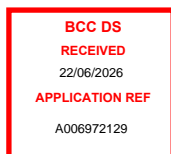


22 June 2026

Katrina Bogoevski
Senior Urban Planner
Development Services
Brisbane City Council

Via email: katrina.bogoevski@brisbane.qld.gov.au



RE: A00972129 262 BOWHILL ROAD, WILLAWONG – RESPONSE TO INFORMATION REQUEST

Application Details	
Applicant	Murphy Urquhart Investments Pty Ltd c/o- The Development Directive Pty Ltd
Application Number	A006972129
Application Address	262 Bowhill Road, Willawong
Property Description	Part of Lot 1 on SP237974

Dear Katrina,

Development Directive continues to act on behalf of *Murph Urquhart Investments Pty Ltd* (the **Applicant**) in relation to the land at 262 Bowhill Road, Willawong (**the site**). We are in receipt of Brisbane City Council's (**Council's**) request for information dated 07 April 2026.

On behalf of the Applicant, please find enclosed a full response to Council's Information Request pursuant to section 13.2(a) of the Development Assessment Rules (**DA Rules**).

Each item from Council's Information Request has been outlined below along with the corresponding response. The applicant's response should be read in conjunction with the following supporting technical documentation:

- **Attachment 1:** Letter of Advice – Luke I. Walker, Barrister-at-Law
- **Attachment 2:** Information Request Response – JD Environmental

We trust the provided information adequately addresses Council's Information Request. We advise that Council should proceed with their assessment of the subject development application in accordance with section 13.3 of the DA Rules. Accordingly, the applicant will now commence public notification.

If you have any questions regarding the attached material, please do not hesitate to contact the undersigned on 0428 728 754 or at nicholask@developmentdirective.com.au.

Yours sincerely,

George van Pelt
Town Planner
The Development Directive Pty Ltd



APPLICATION PATHWAY AND DEVELOPMENT AREA

1. *The site benefits from an existing development approval (A001647647) issued by Consent order on 10 December 2009 (P&EA722/2008) and subsequent change applications 1028/4/2012 and 844/2013. The approval imposed the 'Section C' area of the site to be rehabilitated. It is noted that this was never enacted and that this new application is proposing to increase the development footprint on the site within this area. In accordance with s66(2) of the Planning Act 2016 the developments conditions must not be inconsistent with a development condition of an earlier development. As the conditions of the original approval were approved by the Court and the current application is being assessed by Council there is an inconsistency and conflict with the development condition of an earlier approval. to resolve this inconsistency an option may be to lodge a concurrent change application with the court. Alternative solutions or pathways to progress the application is also accepted.*
2. *The proposed development has applied over part of the site. It is unclear to the exact of the site the subject of the application as the planning reports, plans, and specialist reporting provide conflicting information as to the proposed extent of works on site. It is understood to facilitate the Transport depot that earthworks will need to be carried out beyond the proposed Area C, including further maintenance of the Powerlink easement from a bushfire perspective is required This aspect of development needs to be dealt with in the current application and not in a future operational works application. Therefore, it is recommended that the application be amended to apply over the entire site as this will also resolve other issues identified relating to bushfire and ecology.*
 - a. *Provide amended plans clearly showing the area of the new development, including access, and landscaping, and a revised DA Form removing the metes and bounds limitation.*

Applicant Response:

In response to Council's Information Request issued 07 April 2026, the applicant engaged Barrister-At-Law, Luke I. Walker to establish *first*, whether the Council may impose conditions that are inconsistent with conditions of development approval granted by the Court on 10 December 2009 in Planning and Environment Court Appeal No.722; and *secondly*, whether the Council may lawfully require the Development Application to be amended to include the entirety of Lot 1 on SP237974, in circumstances where the Development Application is made only for part of the Land.

