

13 March 2019

Officer: Charlotte Hughes
Contact: 3383 3045
Our Reference: MCU18/0220

Lendlease Communities (Shoreline) Pty Ltd
C/- Saunders Havill Group
Attn: Ashley Lovell
9 Thompson Street
Bowen Hills Qld 4006

Dear Sir/Madam

Minor Change to an Existing Approval

Planning Act 2016

I refer to your request dated 04 October 2018 to make a minor change to an existing approval for MCU013287, granted on 18 November 2015.

On 06 March 2019, Council decided your requested changes.

Details of the decision are outlined below.

APPLICATION DETAILS

Application No:	MCU18/0220
Development Approved:	Change (minor) to MCU013287: Preliminary Approval for Material Change of Use to vary the effect of the a local planning instrument for a master planned urban community comprising town centre, town centre frame, residential and open space precincts.
Street Address:	156-168 Serpentine Creek Road, Redland Bay
Real Property Description:	Lot 2 RP 149309, Lot 8 R 1291, Lot 69 S 31102 Lot 70 S 31102, Lot 71 S 31102, Lot 72 S 31102 Lot 73 S 31102, Lot 4 RP 105915, Lot 3 RP 105915 Lot 1 RP 103265, Lot 2 RP 140163, Lot 1 RP 212251 Lot 1 RP 105915, Lot 1 RP 71630, Lot 1 RP 140163 Lot 83 S 312432, Lot 84 S 312432, Lot 86 S 312432 Lot 255 S 312432, Lot 256 S 312432, Lot 257 S 312432, Lot 259 S 312432, Lot 247 S 312432, Lot 252 S 312432, Lot 2 SP 226358, Lot 11 S 268704 Lot 1 SP 289245, Lot 74 SP 289245

TYPE OF DEVELOPMENT

In accordance with section 81 of the *Planning Act 2016*, Development Permit MCU013287 has been modified to reflect the following changes:

Amendments:	Detail:
General revisions to the POD	- Removal of supporting documentation in Volume 1, 2 and 4. - Amendments to wording on preface page. - Updates to reference current planning legislation i.e. <i>Planning Act 2016</i> to replace the <i>Sustainable Planning Act 2009</i>. - Updates to reference current Lot numbers, where they have changed since the original approval.
Amendments to the tables of assessment within the POD	- Alterations to wording within the tables of assessment to reflect the Redland City Plan 2018 e.g. 'self-assessable' is being amended to 'accepted subject to requirements.' - Community facility added as a code assessable use within the Shoreline Town Centre Frame and the Residential Precinct (where the GFA does not exceed 250sqm).
Alterations to development codes contained within the POD	- Residential precinct code - Addition of the following note to P2.4: <i>'An Overall Density Plan is to be prepared/updated and submitted with each reconfiguration application. The plan will monitor overall density, given a stage of development may be lower or higher than 15 dwellings per hectare, but the overall development is to achieve up to 15 dwellings per hectare.'</i> - Poultry Industry Overlay - Removal of the requirements relating to the Protection of the Poultry Industry Overlay. - Dwelling house code - Amendments to the wording to align with QDC MP1.1. - Removal of references to MP1.2 for lots less than 450m², where MP1.1 is only applicable. - Updates to reference current legislation e.g. PACT and Schedule 6, Part 2 of the <i>Planning Regulation 2017</i>. - Reconfiguration Code - Updates to reference the current South East Queensland Regional Plan 2017, which replaces the SEQ Regional Plan 2009-2031. - Delete Diagram 1 – which presents a now superseded graphical representation of the SEQ Regional Plan 2009-2031. - Display Dwelling Code - Amendments to self-assessable development criteria to allow the Display village/sales office to be located on a lower order road than a collector. - Schedule 3 – Uses - Amendments to the wording of the use definitions 'community facility' and 'temporary use' to align with the current City Plan 2018.

