SPP 2/02)</i>¹ sets out the</p>	Noted

¹ *State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils (SPP 2/02)* is available from http://www.dip.qld.gov.au/docs/lpa/ass_spp_oct_02.pdf.

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. Should SPP 2/02 apply to the proposal—where it will disturb any ASS material—you will be required to provide an ASS investigation report consistent with the SPP 2/02 Guideline: <i>Acid Sulfate Soils</i>², with reference to the <i>Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland 1998</i>³ and the <i>Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines</i>⁴. A completed copy of</p>	

² The SPP Guideline: *Acid Sulfate Soils* provides general guidance on acid sulphate soils investigations, groundwater investigations and treatment and management of disturbed acid sulfate soils and drainage waters.
³ Ahern *et al.* 1998, available from QASSIT on 3896 9819.
⁴ Dear S.E., Moore N.G., Dobos S.K., Watling K.M. & Ahern C.R. 2002, *Soil Management Guidelines in Queensland Acid Sulfate Soil Technical Manual*, Department of Natural Resources and Mines, Indooroopilly, Queensland, Australia.
⁵ The SPP 2/02 Checklist Form for *Acid Sulfate Soils* is available at www.nmr.qld.gov.au/land/ass/pdfs/checklist.pdf.

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>the SPP 2/02 Checklist Form for Acid Sulfate Soils⁵ should also accompany all proposals referred to DERM. DERM notes that the small area in the northeast is mapped as low probability of Acid Sulfate Soils occurring, and the plan identifies the low lying central area as a waterway corridor which seems unlikely to disturb any acid sulfate soils.</p>	
General	Aboriginal Cultural Heritage duty of care under the <i>Aboriginal Cultural Heritage Act 2003</i> (ACHA).		<p>Note: DERM also advises that under the <i>Aboriginal Cultural Heritage Act 2003</i>, Aboriginal Cultural Heritage is protected whether or not it has been identified or listed by the Department. In this sense, the Aboriginal Cultural Heritage register</p>	Noted

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>and database is continually evolving as new information comes to light; however, the onus lies with a proponent to adhere to the Aboriginal Cultural Heritage Duty of Care guidelines and other requirements to undertake a cultural heritage survey or develop an Aboriginal Cultural Heritage Management Plan.</p>	
General		<p>Development within the Coastal Management District.</p>	<p>The northern boundary of the NP is adjacent to the Brisbane River and therefore the SEQ Regional Coastal Plan applies. Site specific coastal management issues/requirements will need to be identified</p>	<p>Noted. Development is setback a significant distance from the Brisbane River. Specific treatments and measures related to the SEQ Regional Coastal Plan will be addressed through the Riverside Lands Park Master Plan and through the Development Assessment process.</p>
<p>Department of Community Safety Contact Name: [REDACTED] Contact Number: [REDACTED]</p>				
P17 – Page 11		Carparking, Access and Servicing	Consideration to be	Noted. Individual development is unlikely to

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>given to ensure sufficient parking for emergency services vehicles whilst responding to incidents within the neighbourhood precincts, up to 36 tonnes; 12 m in length and 4.5 metre height</p>	<p>generate a requirement for emergency service vehicles, and as such it would be unreasonable for the Neighbourhood Plan to require the provision of such spaces per development. Rather, this suggestion will be forwarded to Council's Transport and Traffic section for consideration when planning future road upgrades in the area.</p>
	<p>General Reference – Emergency Management Queensland – State Emergency Service (SES)</p>	<p>Buildings for SES are provided by Local Government and Brisbane City Council may wish to consider future local SES needs in the context of this development</p> <p>The long term effect of the South Brisbane Riverside redevelopment may increase demand for QAS service with increased residential dwellings.</p> <p>There is potential to increase QAS response times when accessing patients in tower block apartments/buildings (ie. the time taken from a paramedic departing</p>	<p>Considered by Brisbane City Council</p>	<p>Noted. Development for the purposes of SES facilities can be undertaken in a range of Area classifications within the Plan Area. As such it is not necessary to specifically designate land for this purpose.</p> <p>Noted</p>
	<p>General Reference – Queensland Ambulance Service</p>		<p>QAS to flag the South Brisbane Riverside redevelopment as an area to monitor for future demand for service and QAS response times.</p>	

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
Department of DEEDI				
B1	Draft South Brisbane Riverside Neighbourhood plan	Support the intensification of development in accordance with the SEQ Regional Plan. Support the mixed use development to improve employment opportunities and self containment.	Council should give consideration to the development and implementation of an employment strategy which will facilitate the achievement of this goal.	Noted South Brisbane Riverside and the Kurilpa Precinct in particular is designated as an employment centre. The Renewal Strategy estimates that up to 45,000 new jobs will potentially be provided for through future redevelopment opportunities.
B2		The Local Plan notes that industrial land will be converted to residential uses in the long term.	Council to ensure that adequate land remains available within the local government area for industry.	Council is aware that a sufficient supply of appropriately zoned land is critical to the healthy functioning of the City's economy, and as such is developing strategies for this outcome as part of City Plan review and neighbourhood plans with an economic focus such as Pinkenba / Eagle Farm and Richlands / Wacol.
Queensland Health				
B1	Contact: [Redacted] Phone: [Redacted] General	We commend Council on the inclusion of the following elements within the plan: <ul style="list-style-type: none"> • Improved pedestrian and cyclist connectivity and permeability • Improved safety through design features • Providing shade trees and informal seating in public 	For noting	Noted.

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
B2	General – affordable housing	<p>spaces</p> <ul style="list-style-type: none"> • Supporting community gardens • Consideration of community desires through the reduction of building heights in Boundary and Vulture Street <p>While BCC acknowledge they cannot control rent prices, with the upward trend in rental costs and investment in new development within the area, it could be fair to assume that prices in the area will increase.</p>	<p>It is recommended Council mandate, through appropriate codes, the inclusion of affordable and social housing within certain areas of development, rather than simply encouraging the development industry to consider it</p>	<p>Noted. Refer comments to affordable housing issue on page 18.</p> <p>Council would welcome further advice and the consideration of amendments to state legislation to enable Council to act on affordable housing outcomes.</p>
B3	General – social infrastructure	<p>There are a number of community and social services providing assistance to local residents within the area that could be forced to relocate due to increased rent prices and/or land rezoning.</p>	<p>Given the increased population expected in this area and the fact these services are generally already at capacity, further consideration should be given to increasing the level of social infrastructure being provided through the plan and the role</p>	<p>Noted.</p> <p>In February 2004, Brisbane City Council established the City South Coordinated Response Project, in response to:</p> <ul style="list-style-type: none"> • community concerns about the homelessness and affordable housing issues in West End and Woolloongabba • social impacts associated with the state government and Council infrastructure projects in South Brisbane, West End and

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
			<p>the Priority Infrastructure Plan may play in delivering these.</p>	<p>Woolloongabba</p> <p>The City South project included the suburbs of Woolloongabba, South Brisbane, West End, Highgate Hill and Woolloongabba and issues included:</p> <ul style="list-style-type: none"> • the nature of homelessness and affordable housing within City South • loss of community infrastructure including cultural venues • community identity • demographic change and social trends • community consultation • impact of major infrastructure projects <p>While a specific Community Impact Studies was not completed for the South Brisbane Riverside Renewal Strategy, the findings of this project has been informed by previous studies completed for the West End Woolloongabba Local Plan.</p>
B4	General – Social Impact Assessment	<p>It is noted that no community impact study has been completed as part of this plan. The social networks, familiar places, services and people that have already been established, particularly within disadvantaged communities, are likely to be forced to relocate due to the development proposed within the area.</p>	<p>BCC is encouraged to assess and understand social and health impacts of this plan and take steps to enhance positive social and health impacts and avoid or mitigate any significant negative social and health impacts that may arise. While the new City Plan may</p>	<p>Noted - Refer Above (B3)</p>

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
B5	General – Indigenous Consultation	It does not appear that appropriate and meaningful consultation occurred with the Indigenous communities within the plan area. While it is acknowledged Council undertook a number of community engagement activities, none of these are a culturally respectful way of communicating with the traditional owners of these lands.	contain a health and social impact assessment policy, if development applications are received before it is endorsed, there is no requirement to undertake this task. It is recommended Council engage (or re-engage) with the traditional owners through its Indigenous Unit and seek appropriate input into the plan before it is finalised.	Noted. Urban Renewal Brisbane uses a community engagement framework when developing neighbourhood plans or undertaking projects. This allows a consistent but flexible approach and ensures that the views of the community are heard by Council. The Community Engagement Framework is consistent with current council policy and affords the opportunity for all cultural groups, stakeholders, landowners and community members to participate in the project. Urban Renewal will be working closely with our Community Development (Indigenous Team) on future plan areas to review engagement approaches.
B6	General – Open space	Given the densities proposed in the plan, high levels of open space and public realm will be vital for the health and wellbeing of residents and visitors to the area. Open space allocation within buildings is often interpreted very poorly by developers, with swimming pools, tennis courts and gyms considered an appropriate allocation of open space. These do not suit everyone.	Council should consider enforcing appropriate allocation and design of recreational open spaces within new developments/buildings that can be used across the life-span from the young to the old and by families and people	Noted.

No.	Reference (Section/page number)	Advice	Suggested outcome with disabilities.	Local Government comment
B1	ENERGEX [REDACTED]	ENERGEX is investigating the purchase of a suitable site for a new substation in the Musgrave precinct to support the proposed intensification in South Brisbane and the new Queensland Children's Hospital.	ENERGEX hopes to work closely with council on achieving a balanced outcome for the area by working towards good urban design outcomes as well as timely provision of infrastructure.	Noted
A3.	<p>Department of Communities Manager, Strategy, Policy and Performance</p> <p>2. Development Principles</p> <p>2.1: Pedestrian, cycle and vehicle connectivity is improved through enhanced existing and new road connections, laneways, cross block links, streetscape improvements and way finding treatments.</p>	The Department of Communities promotes the interest and aspirations of its clients regarding access and mobility (public transport, walking & cycling paths, disability access and car parking).	The department recommends investigation in the placement of safe marked road crossings or signalled crossings. The department notes the proposed underground car park facility in the redevelopment of the Absoe site and supports this proposal as well as other proposed pedestrian and cycle way inclusions within the proposed	Noted

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
A4.	<p>3. Precincts</p> <p>3.1 South Brisbane Reach Precinct p.1</p>	<p>The Department of Communities promotes socially inclusive communities, including access and mobility issues for people with a disability, frail older people and those with a mental illness, their families and carers.</p>	<p>plan.</p> <p>All public space within the precinct should be designed to be accessible for people with a disability in accordance with the Design for Access and mobility suite of Australian Standards. The South Bank rail and busway station to remain accessible for people with a disability in accordance with the Disability Standards for Accessible Public Transport 2002.</p>	<p>Noted</p>
A5.	<p>3. South Brisbane Riverside Local Area Plan Code - Performance Criteria and Acceptable Solutions - General Area</p> <p>P14 Public Domain p.10</p>	<p>The Department of Communities promotes socially inclusive communities, including access and mobility issues for people with a disability, frail older people and those with a mental illness, their families and carers.</p>	<p>All new developments should also support the safe movement of pedestrians with a disability across streets. Cross Block Links and related infrastructure should be designed in accordance with the Design for access</p>	<p>Noted</p>

No.	Reference (Section/page number)	Advice	Suggested outcome and mobility suite of Australian Standards.	Local Government comment
A6.	Table 4 Public Space Acceptable Solutions p.17	The Department of Communities promotes socially inclusive communities, including access and mobility issues for people with a disability, frail older people and those with a mental illness, their families and carers.	Community use areas should be designed to be accessible for people with a disability.	Noted
B1.	2: Development principles	Promoting inclusive community engagement practices (participation in planning processes, utility of planning documents).		Noted
B2	Draft South Brisbane Riverside Neighbourhood Plan	The plan area is a key component of Brisbane City Council Urban Renewal Brisbane program and is presumably intended to play a key role in meeting Council infill development targets outlined in the South East Queensland Regional Plan (2009-31). Over time this plan will significantly change the nature of development in this locality. Much of the existing low order, low scale residential, commercial and industrial development will be replaced with higher density mixed used centre development and medium to high residential development. Presently this lower order		Noted

No.	Reference (Section/page number)	Advice	Suggested outcome	Local Government comment
		<p>development is interspersed with newer mid rise mixed centre and residential development, but overtime the urban scale of this newer development will be reinforced and intensified.</p> <p>Hence the predominant low scale development in this area that currently graduates towards abutting low scale residential development south of Vulture Street will gradually be replaced with more city urban scale development, and culminate in forming a CBD frame area with a matching scale and set of impacts.</p>		

S.S.
for filing

AH 47

DEPARTMENT OF INFRASTRUCTURE AND PLANNING

BRIEF FOR DECISION

Our Ref: 10/27295
Date: 28 July 2010
TO **Minister for Infrastructure and Planning**
FROM Growth Management Queensland
SUBJECT Brisbane City Council Planning Scheme amendment – *draft South Brisbane Riverside Neighbourhood Plan* – brief for approval of public notification
Requested by Departmentally generated
Decision required by 2 August 2010 - to meet Brisbane City Council's public notification programme

RECOMMENDATIONS

- That you **note** the contents of this brief.
- That you **approve** public notification of the *draft South Brisbane Riverside Neighbourhood Plan* (the neighbourhood plan) (**Attachment 1**) in accordance with schedule 1, section 11(2)(a) of the repealed *Integrated Planning Act 1997* (IPA).
- That you **sign** the attached letters to Mr Ian Maynard, interim Chief Executive Officer, Brisbane City Council (Council) and the Right Honourable the Lord Mayor, Councillor Campbell Newman (**Attachments 2 and 3**).

BACKGROUND SUMMARY

- On 9 February 2010, Council resolved to propose amendments to the Brisbane planning scheme, *City Plan 2000*, by including the *draft South Brisbane Riverside Neighbourhood Plan*, together with any consequential amendments and relevant changes to area classifications.
- On 11 February 2010, the amendment was received by the Department of Infrastructure and Planning (DIP) for coordination of a whole-of-Government State interest review.
- The neighbourhood plan will alter the existing provisions in the planning scheme that currently apply to the South Brisbane Riverside in the following ways:
 - introduction of new development principles to apply to development occurring in the plan area (comprising parts of South Brisbane, West End and South Bank, noting that the plan does not regulate development in South Bank)
 - intensification of land use by increasing density, height and scale of buildings in the area to promote efficient land use and contribute to infill targets as required under the SEQ Regional Plan

- increase building heights across the plan area, with maximum heights increasing to 8–12 storeys (previously 5–10 storeys) in most precincts and building heights of up to 32 storeys in the Kurilpa end of the subject area (refer to Building Heights Table 1 in the neighbourhood plan)
 - lowering of the levels of assessment (i.e. from Impact to Code assessable development) applicable to development occurring in the neighbourhood plan area
 - protection of pockets of intact character housing and the “fine-grain retail” and active frontages of Boundary Street
 - improves the public realm through streetscape improvements, cross-block links, seven new public spaces and recommendations for master planning of Davies and Musgrave Parks
 - responds to market conditions with a flexible approach to land use and heights
 - master plans for key development sites including Parmalat, ACI, Hanson and Absoe
 - establishment of key corner sites by allowing two storey bonuses.
- The neighbourhood plan proposes significant intensification of the area. Council has advised DIP that it anticipates development allowable and expected under the neighbourhood plan will accommodate an additional 14 000 dwellings, 25 000 new residents and 73 000 new jobs.
 - In accordance with section 11, schedule 1 of the IPA you are now required to:
 - consider whether the amendment will have adverse impacts on State interests
 - advise Council that it may:
 - commence public notification or
 - commence public notification, subject to conditions or
 - not commence public notification.