The legal advice prepared to establish these matters has been provided in Attachment 1. Advice concluded it is of the Barrister's legal opinion that there is no impediment to the Council imposing conditions in respect of the Development Application that are inconsistent with those of the Court Approval because:

- The approvals will not be for the same development and accordingly, s66(2) of the Planning Act would not apply; or
- If s66(2) of the Planning act is viewed to apply, the Council has the power to impose inconsistent conditions in any event (as it is taken to have imposed the conditions of the court Approval); and
- There is no need to include additional land in the Development Application.

It is considered that **Attachment 1** has adequately considered and provided required assessment of Council's Information Request Items 1, 2, & 2(a). As such, it is of the applicants view that the application is not required to apply to the whole of the site, and an amended application is not required.



ECOLOGICAL VALUES

3. *The proposed development encroaches into the mapped Biodiversity areas overlay (Koala Habitat Area) will result in the removal of non-juvenile koala habitat trees. The removal of vegetation within the 'proposed industrial hardstand area' can be supported where the vegetation area south of the Powerlink Easement (mapped within the Biodiversity areas overlay, Waterway corridors overlay and Environmental management zoning) is to be retained and protected within an environmental covenant. To facilitate this outcome the development is to apply over the whole site (as detailed above) and not through metes and bounds.*
- a. *Provide amended plans, DA Form 1 and proposed plans that apply over the whole site.*
 - b. *On the proposal plans demarcate the vegetation area south of the Powerlink easement as an environmental covenant. Including the location and specification of fauna exclusion fencing to restrict fauna movement in the industrial land north of the Powerlink easement.*

Applicant Response:

In response to item 3(a), please see **Attachment 1** and the applicant's response to items 1 & 2.

JD Environmental (JDE) has provided a response to Council's Information Request issued 07 April 2026 to address items were including ecological and bushfire matters. JDE's response has been included in **Attachment 2**.

In respect to item 3(b), JDE has assessed that the most appropriate location for fauna exclusion fencing be along the northern edge of the landscaped strip proposed to the immediate north of the Powerlink easement. Detail as to form of fauna exclusion is provided in Attachment 2 and can meet Koala Sensitive Design guidelines as set out by the Department of the Environment, Tourism, Science and Innovation (DETSI).

JDE note that the detailed design of the fencing and access gate should be confirmed as part of the required Operational Works applications, as fencing and access gate need to integrate with the civil design works.

4. *The proposed stormwater plans stormwater plans 'Concept Finished Surface Levels and Stormwater Drainage Plan' (drawing no. 25-1095-DA200 Issue B') identifies an 'outlet to existing open channel' located on the Cleanaway Resource Recycling site (343 Bowhill Road, Willawong). The site is mapped under the Biodiversity area overlay and the Waterway corridors overlay and is vegetated. It is unclear if there are any impacts to ecological values located on the site.*
- a. *Where works are located with the mapped Biodiversity areas overlay or Waterway corridors overlay provide an updated Vegetation Retention Plan that includes:*
 - i. *All trees 150mm DBH or greater.*
 - ii. *A description of vegetation communities and species compositions for ground, shrub and subcanopy layers. Any species or vegetation communities of State / National significance to be clearly identified.*
 - iii. *The proposed development plan (as an overlay) including all proposed services/infrastructure and earthworks (where applicable).*
 - iv. *A clear indication of which trees are to be retained and which trees are to be removed, including the following information:*
 - (1) *Scientific name;*
 - (2) *Height;*
 - (3) *Diameter of tree trunk at breast height (DBH);*
 - (4) *Crown diameter;*
 - (5) *Habitat features including hollows and scratch marks, nests etc.*
 - (6) *Tree Protection Zones (TPZs) (in accordance with AS4970); and*
 - (7) *General health assessment.*
 - v. *If works encroach into the 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.

Applicant Response:

A review of City Plan Mapping has confirmed that the indicative proposed location of the stormwater outlet on the Cleanaway site is not within or adjacent to any areas that are affected by the majority of values that are captured by the Biodiversity areas overlay or Waterway Corridors overlay (displayed within figure 2 of Attachment 2).