Amendments:	Detail:
Amendments to the original conditions of approval.	Amendments to Conditions: • Conditions 4 & 5 – Plan of Development. • Conditions 16 & 17 – Signalised intersection at Heinemann Road. • Condition 20 – Dams. • Condition 24 – Dedication of land. • Condition 25 & 26 – Bushland habitat.
Removal of redundant conditions which have now been satisfied.	• Conditions 6 & 7 - Updated precinct plan. • Conditions 8 & 9 - Updated master plan. • Conditions 10 & 11 – Updated Shoreline Open Space Strategy. • Conditions 12 & 13 – Updated Shoreline Biting Insect Management Plan. • Conditions 14 & 15 – Updated Shoreline Redlands Water Sensitive Urban Design Preliminary Advice.

All other conditions remain in force and effect. Copies of the approved plans are attached for your records.

APPROVAL TYPE

	Development Permit	Preliminary Approval
Building Works assessable against the Planning Scheme	☐	☐
Operational Works	☐	☐
Reconfiguring a Lot	☐	☐
Material Change of Use	☐	☒
Concurrence Agency Referral	☐	☐

REFERRAL AGENCIES

The amended referral agency response from the Queensland Department of Infrastructure, Local Government and Planning (DILGP) dated 2 May 2017 (DILGP reference SPD-0217-034126), remains applicable.

CONDITIONS AND ADVICE

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	

Approved Plans and Documents	
Amended condition: 2. Undertake the development generally in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to the use commencing and Ongoing.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Precinct Plan — Shoreline (as amended in red by Council)	14009_SK015 [20]	Lat27	22 October 2015
Cycleway and Path Network Plan	Map CT9 Revision G	Civil Dimensions Pty Ltd	28 October 2015
Overall Bushfire Management Plan “Redland Shoreline Development”	14-006	The Consultancy Bureau	June 2014
Shoreline Plan of Development	Version H (Draft D)	Saunders Havill Group	20 January 2019
Precinct Plan	14009_SK015	Lat 27	20 October 2016
Master Plan	14009_SK013(24)	Lat 27	20 October 2016
Shoreline Open Space Landscape Strategy	0345_003 Version3	BAAM	November 2016
Biting Insect Management Plan	140906v	FRC Environmental	March 2017
Shoreline, Redlands Water Sensitive Urban Design Preliminary Advice	Version 6	Design Flow	30 November 2016
Assessment of the impacts at the Heinemann Road/Double Jump intersection	14S07.45.SAH	Holland Traffic Consulting	9 September 2016
Conceptual Road and Cycle Hierarchy Plan	UD-7558-025-E	Jensen Bowers	11 April 2017
Shoreline Redlands Typical Cross Sections (as marked in red)	CD13-053-TC1J	Civil Dimensions	22 December 2017
Wallum Froglet Habitat Assessment Shorlines Stage 1B & 1C (Lot 11 on SP268704)	N/A	BAAM	8 November 2011
Sport and Recreation Layout Plan	UD-7558-031-A	Jensen Bowers	30 November 2016

EPBC Listed Migratory Shorebird Survey Shoreline	N/A	BAAM	8 November 2016
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Table 1: Approved Plans and Documents

Infrastructure Agreement	
3. Comply with the Infrastructure Agreement relating to the subject land.	Ongoing
Updated Plans	
Deleted condition: 4. ~~'Submit to Council, and have approved, an updated Plan of Development (Version E.3) incorporating the amendments listed in appendix 1, and rename it Version G.~~ ~~Note: This should include the full Plan of Development, including all appended and updated codes.'~~	Prior to the lodgement of a development application on the subject land
Amended condition: 4. Submit to Council, and have approved, an updated Plan of Development (Version H, draft D), incorporating the amendments listed in Appendix 1. <u>Note:</u> This should include the full Plan of Development, including all appended and updated codes.	Prior to the lodgement of a development application on the subject land
Deleted condition 5. ~~Comply with the approved Plan of Development (Version G).~~	Ongoing
Amended condition: 5. Comply with the approved Plan of Development (Version H, Draft D).	Ongoing
Deleted condition: 6. ~~Submit to Council, and have approved, an updated Precinct Plan (14009_SK015 [20]) incorporating the following amendments, and rename it Precinct Plan (14009_SK015 [21]) :-~~	Prior to the lodgement of a development application on the subject land

