



**City Planning & Sustainability
Development Services**

Brisbane Square, 266 George Street, Brisbane Qld 4000
GPO Box 1434 Brisbane QLD 4001
T 07 3403 8888
www.brisbane.qld.gov.au

Dedicated to a better Brisbane

08 November 2024

Kenny Jap
C/- Reel Planning Pty Ltd
1/9 Camford Street
MILTON QLD 4064

ATTENTION: Tim O'Leary

Application Reference: A006625212
Address of Site: 288 ALBANY CREEK RD BRIDGEMAN DOWNS QLD 4035

Dear Tim,

RE: Information request under the *Planning Act 2016*

Council has carried out an initial review of the above application and has identified that further information is required to fully assess the proposal.

Council issued a decision (A006547737) on 25 July 2024 under section 29 of the *Planning Act 2016*, agreeing to assess and decide a development application under the superseded planning scheme that was in effect from 2 June 2023 until 31 August 2023 (*Brisbane City Plan v27.00/2023*). This development application to assess the Reconfiguring of a lot under a superseded planning scheme has been made within 6 months of issuing the superseded planning scheme decision in accordance with s29(9) of the *Planning Act 2016*.

It is acknowledged that the timing/ sequencing of the application is constrained by the timing obligations under s29(9) of the *Planning Act 2016*; however, the proposed access arrangement and reliance of a road that is to be delivered under an application that remains under assessment, indicates that this application may be premature. It is noted that the inclusion of the adjoining property at 298 Albany Creek Road (Lot 1 on RP230211) would assist in demonstrating that access can be achieved. It is further noted that access arrangements to Albany Creek Road will be subject to the approval of the Department of Transport and Main Roads.

Much of the proposed development sits outside of the mapped Potential development area shown in Figure a of the McDowall-Bridgeman Downs neighbourhood plan code. Whilst it is acknowledged that 15,831sqm, slightly more than 50% of the site is proposed to become an environmental covenant, the encroachment of the proposed development area into areas of environmental value is considered to be inconsistent with the Emerging community zone code, the McDowall- Bridgeman Downs neighbourhood plan code, and the Strategic framework of the *Brisbane City Plan 2014*, in particular Theme 3/ Element 3.1, and Theme 5/ Element 5.6.

Furthermore, it is noted that the proposal results in a significant encroachment into the flood overlay (creek/waterway flood planning areas).

The proposal for 23 lots (22 residential) is considered to be an overdevelopment of the site due to the site constraints and the significant encroachment into the mapped Biodiversity areas overlay, the Significant landscape overlay, and the Waterway corridor overlay. Substantial changes to the proposed layout are required to demonstrate compliance with the *Brisbane City Plan 2014*, including the overall outcomes of the McDowall-Bridgeman Downs neighbourhood plan code, and the Strategic framework. To ensure the proposed development is integrated in an orderly manner with, and connected to, all necessary services and infrastructure networks within the immediate locality, opportunities must be explored to include the neighbouring site 298 Albany Creek Road (Lot 1 on RP230211) as part of this application.

Traffic report, road access, and structure planning

- 1) An RPEQ Traffic Report has not been submitted and it is unclear whether the proposed development will suitably interface with neighbouring properties/ development sites, and the external road network in a manner which provides for the safe and efficient operation of the site, and for the orderly development of surrounding development sites.

A traffic report is to be submitted and is to consider the optimal location for the road connection to occur to 298 Albany Creek Road, and internal road network outcomes as required by the Subdivision code, Infrastructure design code, and the Transport, access, parking and servicing code.

It is acknowledged that development of this site will be reliant upon the provision of a road connection to Albany Creek Road via the neighbouring development site (298 Albany Creek Road). However, as it is not known when the road connection via the neighbouring development will be constructed and made available for the proposed development, the 298 Albany Creek Road land parcel is to be included as part of this application, and construction of the road access to Albany Creek Road and dedication of the road corridor to be carried out as part of this application to demonstrate lawful access for the proposed lots.