A further investigation was undertaken at the site on 15 May 2026 to confirm species located within the proposed outlet area. As requested by Council, identified trees have been added to an updated tree survey plan which has been included in Annexure A of Attachment 2 to capture all native trees located within the vicinity of the proposed SW outlet. Of note, several young native *Eucalyptus moluccana*, identified to be impacted within the proposed outlet location.

JDE has proposed that potential impacts to the identified native trees could be avoided if the location was shifted to an open area ~10 metres to the east of the currently proposed location, the only vegetation that would be impacted is a thicket of *Leucaena* (a non-native environmental weed) and would still remain outside of Biodiversity area and Waterway Corridors overlays. See amended location of outlet as described in Figure 1 and within Annexure A of Attachment 2.

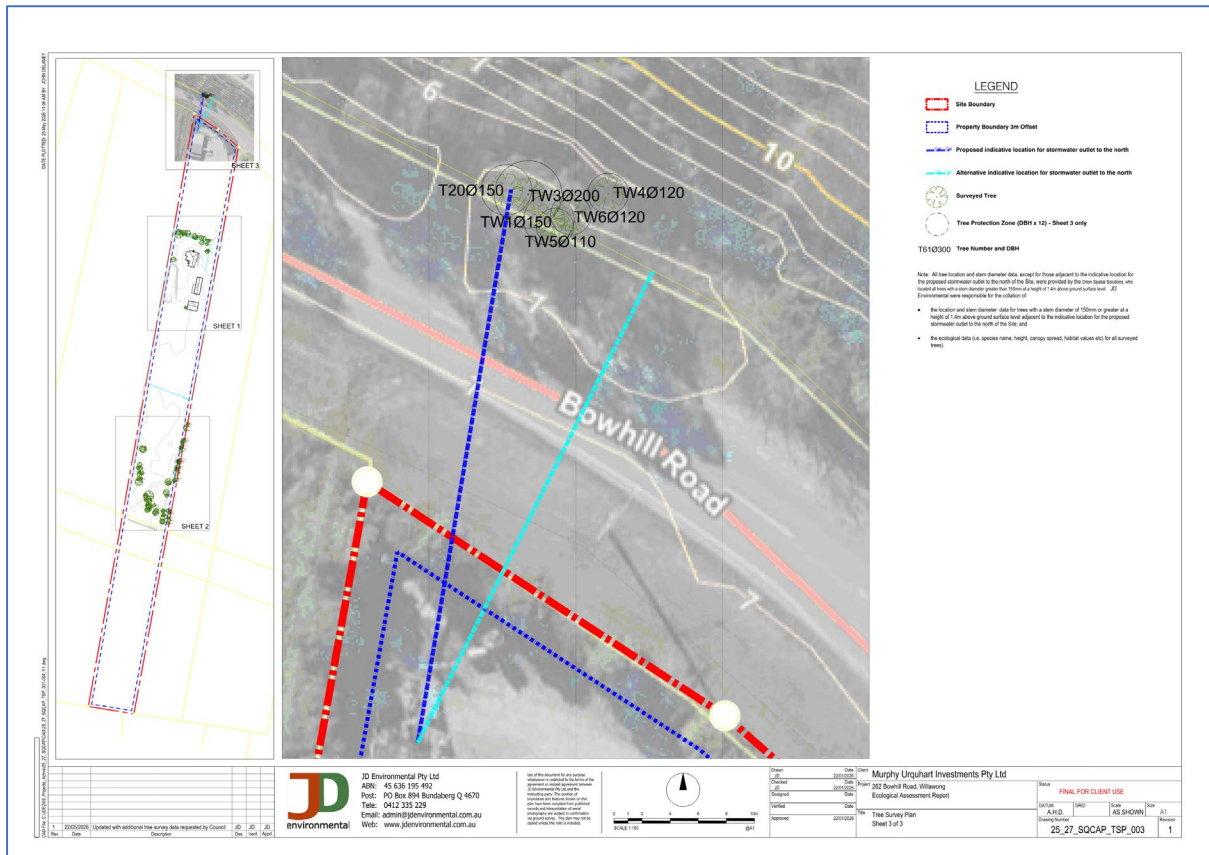


Figure 1: Alternative indicative location for stormwater outlet (Attachment 3 – Annexure A).