• ~~Remove all Conceptual Land for District Sports Parks;~~ • ~~Remove all Land for Local / District / Citywide Community Facilities;~~ • ~~Remove the Town Centre Frame Precinct on Lot 1 on RP133830 and identify the land as Open Space Precinct;~~ • ~~Identify sub-area 1 on Lot 74 on S31102 in accordance with the updated description in the Plan of Development, being 100m north of the northern boundary of Lot 1 on RP133830 and 100m south of the southern boundary of Lot 1 on RP133830; and~~ • ~~Identify the development free buffer on Lots 86 and 247 on S312432 in accordance with the conditions of this approval.~~	
Deleted condition: ~~7. Comply with the approved Precinct Plan (14009_SK015 [21])~~	Ongoing
Deleted condition: ~~8. Submit to Council, and have approved, an updated Master Plan (14009_SK013 [23]) incorporating the following amendments, and rename it Master Plan (14009_SK013 [24]) :-~~ • ~~Remove all Conceptual Land for District Sports Parks;~~ • ~~Remove all Land for Local / District / Citywide Community Facilities;~~ • ~~Amend the legend to remove “(Neighbourhood Recreation Park and District Sports Park)” from Open Space Corridor~~ • ~~Remove the Conceptual Minor Collector Road from Lot 1 on RP133830, Lot 3 on RP105915 and Lot 4 on RP105915;~~ • ~~Remove the Urban Development layer from Lot 1 on RP133830 and identify the entire lot as Conservation Park;~~ • ~~Include the land on Lot 74 on S31102, identified as red in appendix 2, in the Conservation Park; and~~ • ~~Identify the development free buffer on Lots 86 and 247 on S312432 in accordance with the conditions of this approval.~~	Prior to the lodgement of a development application on the subject land
Deleted condition: ~~9. Comply with the approved Master Plan (14009_SK013 [24])~~	Ongoing
Deleted condition: ~~10. Submit to Council, and have approved, an updated Shoreline Open Space Landscape Strategy (0345-003 Version 2) incorporating the amendments listed in appendix 3, and rename it Shoreline Open Space Landscape Strategy (0345-003 Version 3).~~	Prior to the lodgement of a development application on the subject land

Deleted condition:	
~~11. Comply with the approved Shoreline Open Space Landscape Strategy (0345-003 Version 3).~~	Ongoing
Deleted condition:	
~~12. Submit to Council, and have approved, an updated Shoreline Biting Insect Management Plan (140906iv) incorporating the amendments listed in appendix 4, and rename it Shoreline Biting Insect Management Plan (140906v).~~	Prior to the lodgement of a development application on the subject land
Deleted condition:	
~~13. Comply with the approved Shoreline Biting Insect Management Plan (140906v)~~	Ongoing
Deleted condition:	
~~14. Submit to Council, and have approved, an updated Shoreline, Redlands Water Sensitive Urban Design Preliminary Advice (Version 5 – 19 June 2014) prepared by DesignFlow incorporating the following amendments, and rename it Shoreline, Redlands Water Sensitive Urban Design Preliminary Advice (Version 6):-~~ ~~• Remove the Dams and Waterways map;~~ ~~• Add a note to the Catchments Plan identifying it is ‘Preliminary only – subject to change’;~~ ~~• Amend the WSUD Strategy plan – Focus areas 1, 2 and 3 are to be crossed out and the detailed plans removed;~~ ~~• Add a note to the WSUD Strategy Plan to indicate that the size and location of the WSUD devices are approximate only and is subject to change upon the completion of a detailed stormwater management plan for each catchment; and~~ ~~• Appendix III refers to QDUM, amend to QUDM (Queensland Urban Drainage Manual).~~	Prior to the lodgement of a development application on the subject land
Deleted condition:	
~~15. Comply with the approved Shoreline, Redlands Water Sensitive Urban Design Preliminary Advice (Version 6)~~	Ongoing

