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23 April 2026

Brisbane City Council  
GPO Box 1434  
Brisbane QLD 4001

**Attention: Luke Hadrick, Urban Planner**

Dear Luke,

**RESPONSE TO BRISBANE CITY COUNCIL INFORMATION REQUEST: S.13 OF THE *DEVELOPMENT ASSESSMENT RULES***

**DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 INTO 2 LOTS) OVER LAND AT 77 TELEGRAPH ROAD, BALD HILLS (LOT 9 ON RP77445).**

**COUNCIL REFERENCE: A006928760**

Mewing Planning Consultants act on behalf of Birkdale Land Pty Ltd (**the Applicant**) in relation to the site at 77 Telegraph Road, Bald Hills (**the site**).

We refer to the correspondence from Brisbane City Council (**Council**) dated 6 February 2026 constituting an Information Request, pursuant to Section 13 of the *Development Assessment Rules (DA Rules)*.

In accordance with Section 13.2(b) of the DA Rules, please accept this correspondence, on behalf of the Applicant, as a response to the Information request, providing part of the requested information. We advise that Council should progress with the assessment of the Development Application in accordance with Section 13.3 of the DA Rules.

The following attached response extracts each part of Council's Information Request and provides a corresponding response. The response includes the following documentation:

- **Attachment A** – Brisbane City Council Information Request;
- **Attachment B** – Updated Subdivision Plan;
- **Attachment C** – Ecology Response;
- **Attachment D** – Engineering Response;
- **Attachment E** – Bushfire Response;
- **Attachment F** – Landscape Plan;
- **Attachment G** - DTMR Linkfield Road Plans; and
- **Attachment H** – Legal Advice.

We would welcome the opportunity to discuss any aspect of this Development Application. Should you wish to discuss, please contact Frances Cassaniti on 0431 973 803 or at [frances.cassaniti@mewing.com.au](mailto:frances.cassaniti@mewing.com.au).

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Francis Cassaniti'.

Frances Cassaniti  
Associate Director  
**Mewing Planning Consultants**

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# Information Request Response

77 Telegraph Road, Bald Hills

M E W I N G  
P L A N N I N G  
C O N S U L T A N T S

## Introduction

The following correspondence provides a response to Brisbane City Council's (**Council**) Information Request dated 6 February 2026. The correspondence has extracted each part of Council's Information Request in italicised text and provides a corresponding response below.

## Introductory Prelude

*It is acknowledged a separate development application to subdivide 77 Telegraph Road Bald Hills into 38 lots is currently under assessment (A006934925). Council's initial assessment has identified that both the current application and the proposed Reconfiguration of a Lot application (A006934925) will require amendments to address the site's significant vegetation values.*

*Changes to the subdivision layout will be necessary under both applications to ensure appropriate retention and long term protection of vegetation within the High Ecological Significance and High Ecological Significance Strategic (HESS) areas.*

*While Council understands that the current application is intended to create a balance lot (Lot 101) to facilitate the future larger subdivision, the application does not yet demonstrate how HESS vegetation within Lots 100 and 101 will be secured for long term ecological protection, including the maintenance of a key wildlife corridor through Lot 100. The proposal also does not presently demonstrate an appropriate bushfire response in the context of vegetation retention.*

*In addition, land dedication from Lot 100 is required to provide a compliant verge along Greenwich Drive to support acceptable streetscape and pedestrian outcomes for the subsequent subdivision. These matters must be resolved within the current application to ensure that the creation of the lots appropriately protects significant vegetation, maintains the ecological corridor, and does not prejudice the future assessment or delivery of the proposed ROL application (A006934925).*

*These matters necessitate amendments to both applications and should be reviewed in a coordinated manner, having regard to the matters outlined below.*

## Response

The Applicant acknowledges Council's ecological assessment and response that has been provided in relation to both the applications (A006928760 and A006934925) over 77 Telegraph Road, Bald Hills. The following provides a consolidated response to Council's assessment of the site's ecological values, which applies to both applications.

Based on the information that has been provided we understand that Council requests the retention of the mapped vegetation for the following reasons.

- Council asserts that the site contains ecological values – having regard to the commentary in item 1 of the Information Request (A006934925) we understand that Council has identified the site as providing habitat and food sources for locally significant species; and
- Council asserts that the site forms part of a north-south ecological corridor that provides connectivity between Musgrave Avenue Park, Dannenberg State Park and Lacey Road Park. The corridor referred to by Council is identified in **Figure 1**.



*Figure 1: Council Identified Corridor*

## **Ecological Assessment**

The Applicant has considered the abovementioned reasons and, based on the ecological assessment provided by Saunders Havill with the development application and the further justification provided in **Attachment C**, the Applicant does not agree with the ecological value and function that Council is placing on the site. For the reasons set out below, the Applicant does not propose to change the proposed development outcome.