A structure plan is to be included within the RPEQ Traffic Report to address the above outcomes. To demonstrate compliance with PO9, PO10, PO11, PO12, PO13, PO17, and PO18 of the Subdivision code, PO1 of the Infrastructure design code, and PO1 of the Transport, access, parking and servicing (TAPS) code, submit an RPEQ Traffic Report that:

- a) Clarifies the requirements of the road corridor required to allow for the proposed development to interface with the adjoining property and provide for safe and convenient access for vehicles, and pedestrians.
- b) The Traffic Report is to contain a structure plan considering the optimal internal road alignment and road corridor requirements, with consideration of (but may not be limited to): existing levels / grades, ecological constraints, and road design outcomes such as speed management through geometric design.
- c) Include the 298 Albany Creek Road land parcel to be part of this application and update all plans to show that the construction of the road access to Albany Creek Road, and dedication of the road corridor will be carried out as part of this application, in order to demonstrate safe and lawful access for the proposed lots.

Flooding immunity levels

- 2) The site is subject to Creek/ waterway flooding with development proposed within flood impacted areas.
 - a) A flood study is to be submitted to confirm flood levels for the creek and is to be consistent with the latest Australian Rainfall and Runoff requirements, which are likely to increase the 1% AEP Flood Levels which are currently assumed.
 - b) Council does not support the filling of flooded areas of the site, for the purpose of achieving freeboard, due to flood impacts upon upstream, downstream, and adjacent properties. The proposed development layout is required to be amended accordingly.
 - c) Further to the above, all creek/ waterway flooded areas of the site must be dedicated to Council as these areas are subject to extreme flood hazard, and this land will receive regular stormwater discharge from the required bio-retention basin (which is to be dedicated to Council), and upslope developments.
 - d) To demonstrate compliance with PO7, PO17, am PO18 of the Flood overlay code, submit the following: -
 - i) A Flood Study prepared and certified by a RPEQ, including plans showing flood planning levels for all proposed lots, and ensuring that no filling occurs within flood impacted areas over the site.

- ii) Revised plans showing Lot 11 removed from the development, and a bio-retention basin provided over the area of the proposed lots 12 and 13, which are subject to inundation by 1% AEP creek flooding to maintain flood storage.
- iii) The Flood Study is to show flood levels for the creek in relation to the proposed lots, consistent with the latest AR&R 2019 RCP4.5 climate change requirements to the Council flood model to produce revised flood levels OR adopt 500mm freeboard for any lot above the 1% AEP using the current Cabbage Tree Flood Study (e.g. 200mm higher than standard requirement).
- iv) Revised plans showing all creek/ waterway flooded areas of the site (FPA 1 to FPA 4), to be dedicated to Council as non-trunk land for drainage and environmental purposes, to preserve and maintain flood conveyance of the creek.

Bushfire hazard

- 3) The site is mapped within the Bushfire overlay and a site-specific bushfire hazard assessment is to be undertaken and submitted to support the proposal and ensure any future lots are not subject to an intolerable level of bushfire risk.
 - a) Provide a site-specific bushfire hazard assessment in accordance with the Bushfire planning scheme policy or other approved methodology. The bushfire hazard assessment must include the changes to the lot layout requested throughout this information request, and any rehabilitation areas that are proposed within the site, taking into account the vegetation at full maturity. footprint and not result in further clearing of ecological values on the site.