Roads and Cycleways	
Deleted condition: ~~16. Submit to Council, and have approved, the design for an upgraded signalised intersection at Heinemann Road and Double Jump Road. The proposed design must be named "Heinemann/Double Jump Intersection Plan" and must be designed with two stand up lanes on each approach and be in accordance with the Department of Main Roads Road Planning and Design Manual (as amended) and the Manual of Uniform Traffic Control Devices (as amended). The design must include, but not be limited to, any associated land requirements, pedestrian facilities, road widening/works (including street lighting) and adjustments and/or relocations to existing services and is to be at no cost to Council.~~	~~Prior to the lodgement of a development application on the subject land~~
Amended condition: 16. Submit to Council, and have approved, the design for an upgraded signalised intersection at Heinemann Road and Double Jump Road <i>generally in accordance with the recommendations of the approved 'Assessment of impacts at the Heinemann Road / Double Jump Road intersection' report prepared by HTC Consulting (report ref: 14S07.45.SAH).</i> The proposed design must be named "Heinemann/Double Jump Intersection Plan" and must be designed with two stand up lanes on each approach and be in accordance with the Department of Main Roads Road Planning and Design Manual (as amended) and the Manual of Uniform Traffic Control Devices (as amended). The design must include, but not be limited to, any associated land requirements, pedestrian facilities, road widening/works (including street lighting) and adjustments and/or relocations to existing services and is to be at no cost to Council.	Prior to the lodgement of a development application on the subject land
Deleted condition: ~~17. Construct a signalised intersection at Heinemann Road and Double Jump Road generally in accordance with the approved "Heinemann/Double Jump Intersection Plan". The intersection must include associated pedestrian facilities, road widening/works (including street lighting) and adjustments and/or relocations to existing services and is to be at no cost to Council~~	~~Prior to the sealing of the first lot, or commencement of any use, on the subject land.~~

Amended condition: 17. Construct a signalised intersection at Heinemann Road and Double Jump Road generally in accordance with the approved “Heinemann/Double Jump Intersection Plan”. The intersection must include associated pedestrian facilities, road widening/works (including street lighting) and adjustments and/or relocations to existing services and is to be at no cost to Council	Prior to the sealing of the first lot, or commencement of any use, on the subject land, with the exception of a Temporary Use and/or Community Facility established on Lot 2 on SP226358 or Lot 83 on S312432.
Deleted condition: ~~18. Submit to Council, and have approved, a detailed Road and Cycleway Plan for each road catchment that is generally in accordance with the approved Cycleway & Path Network Plan (Map CT9 Revision G) and the conceptual road layout identified on the approved Shoreline Master Plan (14009_SK013[24]).~~ ~~The plan must be supported by a traffic assessment that rationalises the proposed layout and is prepared by a Registered Professional Engineer of Queensland (RPEQ). The layout must:~~ ~~• Enable the efficient movement of vehicles;~~ ~~• Provide a high level of internal accessibility and external connectivity;~~ ~~• Be based on the functional road classification of Council's adopted Road Hierarchy~~ ~~The plan must also incorporate the layout amendments required by the conditions of this approval and be prepared in consideration of:~~ ~~• Anticipated land uses~~ ~~• The Open Space Layout Plan (particularly where roads are proposed to cross open space corridors);~~ ~~• The Sport and Recreation Layout Plan (particularly the location of district sports parks); and~~ ~~• The need for esplanade roads to adjoin all Open Space Corridors and the Foreshore Open Space~~ ~~The road catchments are:~~ ~~<u>Road catchment A: Land west of Serpentine Creek Road</u>~~ ~~• Lot 11 on SP268704~~ ~~<u>Road catchment B: Land east of Serpentine Creek Road</u>~~ ~~• Lot 1 on RP133830~~ ~~• Lot 74 on S31102~~ ~~• Lot 73 on S31102~~	~~Prior to the lodgement of the first development application on the parent lot for each catchment.~~

- Lot 72 on S31102
- Lot 71 on S31102
- Lot 70 on S31102
- Lot 69 on S31102
- Lot 8 on R1291
- Lot 2 on RP149309

