

# ETHOS URBAN

30 January 2019

Our Reference: 16-5585  
Your Reference: A004600399

The Chief Executive Officer  
Brisbane City Council  
PO Box 1434  
BRISBANE CITY QLD 4001

Attention: Helen Denalis (Development Assessment Planning Services South)

Dear Helen,

**RE: RESPONSE TO FURTHER ISSUES LETTER  
419 & 441 MILES PLATTING ROAD, ROCHEDALE  
COUNCIL REFERENCE: A004600399**

We act for Emaaas Investments Pty Ltd and respond as set out below to Council's Further Issues letter dated 10 May 2018. This follows the meeting with Council on 28 February 2018.

### **Overall Structure Plan**

*Response:* we note the comments on the overall structure plan regarding the LMR and Gateway Civic precincts and the limitations imposed on development in these precincts. Further dialogue with Council is requested on the following aspects of the structure plan that takes into consideration some of the comments raised throughout this correspondence. This includes:

- road access off Miles Platting Road (permanent and temporary) as detailed later in this correspondence;
- the configuration and suitability of parkland on 'part' of 441 Miles Platting Road under the LGIP and the appropriateness of this parkland to be located on 419 Miles Platting Road;
- the extent of the Environmental management zone and Biodiversity overlay mapping to be limited to the approved PMAV on 419 Miles Platting Road and waterway corridor on 441 Miles Platting Road; and
- the extent of the waterway corridor on 441 Miles Platting Road as detailed later in this correspondence.

### **Road Access**

*Response:* access (temporary and permanent) from Miles Platting Road is necessary given:

- access is already lawful from Miles Platting Road for both 419 and 441 Miles Platting Road; and
- the uncertainty around the delivery and timing of developments, in which the applicant has no control, that are proposed for School Road and Priestdale Road creates an unreasonable constraint for development proceeding on the subject sites.

The location of the proposed access points, as described in the traffic report, has considered impacts on the road network and also avoided ecological values on site.

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The western access point on 419 Miles Platting Road avoids the Property Map of Assessable Vegetation (PMAV) area, the waterway corridor and other ecological values to service development in the Gateway Civic precinct. It also has appropriate separation for an intersection that could achieve all movements in the interim, and then reduced to left in / left out when Miles Platting Road is upgraded.

The temporary access for 441 Miles Platting Road avoids ecological values on site as the waterway on this land parcel is effectively an open drainage corridor with little to no vegetation. It also utilises the existing access arrangements for the dwelling house on this lot. The alignment of this proposed access point is located to the west of the proposed park ROC-A1-002 in the LGIP as the location of this park is not intended to be wholly contained within 441 Miles Platting Road. This represents a suitable interim arrangement until development is delivered along Priestdale Road and can provide access from the south.

## **Waterway and Flooding**

*Response:* a fit for purpose hydraulic assessment and ecological assessment was undertaken to determine necessary the width of the waterway to allow for:

- effective water conveyance acknowledging upstream development and conditions and downstream impacts; and
- the rehabilitation of ecological health and habitat values within the corridor.

We request further dialogue on these issues including discussion around appropriate tenure arrangements associated with the waterway.

## **Gateway Civic Precinct**

*Response:* we note Council's comments regarding the proposed expansion of the Gateway Civic precinct and reiterate that the delineation of the proposed precinct boundaries is based on the Ecological Assessment Report and PMAV approval issued by the Department of Natural Resources and Mines. This clearly outlines, in a more accurate way, the extent of biodiversity values across the development site and the extent of the Gateway Civic precinct.

The construct of the proposed Preliminary approval ensures that bushfire management issues can be addressed in future code assessable development applications acknowledging that these requirements do have the potential to moderate the extent of future development within the proposed Gateway Civic precinct area. This can only be determined when detailed site planning is undertaken for code assessable development proposals.

It is proposed that in relation to 419 Miles Platting Road, the extent of the abovementioned PMAV area and waterway corridor would be included within the Environmental management zone (without unreasonable tenure or dedication encumbrances) with the western 'balance' of this lot included in the Gateway Civic precinct.

## **Extension of LMR area into 419 Miles Platting Road**

*Response:* whilst the precinct boundaries of the Rochedale urban community neighbourhood plan follow cadastral boundaries, this development application has undertaken a more detailed ground truthing and ecological assessment of environmental and vegetation values across the subject site that more appropriately confirms precinct / sub precinct boundaries where future development has the potential to occur (subject to further development applications).

This was undertaken by an Ecological Assessment Report which was included in the application material. The report undertook a detailed assessment to accurately identify and reflect ecological values across the subject site. This is also supported by the PMAV approval issued by the Department of Natural Resources and Mines which identifies the extent of Remnant vegetation (as defined in the Vegetation Management Act 1999) over 419 Miles Platting Road. The extent of the proposed LMR precinct area avoids the approved PMAV area. Furthermore, appropriate setbacks and potential buffers will need to be factored into the LMR area as part of detailed design for future code assessable applications.