ISSUES

First State interest review

- On 17 February 2010, the amendment was forwarded to the following Government agencies:
 - Department of Environment and Resource Management (DERM)
 - Department of Communities (DoC)
 - Department of Transport and Main Roads (DTMR)
 - Department of Community Safety (DCS)
 - Building Codes Queensland (BCQ)

- Department of Employment, Economic Development and Innovation (DEEDI)
 - Department of Education and Training (DET)
 - Energex
 - Powerlink
 - Queensland Health
 - Translink
 - Department of Premier and Cabinet (Arts, DPC)
 - Department of Public Works
 - Queensland Rail
 - South Bank Corporation.
- On 19 April 2010, DIP provided Council with first State interest review comments. On 23 April 2010, Council provided DIP with a response to these comments (**Attachment 4**). The key matters raised by State agencies and Council's response are outlined in the table below:

State Agency Comments	Resolution
<p>DIP is supportive of the intent of the neighbourhood plan. However, DIP requested Council justify the scale and intensity of development by:</p> <ol style="list-style-type: none"> 1. demonstrating that sufficient local infrastructure exists (or is planned), by means of an infrastructure strategy or similar. 2. contextualising the proposed intensification of development in an inner city and city wide context. 3. providing mapping of all – existing and proposed – the public open space in the area and any figures of open space allocation per resident in the area. 	<p>Council responded to these requests by:</p> <ol style="list-style-type: none"> 1. summarising the local infrastructure needs and improvements that have been identified through the Neighbourhood Planning process, including streetscape, public transport, water provision and open space. 2. summarising guidance provided by the draft City Shape Implementation Strategy and River City Blueprint. Stressing the South Brisbane Riverside area's close proximity to the CBD and the existence of high-frequency and high capacity public transport routes which cover many of the core TOD principles outlined in the SEQ Regional Plan. 3. providing estimated figures of public open space allocation per resident based on Renewal Strategy projections. The overall figure being 1Ha per 1,320 people. <p>Despite providing these comments, DIP is not satisfied that redevelopment on</p>

	<p>this proposed scale and intensity has been adequately contextualised on a city-wide basis. While Council is preparing a new strategic plan for the city, the absence of this document when major strategic redevelopment decisions are being taken makes it very difficult for the State and the community to fully understand what growth choices have been considered.</p> <p>Issues such as urban form (e.g. high density – high rise versus high density – medium rise), land use mix (e.g. residential versus employment) have been identified by community groups as matters of contention. The quality of consultation during the preparation of the neighbourhood plan is also disputed.</p> <p>With the information available at this time it is not possible for DIP to say that it is fully satisfied and confident that all of the provisions in this neighbourhood plan are the correct strategic redevelopment choices.</p>
<p>South Bank Corporation (SBC) identified a number of issues with the neighbourhood plan. SBC referred to comments made at the Renewal Strategy stage that were not adequately addressed in the neighbourhood plan. SBC also requested map amendments as well as stressing the importance of future development not encroaching on existing infrastructure of South Bank that enhances the areas position as a cultural and entertainment hub.</p>	<p>Council noted SBC's comments and made amendments where relevant.</p> <p>However SBC was not satisfied all issues were adequately addressed by Council. Concerns relate to open space provision and quality, generic nature of many provisions, community facilities, Grey Street Boulevard.</p> <p>Many of these concerns are similar to those identified by DIP.</p>
<p>DTMR requested a number of amendments to the neighbourhood plan. These included adding a requirement to ensure development does not affect existing bus stop facilities and rewording of codes to account for railway noise and vibration effects on development, and structures below railway viaducts.</p>	<p>Council noted DTMR's comments and amended the neighbourhood plan where necessary. DIP is satisfied with this response.</p>
<p>DERM requested Council ensure the relationship between heritage and character buildings and the river should be maintained where this relationship exists. This should be achieved by adding a performance criteria and acceptable solution to the neighbourhood</p>	<p>Council noted this request, however no change was made. Council assured DERM that the Heritage Unit undertook an assessment of character and heritage values as part of the plan and those sites and features identified will be accounted for under the neighbourhood plan heritage development principle and the</p>

plan.	<p>Heritage Place Code of the City Plan.</p> <p>DIP is satisfied with this response, as this neighbourhood plan area does not represent a significant heritage precinct (as opposed to other plans such as Fortitude Valley).</p>
DCS requested Council incorporate mechanisms to address; specific flood prone areas, emergency vehicle access, Fire fighting water supplies and service lane vehicle access.	Council noted this request, however no change was made. Council advised DCS that these are addressed through <i>CityPlan</i> generally and not through neighbourhood plans. DIP is satisfied with this response.
Energex requested the rezoning of existing substations to Community Use Area: Utility Installation (CU8). After investigating alternative locations within the South Brisbane area, none were found. The existing substation will therefore have to be upgraded at its current location which will require future expansion. Energex therefore also requested an additional development principle be added to reflect Energex's requirements for future expansion.	<p>Council noted this request and rezoned the substation site accordingly.</p> <p>Council however, felt it would be inconsistent with the structure of the <i>CityPlan</i> to include specific statements as 'Development Principles' as these are intended to be underlying principles rather than being site-specific.</p> <p>DIP is satisfied with Council's response.</p>
<p>DoC are supportive of performance based graduated standards as opposed to flat rate standards for determining car parking rates. However, DoC suggested Council incorporate acceptable solutions that encourage developers to use innovative measures to reduce car parking rates while still providing suitable transport solutions.</p> <p>DoC also encouraged Council to incorporate a provision for affordable housing and provide a range of housing at different price entry points.</p>	<p>Council noted these suggestions, however no changes were made. Council informed DoC that it is currently Council policy that neighbourhood plans will not vary from existing city parking standard rates.</p> <p>As a response to transit oriented development (TOD) strategy this is unsatisfactory. However, the State's position on parking in TOD precincts has not yet been published (through the TOD guidelines, for example).</p> <p>Council reassured DoC that affordable housing provision is being assessed as part of <i>CityPlan</i> review and that it cannot be pre-empted in a neighbourhood plan. Council also reminded DoC that they have adopted the Affordable Housing Incentives Policy since 2008.</p> <p>DIP is satisfied with this response.</p>

- In addition, discussions with DET identified that schools within the Woolloongabba area are better equipped to handle a significant increase in capacity than schools in the West End area. This issue must be considered in assessing the neighbourhood plan to ensure there are adequate educational facilities for the local community.

- Furthermore, DIP officers would like to reaffirm the concerns raised in the first State interest review relating to the proposed scale, form and distribution of development in the plan area. DIP officers maintain that the proposed intensity of development in the plan, compounded by the lack of information relating to the physical and community infrastructure, has not been sufficiently justified by Council and is therefore of great concern to the Queensland Government as well as the local community.
- Having regard to the matters raised in the first State interest review, it is considered that you have the following options in deciding the matter:

OPTIONS AVAILABLE TO YOU

Option 1 – Approve the neighbourhood plan for public notification, in its current form

- Determine that State interests would not be adversely affected, and determine that the neighbourhood plan should be approved for public notification in its current form.

Advantages

- This option would allow Council to put the planning scheme amendment package on public notification without any delay, and without changes to the amendment package.
- The community and industry will have an opportunity to comment on Council's neighbourhood plan.

Disadvantages

- Should you require changes to the neighbourhood plan at a later date, Council may reasonably object to these changes on the grounds that you have at this stage decided State interests are not adversely affected.
- The scale of redevelopment proposed in the neighbourhood plan is significant. Without an up to date city-wide strategic plan and locality specific strategic plan (such as *RiverCity Blueprint*) it is not possible to confirm that adequate infrastructure decisions to support the neighbourhood plan have been made.

Option 2 – Allow public notification to proceed, subject to a condition attached to the approval and inform Council that you reserve your final judgement subject to the results of public consultation and the progress of further strategic planning (such as a new city-wide strategic plan and *RiverCity Blueprint*)

- Determine that the proposed increased density and development in the neighbourhood plan may be acceptable in principle but the validity of the specific provisions of the neighbourhood plan are unproven.
- It is important to note that it is the role of DIP to co-ordinate whole-of-government State interest reviews for planning scheme amendments to ensure that State interests are protected. It can be recognised as negligible of DIP officers, and the Office of the Minister for Infrastructure and Planning, to approve a plan that has not been justified with adequate supporting information or on sufficient planning grounds.
- Furthermore, it is noted that the Urban Land Development Authority has recently announced plans to establish a mixed use, high density precinct in the inner-city suburb of Woolloongabba. The proposed redevelopment of Woolloongabba has the opportunity to relieve some of the development pressure in the neighbourhood plan area as the two suburbs are in close proximity to one-another.

- It is understood that the Woolloongabba Urban Development Area (UDA) will provide for an additional 2500 infill dwellings for Brisbane. This significant contribution reduces the need for the high density proposed across the entire neighbourhood plan area.
- Therefore, in order to mitigate the potential impacts of the significant intensification proposed in the neighbourhood plan on the existing community and taking into consideration the increased density proposed in the Woolloongabba UDA, it is proposed that you advise Council, in the attached letter, that it must amend the neighbourhood plan in accordance with the following condition prior to notification of the amendment package:
 1. *“Condition 1: Amend Table 1 – Maximum building heights for Precinct Area 7, Riverside South to a maximum building height of 7 storeys where in a Residential Area or 4 storeys where in a Multi-purpose Centre.”*

Advantages

- This will allow the planning scheme amendment to progress to public notification without further delay.
- The community and industry will have an opportunity to comment on Council's neighbourhood plan.
- Further information, such as a new city-wide strategic plan and *RiverCity Blueprint*, may be available at and following public consultation, to enable a more informed decision about detailed planning and infrastructure issues.
- Should you decide to make changes to the neighbourhood plan at second State interest review, this action will be anticipated, based on further information, and justifiable.

Disadvantages

- This option does not indicate a strong Government position on planning in the neighbourhood plan area.

Option 3 – Advise Council that it may not proceed to public notification, until such a time that Council provides further justification for the neighbourhood plan

Advantages

- This will enable further planning to be undertaken to fully contextualise and justify the neighbourhood plan, at city-wide and local scales.

Disadvantages

- This will result in delay and is likely to be strongly opposed by Council.

Recommendation

- It is recommended that you elect to choose **Option 2** – Allow public notification to proceed, subject to a condition attached to the approval and inform Council that you reserve your final judgement subject to the results of public consultation and the progress of further strategic planning (such as a new city-wide strategic plan and *RiverCity Blueprint*) for the following reasons:

- This will allow the planning scheme amendment to progress to public notification without further delay. Completion of planning for strategic infill growth area is important to the implementation of the SEQ Regional Plan.
- The community and industry will have an opportunity to comment on Council's neighbourhood plan, and their views can be considered in the making of a final decision.
- Further information, such as a new city-wide strategic plan and *RiverCity Blueprint*, may be available at and following public consultation, to enable a more informed decision about detailed planning and infrastructure issues.
- The reduction in the building height in Precinct 7 of the neighbourhood plan area will better reflect the recent planning for the Woolloongabba UDA which will provide an additional 2500 dwelling and take significant development pressure off the South Brisbane and West End area.

CULTURAL IMPACT

- There is potential for significant cultural impacts to occur. South Brisbane Riverside is considered to be a culturally significant area, primarily due to the existence of the following:
 - Indigenous heritage (a number of sacred Indigenous sites such as Musgrave Park and Kurilpa Point)
 - cultural community infrastructure – including the Gallery of Modern Art, the Conservatorium of Music and the Museum
 - the unique cultural identity of the area (e.g. a higher population of students and artists).
 - the 'tin and timber' style heritage.

EMPLOYMENT IMPACT

- The preliminary information provided in the *South Brisbane Riverside Renewal Strategy* and the neighbourhood plan indicate that there will be significant employment benefits associated with future development and land uses.

RIGHT TO INFORMATION PUBLICATION SCHEME

- The neighbourhood plan is a Council publication and will soon be publicly notified. Therefore, it is not recommended to include in the publication scheme.

CONSULTATION WITH STAKEHOLDERS

- DIP's *RiverCity Blueprint* Team and Priority Infrastructure Plan Team were consulted in relation to the proposed amendment.
- South Bank Corporation, DERM, DCS, DEEDI, DTMR, DOC, DPC, DET, BCQ, Queensland Health, Department of Public Works, Energex, Powerlink, Translink, Queensland Rail were consulted during the first State interest review.
- Community consultation has been occurring in the area for an extended period of time.

FINANCIAL IMPLICATIONS

- Not applicable.

POTENTIAL MEDIA

- The proposed neighbourhood plan is likely to generate notable media interest. It may be prudent to consider a media release to articulate your position publicly.
- DIP's Media Services Unit has not been briefed at this point.

<p>NOTED or APPROVED / NOT APPROVED Minister for Infrastructure and Planning Comments</p>		
<p>With amendments to the attached letters to highlight the dwelling numbers in the Precinct 7 / UDA issue.</p>		
<p>[Redacted]</p>		
<p>Stirling Hinchliffe MP Minister for Infrastructure and Planning 4/8/2010</p>	<p>Principal Advisor / /</p>	<p>Policy Advisor 03108110</p>

Political Representatives

Local Government

Councillor Campbell Newman, the Right Honourable, the Lord Mayor, Brisbane City Council
 Councillor Helen Abrahams, Councillor for the Gabba Ward

State Government

The Honourable Anna Bligh MP, Premier and Minister for the Arts, Member for South Brisbane

Federal Government

The Honourable Kevin Rudd MP, Prime Minister and Member for Griffith

<p>Contact Officer: [Redacted] Manager [Redacted]</p>	<p>Signed 22/06/10</p>	<p>Approved: [Redacted] Director [Redacted]</p>	<p>Signed 3/08/10</p>
<p>Endorsed: Brendan Nelson A/Local Government Planner</p>	<p>Signed 3/08/10</p>	<p>Approved: Gary White Acting Chief Executive Officer Management Queensland [Redacted]</p>	<p>Signed 3/08/2010</p>

Election Commitment

CBRC / Cabinet related

ECM related

2nd SIR DCS response
Att 48

From: [REDACTED]
Sent: Monday, 14 February 2011 9:47 AM
To: [REDACTED]
Subject: FW: Draft South Brisbane Riverside Neighbourhood Plan
Follow Up Flag: Follow up
Flag Status: Red

From: Gary Mahon [mailto:Gary.Mahon@[REDACTED]]
Sent: Thursday, 23 December 2010 2:58 PM
To: [REDACTED]
Cc: [REDACTED]; Peter Mason (SP&ES); Stephen Hinkler; Christina Sinnemann; Peter Wojciechowski
Subject: Draft South Brisbane Riverside Neighbourhood Plan

Hi Rebecca

I refer to your email of 9 December 2010 inviting the Department of Community Safety (DCS) to review the amendments to the Draft South Brisbane Riverside Neighbourhood Plan as part of the Second State Interest Review to assist the Minister of Infrastructure and Planning determine if the proposed amendments adversely affect State interests.

