

DECISION BY DELEGATE OF COUNCIL

SUBMISSION BY Grace Cleary

SITE:

Address of Site:	58A PENHILL ST NUDGEES QLD 4014, 83 WEYERS RD NUDGEES QLD 4014
Real Property Description:	L50 SP.166478, L501 SP.281211
Area of Site:	26780 m ²
Zone:	EMERGING COMMUNITY ZONE
Name of Ward:	Northgate, Northgate

APPLICATION:

Aspects of Development:	DA - PA - Reconfiguring a Lot – Development Permit
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Description of Proposal:	Reconfiguring a Lot (1 into 10, balance lot, common property, and new road)
Description of Proposal:	Reconfiguring a Lot (1 into 7, balance lot, park, and common property)
Description of Proposal:	Reconfiguring a Lot (1 into 4)
Applicant:	Wolter Consulting Group Pty Ltd C/- Wolter Consulting Group Pty Ltd PO Box 436 NEW FARM QLD 4005
Application Reference:	A005734577
Application Made Date:	27 May 2021

DECISION on development application

After considering the proposal, the relevant provisions of the *Planning Act 2016*, the assessment benchmarks and the submissions received, I recommend that the application be refused for the following reasons:

- a) SARA has directed Council to refuse the development application.
- b) The proposal has not demonstrated compliance with the State Planning Policy. It has not been demonstrated how the development, including rehabilitation, directly, indirectly and cumulatively avoids an increase in the severity of the bushfire hazard and the potential for damage on the site or to other properties.
- c) The proposed development approval will result in an adverse ecological outcome for this site. It will facilitate further clearing on the site of approximately 1.1 hectares, resulting in adverse impacts on ecological features and ecological processes, koala habitat trees, areas of strategic biodiversity value, waterways and wetlands within the High ecological significance sub-category or the High ecological significance strategic sub-category and diminishes the areas long term viability.
- d) The development approval required offsets (compensatory planting and rehabilitation) planting which has been undertaken, further enhancing the ecological values and providing support to these values on the site. The applicant has not demonstrated the proposal could effectively mitigate, or be conditioned to mitigate, the impact on ecological values and biodiversity features of the site. The proposed impacts on the existing offset area are not supported.
- e) The proposed development does not achieve the purpose of the *Planning Act 2016* for ecological sustainability that requires protection of ecological processes and natural systems. The development does not conserve, enhance or restore ecosystems nor protect biological diversity.
- f) To advance the purpose of the *Planning Act 2016* the development is not supported because of the need to take account of short and long-term environmental effects of development and avoid or otherwise minimise adverse environmental effects of development.
- g) Increases the severity of known ecological and biodiversity impacts and will result in development that does not achieve the ecological outcomes required and as intended for the site.

- h) Will delay, hamper or stop the long-term environmental objectives and delivery of environmental outcomes, including the offset portion and ongoing rehabilitation, of the development approval that is sought to be changed.
- i) Seeks to remove an offset and components that were integral to granting the development approval, including non-compliance with assessment benchmarks.
- j) The proposed development does not comply with the assessment benchmarks of the *Brisbane City Plan 2014 (V20.00/2020)* including:
 - i. Strategic Framework - Theme 2: Strategic outcome 3.4.1(1)(b)
 - ii. Strategic Framework – Theme 3 – Strategic outcomes 3.5.1(1)(a), 3.5.1(1)(b), 3.5.1(1)(d), 3.5.1(1)(e), 3.5.1(1)(f);
 - iii. Strategic Framework – Theme 3 – SO1, SO2, SO3, SO4 and SO5;
 - iv. Strategic Framework – Theme 3 – Strategic outcomes 3.7.1(1)(a), 3.7.2(1)(h), 3.7.1(1)(i), 3.7.1(2)(f);
 - v. Strategic Framework – Theme 5 – SO1, SO2, SO3, SO4 and SO5;
 - vi. Emerging community zone code – Overall outcome 2(g)(i) and 2(m);
 - vii. Flood overlay code – Performance outcomes PO2, PO17 and PO18;
 - viii. Biodiversity overlay code – Purpose 1(a)(i), 1(b) and 1(c);
 - ix. Biodiversity overlay code – Overall outcomes 2(a), 2(c), 2(d), 2(e), 2(f) and 2(g);
 - x. Biodiversity overlay code – PO4 and PO9;
 - xi. Subdivision code – Overall outcomes 2(a)(i) and 2(b)(v);
 - xii. Subdivision code – Performance outcomes PO1, PO2, PO4, PO9, PO18, PO19, PO32 and PO33;
 - xiii. Multiple dwelling code – Overall outcome 2(o);
 - xiv. Stormwater code – Performance outcomes PO1, PO2, PO3 and PO4;
 - xv. Filling and excavation code – Performance outcomes PO1 and PO2;
 - xvi. Infrastructure design code – Performance outcomes PO1, PO6, PO8, PO9 and PO23;
 - xvii. TAPS code – Performance outcome PO1, PO3, PO18 and PO19.
- k) The proposed development could not be conditioned to comply with the applicable planning instruments.
- l) There are no discretionary matters that warrant the approval of the proposed development.

And direct that:

1. the applicant be advised of the decision
2. the Central SEQ Distributor-Retailer Authority be advised of the decision
3. SARA be advised of the decision
4. the local Ward Councillor be advised of the decision
5. the submitters be notified of the decision
6. the notice about the decision be published on the website.

Dated 10/10/2022



Llewellyn Batson
Principal Urban Planner
Planning Services North
As DELEGATE of Council