Road catchment C: Land north of Scenic Road

- Lot 4 on RP105915
- Lot 3 on RP105915
- Lot 1 on RP105915
- Lot 1 on RP212251
- Lot 1 on RP103265
- Lot 2 on RP140163
- Lot 1 on RP71630
- Lot 1 on RP140163

Road catchment D: Land south of Scenic Road

- Lot 2 on SP226358
- Lot 83 on S312432
- Lot 257 on S312432
- Lot 255 on S312432
- Lot 84 on S312432
- Lot 256 on S312432
- Lot 259 on S312432
- Lot 86 on S312432
- Lot 252 on S312432
- Lot 247 on S312432

Stormwater Management

19. Submit to Council, and have approved, a Stormwater Management Plan for each stormwater catchment that addresses both quality and quantity in accordance with the following:

- The approved Shoreline, Redlands Water Sensitive Urban Design Strategy, prepared by Design Flow (Shoreline, Redlands Water Sensitive Urban Design Preliminary Advice (Version 6))
- The amended Stormwater Management Code within the approved Plan of Development;
- The approved Shoreline Biting Insect Management Plan (140906v) prepared by FRC Environmental
- The Shoreline Open Space Landscape Strategy (0345-003 Version 3)
- Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management; and
- Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (as amended), prepared by Healthy Waterways.

As part of the lodgement of the first development application affecting each catchment.

The Stormwater Management Plan for each catchment must also provide details of public utility easements for stormwater drainage purposes which must be provided in favour of and at no cost to Council.	
Deleted condition: 20. ~~Remove all dams within the development site and provide Council with details of the proposed earthworks and rehabilitation works as part of the Stormwater Management Plan for each catchment.~~	~~As part of the lodgement of the first development application affecting each catchment.~~
Amended condition: 20. Unless otherwise approved by Council through subsequent development applications remove all dams within the development site and provide Council with details of the proposed earthworks and rehabilitation works as part of the Stormwater Management Plan for each catchment.	<i>As part of the lodgement of the first development application affecting each catchment, except interim or temporary uses on the subject land.</i>
<u>Open Space and Recreation</u>	
21. Submit to Council, and have approved, an Open Space Layout Plan for each open space corridor and the foreshore open space identified on the approved Master Plan (14009_SK013 [24]), that demonstrates:- a. i. The vegetation areas that will be retained; ii. The areas of vegetation that will be cleared; iii. The plans for rehabilitation and revegetation (weed removal and planting); iv. Compliance with the following approved documents: 1. Shoreline Open Space Landscape Strategy (0345-003 Version 3); 2. Shoreline Biting Insect Management Plan (140906v); and 3. Stormwater Management Plan for each catchment; and v. A detailed staging plan for the dedication of the open space corridors and foreshore open space. b. Where relating to the open space corridor on Lot 11 on SP268704, this must be supported by a detailed assessment of possible Wallum Froglet (<i>crinia tinnula</i>) habitat, undertaken by a suitably qualified professional.	For a), with the lodgement of the first development application on the parent lot that contains the proposed corridor For b), prior to the lodgement of an application on Lot 11 on SP268704

<i>Note: If evidence of Wallum Froglet habitat is confirmed, demonstrate how the design of the waterway and corridor (including proposed infrastructure, particularly stormwater management/treatment facilities) has considered this.</i>	
Deleted condition: 22. ~~Submit to Council, and have approved, a Sport and Recreation Layout Plan that demonstrates compliance with the requirements of the Infrastructure Agreement, the approved Shoreline Open Space Landscape Strategy (0345-003 Version 3), the approved Shoreline Biting Insect Management Plan (140906v) and the approved Open Space Layout Plan, for:~~ ~~• The Community and Destination Recreation Park;~~ ~~• Each District Sports Park; and~~ ~~• Each Neighbourhood recreation park;~~ ~~And must include:~~ ~~• A detailed staging plan for the dedication of all the recreation parks in accordance with the Infrastructure Agreement requirements.~~	Prior to the lodgement of a development application on the subject land
<u>Environmental</u>	
23. Submit to Council, and have approved, a detailed environmental assessment of high tide roosts and low tide feeding areas for listed species of migratory shorebirds, undertaken by a suitably qualified professional. If any roosts or low tide feeding areas are identified, the assessment must consider the likely impact of potential development on these areas, and provide a recommended strategy to address these impacts.	Prior to the lodgement of a development application on the subject land
Deleted condition: 24. ~~Dedicate Lot 1 on RP133830 to the State, with Council as trustee, as Public Use Land for conservation purposes~~ ~~<i>Note: The area to be dedicated may be reviewed pending further detailed ecological assessment of the habitat value of the Lot. (NB: Habitat value not only refers to koala habitat)</i>~~	
Amended condition: 24. Dedicate the land within Lot 1 on SP289245 shown on the approved Master Plan. Shoreline (14009_SK013[24]) as 'Conservation Park' to the State, with Council as trustee, as Public Use Land for	