It is noted that DCS state interests are not adversely impacted by this Draft Plan. The DCS interests articulated through State Planning Policy 1/03: Minimising the Adverse Impacts of Flood, Bushfire and Landslide are maintained through the requirement for development to meet the acceptable solutions of the Subdivision Code in Brisbane City Council's (BCC) City Plan 2000. The Subdivision Code includes specific constraints for flood prone property.

With respect to DCS's interest of maintaining effective emergency service operational response, it is noted that BCC has city-wide policies in place to ensure that development does not hinder emergency access. These include Transport, Access, Parking and Servicing Planning Scheme Policy and the Subdivision and Development guidelines.

DCS does not require any further information.

Should you require additional information regarding this matter please contact Ms Christina Sinnemann, Senior Policy Advisor, Strategic Policy Division, on telephone number (07) [REDACTED]

Regards

Gary M

Gary Mahon | Assistant Director-General | Strategic Policy Division | Department of Community Safety | [REDACTED] | gary.mahon@[REDACTED]

From: [REDACTED]@dip.qld.gov.au]
Sent: Thursday, 9 December 2010 10:02 AM
To: [REDACTED]@derm.qld.gov.au; [REDACTED]@dtrdi.qld.gov.au; [REDACTED]@deedi.qld.gov.au; dacoordinationseqsouth@derm.qld.gov.au; [REDACTED]@derm.qld.gov.au; [REDACTED]@deta.qld.gov.au; [REDACTED]@communities.qld.gov.au; [REDACTED] Peter Mason (SP&ES); [REDACTED]planningschemes@tmr.qld.gov.au; [REDACTED]@tmr.qld.gov.au; strategicplanning2@energex.com.au; [REDACTED]@energex.com.au; [REDACTED]@health.qld.gov.au; [REDACTED]@powerlink.com.au; [REDACTED]@publicworks.qld.gov.au; [REDACTED]@qr.com.au; [REDACTED]@translink.com.au; [REDACTED]@southbank.net.au; [REDACTED]@police.qld.gov.au
Cc: [REDACTED]
Subject: Draft South Brisbane Riverside Neighbourhood Plan

Dear State Agencies,

The Brisbane City Council has submitted the draft South Brisbane Riverside Neighbourhood Plan to the Minister for Infrastructure and Planning for a Second State interest review, in accordance with Schedule 1 of the repealed *Integrated Planning Act 1997* (IPA).

Your agency is now formally requested to review the amendments as part of the Second State interest review to assist the Minister to determine if the proposed amendments adversely affect State interests, as per Schedule 1, section 18 of the IPA.

Please note the due date for comments is the **13 January 2011**.

In support of the above, please find attached six (6) supporting documents:

<<2010_12_01_Scanned Letter to Minister.pdf>> <<20101115 Submissions Summary V4.pdf>> <<20101201_Draft_SBR_NP_V8_2nd_SIC.pdf>> <<Att D Maps.pdf>>
 <<Att_C_20101025_Consequential Amendments to City Plan.pdf>> <<First State Interest Review Comments Table and Council's Response.doc>>

Please ensure that any comments your agency may have are included in the table format attached below. This greatly assists in the collation and review of State interests.

<<State Agency 2nd SIR table template.doc>>

Your agency's formal comments on the proposed amendment package to the Brisbane City Plan are requested in writing, preferably via e-mail to [REDACTED]@dip.qld.gov.au.

In the interest of providing a timely response back to the Council and compliance with Statutory Guideline 02/09 (making or amending local planning instruments), please provide your comments by close of business 13 January 2011. If your agency has no comment on this Draft Neighbourhood Plan, please ensure you also convey this in writing. If no response is received it will be assumed that your respective agency has no comments to make regarding the proposed neighbourhood plan.

If your agency identifies any significant concerns regarding a State interest that may require major changes to the draft neighbourhood plan, please advise at the earliest opportunity so that the issue/s can be raised with Council as soon as possible.

Should this email not have been directed to the appropriate section/officer for review, can you please ensure this request is forwarded on appropriately and notify DIP by return email.

If you have any questions regarding the proposed amendments or review process, please contact Paul Tobin on 3404 8216 or email to paul.tobin@dip.qld.gov.au.

Thank you in advance of your comments.

[REDACTED]
 Senior Planner
 South East Regional Services
 Regional Services Division

14/02/2011

DEPARTMENT OF LOCAL GOVERNMENT AND PLANNING

BRIEF FOR DECISION



Our Ref: MC10/824
Date: 9 March 2011
TO Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State
FROM Strategy and Governance Group
SUBJECT Brisbane City Council Planning Scheme Amendment Package – *South Brisbane Riverside Neighbourhood Plan* – brief for adoption
Requested by Departmentally generated
Decision required by 9 March 2011- as requested by Deputy Premier's Office.

RECOMMENDATIONS

- That you **note** the contents of this brief.
- That you **advise** Brisbane City Council (Council) it may **adopt**, subject to conditions the proposed South Brisbane Riverside Neighbourhood Plan (neighbourhood plan) as submitted to the Department of Local Government and Planning (DLGP) on the 1 December 2010 (**Attachment 1**), in accordance with section 18(4)(b), Schedule 1 of the repealed *Integrated Planning Act 1997* (IPA).
- That you **sign** the attached letters to the Right Honourable, the Lord Mayor of Brisbane, Councillor Campbell Newman, and to the Chief Executive Officer, Mr Colin Jensen, advising of your decision (**Attachments 2 and 3**).

BACKGROUND SUMMARY

- On 9 February 2010, Council resolved to submit the amendment package to DLGP in accordance with Schedule 1 of the repealed IPA, for first State interest review and for approval to publicly notify the plan.
- On 11 February 2010, the amendment package was received by DLGP.
- On 19 April 2010, collated first State interest review comments were sent to Council. Council responded to these comments and provided a revised draft of the neighbourhood plan to DLGP on 29 April 2010.
- On 4 August 2010, the Honourable Stirling Hinchliffe MP, the former Minister for the then Department of Infrastructure and Planning, advised Council that it may carry out public consultation of the neighbourhood plan subject to the following condition:
 - Amend Table 1 – Maximum building heights for Precinct Area 7, Riverside South to a maximum building height of 7 storeys where in a Residential Area or 4 storeys where in a Multi-purpose Centre.

- Council commenced public notification of the neighbourhood plan on 16 August 2010 which extended until 28 September 2010. During this time, 294 properly made submissions and 147 not properly made submissions were received by Council. Council made changes to the neighbourhood plan as a result of these submissions, in addition to other minor changes to improve the neighbourhood plan.
- By letter dated 1 December 2010, Council submitted the amended neighbourhood plan for second State Interest review.
- Planning provisions relating to the South Brisbane / West End area are currently contained within the *West End – Woolloongabba District Local Plan*. The proposed amendment package would replace part of these provisions, including consequential amendments, to exclude this South Brisbane Riverside plan area from the existing local plan.
- The neighbourhood plan area occupies a strategic location within inner city Brisbane and is approximately 1.5 kilometres from the Central Business District. The plan area encompasses part of South Brisbane and West End. The plan area focuses on the land bounded by Brisbane River in the north and west, Vulture Street and Montague Road to the south, and includes the South Bank Corporation area to the east.
- The development objectives to be advanced by the plan include:
 - Intensification of land use by increasing density, height and scale of buildings in the area to promote efficient land use and contribute to infill targets as required under the *South East Queensland Regional Plan 2009 – 2031* (SEQ Regional Plan)
 - Appropriate affordable housing, student and key worker accommodation is encouraged to accommodate the broad ranging needs of the community
 - Development along the Brisbane River's edge will enhance existing parkland through its appropriate setbacks, bulk and separation, materials, design and landscaping in addition to improved public access
 - Preservation and enhancement of the area's character, including the retention and re-use of heritage and character buildings
 - Minimisation of impacts on the daily operation of businesses within areas of transition from industrial to residential or mixed use. Development adjoining residential areas outside of the neighbourhood plan area are designed to minimise impacts on existing houses
 - Promotion of building reuse to allow for the adaption over time between residential and commercial uses
 - Establishment of the master planning process at the key development sites of Parmalat, ACI, Hanson and Absoe to achieve integration with their surrounds through the creation of attractive public realm and retention and reuse of the on-site heritage structures
 - Promotion of new social facilities and infrastructure to support the community's needs as a result of the increased residential and employment densities
 - Development improves the public realm through enhanced causal surveillance, streetscape improvements, cross-block links, enhanced pedestrian and cycle connections, seven newly planned public spaces and upgrades to Davies and Musgrave Parks

- Retain and enhance important character values through maintaining key views and vistas to the Brisbane River and Taylor Ranges
- Promotion of environmental sustainability and climate responsive design based on subtropical design principles.
- To this end the neighbourhood plan identifies a number of different precinct areas (refer to Map A (Precincts) as included within **Attachment 1**), and intents including:
 - The South Brisbane Reach Precinct is considered to be the gateway to the South Brisbane Riverside plan area as it contains some of Brisbane's key destinations, such as the South Bank entertainment, cultural and education precincts. The future development of the South Bank rail and busway stations will deliver high quality intermodal public transport facilities, integrating new public spaces with excellent urban amenity. This precinct does not regulate development in South Bank as this area will continue to be administered through the South Bank Corporation.
 - Encouragement of key worker and student accommodation within a mixed use, high density residential and office precinct surrounding Musgrave Park. This precinct will promote improved pedestrian and cyclist moveability from Boundary Street to South Bank whilst also ensuring new developments overlook the surrounding streets and Musgrave Park to enhance pedestrian safety.
 - Boundary Street will continue to be a hub for the plan area through the retention of its retail, restaurant, entertainment and community focus. The redevelopment of the Absoe site along Boundary Street will contribute to the creation of a vibrant village atmosphere through the integration of active ground floor uses and community spaces with residential and commercial uses.
 - The Kurilpa Precinct will encourage high density mixed use development supporting the core function of Brisbane's Central Business District. The redevelopment of the Parmalat milk factory site will create a mixed use landmark for Brisbane with high quality public space and enhanced connections to the river.
 - The Riverside North Precinct will form a transition zone between the high density development of the Kurilpa Precinct and the lower density buildings within the Buchanan and Davies Park Precinct. The long term redevelopment of the Australian Consolidated Industries (ACI) and Hanson sites along Montague Road will create significant community benefit through the provision of new public spaces, parklands and connections to the river.
 - A mixed use area with residential uses predominantly focused towards the River will be located within the Buchanan and Davies Park Precinct. These uses will be supported through the provision of a wide variety of residential activities and community facilities within Davies Park.
 - A transition between the timber and tin housing of the greater West End and Highgate Hill suburbs with new development in the plan area will be created through the Riverside South Precinct. This precinct will accommodate predominately medium to high density residential development to replace obsolete industrial and warehouse uses. Small scale retail and commercial uses are integrated with new residential development to service the needs of the local community. A new ferry terminal will be located within this precinct to support the plan area's increased density and to improve connectivity within the locality and to the surrounding greater Brisbane area.

- It can be anticipated that these strategies will facilitate the redevelopment of the South Brisbane and West End area into a mixed use, residential medium to high density urban environment. To this end, the draft neighbourhood plan proposes a range of building heights, across all precincts, of three (3) to 30 storeys. The plan also proposes new public spaces along with a number of new pedestrian links and streetscape enhancements, while also supporting new and existing public transport services.
- To stimulate growth, most Centre Activities, such as office, shop or restaurant, will be code assessable where complying with the neighbourhood plan's specified maximum building heights.
- The neighbourhood plan proposes a significant intensification of the area. Council has advised DLGP that it anticipates that the level of development allowable under the draft neighbourhood plan will accommodate an additional 14,000 dwellings, 25,000 new residents and 55,000 new employment opportunities.
- Building height and the implications of the January flood remain the only outstanding issues.

ISSUES

Public submissions

- There were 294 properly made submissions received about the amendment package, commenting on aspects of the plan including:
 - The scale of growth and densification proposed within the neighbourhood plan area
 - The impacts of population growth and redevelopment on the diversity and identity of the existing local community.
 - The advantages and disadvantages of increased building scale, height and densification.
 - The change in maximum heights for the Riverside South Precinct, as required by the State Government.
 - The increasing need for community and cultural facilities and spaces to service the growing population.
 - The need to retain the local area's identity, character and heritage.
- Council has addressed each of the submissions in a report, and made subsequent changes to the neighbourhood plan where possible and appropriate (**Attachment 4**). The key changes include:
 - Reinstatement of a 12 storey maximum height limit within the Riverside South Precinct for lots exceeding one (1) hectare in size.
 - Amendments to various property area classifications and demolition control precinct zonings, including the identification of 419 Montague Road for Community Use – Education Purposes (CU4).

- Identification of additional prominent 'corner sites' within the plan area to assist in providing landmark, place defining buildings and enhancing public realm.
- Various amendments to the performance criteria and acceptable solutions to better reflect the development principles and precinct intents.
- Refinement of built form controls, such a podium and tower design, and the inclusion of further guidance on laneways.

January 2011 Flooding

- Following your meeting of 2 March 2011 with Councillor Amanda Cooper, Chair of Council's Neighbourhood Planning and Development Assessment Committee, it was agreed that an explanatory note would be included in the neighbourhood plan to ensure the public was aware of the potential to change the plan as a result of either the Flood Inquiry Commission or Council's own investigations into flooding.
- A note reflecting this agreement has been included as a condition to this approval. The wording has been agreed to by Mr [REDACTED], Manager City Planning, Brisbane City Council and Ms [REDACTED], Acting Executive Director, Planning Services.

Building Height

- The draft neighbourhood plan proposed to increase building heights within the Riverside South Precinct from the existing 7 storeys to a maximum of 12 storeys where on lots greater than one hectare in size. There are approximately 10 sites within this precinct area that could be potentially built to 12 storeys.
- Work is currently being undertaken by the Urban Land Development Authority (ULDA) on the Woolloongabba Urban Development Area (UDA). This UDA site provides an alternative location for an estimated 2,000 to 2,500 additional dwellings. These additional dwellings are likely to reduce growth pressures from the plan area and redistribute them into a locality that will be infrastructure rich in both public and social infrastructure services.
- It was considered that the proposed amendment did not adequately take into account the likely residential capacity of the Woolloongabba Urban Development Area, potentially resulting in a scale of development unsympathetic to local character and placing unnecessary pressure on local infrastructure.
- As part of the first State interest review, the Honourable Stirling Hinchliffe MP conditioned that building height in the Riverside South Precinct be of a maximum seven storeys in a Residential Area and four storeys in a Multi-purpose Centre. This height condition was considered appropriate to address built form, scale and distribution of development within the plan area.
- Prior to requesting a second State interest review, Council amended the draft neighbourhood plan to reinstate building height provisions of 12 storeys within the Riverside South Precinct. Reinstating the maximum building height was considered appropriate by Council as:
 - South Brisbane and West End are critical to the delivery of the SEQRP dwelling targets for Brisbane. This building height will assist to meeting these targets.