Ecological values

- 4) The majority of the site is mapped under the HES and HESS sub-categories of the Biodiversity areas overlay and within the Citywide subcategory of the Waterway corridors overlay. The site also forms part of a State Regionally Significant Corridor associated with Cabbage Tree Creek. A Terrestrial Ecological Assessment Report (prepared by 28 South Environmental) has been submitted as part of the application. This report concludes the site contains Of Concern and Endangered Regional Ecosystems (RE12.3.11 and RE12.5.2) and contains habitat locally significant species will utilise, including Koalas, Swamp Wallabies and Squirrel Gliders. The proposal seeks to develop 1.36ha of the site with a calculated significant residual impact to mapped values of 5,723sqm. Given PO4 and the purpose of the Biodiversity areas overlay code seeks to protect, conserve and restore mapped values, the current level of encroachment does not comply with this code. Further retention of mapped values is required, including a minimum 30m wide corridor in the south-west of the site to connect to the area proposed as “conservation zone” to be dedicated to Council.
 - a) Provide an updated Proposed Development Plan that retains additional mapped values, including a 30m (minimum) wide corridor in the south-west of the site.
 - b) Provide an updated Tree Retention Plan (inclusive of all proposed civil works including cut/fill, development footprint and services) that reflects the changes to lot layout as requested throughout this information request. The TPZ's of trees to be retained must be wholly outside of the proposed development footprint. If any TPZ's of trees to be retained are impacted, a report by a qualified arborist (minimum AQF level 5) will be required.
 - c) Provide an updated Offset Delivery Strategy based on the requested retention of additional values.
- 5) The site is mapped as Core Koala Habitat under State legislation, however the submitted Terrestrial Ecological Assessment Report does not evaluate if the proposed removal of mapped habitat meets the definition of exempted development under the Planning Regulation 2017.

- a) Provide representations to demonstrate that clearing of Core Koala Habitat meets appropriate exemptions under Schedule 24 of the Planning Regulation 2017.

Significant landscape trees

- 6) Part of the site is mapped under the Landscape features sub-category of the Significant landscape tree overlay, with significant landscape species listed in Table 8.2.19.3B of the Significant landscape tree overlay code evident on the site and protected by NALL (SNV, SUV, Waterway). To demonstrate compliance with PO3 and the purpose of the Significant landscape tree overlay code and PO19 of the Subdivision code, submit an amended proposal that identifies and retains trees of local ecological and/or landscape character value.
 - a) Where trees are proposed for removal and that have a dbh of 400mm or greater and meet one or more of the criteria listed in Section 2 of the Vegetation PSP, provide an Arborist Report prepared in accordance with Section 1.7.2 of the Infrastructure design PSP, and include corresponding clear photographs.
 - b) Provide amended plans that propose a lot layout designed to minimise the loss of significant vegetation as described above, and to comply with the Significant landscape tree overlay code.
- 7) The Tree Survey does not reflect the Schedule numbering provided and is incompatible to support effective assessment.
 - a) Amend the Tree Survey to identify tree numbering in a consecutive order on the plan to allow effective cross-referencing between the plan and the schedule.
 - b) Identify on the Tree Survey and Schedule, significant trees within the Landscape Features area as listed in Table 8.2.19.3.B of the Significant tree overlay code.
 - c) Identify on the Tree Survey and Schedule, trees protected by NALL (SNV, SUV, Waterway) that meet one or more criteria as listed in Section 2 of the Vegetation PSP.

Concept civil engineering plans and proposed lot boundaries

- 8) Conceptual civil engineering plans have not been provided and it is unclear whether the proposed lot boundaries and dimensions will require amendment to comply with the Subdivision code and to satisfy minimum public realm requirements. To demonstrate compliance with PO9, PO10, PO11, PO12, PO13, PO17, and PO18 of the Subdivision code, submit the following:
 - a) Conceptual civil engineering plans certified by a RPEQ to detail internal road dimensions, and public realm requirements to demonstrate that the lot boundaries proposed will allow for the internal road, drainage, and pedestrian outcomes to be achieved.
 - b) Conceptual longitudinal section plans are to be provided throughout the road network, to demonstrate that a safe and compliant road outcome can be achieved throughout the internal road network in accordance with PO1 of the Infrastructure design code.

Concept earthworks plans

- 9) A conceptual earthworks plan has not been submitted to address how the proposed development will interface with the adjoining development sites of 298 Albany Creek Road and 302 Albany Creek Road and allow for road and pedestrian access at grade, and for the provision of stormwater drainage infrastructure throughout the development sites. To comply with PO1 and PO2 of the Filling and excavation code, submit:
 - a) Conceptual earthworks plans signed by a RPEQ showing existing levels, and proposed finished levels of the subject site, to demonstrate how the development will suitably interface with the adjoining development sites of 298 Albany Creek Road and 302 Albany Creek Road.