### **Ecological Values**

- The majority of the site has been highly modified as a consequence of the existing activities over the site. The activities over the site are a significant deterrent to wildlife use and movement, in particular less mobile ground moving fauna.
- The canopy throughout the site consists of scattered non-juvenile koala habitat trees amongst non-native and invasive species with a highly modified shrub and ground cover. The presence of the non-native and invasive species on the site has impacted on the ecological value of the site and presence of wildlife. The local habitat trees are particularly relevant for koala and the State has agreed to their removal.
- The site assessment has only identified nine (9) fauna species across the site, all of which are considered common urbanised fauna, with the vast majority being common avian species, including Noisy Miners, Magpies, Lorikeets and Torresian Crows.
- The assessment has not identified any fauna of conservation significance across the site. This statement is based on no direct (sighting) or indirect evidence (scats) of significant fauna on the site.
- Fauna habitat features such as trees with hollows, hollow logs or rocks were almost entirely absent from the site. From the 352 surveyed trees across the site no trees were observed to contain hollows.

### North-south Ecological Corridor

- The response provided by Saunders Havill (included in **Attachment C**) has provided an assessment of the asserted north-south ecological corridor through the site and the likelihood for fauna movement. A summary of this assessment is provided below.
  - Existing connectivity through the site is impacted by the fragmentation of the existing vegetation by the large sheds that span the width of the site.
  - Linkfield Road represents a significant barrier to north-south connectivity between the vegetation to the south, the site and the vegetation to the north. Linkfield Road is a 55m wide road reserve that has previously been surveyed (in 2024) to carry 33,954 vehicle movement per day, which will have increased since this survey was undertaken and will continue to increase with the planned upgrade works.
  - The Department of Transport and Main Roads (DTMR) have finalised the plans (refer to **Attachment G**) for the upgrade which will occur directly adjacent to the site. The proposed upgrade works will include an increase from two lanes to four lanes (two each way), designated separate bike and pedestrian pathways, a duplication of the Gympie Road overpass, and a substantial signalised intersection that extends almost the full width of the subject site to accommodate upgraded on/off ramps. These extensive upgrade works will be framed by a concrete upstand on the northern edge of the designated pedestrian pathway, providing a physical barrier to fauna movement.
  - SARA and DTMR have provided their referral agency response and conditioned a 4m high acoustic barrier along the full length of the southern barrier of the site which will provide a physical barrier between the site and Linkfield Road.
  - The proposed internal road network completes the connection between Hope Street and Greenwich Drive, consistent with earlier structure planning for the residential area and was supported by Council in the pre-lodgement meeting. The required road network will restrict movement within the site for less mobile and ground moving fauna.
  - Saunders Havill advise that because of the substantial barrier created by Linkfield Road that the site does not support **koalas** movements as they are not able to access the site. Relevantly, this conclusion is consistent with DETSI which have provided their referral agency response supporting the removal of all mapped koala habitat area (same mapped extent as the HES).
  - Saunders Havill have confirmed that large **glider** species such as the Greater Glider and Yellow-bellied Glider are known to be highly sensitive to human disturbance and are entirely dependant on large area of undisturbed remnant eucalypt forest and woodland, which has not been identified on the site, and therefore these larger glider species are not considered to occur or rely upon the site.

For the smaller glider species, including the Sugar Glider and Squirrel Glider, the current gap in the vegetation canopy between the vegetation south of Linkfield Road and the site is already wider than the expected gliding distance capability of the smaller glider species. According to the DTMR Fauna Sensitive Design manual gaps of 20-30m across highly trafficked roads will limit the movement of gliders. Linkfield Road has a road reserve width of 55m (with approximately 50m between vegetation) and therefore the distance is greater than what gliders are able to reasonably span. This will broaden at the site frontage once the upgrade works are progressed. **Figure 2** illustrates the DTMR upgrade works.



Figure 2: DTMR Upgrade Works

- Saunders Havill have observed **flying fauna** on the site, however the species were identified as common and urbanised flying fauna, Noisy Miners, Magpies, Lorikeets and Torresian Crows. The site does contain some native vegetation that can provide foraging resources and shelter for common urban bird species, however the site is unlikely to provide habitat for significant or threatened bird species for the following reasons.
  - Native vegetation on the site lacks hollow habitat features.
  - The site does not contain any specialised habitat or vegetation that would provide key resources for any significant or threatened species.
  - In addition, the highly urbanised nature of the surrounding context is a significant deterrent for significant or threatened species who are sensitive to disturbance.