- The Riverside South Precinct has sufficient access to public transport, employment, community facilities, open space and infrastructure to accommodate the precinct's significant residential development.
- A reduction in building height within this precinct will lead to the underutilisation of prime inner city riverfront land.
- The draft neighbourhood plan includes provisions that stipulate that taller buildings are to be located close to the centre of large sites, with human scale designed buildings located along street frontages. These provisions will ensure that the predominantly height in the precinct will continue to be seven storeys.
- In addition, in response to DLGP's height condition, Council designated the State Government owned property at 419 Montague Road for Education Purposes. This property is located within Precinct Area 7 and currently accommodates the administrative facilities associated with the Brisbane School of Distance Education. Council justified that this property classification will sufficiently provide for community needs in the precinct. The State Government is responsible for designating and implementing community infrastructure relating to education. As such, Council's land designation is not deemed to be reasonable in responding to DLGP's concerns regarding the lack of social infrastructure in the precinct area.
- It is considered that insufficient justification has been provided to permit the increase in building height. Although South Brisbane is identified as a potential renewal area in the SEQRP, the location of Precinct Area 7 in West End is not. The proposed plan has not included adequate social infrastructure, open space or community facilities within this precinct to address DLGP's previously raised concerns.
- Given the Woolloongabba UDA and the lack of available community services, it is proposed that you advise Council, in the attached letter, that the draft neighbourhood plan must be amended prior to adoption in accordance with the following conditions:
 - Delete the following sentence from section 3.7 Riverside South Precinct – "Buildings up to 12 storeys are supported on large sites with taller towers located toward the centre of the site to minimise off site impacts such as overlooking and overshadowing."
 - In A9.1 of the South Brisbane Riverside Local Plan Code insert "and Riverside South Precinct" after "Kurilpa Precinct".
 - Delete the last line in Table 1-Maximum Building Heights regarding site area greater than 9,999 square metres in the Riverside South Precinct.

Arts Queensland

- During the first State interest review, the Department of the Premier and Cabinet (Arts Queensland) did not provide comment on the draft neighbourhood plan. However, as part of the second State interest review, Arts Queensland provided comments which requested that additional public art and cultural facilities be provided in the Kurilpa and Riverside North Precincts.

- It is considered that the draft plan has sufficiently addressed the preservation and provision of community and cultural facilities within these precincts and throughout the neighbourhood plan area. Further, the area in question is proposed to be classified as Multi Purpose Centre 2 (MP2), which would allow for community facilities to be developed. These matters are not considered to adversely impact upon State interests and as such it is not considered appropriate to further delay or change the neighbourhood plan given the timing and nature of these comments.

Department of Transport and Main Roads (DTMR)

- As part of the first State interest review, Council adequately responded to all of DTMR's identified state interests. However, through the second interest check, DTMR requested further amendments to those comments previously raised and resolved in the first review. These issues related to accessibility, active transport, footpath widths and on-street car parking.
- These matters are not considered to adversely impact upon State interests and as such it is not considered appropriate to further delay or change the neighbourhood plan given the timing and nature of these comments.

Department of Communities (DOC)

- During the second State interest review, DOC included comments that were not originally identified in the first State interest review. The comments requested the removal of two Departmental properties from a Demolition Control Precinct (DCP) and the re-classification of a heritage place to a community facility.
- The two properties identified for removal by DOC are currently classified within a DCP. Although these sites are post-war dwellings, DCP's are identified where the overall streetscape is considered to be of character value. The DCP classification may not detrimentally affect future development and does not prohibit redevelopment of these sites as medium density residential dwellings.
- In addition, the heritage place is classified under a local government heritage listing, with its historic origins as a residence. The existing Character Residential classification does not restrict the on-going use of the property as a neighbourhood centre. Should this use cease, the property's classification will ensure that the heritage place is reverted back to its original use as a residence. *red |?*
- These matters are not considered to adversely impact upon State interests and as such it is not considered appropriate to further delay or change the neighbourhood plan given the timing and nature of these comments.

Administrative Amendments

- A number of errors have been identified in the neighbourhood plan. They relate to inconsistent numbering of provisions and incorrect cross referencing of terms. As permitted under the *Statutory guideline 2/09 Making and amending local planning instruments* (statutory guideline), these errors are considered to be administrative amendments and do not require your consideration.
- To facilitate progression of the neighbourhood plan it is not considered appropriate to require these changes as part of the second State interest review, however Council will be advised of the administrative amendments as part of your letters to Council (**Attachment 2 and 3**).

Document Referencing

- The draft neighbourhood plan includes criteria and mapping elements that refer to the standards contained in the draft Streetscape Design Guidelines. These Guidelines are currently undergoing a planning scheme policy amendment process and to DLGP's knowledge is not an endorsed statutory document.
- Revision of the neighbourhood plan's assessment criteria is not deemed reasonable. Should these Guidelines not be adopted when this neighbourhood plan comes into effect, Council will be required to undertake an amendment to correct the plan's criteria and maps in accordance with the statutory guideline. Council will be advised of this amendment possibility as part of the adoption letter (**Attachment 2 and 3**).

Other Issues

- In accordance with Section 18(3) of Schedule 1 of repealed IPA, you are required to consider whether or not State Interests would be adversely affected by the proposed neighbourhood plan, before advising Council if it may proceed with adoption of the amendment.
- As detailed above, it is considered that the draft neighbourhood plan has not adequately taken into account the likely residential capacity of the Woolloongabba Urban Development Area, potentially resulting in a scale of development unsympathetic to local character and placing unnecessary pressure on local infrastructure.

RECOMMENDATION

- That you **advise** Council it may adopt the neighbourhood plan in accordance with Section 18(4)(b) of Schedule 1 of the repealed IPA, subject to the following conditions;
 - 1) Flooding

Include the following note after the introductory statements to the neighbourhood plan:

Parts of this neighbourhood plan area were subject to inundation during the January 2011 flood. Brisbane City Council has determined that flood risk, to the extent regulated by this neighbourhood plan, has been adequately minimised and has had due regard to the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide. However, flooding is predominantly dealt with by other codes and guidelines in City Plan. The Queensland Floods Commission of Inquiry is investigating the flood disaster, including a review of the existing town planning provisions related to flooding and flood risk mitigation. Brisbane City Council is also undertaking separate investigations into the flooding. The findings of Councils investigations and the final report of the Commission may recommend changes to the City Plan, including this neighbourhood plan, and the State Planning Policy.

Consequently the provisions of this neighbourhood plan with respect to the management of flooding and flood risk mitigation may be subject to change at the direction of the Queensland Government or Brisbane City Council in the near future. This should be taken into account by applicants and assessment managers when considering development in this neighbourhood plan area. Applicants are advised to make relevant enquiries regarding the status of the provisions relating to flooding.

2) Building height

- (a) Delete the following sentence from section 3.7 *Riverside South Precinct*:

“Buildings up to 12 storeys are supported on large sites with taller towers located toward the centre of the site to minimise off site impacts such as overlooking and overshadowing.”

para
5

- (b) In A9.1 of the South Brisbane Riverside Local Plan Code insert “and Riverside South Precinct” after “Kurilpa Precinct”.
- (c) Delete the last line in *Table 1-Maximum Building Heights* for site area greater than 9,999 square metres in the Riverside South Precinct.

CULTURAL IMPACT

- Council has undertaken the statutory public consultation as required under Section 12 of Schedule 1 of the repealed IPA as well as additional community consultation through the Community Planning Team process, completed prior to the submission of the plan for the first State interest review.
- Community feedback on the plan to date has been contentious, including some opposition to the increase in density.

EMPLOYMENT IMPACT

- As well as employment generated from the anticipated medium density and mixed use development activities, the neighbourhood plan maintains the employment currently generated by the locality’s industrial and warehouse uses while providing for the redevelopment of these uses if and when they should cease.

RIGHT TO INFORMATION PUBLICATION SCHEME

- It is recommended that this publication (neighbourhood plan) not be included in the DLGP’s Right to Information publication scheme as, subject to your approval, the plan has been publicly notified by Council in accordance with the process set out in Schedule 1 of the repealed IPA.

CONSULTATION WITH STAKEHOLDERS

- The neighbourhood plan has been reviewed and comments provided by the following State Government Departments and entities:
 - DLGP (Growth Management Queensland)
 - Department of the Premier and Cabinet (Arts Queensland)
 - Department of Transport and Main Roads
 - Department of Environment and Resource Management
 - Department of Communities
 - Department of Community Safety
 - Department of Employment, Economic Development and Innovation
 - Department of Public Works

- Department of Education and Training
- Queensland Health
- Queensland Rail
- Powerlink
- Translink Transit Authority
- Energex

FINANCIAL IMPLICATIONS

- DLGP is not aware of any financial implications associated with this amendment.

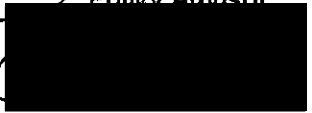
POTENTIAL MEDIA

- A number of local media reports have addressed the draft plan since its submission to DLGP.
- There is potential for positive and negative media in relation to the increased density and height of the plan area, and in particular, of the Precinct Area 7 (Riverside South).
- It may be prudent to consider a media release to articulate your position publicly.
- Media services have been notified.

REGULATORY BEST PRACTICE PRINCIPLES (FOR REGULATORY PROPOSALS ONLY)

- This brief does not relate to a regulatory proposal.

NOTED or APPROVED / NOT APPROVED
 Deputy Premier and Attorney-General,
 Minister for Local Government
 and Special Minister of State
 Comments



Paul Lucas MP
 Deputy Premier and Attorney-General,
 Minister for Local Government
 and Special Minister of State

Principal Advisor

Policy Advisor

10/3/11

10/3/11

9/3/2011

Political Representatives

Local Government

The Right Honourable the Lord Mayor of Brisbane, Councillor Campbell Newman

Councillor Helen Abrahams, Member for The Gabba Ward

State Government

The Honourable Anna Bligh MP, Premier and Minister for Reconstruction, Member for South Brisbane

Federal Government

The Honourable Kevin Rudd MP, Minister for Foreign Affairs and Federal Member for Griffith

Contact Officer:
 Steve Schwartz
 Manager
 Regional Services
 South East Region

Signed
 08/03/11

Approved:
 Acting Executive
 Director

Signed
 09/03/11

Approved:
 Gary White
 Government
 Planner

9/3/2011

Endorsed:
 Paul Low
 Acting Director -
 General and Chief
 Executive Officer
 (GMO)

9/3/11

Election Commitment

CBRC / Cabinet related

ECM related

BRISBANE CITY COUNCIL

Draft Moggill Bellbowrie District Neighbourhood Plan

First State Interest Review comments 22 July 2011 – Part A

This document has been prepared to enable officers of Local and State Government to consult on the proposed planning scheme or amendment, to satisfy *Statutory Guideline 02/09 – Making or amending local planning instruments* of the *Sustainable Planning Act 2009**.

Local Government should review the identified matters and respond in the space provided. An amended planning scheme or amendment (showing tracked changes), along with responses to the State matters raised, should be returned to the Department of Local Government and Planning.

**Sustainable Planning Act 2009* (SPA)

State interest as defined by SPA means –

(a) an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or

Example of an interest the Minister might consider for paragraph (a)

- a tourism development involving broad economic benefits for the State or a part of the State

(b) an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.

State planning instruments (SPI) are also a **State interest** under SPA. SPIs include;

- State planning regulatory provisions (SPRP)
- A designated region's regional plan
- State planning policy (SPP).



Part A – State interests

Part A outlines the State interests which **must** be satisfactorily addressed by the Local Government before proceeding to public notification.

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
<p>Department: Department of Local Government and Planning Contact Name: ██████████, Senior Planner, South East Region (Regional Services) Contact Number: ██████████ Email: ██████████@dlgp.qld.gov.au</p>					
A1	Sub-precinct 2B (where located between adjoining lot 89 Birkin Rd, Bellbowrie and Ellerby Road - adjacent to the Brisbane River) and Sub-precinct 2C	Under the draft plan, these two sub-precincts are identified as areas suitable for increased residential development density. However, according to Council's interim flood level maps as referenced in the TLPI 01/11 and the Queensland Reconstruction Authority mapping, the majority of both sub-precincts were inundated during the January 2011 floods. Increasing the density in these sub-precincts results in increasing the level of risk within these floodable areas.	These sub-precincts should be removed from the draft plan unless sufficient justification is provided to demonstrate that the increase in density complies with SPP 1/03.	State interest SPP 1/03	Following amendment made: <ul style="list-style-type: none"> •General -Sub-precinct 2b – identified and updated mapping that supports precinct intent for development potential at different lot densities to reflect environment constraints, including inundation impacts, habitat and biodiversity vegetation and access •Specific Sub-precinct 2c – Birkin Road LMR area removed from precinct and is to remain LR
A2	Scenic amenity	In Map 7 of the SEQ Regional Plan, the draft plan area is identified as containing regionally significant scenic amenity. One area where regional amenity is identified is the portion of 94 Mercury Street and 55 Priors Pocket Road, Moggill, as contained in the Urban Footprint. Under the draft plan, this area is classified as Low	The scale of development proposed in this location would likely lead to a significant loss of the area's scenic amenity. Demonstrate how this existing regionally significant amenity will be protected from intrusive development in accordance with Principle 3.5 of the SEQ	State interest SEQ Regional Plan (Principle 3.5)	Map A & Proposed Area Classifications Map amended as follows – <ul style="list-style-type: none"> •94 Mercury Street – change EC to EP (previously LR) •55 Priors Pocket Road – change EC to EP (previously

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		Density Residential.	Regional Plan. Further, please identify the physical scenic amenity that currently exists in the Mercury Street/ Prior Pocket Road locality.		LR)
A3	Scenic amenity	<p>Sub-precinct 2B, where located along the river's edge between Weekes and Ellerby Roads, is identified by Council as containing high scenic amenity (according to Council's mapping as sent to the Department on 19 July 2011). The draft plan identifies this area for Low Density Residential development.</p> <p>Principle 3.5 of the SEQ Regional Plan provides that built elements are integrated into the landscape, through design, to minimise visual impacts on locally important scenic amenity.</p>	<p>Please identify the physical scenic amenity that currently exists in the Weekes/ Ellerby Roads area. If this area is regionally significant, land uses should not prejudice the preservation of this amenity.</p> <p>Further, please also demonstrate how the proposed land uses in this area will achieve the policy intents of Principle 3.5 of the SEQ Regional Plan.</p>	<p>State interest</p> <p>SEQ Regional Plan (Principle 3.5)</p>	<p>Plan is amended to better identify constraints in potential development sub-precincts.</p> <p>This sub-precinct is located within the SEQ Regional Plan Urban Footprint and potential urban development outcomes are confirmed.</p> <p>The existing pattern of subdivision, site occupation development approvals, confirms urban residential outcomes in many instances.</p> <p>The level of scenic amenity in this locality differs from lot to lot due to previous or existing uses on site, site clearing and pattern of subdivision.</p> <p>In particular:</p> <ul style="list-style-type: none"> •Lots west of Vanwall Road confirmed as LR. These lots have either been developed