conservation purposes. <u>Note:</u> The area to be dedicated may be reviewed pending further detailed ecological assessment of the habitat value of the Lot. (NB: Habitat value not only refers to koala habitat)	
<u>Koala Habitat Trees</u>	
Deleted condition: 25. ~~Site design must not result in the clearing of non-juvenile koala habitat trees in areas of bushland habitat as identified in the South East Queensland Koala Conservation State Planning Regulatory Provision~~ ~~<u>Note:</u> The habitat value types are varied by this Preliminary Approval in accordance with the request under Division 9 of the SEQ Koala Conservation SPRP detailed in the “Koala Habitat Mapping Amendment Request – Division 9 SEQ Koala State Planning Regulatory Provisions” report drafted by Biodiversity Assessment and Management Pty Ltd (BAAM), dated 11 June 2015~~	Ongoing
Amended condition: 25. Site design must not result in the clearing of non-juvenile koala habitat trees in areas of bushland habitat as identified in Schedule 11 of the Planning Regulation 2017. <u>Note:</u> The habitat value types are varied by this Preliminary Approval in accordance with the request under Division 9 of the SEQ Koala Conservation SPRP detailed in the “Koala Habitat Mapping Amendment Request – Division 9 SEQ Koala State Planning Regulatory Provisions” report drafted by Biodiversity Assessment and Management Pty Ltd (BAAM), dated 11 June 2015	Ongoing
Deleted condition: 26. ~~Site design must avoid clearing non-juvenile koala habitat trees in areas of high value rehabilitation habitat and medium value rehabilitation habitat (as identified in the South East Queensland Koala Conservation State Planning Regulatory Provision), with any unavoidable clearing minimised and offset in accordance with the Environmental Offsets Act 2014.~~ ~~<u>Note:</u> The habitat value types are varied by this Preliminary Approval in accordance with the request under Division 9 of the SEQ Koala Conservation SPRP detailed in the “Koala Habitat~~	Ongoing

~~Mapping Amendment Request – Division 9 SEQ Koala State Planning Regulatory Provisions” report drafted by Biodiversity Assessment and Management Pty Ltd (BAAM), dated 11 June 2015~~	
Amended condition: 26. Site design must avoid clearing non-juvenile koala habitat trees in areas of high value rehabilitation habitat and medium value rehabilitation habitat (as identified in Schedule 11 of the Planning Regulation 2017, with any unavoidable clearing minimised and offset in accordance with the <i>Environmental Offsets Act 2014</i>. <i>Note: The habitat value types are varied by this Preliminary Approval in accordance with the request under Division 9 of the SEQ Koala Conservation SPRP detailed in the “Koala Habitat Mapping Amendment Request – Division 9 SEQ Koala State Planning Regulatory Provisions” report drafted by Biodiversity Assessment and Management Pty Ltd (BAAM), dated 11 June 2015</i>	Ongoing
<u>Development Staging</u>	
27. Development of lots 3 and 4 on RP105915 must not proceed until vehicular access can be obtained from Scenic Road	Ongoing
28. Submit to Council either: a. Confirmation from the Department of Education and Training that a new state primary school to service the proposed Shoreline community has been planned; or b. Evidence that a non-state primary school has the appropriate approvals to be delivered within the subject land.	Prior to the lodgement of an application seeking approval for a subdivision plan that creates the 1000th lot
<u>Biting Insect Management</u>	
29. Maintain a development free buffer of at least 80m wide along the eastern boundaries of Lots 86 and 247 on S312432. <i>Note: This requirement may be reviewed pending further investigations into the required 100m separation to mosquito roosting habitat, particularly in relation to the elevated public health risk in this location and the advice of Council’s independent Entomologist.</i>	Ongoing