The avian species that have been identified on the site and in the surrounding context are highly mobile and capable of flying between vegetation patches to seek out foraging, shelter and nesting resources. It is Saunders Havill's professional opinion, having regard to the connectivity Plan included in **Attachment C**, that the removal of the highly modified and disturbed vegetation on the site will not disrupt the ability of the identified species to move through the broader landscape as they are capable of flying to other nearby areas of vegetation.

Having regard to the above discussion it has not been identified that the site contains any significant ecological values or that it forms part of a the asserted north-south ecological corridor between Dannenberg State Park / Lacey Road Park, Musgrave Avenue Park and the site.

## Biodiversity Mapping

The Biodiversity Areas Overlay mapping was identified over the site in November 2019 as part of the adoption of Version 17 of the City Plan. The Biodiversity Areas Overlay mapping between Versions 16 and 17 of the City Plan is provided in **Figure 2** below.



*Figure 2: Biodiversity Areas Overlay*

The following provides our assessment of the mapping designations.

- The mapping shows that prior to Version 17 of the City Plan there was no biodiversity values over the site or on immediately adjoining sites. Furthermore, there was no mapped connection between the mapped vegetation on the southern side of Linkfield Road and the mapped vegetation to the northeast of the site on the eastern side of the railway.

When Version 17 of the City Plan was adopted the Biodiversity Areas Overlay was also added over Musgrave Avenue Park. The mapping was also added over the land to the west of the site, which at the time had an approval (clearing all existing vegetation) for the subdivision outcome that has now been constructed over the site.

- The change in the mapping may be interpreted as Council creating a connection between the vegetation on the southern side of Linkfield Road, the site and Musgrave Avenue Park to the north of the site, in order to “manufacture” the north-south ecological corridor (that Council has asserted as being important in the consideration of the site’s ecological value).
- The purpose of the HESS is set out in the definition for ‘Strategic Biodiversity Value’ under the City Plan. The definition identifies the HESS as “Areas which may currently be cleared or support degraded habitat, but which could form part of an ecological corridor or provide habitat for native fauna and flora if restored”.

### Musgrave Avenue Park

- Musgrave Avenue Park to the north of the site is largely vacant and partially vegetated. Given the current condition of this land it is understood that its inclusion within the HESS is to either identify its potential position within an ecological corridor or provide habitat for native fauna and flora, both of which may only be possible (see discussion below) if Council undertook widescale rehabilitation of the land. The Applicant also identifies the following as being relevant to the potential ecological function and value of Musgrave Avenue Park
  - The western boundary of this land adjoins Gympie Arterial Road which is a State-controlled road classified as a motorway and has a 70m wide road reserve. Pursuant to the advice provided by Saunders Havill in relation to the barrier that is created by Linkfield Road the same applies to Gympie Arterial Road.

- As discussed above there is no connectivity from the south for ground moving fauna as a consequence of Linkfield Road.
- The northern and eastern boundary of the land adjoins the rail line, which is a substantial barrier for ground moving fauna. **Figure 3** illustrates the interface to the rail line and identifies that there is a single physical connection between the land and the land to the east via eight (8) small stormwater culverts beneath the train line, coinciding with the waterway corridor.



1. The eastern boundary is fenced with a 1.8m high chain wire fence
2. Western side of the railway line - Eight small culvert with a chain wire fence above.
3. Western side of the railway line - Eight small culvert with a chain wire fence above.
4. Eastern side of the railway line - Eight small culvert with an acoustic fence above