We note Council's comment in the correspondence in the 'Overall Structure Plan' which reads:

*"Small portion of LMR adjoining environmental management area may be considered following further investigation, particularly in relation to bushfire hazard management."*

This reiterates the applicants' position that the proposed LMR precinct boundary has taken into account environmental and vegetation issues and further to this, the assessment of bushfire hazard is best placed to be assessed as part of future code assessable development applications. This is further explained later in this correspondence under the section entitled, 'Bushfire Management.'

### **Extent of parkland on 441 Miles Platting Road**

The application material has focused extensively on the appropriateness of the proposed park location on 419 Miles Platting Road. We request further dialogue with Council to further discuss the location of the park with reference to:

- the fact that the Biodiversity overlay does not apply to the area in which park ROC-A1-002 in the LGIP is proposed meaning there is no need for a further ecological assessment;
- the extent of park to be accommodated on the subject site given the LGIP shows ROC-A1-002 on the common boundary for both 441 and 447 Miles Platting Road. This park is clearly not to be wholly located on 441 Miles Platting Road.
- given the dot point above, the balance developable area north of the waterway corridor on 441 Miles Platting Road; and
- the suitability of the proposed park ROC-A1-002 in the LGIP given:
  - it is relatively isolated from potential users and generally limited in size, amenity and functionality; and
  - the location is more appropriate for mixed use purposes to take advantage of the natural attributes of this site in terms of its proximity to the Town Centre, to future public transport facilities and its level of accessibility to the major transport routes (Miles Platting Road and southern extension of Gardner Road).

Under the LGIP, this park is designated as a 'local informal use' park of approximately 0.6HA for land acquisition and embellishment purposes. Local informal use parks are the lowest order of park types expressed in the desired standards of service. Table 4.5.6.1.4 of the LGIP outlines the 'essential' embellishments for local informal use parks. These include playground/play space, picnic facilities, shade, seating, earthworks / landscaping, fencing and signage. This type of park would be better suited on 419 Miles Platting Road given the outcomes expressed in section 7.2.18.4.2(g) of the Rochedale urban community neighbourhood plan regarding waterway corridors allowing for multifunctional uses such as low impact recreation and the possibility of local parks.

The development application proposes to relocate the intended park area to 419 Miles Platting Road within the Rochedale Urban Community Neighbourhood Plan Code into part of the retained environmental/drainage area in the central and northern parts of Lot 4 on RP82219. This is a more appropriate and suitable location for the future park for the following reasons:

- the retention of a large portion of 419 Miles Platting Road within its natural vegetated/landscaped state and the co-location of the proposed park within this wider area, will strengthen local community identity and enhance scenic, recreational, ecological and local amenity outcomes;
- the area proposed can easily accommodate the entire 0.6HA land area to support park activities;
- the proposed incorporation of the park within 419 Miles Platting Road increases overall levels of public convenience and accessibility, increases the area of potential public use and, most importantly, integrates the area within a multi-functional natural area possessing high levels of physical, scenic and landscape amenity;
- the proposed location can provide the essential embellishments for the lower order local informal use park with reference to the following:

- the ground cover and midstorey strata within the nominated area have been modified through cattle grazing and slashing thereby ensuring informal passive recreation activities (including the installation of embellishments such as picnic facilities, signage, seating and play space) will not be to the detriment of the ecological values on site which are limited to mature trees;
- the mature eucalypt woodland provides shade for users; and
- the location requires little or no earthworks and additional landscaping.

## **Vegetation Retention**

*Response:* an ecological assessment was submitted with the development application. This included a site vegetation survey that is fit for purpose to support the proposed Preliminary approval.

The proposed Preliminary approval, by its own definition, does not allow development to proceed. This is the role of future code assessable development permits. The Preliminary approval does not seek to establish specific development footprints within land use precincts and as such, cannot determine the extent of any earthworks, bushfire buffers and trees to be removed as the configuration of distinct land uses (eg townhouses) is yet to be determined through detailed site planning and design.

Therefore, it is unnecessary to provide a Vegetation retention plan at this point of the development assessment process. The proposed Preliminary approval is structured to capture a full and thorough assessment of tree retention and removal as part of future code assessable development applications.

## **Bushfire Management**

*Response:* the proposed Preliminary approval is structured to ensure all future development triggers subsequent code assessable development applications which will be assessed by Council. This Preliminary approval application does not propose to amend any Bushfire hazard overlay mapping relevant to the site nor does it propose to amend any aspect of the Bushfire overlay code. These current City Plan provisions for bushfire hazard will apply for future code assessable development applications.

Detailed bushfire assessments will be required within the framework of the Preliminary approval for future code assessable development applications. This allows the most logical point in the development assessment process in which to address bushfire hazards as a more comprehensive approach to land use, density, built form design and development footprints will be provided to support code assessable development. The Preliminary approval, by its own definition, does not perform this function and therefore is not the appropriate stage in which to provide a detailed bushfire assessment.

## **CONCLUSION**

We respectfully request a further meeting with Council's Development Assessment team to discuss the Further issues letter and the responses provided herein. We look forward to hearing back from Council about this scheduling of this meeting.

If you have any queries regarding this matter, please do not hesitate to contact the undersigned or Peter Priddle from this office.

Kind regards



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Director  
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