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
					<p>as detached housing with extensive landscape change or are extensively cleared lots suitable for residential development</p> <ul style="list-style-type: none"> • Lots east of Vanwall Road (including former golf course/ country club site) confirmed as LR. Lots are not less than 1 hectare and include a nominated Building Envelope and NP code development requirements to be achieved in respect of flooding and access – precinct plans have been included to more clearly identify constraints • Lots within Waterway Corridor lots are confirmed as capable of sustaining limited LR outcomes with a lot pattern which responds to a waterway corridor as an environment constraint – precinct plans have been included to more clearly identify constraints
<p>Department: Department of Transport and Main Roads Contact Name: ██████████ Senior Planner, Planning Management Contact Number: ██████████ Email: ██████████@tmr.qld.gov.au</p>					

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
Active Transport (Walking and Cycling)					
A4	5. Moggill Bellbowrie District Neighbourhood Plan Code 5.1 General Performance Criteria P1 and A1 Map D: Existing and Future Cycleways	The <i>South East Queensland Principal Cycle Network Plan (PCNP)</i> has been developed in collaboration with local councils and cycle user groups with the aim of providing a connected network of quality cycle routes, between major attractors in south east Queensland. The implementation of the PNCP is identified as a program in the <i>South East Queensland Regional Plan 2009-2031</i> (12.2.7).	The Principal Cycle Network route along Moggill Road (as per Attachment 1) needs to be included on Map D: Existing and Future Cycleways as a future cycle route. <i>Note:</i> Due to its status as a future Principal Cycle Route it has not been determined the route along Moggill Road will be on road or off road. The Principal Cycle Network route along Moggill Road can be labelled as a State government responsibility.	State interest SEQ Regional Plan	Map D amended to reflect future Queensland Government commitment, including principal cycle network route along Moggill Road
Department: Department of Community Safety Contact Name: ██████████, Policy Advisor, Policy and Legislative Reform Contact Number: ██████████ Email: peter.mason2@██████████ and ██████████ @dcs.qld.gov.au					
Guidance Note (Section 1, Page 1)					
A5	Flooding	<i>"Brisbane City Council has determined that flood risk, to the extent regulated by this neighbourhood plan, has been adequately minimised and has had due regard to the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide. However, flooding is predominantly dealt with by other codes and guidelines in City Plan."</i> SPP 1/03 remains the default assessment	Because flooding is dealt with by other codes and guidelines in the City Plan, Council's determination that the Neighbourhood Plan has "due regard" to SPP 1/03 is not validated until Ministerial endorsement of the entire City Plan occurs. As a result, DCS recommends	State interest As the Commission of Inquiry investigation is still on going and pending its outcome, the draft plan is still subject to change. This note is to suitably inform the public of this possibility. It is recommended that the flood Guidance Note is to remain.	Reference response to A18 and A19 amendment to guidance note, page 1

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>tool for planning schemes that are not compliant with SPP 1/03, as is the case with Brisbane City Plan 2000.</p> <p>Additionally, DCS understands the Temporary Local Government Planning Instrument – 01/11 Brisbane Interim Flood Response (TLPI) will override any existing Brisbane City Plan provisions where inconsistencies occur. In turn, SPP 1/03 overrides the TLPI in the hierarchy of planning instruments where inconsistencies occur.</p>	<p>that Council remove this statement. SPP 1/03 remains the default assessment tool for Brisbane City Plan 2000 and also overrides the TLPI where inconsistencies occur unless mitigation provisions in these instruments offer a higher level of protection than those in SPP 1/03.</p>	<p>Please refer to the below DLGP comments regarding the Guidance Note.</p>	
A6	Bushfire	<p>QFRS bushfire hazard mapping shows medium hazard areas within the neighbourhood plan area.</p>	<p>Council should ensure bushfire hazard provisions within Brisbane City Plan 2000 are applicable to occurring bushfire hazard areas. Where the City Plan provisions are less conservative than SPP 1/03 requirements, the SPP becomes the default assessment tool as the City Plan is not endorsed as reflecting SPP 1/03.</p>	<p>State interest</p> <p>SPP 1/03</p>	<p>No change proposed</p> <p>City Plan Subdivision Code is the most appropriate development code that considers bushfire hazard, it incorporates elements of planning for and considering bushfire risk</p>
A7	Landslide	<p>Any areas identified as having geotechnical instability/landslide hazard potential.</p>	<p>Where the City Plan provisions are less conservative than SPP 1/03 requirements, the SPP becomes the default assessment tool as the City Plan is not endorsed as reflecting SPP 1/03.</p>	<p>State interest</p> <p>SPP 1/03</p>	<p>No change proposed</p> <p>City Plan Subdivision Code is the most appropriate development code that considers geotechnical instability, it incorporates elements of planning for and</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
					considering development in or in proximity to unstable land areas
Department: Department of Environment and Resource Management					
Contact Name: ██████████ Senior Planning Officer, Regional Planning and Coordination					
Contact Number: ██████████					
Email: ██████████ @derm.qld.gov.au					
A8	Page 2, item 3.1 Environmental Protection Precinct	DERM acknowledges that some values-koala habitat and protected vegetation- have been considered in the precincts. We note, however, that records exist for Rare and Threatened species under the <i>Nature Conservation Act 1992</i> (NCA) within the Neighbourhood Plan area. It could not be identified how these areas would be considered/ protected and managed.	Further information is required to demonstrate how development proposed within areas identified as containing flora and fauna protected under the NCA and associated habitat areas will be managed.	State interest <i>Nature Conservation Act 1992</i>	The draft plan identifies significant vegetation for preservation in these areas Precinct areas identified as suitable for urban development are confirmed. The NP has altered the level of assessment and NP code outcomes to detail acceptable solutions within development precincts Development will be assessed against the City Plan Subdivision Code, Biodiversity Code and Waterway Code. These are the most appropriate development codes that consider vegetation of critical habitat and high ecological value.
A9	Area Classification Changes Map and Page 2, item 3.2 Sub-precinct 2(b)	The area classification changes map shows areas that contain remnant regional ecosystems and essential habitat values as Low Density Residential. The sub-precinct	Building within these areas are to avoid areas of remnant regional ecosystems. If avoidance cannot be achieved,	State interest	Plan amended as follows: •General - Refined precinct mapping that supports

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		(2b) Low Density Residential indicates that development will maximise retention of vegetation within these areas. More information is required to confirm how this will occur. Refer to attached map.	houses and other structures are to be contained within Building Location Envelope and are sensitively located to minimise vegetation clearing consistent with the requirements of the Environmental Protection Precinct.		<p>identified LR and EP development potential, with resulting different lot densities to be created to reflect environment constraints, including areas of habitat and biodiversity vegetation of regional significance. Precinct mapping, in particular, has been created for three (3) (2b) Low Density Residential areas, including Church Road, Priors Pocket Road and Weekes Road.</p> <ul style="list-style-type: none"> • Specific - 94 Mercury Street and 55 Priors Pocket Road, Moggill – to change from EC to EP (previously identified as LR) – to protect the essential habitat values of the area
A10	High Value Regrowth Area Classification Changes Map	The area classification changes will enable the clearing of high value regrowth as an exempt activity under the <i>Sustainable Planning Regulation 2009</i> (Schedule 24) for an urban purpose in an urban area, including areas where clearing is intended to be restricted. These restricted areas include regrowth areas with essential habitat, regrowth areas with slopes >12%, regrowth areas with adjacent to watercourses and	To maintain the State's interest in native vegetation, it is suggested that the placement of infrastructure or building lot envelopes be done in a manner that avoids high value regrowth in restricted areas.	State interest	<p>See also response to A9</p> <p>Neighbourhood plan reflects sites previously approved for development and constructed as vegetation clearing and retention has been finalised.</p> <p>In other sites that may support additional development while</p>

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		wetlands mapped within regrowth areas.			retaining valued vegetation, building envelope provisions have also been incorporated into the Neighbourhood Planning Code for the Church Road and Weekes Road (2b) Low Density Residential Sub-precincts in order to preserve identified habitat and biodiversity vegetation through the development application process.
A11	Various	'Koala Habitat' is mentioned throughout the document. Is this term defined and is it consistent with DERM Koala Habitat Areas.	Include defined terms for Koala Habitat for clarity and to determine relationship with state-level Koala management provisions.	State interest	No change to neighbourhood plan. The term 'Koala Habitat', as referenced in the draft Moggill Bellbowrie District Neighbourhood Plan is retained in the draft plan as it is defined in Schedule 3 of SPP 2/10: Koala Conservation in South East Queensland. SPP's are recognised as a State interest in City Plan.
A12	Proposed Area Classification Map; Area Classification Changes Map; and Map A: Moggill Bellbowrie District 3.2 Residential	SPP 2/10: Protection of significant areas and retention and enhancement of habitat connectivity	DERM must be satisfied that the neighbourhood plan ensures significant areas are protected and habitat connectivity is retained and enhanced. DERM recognises that significant areas of	State interest SPP 2/10	Amended plan Dot point 1: No change The proposed LR area classification over Moggill Country Club/former golf course site is confirmed

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
	Development Precinct – Sub-precinct 2(b) – Low Density Residential		<p>bushland are to be protected; however it is recommended that further protection is given to the following areas:</p> <ul style="list-style-type: none"> • Bushland areas adjacent to the river in precinct 2(b) – known as the Moggill Country Club district to be designated as environmental protection or conservation; • Bushland should be retained to create a central habitat/waterway corridor between Church and Witty Road, through further development restrictions (code criteria); and • “No Area Designation” areas are designated environmental protection or conservation. <p>Paragraph 2 and 5, states that housing is on land with limited environmental significance, and that koala habitat will be retained. However the codes for this precinct allow for clearing of koala habitat. DERM recommends that BCC strengthen its criteria to promote the SPP principle of</p>		<p>subject to precinct specific development outcomes. Reference response to A3.</p> <p>Dot point 2: Plan amended A precinct map has been created for the area between Church and Witty Roads to identify environmental constraints specific to the area including waterway and habitat corridors. Code provisions have also been included which ascertain the development potential of the precinct.</p> <p>Dot point 3: No change “No Area Classification” in City Plan, refers to State controlled land, which has been noted previously by the Department as a long term infrastructure corridor</p> <p>Last paragraph: No change SPP 2/10 doesn’t prevent the development of houses. These areas have previously been subdivided for quite some time and have continuing development rights (for the establishment of a house).</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			avoid and minimise clearing before offsetting.		
A13	Performance Criteria – P5 and Neighbourhood Plan – General	SPP 2/10: Achieving safe koala movements through design and layout	<p>The Koala Safe Fencing and Other Measures Guideline should be referred to for further guidance on achieving koala safe movement through the Moggill Bellbowrie Neighbourhood Plan area. Consideration should be given to the following actions:</p> <ul style="list-style-type: none"> • Koala friendly fencing; • Koala safe road management; • Koala safe pools; • Mitigating threats from dogs; • Community awareness (e.g. covenants community title and body corporate provisions and awareness signage). <p>DERM also recommends that BCC identify proposed road fauna crossings in key habitat/movement areas.</p>	State interest	<p>Some amendment to plan</p> <p>The draft Plan, as submitted, broadly satisfies the requirements of the SPP 2/10.</p> <p>Detailed precinct plans have been included to more clearly identify environmental constraints including habitat and biodiversity vegetation supporting habitat movement.</p> <p>The draft plan cannot prescribe outcomes for building work covered by other legislation and therefore will not address the management of fencing, pools and domestic animals. Development assessment and subsequent approval conditions may reference the guidelines as relevant material supporting the SPP.</p>
A14	Neighbourhood Plan – General and Moggill Bellbowrie Neighbourhood Plan Code: P3 – P6	SPP 2/10: Achieving development outcomes compatible with koala conservation outcomes	DERM must be satisfied that koala habitat will be protected from non-development associated clearing activities. How will the neighbourhood	State interest	<p>The draft Plan, as submitted, broadly satisfies the requirements of the SPP 2/10.</p> <p>Clearing associated with non-</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			<p>plan provide protection for vegetation which could be cleared outside of development-related clearing – for example, clearing in rural zones.</p> <p>The level of koala habitat protection provided by the South East Queensland Koala Conservation State Planning Regulatory Provisions (SPRP) is to be achieved through the draft neighbourhood plan. The assessment criteria contained within Division 7 of the SPRP are to be reflected in all relevant precinct codes. The Table of Assessments within the Neighbourhood Plan should reflect the exempt development identified in Table 7 Column 1 of the SPRP, to ensure the appropriate development activities are captured.</p> <p>The inclusion of the SPRP Division 7 assessment criteria in the draft neighbourhood plan will ensure that koala safe movements and koala habitat offsets are met. DERM recommends that the acceptable solutions are made</p>		<p>development activities is a compliance issue and not regulated through the neighbourhood plan.</p> <p>Exempt development is not included in City Plan codes in accordance with plan drafting protocols.</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			performance criteria, and A3 wording should be changed from 'does not result' to 'avoid'.		
A15	General	SPP 2/10: Demonstration of achieving policy outcomes	<p>The Neighbourhood Plan should provide a clear demonstration to the State Government on how the objectives of the SPP are being met. This could be done through the preparation and inclusion of a koala conservation strategy in the Neighbourhood Plan. The key areas that could be covered by a koala conservation strategy is as follows:</p> <p>1. Identification of koala habitat values:</p> <ul style="list-style-type: none"> • use of SEQ Koala Protection Area Koala Habitat Values, or a combination of these values and locally identified koala habitat values identified in accordance with Schedule 2 of SPP. <p>2. Identification of areas of significant habitat connectivity, koala movement and shelter opportunities:</p> <ul style="list-style-type: none"> • locally and regionally 	State interest SPP 2/10	<p>No change to draft Plan, the Neighbourhood Plan, as submitted, satisfies the intent and requirements of the SPP 2/10.</p> <p>Maps amended at precinct level to improve identification of waterway and biodiversity values associated with Koala Habitat.</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			<p>significant habitat/ movement corridors</p> <ul style="list-style-type: none"> • land uses/zones that provide permeable environments (ie. rural, rural and some areas of low res, open space etc) • potential habitat linkages <p>3. Identification of potential koala habitat rehabilitation and offset sites:</p> <ul style="list-style-type: none"> • identify opportunities to link significant bushland areas • identify opportunities to link fragmented/stepping stone habitat • identify priority offset sites <p>4. Background information on how each objective of the SPP (section 3.5 a-g) will be met, including relevant implementation strategies:</p> <ul style="list-style-type: none"> • How zone and overlay codes will protect and retain existing koala habitat, increase and enhance koala habitat and improve connectivity and safe movement across landscape • LGA's Offset Management 		