**Figure 3: Railway Corridor**

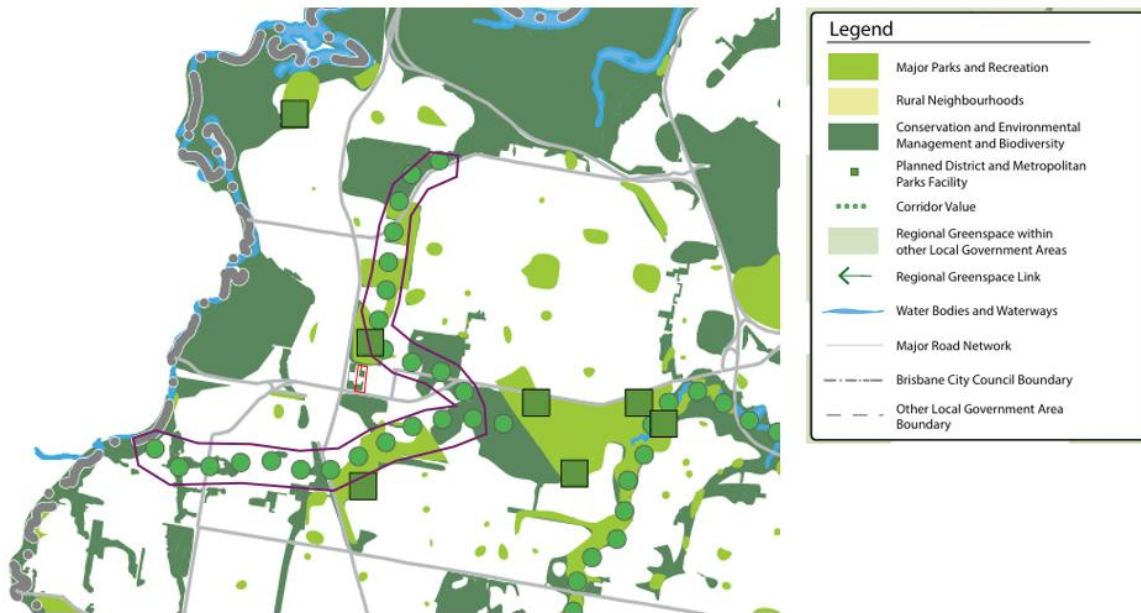
Based on the barriers that interface with Musgrave Avenue Park it does not currently provide and does not have the ability to provide (through future site rehabilitation) connectivity for ground moving fauna in a north-south corridor. The land to the north of the site, as per advice from Saunders Havill, may support flying fauna (i.e. bats and birds), however this is not contingent on there being vegetation on the site, as it has been demonstrated that the common and urbanised flying avian fauna (identified in this area) are able to travel between the larger undisturbed patches of vegetation (which does not include the site).

- In addition to this analysis it is relevant to note Musgrave Avenue Park is identified in the Sport and Recreation (District) Zone under the City Plan. The Sport and Recreation Zone is intended to provide for a “variety of cultural, educational, recreation and sporting uses and activities that require built infrastructure”. Whilst the site may contain some vegetation it is ultimately intended to support built infrastructure for sport and recreation activities.

The area is also identified as a future trunk park (BHI-E12-001), including district nature recreation infrastructure embellishments. Having regard to Table 4.4.3.1.5 of the Local Government Infrastructure Plan a district nature recreation park is anticipated to accommodate pedestrian and cycle paths, car parking, shade structures, bush walking and lighting. These elements will attract people to the park and as per the advice from Saunders Havill areas of disturbance and activity will detract significant and endangered fauna from using these areas.

Having regard to the above analysis Saunders Havill have concluded that there is an ecological corridor that exists between Musgrave Avenue Park, Dannenberg State Park and Lacey Road Park and therefore the existing vegetation on the site does not have an existing or potential ecological corridor function.

The Strategic Framework maps the valuable corridors across the city on SFM-004 Brisbane Greenspace System Strategic Framework Map. **Figure 4** extracts SFM-004 and highlights the site. The mapping that is identified over the site is otherwise reflective of the Biodiversity Areas Overlay Mapping. Based on SFM-004 the north-south corridor that has been asserted by Council as being of strategic value has not been reflected under the Strategic Framework. The corridor of value that has been mapped (circled in purple on **Figure 4**) is located to the east of the site not through the site as Council has asserted.



**Figure 4:** SFM-004 Brisbane Greenspace System Strategic Framework Map

### **Bushfire Impacts**

Council's view in respect of the vegetation (i.e. retaining all mapped vegetation and rehabilitating the HESS sub-category) has greater implications on the subdivision outcome, beyond just affecting those lots mapped in the Biodiversity Areas Overlay. Advice from Land Environmental Consultants in **Attachment D** identifies that the subdivision outcome would be reduced to approximately 12 lots after a bushfire management zone is integrated into the layout. Refer to **Figure 5**. This subdivision outcome substantially impacts the delivery of residential lots, in an already low density context, which would be an adverse outcome given no biodiversity value and function has been identified over the site and the importance of maximising the useability of Emerging Community Zone land (which is sufficiently serviced), given the significant need for dwellings.

Furthermore, should Council require the HES and HESS areas to be rehabilitated, this will introduce hazardous vegetation into the site and increase the BAL ratings of residential allotments. This outcome will have a negative effect on housing affordability, given that dwellings with higher BAL ratings have higher construction costs



Figure 5: Bushfire Outcome

## Conclusions

The above discussion has provided a site-specific analysis of the presence or absence thereof of biodiversity values on the site, acknowledging that the Biodiversity Areas Overlay mapping is undertaken on a city-wide scale<sup>1</sup>. The City Plan expressly contemplates that the mapping is not determinative at the site level, and that a site-based assessment is required to identify the actual ecological values present.