The proposed amendment to the stormwater outlet location within 343 Bowhill Road, Willawong ensures that the proposed outlet is not within Biodiversity/Waterway overlays and the City Plan and would avoid impacts on identified native vegetation within the site.



BUSHFIRE

5. ***Section 5.4 of the Bushfire Assessment Report identifies that ‘for bushfire management and incident response purposes, it is also recommended that provision be made for vehicular access from the hardstand area to the Powerlink easement and areas of bushfire prone vegetation to be retained in the southern-most part of the Site’. This access has not been provided on the proposed plans. It is unclear how this will be achieved, particularly as the ‘proposed landscape strip’ would impede vehicular access to the easement (PO4).***
- a. ***Provide an amended Bushfire assessment report and proposed plans that clearly demonstrates how vehicular access from the hardstand area to the Powerlink easement and areas of bushfire prone vegetation are to be retained in the southern-most part of the site is achieved.***

Applicant Response:

JDE has provided a response to Item 5(a) within Attachment 2, where it is confirmed:

- Vehicular access is currently available to the Powerlink Easement on the eastern boundary of the site; and
 - Vehicular access to the Powerlink Easement should be maintained; and
 - The detailed design of any access to the Powerlink Easement is proposed to be dealt with as part of an Operational Works application.
6. ***The outcome of the Bushfire assessment report recommends that vegetation within the Powerlink easement is to be maintained to reduce impacts to the proposed development, however this area of land does not currently form part of the application. As mentioned above, it is suggested that the development applies over the entire site to ensure the ongoing management of vegetation within the Powerlink Easement is managed as a Bushfire Management Zone in accordance with PO1/PO2 of the Bushfire overlay code. If this is not included in the application, further setbacks within the proposed hardstand area and a reduction in the hardstand area would be required.***
- a. ***Provide an updated proposed plan that demarcates the entire Powerlink Easement as a Bushfire Management Zone. Or reduce the proposed hardstand area to accommodate the appropriate setbacks required for Bushfire protection.***

Applicant Response:

We refer to the response to item 1 - the Powerlink easement land is not required to form part of the metes and bounds of the development application in order to appropriately address bushfire matters.

There is no statutory requirement under the *Planning Act 2016* for a development application to apply to the entirety of a lot or all land that may have a nexus to the proposed development. Rather, the application appropriately identifies the “premises” subject to the proposed assessable development, being the land upon which the proposed *Transport Depot* use is intended to occur.

In this regard, the Applicant refers Council to the legal advice prepared and provided at **Attachment 1**, which confirms that there is no requirement for the “premises” the subject of a development application to be coextensive with the owner or applicant’s legal interests in the land. Relevantly, the advice confirms that a development application is only required to include land which is the subject of the proposed assessable development and not land that may merely have a nexus with, or support, that development.

As outlined in **Attachment 1**, reliance is placed on *Bon Accord Pty Ltd v Brisbane City Council & Ors* (2008) 163 LGERA 288, where the Court confirmed that a development application is not required to include land merely because it may be affected by, or otherwise have a connection to, the proposed development, or be the subject of external works associated with the development.

The Powerlink easement land is not proposed to accommodate operational components of the Transport Depot use and is therefore appropriately excluded from the metes and bounds of the application. Notwithstanding this, the Applicant acknowledges the recommendations of the Bushfire Assessment Report regarding vegetation management within the easement area.