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			Plan/Strategy 5. Additional complimentary/non-statutory local government koala conservation actions: <ul style="list-style-type: none"> • adopting local laws – dogs • development or implementation of active compliance or incentive programs to enhance dog owner compliance with, and knowledge of, local laws • incorporation of koala movement infrastructure into local road upgrades that increase the potential risk to koalas from car strike • Implement community funding programs – koala habitat tree replanting • Develop and promote community education programs. 		
A16	General Comments	The <i>South-East Queensland Regional Plan 2009-2031</i> (sections 6.5) requires that planning and design processes should recognise and reflect an area's unique character, historic fabric and potential contribution to the life of the community. Moreover, there is a requirement to identify and protect Queensland heritage places and	Identify any heritage areas including provisions to consider and preserve heritage values.	State interest SEQ Regional Plan	No change to draft Neighbourhood Plan. The intent of the Act is achieved in draft neighbourhood plan and with City Plan. Heritage areas were considered when reviewing the area classifications and precinct

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>local heritage places and ensure development in or adjacent to those places does not compromise their cultural heritage significance.</p> <p>The draft Neighbourhood plan is not clear as to what values, if any, may exist within the area-of-interest and what provisions are proposed to meet the requirements of the regional plan.</p>			<p>intents for possible conflicts. No such conflicts were identified.</p>
A17	General Comments	<p>State Planning Policy 2/02: <i>Planning and Managing Development involving Acid Sulfate Soils</i> (SPP 2/02)¹ sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. SPP 2/02 may apply to developments occurring in low-lying parts of the Neighbourhood Plan Area.</p> <p>Purpose statement: Development involving acid sulfate soils in low-lying coastal areas is planned and managed to avoid potential adverse effect on the natural and built environment (including infrastructure) and human health.</p>	<p>Development avoids or minimises the disturbance of, and/or oxidation of, acid sulfate soils. More information is required to confirm how the plan will address SPP 2/02.</p> <p>Consider:</p> <ul style="list-style-type: none"> • areas with a high probability of containing acid sulfate soils are identified. • In areas that have a high probability of containing acid sulfate soils, preference is given to land uses that avoid or minimise disturbance of acid sulfate soils. • Oxidation of potential acid sulfate soils is avoided, particularly when undertaking 	<p>State interest</p> <p>SPP 2/02</p> <p>It is noted that some areas of the draft plan may be affected by acid sulfate soils.</p>	<p>No change to draft Neighbourhood Plan.</p> <p>Development is assessed against the City Plan which includes the Acid Sulphate Soil Code which responds to SPP 2/02. The Code is the most appropriate development code that considers acid sulphate soils.</p>

¹ State Planning Policy 2/02: *Planning and Managing Development involving Acid Sulfate Soils* (SPP 2/02) is available from http://www.dip.qld.gov.au/docs/ipa/ass_spp_oct_02.pdf.

² These activities can be an intrinsic part of land uses, such as canal estates, high-rise residential units, golf courses, sand and gravel extraction, and roads and other infrastructure.

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			development involving excavating or otherwise removing soil or sediment, extracting groundwater, or filling land—causes of acid sulfate soils. ²		
EDITORIAL					
Department: Department of Local Government and Planning					
Contact Name: ██████████ Senior Planner, South East Region (Regional Services)					
Contact Number: ██████████					
Email: ██████████@dlgp.qld.gov.au					
A18	Guidance Note, page 1	The Guidance note relating to flooding is supported and required, however the second component is missing.	Include the second half of the guidance note as previously agreed between DLGP and Council. <i>'Consequently the provisions of this neighbourhood plan with respect to the management of flooding and flood risk mitigation may be subject to change at the direction of the Queensland Government or Brisbane City Council in the near future. This should be taken into account by applicants and assessment managers when considering development in this neighbourhood plan area. Applicants are advised to make relevant enquiries regarding</i>	State interest	Guidance Note, page 1 amended to include stated text

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
			<i>the status of the provisions relating to flooding.'</i>		
A19	Guidance Note, page 1	The Guidance Note makes reference that <i>State Planning Policy 5/10 – Air, Noise and Hazardous Materials</i> has been considered in the development of this draft plan.	Remove the reference to SPP 5/10.	State interest The Deputy Premier will determine whether it is appropriate to include any references of compliance with SPP 5/10, should Council be allowed to adopt the draft plan.	Guidance note amended and now reflects text agreed with Queensland Government (and as reflected in City Plan)
A20	Section 3.7 (University of Queensland Pinjarra Hills) – Precinct Intents	It is acknowledged that the draft plan nominates the existing University of Queensland site as the University of Queensland Pinjarra Hills precinct.	Under the SEQ Regional Plan, this site is identified as the University of Queensland Pinjarra Aquatic Research Centre. To ensure consistency, the site is to also be referenced according to its SEQ Regional Plan terminology. One such suggestion may be to include the following: “...is recognised as a science and technology opportunity area (the University of Queensland Pinjarra Aquatic Research Centre) by the <i>South East Queensland Regional Plan 2009 – 2031</i> .”	State interest SEQ Regional Plan (Map 14 and Table 8)	Section 3.7 amended to include “is recognised as a regionally significant site and activity.” The recommended text and project area title is non-statutory and may change subject to direction by University of Queensland. This text supports the neighbourhood plan by limiting time and context damage when identifying this precinct.
A21	Section 3.7 (University of Queensland Pinjarra Hills) – Precinct Intents	The intent of this precinct includes that “any proposal to intensify the existing activities or establish non-education related land uses will be considered” as part of a structure plan.	DLGP considers that the use of the term ‘non-education’ is ambiguous and it may be interpreted that any use where it is non-educational may be	State interest SEQ Regional Plan	Section 3.7 amended to include text “Any proposal to intensify the area’s existing specialised science, innovation and

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>Under the SEQ Regional Plan, this precinct is identified as a science and technology opportunity area and an employment area. The SEQ Regional Plan provides for employment growth in these areas through the clustering of public and private research institutes, businesses that use the latest technology, and advanced business and support services.</p>	<p>appropriate in this area. As outlined under the SEQ Regional Plan, science and technology hubs should be protected for the long-term from inappropriate use and the encroachment of incompatible land uses.</p> <p>To remove this ambiguity and to ensure that any future development appropriately reflects the area's intent, as per the SEQ Regional Plan, include the following to replace the second sentence in the Precinct Intent: "Any proposal to intensify the area's existing specialised science, innovation and technology activities or to establish complementary co-located businesses and services will be considered as part of an integrated structure plan for the site and surrounding area."</p>		<p>technology activities or to establish complementary co-located businesses and services will be considered as part of an integrated structure plan for the site and surrounding area."</p>
A22	Section 5.1, Acceptable Solution A6 (first bullet point)	Acceptable Solution A6 provides that a Koala Conservation Construction Management Plan is to include that building work is undertaken between the hours of 6am and 6pm. These hours contradict the standards prescribed under the <i>Environmental Protection Act 1994</i> (the Act).	It is understood that Council does not have a prescribed local law that regulates noise. As such, the noise standards under Division 3 of the Act prevail. Remove reference from the draft plan.	Editorial	Section 5.1, Acceptable Solution A6 (first bullet point) deleted

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		Section 440P of the Act provides that the default noise standards in Division 3, Part 3B, Chapter 8 of the Act applies. These standards are not applicable where a local government, under the <i>Local Government Act 1993</i> (current version 2009), has prescribed a local law that regulates construction noise.			
A23	Table 1 – Streetscape Hierarchy Footpath Widths and Map E – Streetscape Hierarchy	Table 1 and Map E designate the major road network in the draft plan according to the provisions contained in the draft Brisbane Streetscape Design Guidelines. These Guidelines are currently undergoing a planning scheme policy amendment process.	<p>The draft neighbourhood plan is to reference endorsed, statutory documents. Should these Guidelines not be adopted prior to this neighbourhood plan coming into effect, Council will be required to undertake an amendment to correct the plan's assessment criteria and maps in accordance with the statutory guideline.</p> <p>In lieu of the above, it is recommended that Table 1 and Map E are amended to ensure the plan's road hierarchy is consistent with City Plan's current classifications.</p>	Editorial	Reference to Brisbane Streetscape Design Guidelines replaced with Centres Detailed Design Manual. Amendment to CDDM, as an adopted City Plan reference document, will include subtropical streetscape design guides – the CDDM is anticipated to be in operation prior to adoption of this Neighbourhood Plan. Inclusion of reference to CDDM with subtropical streetscape elements conforms with prior agreement between City Planning and DTMR at 16/8/11.

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
Department: Department of Transport and Main Roads Contact Name: [REDACTED], Senior Planner, Planning Management Contact Number: [REDACTED] Email: [REDACTED]@tmr.qld.gov.au					
State controlled road network					
A24	Precinct Intents, section 3.4-Movement Network Page 3 Map A: Moggill Bellbowrie District	<p>After reviewing the inclusion of the Moggill Pocket Arterial and the Goodna Bypass as preserved transport corridors in Map A; it has been recognised that the Neighbourhood Plan is not the ideal tool in which to show these corridors.</p> <p>Neither of the preserved corridors have funding for works in the <i>South East Queensland Infrastructure Plan and Program 2010-2031</i> or in the <i>Queensland Transport and Roads Investment Program 2011-12 – 2014-15</i>. The corridors will continue to be preserved for future transportation purposes that may emerge as the region continues to develop. However, it is not deemed necessary to include these at the Neighbourhood Plan level when they are shown on Council's strategic planning scheme maps.</p> <p>Showing these preserved corridors can prompt community expectations for delivery of infrastructure in these preserved corridors. Without any funding available for these preserved corridors in the next 5-10 years and as the projects not included in the <i>draft</i></p>	<p>Please remove reference to Preserved Transportation Corridors in section 3.4 - Movement Network and on Map A.</p>	<p>State interest/ editorial</p> <p>Removal of these references from the draft plan is supported.</p>	<p>Section 3.4 amended to remove</p> <p>“Council will continue to lobby TransLink for increased services to support existing and future development”</p> <p>And note replacement text</p> <p>“Proposed Queensland Government transport corridors, such as the Moggill Pocket Future Transport Corridor, will continue to be protected”</p> <p>Map A amended to remove Goodna Bypass Investigation Area and Moggill Pocket Future Transport Corridor.</p> <p>Map D amended to include Moggill Pocket Future Transport Corridor which is consistent with current strategic intent, locally significant regional outcome</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<i>Connecting SEQ 2031: An integrated regional transport plan for South East Queensland</i> it would be pre-emptive to retain reference to them in the Neighbourhood Plan maps.			mapping and site ownership
A25	5. Moggill Bellbowrie District Neighbourhood Plan Code 5.4 Where in Sub-precinct 2(c): Low-medium Density Residential Page 7	A number of areas along Moggill Road have been rezoned as Low-Medium Density Residential in the draft Neighbourhood Plan. Moggill Road is an arterial route and the key road and public transport corridor connecting the Moggill/ Bellbowrie area to the rest of Brisbane and the wider region. In accordance with the TMR <i>Access Policy</i> and the <i>Road Planning and Design Manual</i> , property access to Moggill Road will be managed to reflect the arterial function of Moggill Road. TMR will not permit vehicular access to Moggill Road where alternative vehicular access is available.	Please include an additional Performance Criteria and Acceptable Solution in 5.4 Where is Sub-Precinct 2(c): Low Medium Residential as follows: P3 Vehicular access does not impede the safety and flow of traffic on major transport routes. A3.1 Vehicular access is not provided from Moggill Road where alternative access is available.	State interest/ editorial	No change to draft Neighbourhood Plan. Access to Queensland Government roads is regulated by legislation which is reflected in City Plan
A26	5. Moggill Bellbowrie District Neighbourhood Plan Code Table: 1 Streetscape Hierarchy Footpath Widths Page 8 Map E: Streetscape Hierarchy	It is a State interest of the department to protect the safety and efficiency of the State-controlled road network pursuant to the objectives of the <i>Transport Infrastructure Act 1994</i> . The safety and efficiency of Moggill Road must be maintained as an integral part of the wider road network and a major arterial route connecting Brisbane's western suburbs to the CBD.	Please remove the reference to Moggill Road as a subtropical boulevard (SB1 and SB2) in text and on maps.	State interest/ editorial Please refer to the above DLGP comment for further advice regarding this matter.	No change to draft Neighbourhood Plan City Centre Design Manual includes reference to landscape planting within public spaces with road corridors. The reference to subtropical planting and landscape does not over-ride

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>The creation of subtropical boulevards on State-controlled roads does not align with the intent and provisions in the TMR <i>Road Planning and Design Manual</i>, <i>Road Landscape Manual</i> and <i>Corridor Management Policy</i> and directly compromise the objectives of the <i>Transport Infrastructure Act 1994</i> in relation to State-controlled roads.</p> <p>Subtropical boulevards on State-controlled roads raise the following concerns for TMR:</p> <ul style="list-style-type: none"> • Subtropical boulevard treatments on State-controlled roads can undermine the function of the road and detriment the safety and efficiency of the State-controlled road network. • Increased volumes of pedestrian traffic may increase conflicts between vehicles and pedestrians, in particular heavy vehicles and pedestrians. • Increased volumes of pedestrian movements also impact the efficiency of arterial roads. Increased pedestrian traffic alongside arterial roads greatly increases the need for crossing points of the road which in turn increase stopping points for vehicles. • All works within the State-controlled road corridor require approvals and permits under the <i>Transport Infrastructure Act 1994</i>. Ancillary Works 			<p>the legislated road functionality or performance, nor does it restrict works that deliver, are intended to improve or maintain the roads transport functions. The City Centre Design Manual is intended to be adopted into City Plan prior to adoption of Moggill Bellbowrie District Neighbourhood Plan.</p> <p>Reference to Brisbane Streetscape Design Guidelines replaced with Centres Detailed Design Manual. Amendment to CDDM, as an adopted City Plan reference document, will include subtropical streetscape design guides – the CDDM is anticipated to be in operation prior to adoption of this Neighbourhood Plan and inclusion of reference to CDDM with subtropical streetscape elements conforms with prior arrangement between City planning and DLGP.</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>and Encroachments applications would be required and the Neighbourhood Plan and the <i>Brisbane Streetscape Design Guidelines</i> do not provide enough detail to ensure that the subtropical boulevard treatments would be in accordance with TMR standards.</p> <ul style="list-style-type: none"> TMR need to balance a number of interests in the State-controlled road corridor, including public transports facilities, cyclists and pedestrians where appropriate. Subtropical boulevard treatments can compromise TMR's ability to manage these interests in line with departmental standards. <p>Discussions have occurred between Council and TMR regarding subtropical boulevards on State-controlled roads and how TMR concerns can be resolved. There are still a number of outstanding issues that need to be discussed and until these are resolved TMR can not support subtropical boulevards shown on State-controlled roads.</p>			
Public Transport					
A27	3 Precinct Intents 3.4 Movement Network Page 3	<p>In 3.4 Movement Networks it reads; "Council will continue to lobby TransLink for increased services to support existing and future development". This statement is inappropriate for inclusion in a Neighbourhood Plan for the following reasons:</p> <ul style="list-style-type: none"> The outcomes of this intent can not be 	<p>Please remove the following text from 3.4 Movement Networks:</p> <p>"Council will continue to lobby TransLink for increased services to support existing and future development".</p>	Editorial	<p>Section 3.4 amended to remove</p> <p>"Council will continue to lobby TransLink for increased services to support existing and future development"</p>

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>achieved through the neighbourhood plan.</p> <ul style="list-style-type: none"> • TransLink currently operates the 444 BUZ and the 443 services to Bellbowrie and Moggill. The 444 BUZ provides a higher level of service than what is expected for development of the scale and density that is provided in the draft Moggill Bellbowrie District Neighbourhood Plan. • A substantial increase in density and scale would be required to consider increased public transport services based on the current population and density projections. The Development Principles in the Neighbourhood Plan do not provide for this substantial increase. • This statement is a misrepresentation of the existing services provided by TransLink in the Moggill Bellbowrie area. 			<p>And note replacement text</p> <p>“Proposed Queensland Government transport corridors, such as the Moggill pocket future Transport Corridor, will continue to be protected”</p>

BRISBANE CITY COUNCIL

Draft Darra Oxley District Neighbourhood Plan

First State Interest Review comments – State Interest comments 27 July 2011

This document has been prepared to enable officers of Local and State Government to consult on the proposed planning scheme or amendment, to satisfy *Statutory Guideline 02/09 – Making or amending local planning instruments of the Sustainable Planning Act 2009**.