As part of this response the Applicant has sought legal advice to support the response that has been provided to Council's Information Requests, including the extent to which vegetation within areas mapped under the Biodiversity Areas Overlay must be retained, conserved or otherwise protected and the ability for Council to apply a covenant as part of A006928760. The Biodiversity Areas Overlay Code forms part of the performance-based framework, which is directed to achieving ecological outcomes, not mandating the preservation of all mapped vegetation. Therefore, a proposal for clearing, that has demonstrated that there is not ecological value, does not, of itself, warrant refusal.

A copy of the legal advice is included in **Attachment H**.

The following provides a summary of approvals that have supported the removal of mapped vegetation (either HES or HESS) on the basis that it was demonstrated by an ecological assessment that that the mapped vegetation did not have any ecological value / function.

- 15 Retreat Street, Bridgemen Downs (BCC Ref. A004687347);
- 19 Retreat Street, Bridgemen Downs (BCC Ref.: A004843206);
- 20 Linkfield Road, Carseldine (BCC Ref.: A006135660);
- 304 Muller Road, Taigum (BCC Ref.: A006123512);
- 300 Muller Road, Taigum (BCC Ref.: A005771878);

<sup>1</sup> As stated in the Notes under the Biodiversity Areas Overlay Code

- 159 – 169 Roghan Road, Taigum (BCC Ref.: A006216521); and
- 54 Benhiam Street, Calamvale (BCC Ref.: A006048455).

The site-specific assessment that has been undertaken by the Applicant and their project team has demonstrated the following in respect of the ecological value (or in this case the absence thereof) of the site.

- The existing site has been extensively modified and disturbed by historical and existing uses and activities. The vegetation on the site comprises fragmented patches that include a mix of non-native and invasive species. Both of these conditions significantly limit the ecological function of the land and its capacity to support meaningful biodiversity values and processes.
- The assessment has demonstrated that the site supports a limited range of common, urban-adapted fauna species, with no indication of significant or threatened species utilising the land in any meaningful or consistent way. These same fauna species would also utilise the vegetation within the existing low density residential areas directly to the east and west of the site.
- Council asserts that the site has a critical role within a broader north-south ecological corridor. However, when the broader landscape and context is assessed the function does not appear to be borne out of evidence. The site is bound and influenced by significant infrastructure which act as a significant barrier to terrestrial fauna movement. These physical constraints (as discussed in detail above) limit any realistic connectivity function for ground dwelling species. These significant infrastructure barriers also apply to the other parts of the north-south corridor identified by Council.
- In that context, any consideration of connectivity is limited to highly mobile species, such as birds and bats, which are capable of traversing the urban landscape independent of any vegetation on the site. Acknowledging the highly mobile nature of birds and bats, and the above matters, it is not clear from Council what the ecological value and function of the existing vegetation on the site is and why it is critical that it is retained.
- The development as part of the proposed road network will provide street tree planting, which will provide refuge for birds and bats, should it be required. A copy of the Landscape Concept Plan is included in **Attachment F**.

Based on the ground truthing analysis that has been undertaken by Saunders Havill the Applicant proposes to maintain the currently proposed clearing outcome and asks that Council have regard to the following relevant planning matters.

- The site forms part of an existing, well-established, low density residential context and is effectively the last undeveloped (but developable) parcel of land within the residential context. That context includes established road connections to the site, from adjoining developed sites both east and west of the site. The site presents a great opportunity for infill development that will positively contribute to housing supply in an appropriate and well-serviced location.
- The site is identified in the Emerging Community Zone, which seeks to facilitate the orderly and progressive development of land for urban purposes, supporting a range of residential uses and lot sizes. The site represents one of the last undeveloped parcels of land and is well serviced by water, sewer, NBN and electrical infrastructure and has road access to Telegraph Road, Hope Street and Greenwich Drive.
- The Overall Outcomes of the Neighbourhood Plan seek development to occur in an orderly manner, ensuring new lots and dwellings integrate with existing infrastructure, transport networks, and the surrounding residential pattern that creates functional and integrated communities.
- The Overall Outcomes of the Neighbourhood Plan also seeks development to protect and maintain ecological values. Having regard to the ecological advice provided by Saunders Havill there are no ecological values on the site.
- The subdivision outcome complies with the provisions of the Subdivision Code, including the lot size, frontage width and minimum rectangular dimension.