Importantly, and as further confirmed in **Attachment 1**, there is no legal impediment to conditions being imposed over land outside the application area and is necessary to support the approved development outcome. This is a common and accepted planning practice, including for matters such as stormwater infrastructure, landscaping, ecological management and hazard mitigation.

Accordingly, the Applicant considers that any required bushfire management outcomes associated with the Powerlink easement may be appropriately secured through conditions of approval, including requirements for vegetation maintenance and ongoing management as a Bushfire Management Zone, without necessitating expansion of the development application boundary.

On this basis, no amendment to the metes and bounds of the application is proposed.

FLOODING

7. Provide an amended Flood overlay code Assessment Report to address performance outcome 3 of the Flood overlay code to ensure the Transport depot will minimise property damage during a flood event and minimise disruption to the business and reduce recovery time following a flood event. The report must demonstrate the following:

- a. Commentary on the suitability and resilience of building materials, including how materials selected for structures, pavements, sheds, and storage areas resist flood impacts.**
- b. Discussion on the management of earthmoving equipment during major flood events, including whether equipment will remain on site, be relocated to flood-free areas, or secured to minimise damage, movement, or loss.**
- c. Description of operational procedures the business will implement to minimise disruption and facilitate rapid recovery (e.g., flood action plans, equipment relocation protocols, elevated storage areas, resilient utilities).**

Applicant Response:

A Flood Risk Assessment has been provided in Section 4.0 of the Flood Overlay Code Assessment Report prepared by Storm Water Consulting dated 26 November 2025. The assessment has considered the flood risks associated with the proposed Transport Depot and demonstrates that the proposal is compatible with flood hazard and capable of appropriately managing flood risk in accordance with Performance Outcome 3 (PO3) of the Flood Overlay Code.

The Flood Risk Assessment identifies the following key matters:

- There would be sufficient flood warning time for evacuation prior to a Brisbane River flood event;
- A 1% AEP creek flood event would not isolate the site;
- The identified evacuation route would not be cut off early during a flood event;
- No additional burden on emergency services is anticipated, with a Flood Response Officer proposed to manage site users during flood events; and
- A Flood Emergency Management Plan (FEMP) has been prepared for the site (refer Appendix D of the Storm Water Consulting report included within the lodgement package).

In response to PO3 specifically, the proposed development is considered to comply with the relevant outcomes for the following reasons:

Compatibility with flood hazard and minimising risk to people

The proposed use is compatible with the identified flood hazard due to its low intensity and operational nature, comprising a transport depot with no permanent buildings proposed. The site is expected to accommodate approximately 5–10 persons at any one time and is supported by sufficient flood warning time associated with Brisbane River flood events to allow evacuation prior to inundation. A 1% AEP creek flood event would not isolate the site, reducing risk to site users.

Emergency access and evacuation

The proposed development would not reduce the ability of evacuation resources or emergency services to access the site during a flood emergency. The Flood Risk Assessment confirms the



evacuation route east along Bowhill Road and south along Sherbrooke Road would not be cut off early and remains suitable having regard to the scale and nature of the proposed use.

Minimising property damage from flooding

The proposed Transport Depot is exclusive of permanent built form and instead comprises a pervious gravel hardstand surface. Gravel hardstand is considered resilient to flood impacts due to its permeable nature and ability to withstand inundation with minimal long-term damage. No flood-sensitive building materials, enclosed storage areas or vulnerable structures are proposed. Any operational equipment on site is mobile in nature and can be relocated to flood-free areas in advance of forecast flood events where required.

Minimising disruption to operations and recovery time

The operational characteristics of the proposed use inherently reduce disruption and recovery time following a flood event. The absence of buildings and flood-sensitive infrastructure limits the potential for significant damage and rebuilding requirements. The FEMP establishes operational procedures including flood monitoring, staff notification, evacuation requirements and equipment management protocols to minimise disruption and support a rapid return to operations following flood events.