Local Government should review the identified matters and respond in the space provided. An amended planning scheme or amendment (showing tracked changes), along with responses to the State matters raised, should be returned to the Department of Local Government and Planning.

**Sustainable Planning Act 2009 (SPA)*

State interest as defined by SPA means –

(a) an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or

Example of an interest the Minister might consider for paragraph (a)

- a tourism development involving broad economic benefits for the State or a part of the State

(b) an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.

State planning instruments (SPI) are also a **State interest** under SPA. SPIs include;

- State planning regulatory provisions (SPRP)
- A designated region's regional plan
- State planning policy (SPP).



Part A – State interests

Part A outlines the State interests which **must** be satisfactorily addressed by the Local Government before proceeding to public notification.

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
Department: Regional Services, Department of Local Government and Planning Contact Name: ██████████, Principal Planner Contact Number: ██████████ Email: ██████████@dlgp.qld.gov.au					
A1	Flood Guidance Note	The second component of the guidance note is missing.	Include the second half of the guidance note as agreed between DLGP and BCC. <i>'Consequently the provisions of this neighbourhood plan with respect to the management of flooding and flood risk mitigation may be subject to change at the direction of the Queensland Government or Brisbane City Council in the near future. This should be taken into account by applicants and assessment managers when considering development in this neighbourhood plan area. Applicants are advised to make relevant enquiries regarding the status of the provisions relating to flooding.'</i>	State Interest.	
A2	SPP 5/10 Guidance Note	This guidance note suggests the draft plan has considered the SPP appropriately. As per DERM comments, there are a number of issues that require additional consideration.	Remove the reference to SPP 5/10.	State Interest. The Deputy Premier will determine whether it is appropriate to include any references to compliance with SPP 5/10.	
A3	Sub precincts 5a, 5c, 6a, and	Under the draft plan, these sub-precincts and areas are identified as	Given the January flood event and the Commission of inquiry, the	State interest	

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
	proposed LR classification changes in east of the plan area (Bannerman st, Colwel St, and Mabel St).	suitable for increased development density. However, according to Council's interim flood level maps as referenced in the TLPI 01/11 and the Queensland Reconstruction Authority mapping, parts of these areas were inundated during the January 2011 floods. Increasing the density in these areas may result in increasing the level of risk within these floodable areas.	development potential of these areas is not certain. All areas affected by the mapping should not be altered and should be removed from the draft plan.		
A4	S1.1 – Definitions	The definitions included may not be utilised in the impending QPP planning scheme format. It is assumed the inclusion of the 'sensitive receiving environment' definition is to address SPP5/10. The definition would override the existing City Plan definition and would have the effect of removing residential and emerging community areas, hospitals and education facilities as sensitive uses. It is also noted this definition is not consistent with the uses identified as sensitive under SPP 5/10. The 'sensitive environment' definition appears to be utilised only in section 6.7 and to trigger subdivision requirements.	Remove the definitions and ensure the desired and appropriate outcome is achieved through other measures in the draft plan.	State Interest. QPP. SPP 5/10.	
A5	S3.1	Industrial activity only considered in relation to impact on residential uses,	Council to consider and address the other sensitive uses identified by SPP	State Interest.	

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		however other uses are defined as sensitive by SPP 5/10 which are proposed by the draft plan.	5/10 within this development principle, and subsequent parts of the draft plan.	SPP 5/10. SEQ Regional Plan (2.3).	
A6	SP12 Area	In conjunction with the other comments relating to SPP 5/10, the SP12 area allows for industry and office in the same area, and the associated level of assessment table in City Plan appears to allow MUDS and short term accommodation. The SP12 centre area is not consistent with the outcomes specified by SPP 5/10. It is acknowledged that this raises a wider City Plan approach to utilising this SP centre, however the draft plan specifically utilises this provision in a number of areas.	Council to utilise another City Plan provision to achieve land use outcomes.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	
A7	S4.1b & Map D – Darra Residential sub precinct	This sub precinct would result in a significant intensification of residential uses in combination with the proposed area classification changes, in close proximity to the Brickworks site. The proximity to Darra station is noted as is Council's intent to increase density as per TOD principles. However, Map D shows ' <i>land impacted by extractive industry</i> '. What rationale has Council applied in determining this area is suitable for increased residential activity given the proximity to the extractive industry?	Council to justify the intensification of the south east part of the sub precinct to demonstrate potential impacts are appropriate, in accordance with SPP 5/10.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		It is not clear that the proposed land uses in the south east corner of this sub precinct have been established as appropriate in light of SPP 5/10.			
A8	S4.3 - Brickworks precinct	It is noted the Brickworks operation is expected to continue operation. The precinct is proposed for light industrial and some general industrial uses should the extractive industry cease. Given the existing residential encroachment of this land, it is not clear why has Council designated this area for further industrial use which will continue to conflict with the residential uses. Notwithstanding the above comment, light industry should also be required to manage its impacts on residential uses if future uses of the site are considered (see DERM comments). Council should ensure the mapped biodiversity areas achieve the desired intent as Map H does not appear to reflect vegetation areas.	Council to provide justification on the future land use intent of the Brickworks precinct given the existing residential encroachment will likely conflict with potential future industrial use of the site.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	
A9	S4.3 & other elements of draft plan	The draft plan proposes provisions relating to the NALL local law. It is noted this does not appear to be addressed by the Natural Assets PSP.	The draft plan should reference standards and assessment criteria contained within City Plan, and allowed by S85 of SPA.	State Interest. S85 SPA.	
A10	S4.4	The primary intent of this precinct is to protect the environmental values present, and to restrict development	Council to justify the proposed intensification of this area to LR in relation to the outcome identified by	State Interest. SPP 5/10.	

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>adjacent to the brickworks. The first point is addressed by Map I and the Code, however the second point does not appear to be addressed.</p> <p>The proposed area classification shows all of the area within the 250m radius as being low density residential. This may result in Code assessable applications for houses in this area. There are no Code provisions included to restrict development in this area where related to the impact from the Brickworks site. It is also noted there appear to be no applicable provisions to assess such an application in the House Code, and the Industrial Area-adjacent development code would not apply. The inclusion of the land within the LR area does not appear consistent with the outcome identified by SPP 5/10 and clearly suggests this land is intended for residential purposes, despite the precinct intent.</p>	<p>SPP 5/10 and to demonstrate that potential impacts may be appropriate. Council to consider including Code provisions to address such an application if lodged, and to demonstrate that existing City Plan provisions can effectively deal with a development application for residential uses within the 250m area to ensure the outcome of SPP 5/10 is achieved.</p>	<p>SEQ Regional Plan (2.3).</p>	
A11	S4.5a	<p>This precinct identifies offices, residential uses, and short term accommodation which are sensitive uses as defined by SPP 5/10. Further, the proposed precinct and area classification changes introduce new industrial uses adjacent to existing residential uses.</p>	<p>The precinct intent is not consistent with the outcome specified by SPP 5/10. Council to reconsider the intent for this area (i.e. the conflicting community, office, and industrial uses) and the impact on the adjoining residential uses in accordance with SPP 5/10.</p>	<p>State Interest.</p> <p>SPP 5/10.</p> <p>SEQ Regional Plan (2.3).</p>	

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A12	S4.5b & c – sub precinct intents	The precinct intent for sub precinct 4.5b indicates that general industrial uses are appropriate provided they are of small scale. This is not consistent with the sub precinct title and considering it adjoins two residential sub precincts. It is noted that sub precinct 4.5b appears to be mostly developed. Sub precinct 4.5c is proposed to be predominantly LR classification. In combination with the comments on sub precinct 4.5b, Council proposes to intensify residential uses adjacent to existing and proposed industrial uses.	Council to reconsider the specified intent for sub precinct 4.5b and to demonstrate the intensification of sub precinct 4.5c is appropriate given the proximity to sub precinct 4.5b.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	
A13	S5 – Level of assessment tables	A number of the level of assessment tables contain and/or statements. The use of and/or in this section is not appropriate as the triggers need to be specific. The current drafting would potentially result in level of assessment triggers falling away if the 'or' was argued by an applicant.	Amend the level of assessment tables to ensure certain and clear triggers are included.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A14	S5 – Industry adjacent to residential uses in precinct 4.5a	Further to the previous comment on precinct 4.5a, section 5.2 and 5.4 would allow as impact appropriate applications Schedule 1&2 uses, and dangerous goods storage. These areas directly adjoin residential areas. The proposed level of assessment for these areas and proposed industrial	Further to the previous comment, remove the reference to Schedule 1&2 uses and dangerous goods storage, or include them in impact inappropriate.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	

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		uses does not achieve the Policy outcome identified by SPP 5/10 in light of current City Plan application.			
A15	S5.4 – Short term accommodation & community uses	Short term accommodation and community uses are included for Code assessable and Impact appropriate development suggesting, it is appropriate for the sub precinct. These uses are sensitive uses as per SPP 5/10.	As per SPP 5/10 discussion, Council to substantiate that short term accommodation and community uses should be Code assessable in this precinct.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	
A16	S6.1 – A1.1, A2, A3.2	This AS references Map C1, however map C1 contains no elements regarding operational airspace, lighting, or emission areas, only ANEF.	Council to consider including appropriate mapping which references the relevant operational airspace elements.	State interest. SPP 1/02 Efficient, effective and accountable planning and development assessment system.	
A17	S6 – A6	This acceptable solution repeats the requirements already contained within the QDC.	Remove the AS, or Council to consider requiring higher standards than the QDC.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A18	S6 – P8 & P9	The objective of these provisions regarding the interface is acknowledged. However these provisions appear to duplicate the Industrial Amenity and Performance Code provisions.	Remove the provisions where they are the same as the Industrial amenity and performance code and where they are already triggered by City Plan, or redraft the provisions to include additional/alternative provisions.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A19	S6 – P13 & A13	It is noted that A13 duplicates current QDC requirements which is not necessary.	Remove the duplication of QDC requirements for defined motorways.	State Interest. Efficient, effective and accountable planning and development	

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				assessment system.	
A20	S6 – P29 & A29	These elements are addressed by the QDC, in particular A29.2. Vegetation will provide little noise attenuation.	All references to the QDC to be removed. Suggest Council consider whether the inclusion of the vegetation buffer is required.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A21	P21, page 15	Car parking rates in the centres (Precinct 1a and 2a) are not proposed to be varied by the Neighbourhood Plan. Standard car parking rates as contained in City Plan 2000 do not adequately address TOD requirements.	Car parking rates consistent with the <i>Transit oriented development: guide for practitioners in Queensland</i> should be applied to development in precinct 1a and 2a.	State interest. SEQ Regional Plan.	
A22	Maps –Limited access frontage	A number of the maps contain ' <i>Limited Access Frontages</i> ', however there are no code provisions to enforce or direct what this requires. This provision may conflict with the intent for the Ipswich Motorway precinct which specifies all access should be from this frontage.	Council to ensure there are provisions to enable the desired outcome of the limited access frontage to be achieved, or remove from plan.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A23	Map C2 – Park	There appears to be no precinct intent or code provisions in conjunction with this element of the map, and accordingly it does not appear to perform a statutory function.	Council to include provisions or remove from Map C2.	State Interest. Efficient, effective and accountable planning and development assessment system.	
A24	Map H – Indicative vehicle access	There are no code provisions relating to the indicative vehicle access and it does not appear to perform a statutory function.	Council to include provisions or link, or remove from Map H.	State Interest. Efficient, effective and accountable planning and development assessment system.	