- The opportunity for the site to support infill development has been recognised by earlier structure planning over the broader residential context. The proposed development will connect the local road network between Hope Street and Greenwich Drive, in keeping with the earlier structure planning. The locality would be poorer in the absence of that connection, which can only be facilitated by this development.
- The proposal achieves compliance with the higher order provisions of the Strategic Framework. The proposed development will deliver residential lots (providing for housing choice and diversity) within an existing residential growth area supported by existing and planned infrastructure. The development represents infill development that is consistent with the established residential area to the east and west of the site
- Shaping SEQ 2023 recognises the current housing supply issues faced in South East Queensland and identifies that a target of 210,800 additional homes is to be provided within the Brisbane Local Government Area from 2021 – 2046. The site represents a suitably located and zoned parcel of land that is capable of contributing to the supply of housing in Brisbane, in an efficient and timely manner.
- Bald Hills is an affordable, well-connected suburb, located 16 kilometres north of the Brisbane CBD. The suburb offers the third lowest median house price on the northside of Brisbane (within the Brisbane LGA). The provision of additional housing on varied but suitably sized lots is therefore important in continuing to enable a diverse and affordable housing product, and deliver on housing outcomes for the benefit of the community and meeting the targets of the South East Queensland Regional Plan, Brisbane City Council's Sustainable Growth Strategy and associated Housing Supply Action Plan.
- Greenfield development plays an important role in assisting Brisbane in meeting the dwelling targets set by the Regional Plan. Residential lots and the construction of associated dwelling houses are able to be completed in a timely and efficient manner, bringing supply to the market faster than what is able to be achieved by medium and high density development. The availability of greenfield sites suitable for subdivision is declining, which reinforces the importance of greenfield land, such as 77 Telegraph Road, which have been demonstrated (via the ecological assessment) as not being constrained by environmental values.
- There is a demonstrated planning need for the proposed development. Section 3.7.1(1)(g)(vii) of the City Plan, identifies that the Emerging Community Zone is anticipated and encourage to support low density residential development and the establishment of residential neighbourhoods where it responds to a number of considerations, which amongst other things includes location, availability of infrastructure and planning need, all of which have been demonstrated in the context of this development.
- The above assessment has demonstrated that the proposed development is able to deliver residential housing lots, which are critical to addressing current housing supply issues, with an absence of any negative impacts to the site and broader locality.

The proposed layout delivers 38 well sized and generously dimensioned freehold lots in a highly constrained housing market. Brisbane is growing fast and all levels of government have been urged to act decisively to deliver housing supply. The minimum lot size is 350m<sup>2</sup> in area and the average lot size is above 400m<sup>2</sup>. The lot dimensions are ideal for affordable project homes, suitable to young families upgrading from townhouses or apartments. The proposed subdivision layout is efficient and complies with all prior structure planning exercises over adjacent development sites to the east and west of the site.

The planning need for additional housing in the context of a gross undersupply of housing in the Brisbane City LGA (which is a relevant consideration under both the Strategic Outcomes of the Strategic Framework and the purpose of the Emerging community zone code<sup>2</sup>) and the obvious capacity for this site to provide housing supply situated in an established residential context with access to all required urban infrastructure must be weighed against the retention of the site's asserted ecological values which have been proven to be limited at best by the extensive environmental assessments completed by Saunders Havill. On balance,

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<sup>2</sup> City Plan, Part 3, Section 3.7.1(1)(g)(vii):

*"Emerging community zoned land where low density residential development is generally anticipated depending on location, infrastructure, services and facilities, **planning need**, development constraints, environmental values, character, amenity and the established pattern of development."*

which is called up in the purpose of the Emerging Community Zone Code, Section 6.2.6.2(2)(a)(iii)

the importance of delivering housing supply within a relatively affordable established suburb (thereby reducing the requirement for sprawling greenfield development on the fringe of the Brisbane City LGA) clearly outweighs the reasons to retain the highly isolated and degraded areas of vegetation on the site.

In light of the above, reducing the yield from 38 lots to approximately 12 lots for marginal to no ecological value is unfeasible and would result in no redevelopment of the site, thereby providing no market relief and missing a significant opportunity to develop well located land zoned for development in a relatively affordable location.

## Ecological Values

### Item 1

*The proposed Lot 100 and Lot 101 does not provide for the long-term retention, conservation and restoration of the ecological values of the site. In accordance with PO4 of the Biodiversity areas overlay code.*