Creek Road; to allow for road and pedestrian access at grade, and provision of stormwater drainage infrastructure throughout the development sites.

- b) Details of any retaining walls are to be shown on the conceptual earthwork's plans.

Stormwater management

- 10)** A Site Based Stormwater Management Plan has not been submitted to demonstrate how the proposal will manage stormwater generated on the site, and flows from the upslope neighbouring properties, to be conveyed to a lawful point of discharge. The stormwater system must manage minor and major flows to be conveyed through the development, clearly showing that a major flow path can be provided from the new road through a bio-basin and into the creek. An upstream connection is also required to be provided for the adjacent properties at 298 and 302 Albany Creek Road. To demonstrate compliance with PO1, PO2, PO3, and PO11 of the Stormwater code, submit the following for assessment:
- a) The plans must provide separate upslope stormwater connections for the adjacent properties at 298 and 302 Albany Creek Road. The drainage infrastructure must be located within public land (or within a drainage corridor), bypass the water quality basin, and be piped directly to Cabbage Tree Creek.
 - b) A major flow corridor is required to be provided on the same alignment as the east-west road connection with a 3m wide corridor and swale; allowing for piped and overland flows to be conveyed to the creek.
 - c) The upslope stormwater connection for 302 Albany Creek Road is to be provided along the southern site boundary discharging to the creek.

Bio-retention basin

- 11)** The proposed plans show more than 5 lots to be developed, and the developed area is greater than 2,500sqm and a bio-retention basin and water quality treatment outcome is to be provided. To comply with PO6 of the Stormwater code, submit the following:
- a) A Site Based Stormwater Management Plan, and conceptual stormwater plans clearly showing a bioretention basin sized to accommodate and mitigate 1% AEP flows of the upstream catchment draining to this basin prior to draining to the Cabbage Tree Creek.
- NOTE: Where any upslope stormwater is directed into the minor stormwater system of the site, the basin will need to accommodate that additional catchment area.*

Sewer and water provision

- 12)** A Services Advice Notice is to be provided to demonstrate that the proposed development can be serviced from a water and sewer perspective. Additionally, a preliminary services plan is to be submitted to identify whether water and/or sewer infrastructure is required between the three sites to allow for all sites to be serviced with water and sewer. To demonstrate compliance with PO9 of the Infrastructure design code, submit the following:
- a) A Services Advice Notice from Urban Utilities to demonstrate that the proposed lots can be serviced with water and sewer.
 - b) A preliminary services plan to identify and demonstrate how the three development sites (288, 298 and 302 Albany Creek Road) can be serviced with water and sewer, and to identify whether connections between the lots are required to allow for orderly development.

Footpath connection to Albany Creek Road

13) To demonstrate compliance with PO4 of the Infrastructure design code, submit revised plans that show a footpath along the frontage of Albany Creek Road.

Pedestrian path alignment

14) The proposed plan shows the pedestrian pathway within the flooded areas of the waterway which is not supported. To accord with PO5 of the Flood overlay code, submit revised plans showing the pedestrian pathway relocated to run on an alignment which is clear of the mapped Creek/ waterway flood planning area 4.

Lot dimensions

15) Lot dimensions are to be clearly shown on all plans.

Urban Utilities (UU)

Council does not undertake water and sewer assessment of any planning applications. Contact UU on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to UU for assessment.

Responding to this request

Your response should include a summary table which outlines any changes to performance outcomes and plans that have resulted from addressing the issues outlined above. The table should also include details of any supporting documentation.

If a response is not provided within the prescribed response period of three (3) months assessment of the application will continue from the day after the day on which the response period would have otherwise ended.

Email your response to DSPlanningSupport@brisbane.qld.gov.au quoting the application reference number A006625212.

Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely,



Lisa Richardson
Senior Urban Planner
Planning Services North
Phone: 07 3178 8544
Email: lisa.richardson@brisbane.qld.gov.au
Development Services
Brisbane City Council