<u>Lot 74 on S31102</u>	
30. Lot 74 on S31102 must be serviced, including road access, from Lot 73 on S31102.	Prior to the sealing of the first lot, or commencement of any use, on Lot 74 on S31102.
<u>Prescribed Period</u>	
31. For the purposes of section 343(3)(a) of the <i>Sustainable Planning Act 2009</i> (Qld) the development which is the subject of this approval must be completed within fifteen (15) years from the date the approval takes effect (Prescribed Period) This approval lapses at the end of the Prescribed Period if development, or an aspect of development, to which the approval relates is started but not completed with the Prescribed Period.	

ADDITIONAL APPROVALS

This preliminary approval does not authorise development to occur.

Further Development Permits and/or Compliance Permits are necessary to allow development to be carried out, being any development listed as assessable development in the Tables of Assessment in the Shoreline Plan of Development or a local planning instrument (where not varied by the Plan of Development).

REFERRAL AGENCY CONDITIONS

- Queensland Department of Infrastructure, Local Government and Planning (DILGP)
Refer to the attached correspondence from the DILGP dated 28 October 2015 (DILGP reference SDA-0714-012691 (F14/12027)).

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**
Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) these are detailed in the Infrastructure Agreement.
- **Coastal Processes and Sea Level Rise**
Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.

- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. It is noted that the Shoreline Ecological Assessment prepared by Biodiversity Assessment and Management Pty Ltd and lodged as part of this preliminary approval recommends the submission of an EPBC Act referral.

- Please be aware that the listing of the Koala (*Phascolarctos Cinereus*), Queensland Nut (*Macadamia integrifolia*) and Grey-headed Flying-fox (*Pteropus poliocephalus*) as vulnerable (as well as the likely presence of threatened migratory shorebird species) under this Act may affect your proposal. You should therefore consider where an EPBC Act referral is necessary. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at www.ea.gov.au/epbc
- In accordance with the Shoreline Ecological Assessment prepared by Biodiversity Assessment and Management Pty Ltd and lodged as part of this preliminary approval, the subject site is immediately adjacent to the Moreton Bay Ramsar wetland. Actions that will, or are likely to, have a significant impact on Ramsar wetlands will be subject to assessment and approval under the EPBC Act. It is anticipated that the EPBC Act referral will need to include details of the development, and the proposed management of stormwater and water quality and other indirect impacts on the Moreton Bay Ramsar wetland.

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you have any further queries in relation to the above, please do not hesitate to contact Charlotte Hughes on the above number.

Yours sincerely



Chris Vize
Service Manager
Planning Assessment

Encl. Approved Plans/Documents
Appeal Rights

Cc: State Assessment Referral Agency (SARA)

DECISION NOTICE HISTORY

MCU013287– Original Decision Notice. 18/11/2015

MCU013287 – Changes to an Existing Approval 17/01/2017

MCU18/0220– Changes to an Existing Approval 06/03/2019

City Planning & Assessment Customer Feedback

We value your feedback about the service provided by City Planning and Assessment. Please take our quick survey below. We look forward to receiving your comments.

www.redland.qld.gov.au/yourfeedback

Planning Act 2016; Chapter 6 Dispute Resolution; Part 1 Appeal rights (s229 to 232)

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Planning Regulation 2017 Schedule 1 Appeals (for section 229 of the Act)

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

Planning Act 2016; Chapter 6 Dispute Resolution; Part 1 Appeal rights (s229 to 232)

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Planning Regulation 2017 Schedule 1 Appeals (for section 229 of the Act)

1 Appeal rights and parties to appeals

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 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

2. Change applications

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) a responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application