- a. *Provide a revised subdivision layout including an environmental covenant(s) incorporated into Lot 100 for the vegetation that is mapped in the HESS area to create a large lifestyle lot that retains the north-south ecological corridor.*
- b. *Provide a revised Vegetation Retention Plan in accordance with the Biodiversity Planning Scheme Policy including:*
  - i. *All trees 100 mm Diameter of tree trunk at breast height (DBH) or greater on site/external works area and within 6 metres of site boundaries;*
  - ii. *The proposed development plan (as an overlay) including all services/infrastructure on site and external to the site, which clearly shows the full extent of all earthworks (cut/fill) required during construction of the development.*
  - iii. *A clear indication of which trees are to be retained and which trees are to be removed, including the following information:*
    - *Scientific name;*
    - *Height;*
    - *DBH;*
    - *Crown diameter;*
    - *Habitat features including hollows and scratch marks, nests etc.*
    - *Tree Protection Zones (TPZs) (in accordance with AS4970); and*
    - *General health assessment.*
- c. *If works encroach into the tree protection zones (TPZs) of any trees identified to be retained, a report from a qualified arborist (AQF level 5 Arboriculture) is required to demonstrate no negative impacts on the long-term health of the trees.*
- d. *Provide a Concept Rehabilitation Plan demonstrating how development enhances biodiversity, native habitat and fauna movement. This plan is to be in the form of scaled plans and supporting documentation.*
- e. *Revised environmental offset impact area which must account for the full impact area within the subject site.*

*Note: Any revision to Lot boundaries must be positioned to ensure maximum vegetation retention and to demonstrate appropriate long-term protection mechanisms.*

### **Item 1 Response**

This development application represents a management subdivision, a consequence of contractual terms that the Applicant has with the current land owner. The mapped HESS overlay on proposed Lot 100 has very limited ecological values with a maximum of four (4) native trees identified. Three (3) of the native trees within proposed Lot 100 are proposed to be cleared for the purpose of establishing a new boundary fence.

This development application does not propose any vegetation clearing within proposed Lot 101.

Council's request for a covenant to be applied over Lot 100 is unreasonable and onerous. The statutory framework identifies that a condition requiring a covenant must have a clear nexus to the development (i.e. a changed subdivision outcome resulting in a new development such as a new dwelling house) or be reasonably required as a response to its impacts. The proposed development has limited to no impact on the condition of proposed Lot 100 (noting that the lot will retain the existing dwelling house and does not involve any new development) and therefore there is no basis to impose a condition to secure or protect the land identified in the HESS sub-category. For further detail refer to the legal advice included in **Attachment H**.

The ecological assessment has identified that the 2,900m<sup>2</sup> site area, emerging community zoning and three road frontages (pursuant to the subdivision outcome under A006934925) for Lot 100 makes it suitable for further subdivision in the future, at which time Council will have an opportunity to consider vegetation retention (in response to a new development outcome) under the biodiversity overlay code. In the meantime, the vegetation onsite is protected under the NALL, so there is no benefit or requirement for an environmental covenant to be imposed on the site as part of application A006928760.

As demonstrated by the Ecological assessment the site does not contain high value ecological features that would warrant the imposition of a covenant, nor does it form part of a strategic north-south corridor. The imposition of a covenant over proposed Lot 100 is not supported by the statutory framework on the basis that it is not reasonably required as a response to an impact being caused by the development, noting that Lot 100 will retain the existing dwelling and does not propose any additional development.

The Ecological Response (included in **Attachment C**) has included a tree survey and retention plan that reflects the removal of the three (3) native trees for the purpose of establishing the new boundary fence line around proposed Lot 100. A concept rehabilitation plan is not required as Lot 100 is being created out of a need to excise the existing dwelling from the development portion of the site. There is no change to the use of Lot 100 and no new development. In the absence of any change to this part of the site or any impact being created by the development, no concept rehabilitation plan is required. Should this lot be developed in the future to support additional or changed development it will be assessable against the Biodiversity Areas Overlay Code at which it would be the appropriate time to require a concept rehabilitation plan. Section 4 of the Bushfire Response (**Attachment E**) identifies that any requirement to rehabilitate the HESS within Lot 100, with understorey planting and ground covers will exacerbate the bushfire risk to the retained dwelling, and would be inconsistent with the landscape design guidelines in Part 5 and Appendix E of Bushfire Resilient Building Guidance for Queensland Homes 2020 (BRB guide). Additional planting is achieved as part of this application and the subsequent application through the street tree planting, required as part of the new road construction and completion of the Greenwich Drive verge. For further detail refer to the Landscape Concept Plan included in **Attachment F**.

Furthermore, offsets are only required to the extent the development results in a significant residual impact. The ecological assessment has concluded that the clearing of the three (3) native trees in the HESS does not represent a significant residual impact.

# Bushfire

## Item 2

*The submitted Bushfire Hazard Assessment and Management Plan was undertaken assuming full clearing of the site. The submitted Bushfire Hazard Assessment and Management Plan provided for the assessment of a separate development application (A006934925) which is not subject to the current development application. In accordance with the Bushfire overlay code:*

- a. Provide an updated bushfire hazard assessment which assesses the retention and restoration of the site as required above noting removal of vegetation within the balance lot is not supported. Provide an updated bushfire hazard assessment that assesses the proposed development only.*
- b. Provide updated ROL plan including any bushfire setbacks required within each lot.*

*Note: where bushfire setbacks are required, this must form part of the development footprint area i.e. must not reduce the environmental covenant areas and restoration requirements under PO4 of the Biodiversity areas overlay code.*

### Item 2 Response

Pursuant to the response provided to Item 1 and the response provided to the Information Request for the subsequent application the Applicant maintains the proposal to clear the vegetation across proposed Lot 101. On this basis the bushfire assessment provided with the original application remains applicable.