Minimising rebuilding requirements

As no permanent buildings or structures are proposed, the development significantly minimises the need for rebuilding following flood events, including events greater than the defined flood event. Any localised impacts to the gravel hardstand surface can be readily reinstated as part of standard maintenance activities.

On this basis, the proposed development is considered to satisfy PO3 of the Flood Overlay Code by appropriately responding to flood hazard, minimising risks to people and property, maintaining evacuation capability, reducing operational disruption and limiting rebuilding requirements following flood events.

HAZARDOUS GOODS

- 8. Further to the above, the development is to demonstrate that an adequate level of flood immunity for the protection of hazardous goods and processes can be provided. Submit further information demonstrating that the proposed use can comply with the storage and handling provisions as prescribed in AO16/PO16 of the Flood overlay code. This can be demonstrated by the submission of a Chemical Hazards Flood Risk Report in accordance with PO16 of the Flood overlay code and the Management of Hazardous Chemicals in Flood Prone Areas Planning Scheme Policy**

Applicant Response:

As identified within the Flood Overlay Code Assessment provided within Appendix C of Storm Water Consulting's Flood Overlay Code Assessment Report, there have been no identified Hazardous Chemicals identified at the site and an assessment against AO16/PO16 is not applicable.

RISK FROM SUB-SURFACE LANDFILL EMISSIONS

- 9. The development is located in the Lower Oxley Creek North Neighbourhood Plan and may expose people to risks from sub-surface landfill emissions. Demonstrate that the risks to health, safety and wellbeing from sub-surface landfill emissions can be achieved.**
 - a. Submit further information demonstrating that the proposed development can achieve PO1 of the Lower Oxley Creek north neighbourhood plan code. Submit a Landfill Emissions Risk Assessment prepared by a Suitably Qualified Person in accordance with the Environmental Protection Act 1994:**

Applicant Response:

Compliance with this Performance Outcome has been provided within Appendix 6 of the Development Application Town Planning Reporting, which stated:

The proposed development does not propose activities which would expose people to unacceptable levels of risk to health, safety and wellbeing from sub-surface landfill emissions, including landfill gas, contaminated groundwater or leachate. Noting that no formal buildings/GFA is proposed with this development, considerations have



been taken as to the design of the site as to ensure risks are minimised and mitigated in relation to the above health risks.

Having investigated recent surrounding development at 280 Bowhill Road (A006627952 – approved 30/5/2025), the response aligns with the level of detail provided in reporting. A006627952 approved a Material Change of Use for Warehouse use at the site. The response to AO1/PO1 of the Lower Oxley Creek north neighbourhood plan code stated *'The proposal does not generate unacceptable levels of risk from emissions on people, the site or surrounding land.'* We can confirm there was no further information requested to this response, and as such, conclude that applicant's response is appropriate and a Landfill Emissions Risk Assessment is not required to be prepared and provided in support of the development application.

STORMWATER QUALITY

10. Submit the electronic file used to prepare the treatment strategy in the Stie Based Stormwater Management Plan.

Applicant Response:

A MUSIC file with relevant treatment strategy has been provided by HJ Consult and is attached in support of this information request.

OTHER ACTIVITIES

11. The proposed development includes the cleaning of vehicles. Demonstrate compliance against PO9/AO9 through providing a description of these activities in a report and through a drawing.

12. Indicate whether any refuelling is proposed or other uses which involve additional industrial uses (such as spray painting and/or motor vehicle workshop activities etc). A response to this item may require additional planning scheme policies to be met, or the application may be required to be amended.

Applicant Response:

Any cleaning or refuelling of vehicles is proposed to be undertaken within the northern part of the site which is subject to an existing approval (A001647647) issued under Consent Order by the Planning and Environment Court on 10 December 2009 (as changed by subsequent permissible/minor change approvals) which enables the Industry Use of land north of the subject site.