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A25	Maps J & K – Flood affected areas	Both Maps J & K include 'flood affected areas', however there are no provisions relating to flooding in the draft plan and it does not appear to perform a statutory function under existing City Plan provisions.	Council to include provisions and consider whether the proposed land uses are appropriate for the area.	State Interest. SPP 1/03. Efficient, effective and accountable planning and development assessment system.	
Department: Department of Local Government and Planning - Building Codes Queensland Contact Name: ██████████. Advisor, Building Legislation and Standards Contact Number: Ph: ██████████ Email: ██████████@dip.qld.gov.au					
A26	Pg 14 P16 Development promotes activation of streets and parks through building design, site layout and a mix of uses	A16.3 Within a Centre, buildings promote active frontages by: <ul style="list-style-type: none"> the ground floor having a minimum floor to ceiling height of 4m 	Section 86 of the Sustainable Planning Act 2009 prevents a planning scheme from including building assessment provisions for building work. The Building Code of Australia (BCA) contains provisions for minimum room heights.	State Interest. Efficient, effective and accountable planning and development assessment system. Council to confirm whether the minimum height specified and the purpose identified by P16 is already regulated by the QDC or BCA. If the provision regulates above what is required by the QDC or BCA, then the provision may be retained.	
Department: Transport and Main Roads Contact Name: ██████████ Contact Number: ██████████ Email: ██████████@tmr.qld.gov.au					
Railway Corridors and Infrastructure					
A27	6.2 Where involving residential	Transport corridors have the potential to generate noise and vibration from the operation of services and	Remove the word residential from 6.2 Amend A13 to read	State Interest. See DLGP comment on A13 not	

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
	building work within a transport noise corridor P13 & A13 p, 13	<p>maintenance. As per Section 258 of the <i>Transport Infrastructure Act 1994</i> development is required to minimise the effect of environment emissions (air particles, fumes, light and noise) generated by railways or future railways.</p> <p>The department acknowledges and appreciates Council mapping Transport Noise Corridors in the Darra Oxley Neighbourhood Plan as a measure to ameliorate rail noise through the <i>Queensland Development Code</i> (QDC). However the QDC does not apply to all development affected by rail corridor noise because not all rail noise contours have been finalised and gazetted. The QDC also does not include provisions for external noise criteria on development. Furthermore, The QDC, Section MP4.4 only applies to residential development.</p> <p>New uses proposed in the Darra-Oxley Neighbourhood Plan include Suburban Centre (MP3) & Convenience Centre (MP4). MP3 & MP4 areas can contain the following noise sensitive uses which can be impacted by rail noise;</p> <ul style="list-style-type: none"> • Child care facilities • Community facilities • Education purposes 	<p>Residential development meets the requirement of the Queensland Development Code MP 4.4 Buildings in a Transport Noise Corridor</p> <p>Insert as an additional acceptable solution to address performance criteria P13;</p> <p><i>Where located on land that is affected by environmental emissions generated by an operational rail corridor, sensitive development mitigates noise impacts on the development generated by the rail corridor.</i></p> <p>Note: <i>Sensitive development is defined as child care facilities, community facilities, education purposes, health care purposes, medical centres, and short term accommodation.</i></p>	<p>being required.</p> <p>Notwithstanding, rail noise / emissions are not currently dealt with by the QDC. Council to consider an appropriate mechanism to address rail impacts on development as per DTMR suggestion.</p>	

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		<ul style="list-style-type: none"> • Health care purposes • Medical centres • Short term accommodation <p>If the Noise Impact Assessment Planning Scheme Policy (the PSP) is being used by BCC for the existing provisions for addressing rail noise provisions, it is out of date for the following reasons:</p> <ol style="list-style-type: none"> 1. The PSP refers to the EPP (Noise) 1997 in its comments on pg 156, regarding a single, Whole of Queensland Acoustic Ambience Objective of 55dB(A). This has been superseded by the EPP (Noise) 2008 which sets out a number of different Ambience Objectives for different types of development. The EPP (Noise) 1997 defined specific noise planning levels for railways. 2. The current version of the EPP (Noise) 2008 does not specify any noise planning levels for rail (City Plan pg 159). 3. The current EPP (Noise) 2008 does not outline Beneficial Assets (pg 159), whereas the superseded one did. 4. Pg 158 of the PSP outlines the Queensland Rail Noise 			

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		<p>Management Plan as a database for determining appropriate separation distances and measures with relation to noise emissions for residential and other noise sensitive uses. Queensland Rail has advised TMR that this is no longer correct and will be replaced by the Queensland Development Code.</p> <p>As such, draft Darra Oxley Neighbourhood Plan should ensure that all noise sensitive development incorporates measures to minimise the emission of noise and vibration from the road and rail networks.</p>			
<p>Department: Department of Employment, Economic Development and Innovation, Industrial Land Analysis and Planning Contact Name: [REDACTED] Contact Number: [REDACTED] Email: [REDACTED] @deedi.qld.gov.au / [REDACTED] @dip.qld.gov.au</p>					
A28	<p>4 - Precincts 4.4 - Portal Street Precinct 5 – Levels of Assessment 6 – Darra Oxley District Neighbourhood Plan Code</p>	<p>DEEDI supports Councils intentions for the Portal Street Precinct to ensure potential impacts between residents and the adjacent extractive industry (Boral Brickworks) does not constrain the continued operation of the business. However DEEDI is concerned that the Darra Oxley District Neighbourhood Plan Code, levels of assessment tables, and CityPlan 2000 will allow intensification of residential</p>	<p>DEEDI seeks clarification from Council as to their intention for the area and whether Council is concerned about a possible intensification of residential uses close to extractive industry.</p> <p>DEEDI would also seek information on any planning investigations, as per SPP 5/10 - Air, Noise and Hazardous Materials, that may have been carried out to ensure future residents are not</p>	<p>State Interest.</p> <p>SPP 5/10 SEQ Regional Plan (2.3).</p>	

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>land uses in this precinct to the detriment of the established extractive industry business, regardless of the intents stated for the precinct. DEEDI notes that proposed area classification changes in the Darra Oxley District Neighbourhood Plan (DODNP) changes the Portal Street Precinct from Emerging Communities in City Plan 2000 to Low Density Residential in the DODNP. DEEDI also notes that a house is a self assessable development in a low density residential area zone.</p>	<p>impacted by the Boral brickworks extractive industry.</p>		
A29	<p>1 Introduction Guidance Note, Page 1.</p> <p>and</p> <p>6 Darra Oxley District Neighbourhood Plan Code.</p> <p>6.1 General - Industry, Warehouse where within 150m of a sensitive receiving environment.</p>	<p>State Planning Policy 5/10: Air, Noise and Hazardous Materials (SPP 5/10) seeks to ensure that...</p> <p><i>“Industrial land uses (particularly uses for medium impact, high impact, extractive, and noxious and hazardous industry zones) are directed away from land uses that are sensitive or at risk from the impacts of industry.” (p7)</i></p> <p>The SPP 5/10 states that, when preparing local planning instruments, local governments must ensure that:</p> <ul style="list-style-type: none"> <i>“industry zones and zones for sensitive land uses are appropriately planned and located to manage the interface</i> 	<p>Amend the Draft Darra Oxley District Neighbourhood Plan Code to:</p> <ul style="list-style-type: none"> provide for a 250 metre separation distance between medium-impact industrial uses and sensitive receiving environments in accordance with the SPP 5/10 	<p>State Interest.</p> <p>SPP 5/10 SEQ Regional Plan (2.3)</p>	

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
	A8.	<p><i>between these and vice versa, and</i></p> <ul style="list-style-type: none"> <i>this interface is managed to protect the health, wellbeing, amenity and safety of communities and individuals, and provide for the long term viability of industrial development.” (p12)</i> <p>To achieve the above, Schedule 2 of SPP 5/10 stipulates requirements for separation distances between certain industry activities and sensitive land uses, which are:</p> <ul style="list-style-type: none"> <i>“Medium impact industry–250 metres</i> <i>High impact industry–500 metres</i> <i>Noxious and hazardous industry–1500 metres.” (p12)</i> <p>Section 6.1 of the Draft Darra Oxley District Neighbourhood Plan Code applies a 150 metre separation distance for Industry and Warehouse activities when in proximity to a sensitive receiving environment. DEEDI is concerned that the SPP 5/10 requirement for a 250 metre separation distance between medium impact industry and sensitive uses has not been adequately captured within the draft Neighbourhood Plan provisions.</p>			

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		Therefore, DEEDI is not satisfied that the SPP 5/10 has been adequately reflected in developing the Plan, as stated in the Draft Neighbourhood Plan Introduction Guidance Note.			
Department: Environment and Resource Management					
Contact Name: ██████████					
Contact Number: ██████████					
Email: ██████████@DERM.qld.gov.au					
A30	State Planning Policy SPP 5/10. <i>Air, Noise and Hazardous Materials</i>	<p>The <i>State Planning Policy 5/10 Air, Noise and Hazardous Materials</i> (SPP 5/10) commenced on 2 May 2011. While the draft Plan notes that the provisions of SPP 5/10 have been considered, there are a number of matters that require additional consideration:</p> <ul style="list-style-type: none"> - the mapping is not at a scale that allows the proximity of industry zones to residential zones to be assessed. A map with the zones surrounding the proposed neighbourhood plan should also be provided to ensure that comments can be provided in the context of the surrounding land uses. - The SPP references QPP industrial definitions, however the light industry definition of City Plan allows for a greater range of industrial uses than the low impact 	Take action as outlined in comments section.	<p>State Interest.</p> <p>SPP 5/10. SEQ Regional Plan (2.3).</p> <p>DLGP notes that similar issues to those raised by the draft plan were discussed between DERM, BCC and DLGP on 06/07/11, in relation to the Pinkenba Neighbourhood Plan. DLGP suggests that Council utilise the information gained from the meeting held on the 06/07/11 in formulating a response to DERM, DEEDI, and DLGP comments.</p> <p>DLGP suggests meeting with State Agencies to discuss Council's approach and resolve the outstanding issues with regard to SPP 5/10, prior to Council resubmitting the plan to the State.</p>	

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		<p>industry definition in the QPP. Therefore the triggers for investigation work are exceeded (as identified by Schedule 2 of the SPP). We suggest that this matter can be addressed by reflecting the intent of the SPP 5/10 and the QPP definitions in the level of assessment (LoA) tables.</p>		<p>DLGP can facilitate these meetings if this would be of assistance to Council.</p>	
A31	<p>SPP 5/10 Darra Suburban Centre Sub-precinct (1a)</p>	<ul style="list-style-type: none"> – Increasing residential density is supported in this precinct provided that uses in the 'Mixed Light Industry and Business Precinct (1c)' are of a light nature. The current development principles of 1c as well as supporting LoA tables do not however meet this requirement. – The development principles of 1c need to be very clear that emission generating aspects of the use will operate during the daytime only (7am-6pm), and that all manufacturing aspects of uses will be undertaken indoors and that there will be no noticeable impacts on surrounding residential areas. – The LoA table should be expanded to clearly state that uses that uses operating outside 	<p>Take action as outlined in comments section.</p>	<p>State Interest. SPP 5/10. SEQ Regional Plan (2.3).</p>	

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p>of daytime hours will be impact assessable, along with any industrial uses that primarily operate outdoors.</p> <p>– DERM suggests that the development principles of 1a state that any light industrial uses in this sub-precinct should operate during daytime hours, and have no noticeable impacts on surrounding residential land uses.</p>			
A32	SPP 5/10 Darra Mixed Light Industry and Business Sub-Precinct	<p>– The development principles of 1c need to be very clear that emission generating aspects of the use will operate during the daytime only (7am-6pm), and that all manufacturing aspects of uses will be undertaken indoors and that there will be no noticeable impacts on surrounding residential areas.</p> <p>– The LoA table should be expanded to clearly state that uses that uses operating outside of daytime hours will be impact assessable, along with any industrial uses that primarily operate outdoors.</p>	Take action as outlined in comments section.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	
A33	SPP 5/10 Darra Industrial Precinct	– The southern extent of this precinct should not support general industrial uses because of their proximity to 1a and 1b. We suggest that this provision should be in both	Take action as outlined in comments section.	State Interest. SPP 5/10. SEQ Regional Plan (2.3).	

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		the development principles and reflected in the LoA table.		The existing area classification should also be considered.	
A34	State Planning Policy 2/02: <i>Planning and Managing Development involving Acid Sulfate Soils</i> (SPP 2/02)	State Planning Policy 2/02: <i>Planning and Managing Development involving Acid Sulfate Soils</i> (SPP 2/02) ¹ sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. SPP 2/02 may apply to developments occurring in low-lying parts of the Neighbourhood Plan Area.	More information is required to confirm how the plan will address SPP 2/02. In particular, how development avoids or minimises the disturbance of, and/or oxidation of, acid sulfate soils. It is suggested that: <ul style="list-style-type: none"> • areas with a high probability of containing acid sulfate soils are identified. • In areas that have a high probability of containing acid sulfate soils, preference is given to land uses that avoid or minimise disturbance of acid sulfate soils. Oxidation of potential acid sulfate soils is avoided, particularly when undertaking development involving excavating or otherwise removing soil or sediment, extracting groundwater, or filling land—causes of disturbance of acid sulfate soils. ²	State Interest. SPP 2/02.	
Department: Community Safety Contact Name: [REDACTED] Contact Number: [REDACTED] Email: [REDACTED]@dcs.qld.gov.au					

¹ *State Planning Policy 2/02: Planning and Managing Development involving Acid Sulfate Soils* (SPP 2/02) is available from http://www.dip.qld.gov.au/docs/ipa/ass_spp_oct_02.pdf.

² These activities can be an intrinsic part of land uses, such as canal estates, high-rise residential units, golf courses, sand and gravel extraction, and roads and other infrastructure.

No.	Reference (section/page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
A35	Flood Guidance Note (Page 1)	<p><i>“Brisbane City Council has determined that flood risk, to the extent regulated by this neighbourhood plan, has been adequately minimised and has had due regard to the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.</i></p> <p><i>However, flooding is predominantly dealt with by other codes and guidelines in City Plan.”</i></p> <p>DCS Comment: SPP 1/03 remains the default assessment tool for planning schemes that are not compliant with SPP 1/03, as is the case with Brisbane City Plan 2000.</p>	<p>Because flooding is dealt with by other codes and guidelines in the City Plan, Council’s determination that the Neighbourhood Plan has “due regard” to SPP 1/03 is not validated until Ministerial endorsement of the entire City Plan occurs. As a result, DCS recommends that Council remove this statement. Parts of the Darra Oxley Neighbourhood Plan are covered by BCC’s Temporary Local Planning Instrument (TLPI) 01/11 – Brisbane Interim Flood Response. Consideration to the provisions of the TLPI must be considered for development in the identified areas. SPP 1/03 remains the default assessment tool for Brisbane City Plan 2000 and also overrides the TLPI where inconsistencies occur unless mitigation provisions in these instruments offer a higher level of protection than those in SPP 1/03.</p>	<p>State Interest.</p> <p>The note should remain within the neighbourhood plan as per previous discussions between BCC and DLGP.</p>	
A36	Landslide Page 13, Land subject to instability, P11	<p><i>P11 Development in areas of known land instability must be designed to address geotechnical and structural ability without impacting adversely on land stability.</i></p> <p><i>A11 A geotechnical engineering assessment demonstrating that development is capable of being constructed with no undue impacts to</i></p>	<p>Council should add any areas with a slope of 15% or greater to Map C2.</p> <p>Where the City Plan provisions are less conservative than SPP 1/03 requirements, the SPP becomes the default assessment tool as the City Plan is not endorsed as reflecting SPP 1/03.</p>	<p>State Interest.</p> <p>SPP 1/03</p>	

No.	Reference (section/ page number)	Comment	Suggested Outcome	DLGP Categorisation/ Comment	Local Government Comment
		<p><i>the geological stability of the area is prepared for development occurring within areas of known land instability identified on Map C2.</i></p> <p>SPP 1/03 requires these provisions for any slope 15% or greater unless a registered professional engineer can demonstrate that the site is not subject to landslide hazard.</p>			
<p>Department: ENERGEX Limited Contact Name: ██████████ Student Town Planner, Network Strategy and Property Contact Number: ██████████ Email: ██████████ @energex.com.au</p>					
A37	Proposed Area Classification Changes	The Darra Substation is currently classified as Low Density Residential (LR) under the current Brisbane City Plan 2000. ENERGEX has identified that this area classification has been amended to Community Use Area 8 – Utility Installation (CU8) as a result of previous correspondence.	ENERGEX would like to advise the Neighbourhood Planning Team that the zoning of Community Use Area 8 0 Utility Installation must remain in place due to the longevity of this substation.	State Interest. No action required provided area classification remains.	