# Verge Dedication

## Item 3

*The proposal indicates the retention of the existing verge width along Greenwich Drive. This outcome does not ensure that a usable verge is delivered in a timely manner. In accordance with PO4 of the Infrastructure design code and PO1 and PO2 of the Streetscape Hierarchy overlay code:*

- a. Provide amended plans which demonstrates verge widening within Lot 100 to achieve a verge width of 4.25m from the nominal face of the kerb.*
- b. Include preliminary engineering plans which indicate a consistent 1 in 50 crossfall along the length of the verge.*

### Item 3 Response

Pursuant to Council's Request the Applicant has amended the Subdivision Plan (**Attachment B**) to include a 3m wide verge widening to complete the standard 14m wide Greenwich Drive road reserve.

The proposed widening provides approximately a 3.75m wide verge along the western side of Greenwich Drive, which is the result of the 4.75m wide verge that has been constructed along the eastern side of Greenwich Drive. The proposed road dedication and verge outcome along the western side of Greenwich Drive will provide a suitable corridor alignment for any future services in the event that Lot 100 is developed.

As part of the response the Applicant has provided a preliminary engineering plan which demonstrates the 1 in 50 crossfall along the length of the western verge within Greenwich Drive.

For further detail refer to the Engineering Response included in **Attachment D**.

## Road Works

### Item 4

*Non-trunk road frontage works are required to formalise and upgrade the Telegraph Road road corridor to the current standard in accordance with PO3 of the Subdivision Code, PO6 of the Infrastructure Design Code and PO3 of the Road Hierarchy Overlay Code as part of this application.*

a) *Provide amended plans that show*

- i. *Concrete kerb and channel (Type E) construction along the full site frontage of Lot 100 only to Telegraph Road along with pavement widening, drainage and associated works to achieve a standard road corridor.*

### Item 4 Response

Pursuant to the discussion in the prelodgement meeting and Town Planning Report the Applicant requests that the frontage works for Proposed Lot 100 are deferred to be undertaken concurrently with the delivery of the frontage works for Proposed Lot 101, which will occur through the separate subdivision application (BCC Ref.: A006934925).

The Applicant proposes this outcome to ensure that the frontage works (in front of Proposed Lot 100) are delivered in a coordinated and efficient manner alongside the future subdivision and not disturbed or damaged by the delivery of the subsequent subdivision. All Telegraph Road works (adjacent to Proposed Lots 100 and 101) are included in the civil plans prepared by Westera Partners in the subsequent subdivision application.

This outcome is also important for the following reasons.

- The Applicant is able to complete this subdivision faster allow them to progress the second subdivision sooner and allow for the delivery of residential lots to the market faster, which is important under current circumstances.
- The outcome would allow for the streamlined delivery of the streetscape infrastructure, including fewer operational work applications and Council inspections / meetings.
- Construction of the Telegraph Road works will result in less construction disruption to the neighbouring residents including road closures.

As suggested by Council during the prelodgement meeting, the Applicant would appreciate the opportunity to discuss an infrastructure agreement with Council to allow the frontage works for Lot 100 to be deferred.

Alternatively, the Applicant requests that the timing for the streetscape works condition is amended as follows – *“Prior to council’s notation on the plan of subdivision, or an alternative time at the agreement of Council”*.

## Wastewater Treatment

### Item 5

*It is noted that the proposed development intends for the existing dwelling to remain on the existing on-site wastewater treatment system however drainage records indicate that the dispersal area (land application area) is located on Lot 101 and is therefore not supported. A new sewer property connection is to required be provided to Lot 100 from the existing Urban Utilities sewer network in Telegraph Road with the existing sanitary drainage for the dwelling reconnected to the new connection.*

- a) *Provide consent from Urban Utilities to connect Lot 100 to the existing sewer reticulation network via construction of a new sewer property connection.*

**Item 5 Response**

In response to Council's Information Request, the existing on-site wastewater treatment system will be decommissioned and the existing dwelling will be connected to a new sewer main extension.

The Applicant has received approval from Urban Utilities (26-PNT-88431) to provide a sewer main extension from an existing manhole in Telegraph Road to provide a connection for Lot 100 and Lot 101. A copy of the Urban Utilities approval is included in **Attachment D**.