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6/6/05

Memorandum

To : Matthew Hulse, Manager Implementation & As
 Action Officer : Jonathan Lee, Senior Town Planner
 Copy to : Warren Rowe, Director Planning Env & Trans
 Chris Netherway, Principal Coordinator Devel
 From : Cr Peter Young
 Subject: Subdivision of Lots 3, 4, 6 & 7 RP159050
 'McIvor Property', Kopps Road, Oxenford
 Date : 6 April 2005

CRIME & MISCONDUCT COMMISSION
 No. 2005-5 Date 17 NOV 05
 IN THE MATTER OF:

OP GRAND

EXHIBIT No. 248
 CLERK

Please note my comments regarding the proposal, and in particular the applicant's recently submitted 'response to information request.'

Please note I am declaring a material personal interest in this matter, as the owner of the adjacent property (8RP159050), and as a submitter and an Appellant and Respondent By Election in prior matters regarding lots 3, 4 and 7.

Notwithstanding that, I offer the following as the Divisional Councillor: This is consistent with input I submit on numerous development proposals within Division 5.

As you are well aware this proposal has an extensive and elongated history, which I have documented previously. Messrs King, Nicola and Harle gained rezoning approval of lots 5 and 6 of RP 159050 and Lot 1 on RP 153649 in August 1995 and Jefferson Properties gained rezoning approval on lots 3, 4 and 7 of RP 159050 in November 1995.

Notably the current currency period of the previous subdivision approval on lots 3, 4 & 7 (and extensions thereof) expired on 20 June 2001. A draft report on Council's file dated 11 July 2001 recommends refusal of Jefferson Properties June 2001 application to extend the currency period.

Despite that, officers have continued to deal with the application.

In so doing, Council sent a letter to Jefferson Properties on 24 August 2001 raising concern "as to whether the current approved layout appropriately reflects the intention of the rezoning and conditions thereof." It was suggested that an amended layout have strong regard to certain issues including the following:

- Redesign to ensure an appropriate development form which gives full consideration to the environmental constraints presented by the site.
- Compliance with the conditions of rezoning e.g. a) provision of three linear park corridors corresponding to gullies which traverse the site containing stormwater management structures such as detention ponds that will act to strip nutrients, b) the preferred housing treatment being alternatives to slab on ground using construction techniques such as pole homes and split level construction and c) setbacks to the boundary with lot 8 RP 159050
- Greater regard given to the existing topographical features of the site.
- Retaining and incorporating all of the existing waters features on the site.
- Retaining significant vegetation.

Some of these concerns still do not seem to have been adequately taken into account by the applicant.

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In regard to particular points of the applicant's response.

Response to Point 4 – Interface between Kopps Road and lots 1 and 11-15

It appears that the intent is to remove all vegetation from along the Kopps Road frontage. The applicant suggests "landscaping can be provided within the road reserve outside the boundary fence if required."

This is inconsistent with earlier approvals, in which the vegetation along Kopps Road was to be retained, and is inconsistent with the draft Kopps road Structure Plan (KRSP), which includes a significant vegetated buffer to that road. Furthermore, it is anticipated that Kopps Road will ultimately be a four-lane carriageway. Insufficient space will exist within the road corridor to provide adequate buffering.

Response to Point 7 – Removal of Habitat Trees

The applicant states "the existing topography does not allow opportunities for significant changes to the layout that will result in the existing habitat trees being contained within proposed park." The applicant proposes retention of just two such trees.

It is noteworthy that the uncontested conditions of rezoning include (#39) that the "Proposed subdivision of the rezoned land shall be sympathetic to the natural environment and topographical features of the site." It is incumbent on the applicant to modify the plan of development and ensure maximum retention of these large habitat trees. Again, these matters were raised in Council's correspondence of 24 August 2001. These concerns do not seem to have been heeded.

Notably also the KRSP includes a significant proportion of the site (especially lot 4) within the 'Environmental Protection' overlay. The plan states (s5.1) that "subdivision of land is not envisaged within this precinct." Provisions for the Kopps Road precinct state that "Where allotments are partially included within the Environmental Protection Overlay, a detailed Site Analysis and Ecological Site Assessment will be required to determine the extent and appropriate location of new development."

Site analysis has revealed the existence of some significant habitat trees. Obviously the proposed plan of development should be modified to incorporate retention of many more of the identified habitat specimens. They should not be included within building allotments.

Response to Point 8 – Cross sections of riparian corridors

It is important to note the significance of the various riparian corridors throughout the site that are intended to be traversed by roadways. The KRSP provides that "Roads must be fauna friendly, with bridges preferred for watercourse crossings."

Response to Point 19 – Open Space Management Plan

The applicant requests Council include a condition of approval requiring an Open Space Management Plan. In fact, this was a condition of rezoning, (#31), viz: "Submission of an Open Space Development Plan which includes full details on proposed surface treatments, recreational equipment, revegetation program, pedestrian/cycleway links, lighting, vehicular barriers, signage, toilets, litter facilities, sediment/stormwater management structures and maintenance facilities prior to the approval of the subdivision application."

Council is well within its rights to require a comprehensive plan now, in order to satisfy itself that numerous issues of concern can be adequately incorporated prior to granting an approval.

General

A great number of the proposed allotments have an interface with the proposed parkland areas in a manner that is inconsistent with Council's guidelines. These include, of special concern:

- Lots 16-26 (the riparian/drainage area between the allotments could hardly be described as a 'park'). The previous development layout showed this particular open space area to be much more extensive in size;
- Lots 10, 42-44, 54, 86-88 (effectively the proposed riparian corridor is hidden behind these properties);
- Lots 116-122 (the important Saltwater Creek corridor is screened behind a wall of homes).

6th April 2005

GCCC PET ENV ASSESS

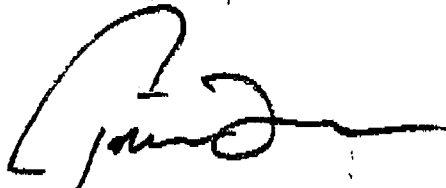
There are no active play areas within a reasonable distance of proposed allotments 1-41. For some residents the distance will exceed 500 metres. The parks adjacent to lots 16-26 and 10, 42-44, 54, 86-88 are riparian and drainage areas, and are not satisfactory for active recreation. Considerable thought must be focused on this issue, requiring re-design or re-configuration of the proposed layout.

I still have concern about removal of the two dams on site. The then Department of Environment and Heritage in 1995 and again in 1996 recommended these water bodies be retained for numerous reasons, including stormwater retardation and detention, nutrient stripping, wildlife habitat and amenity enhancement.

The 1995 rezoning included a specific condition requiring setbacks to the boundary with lot 8 RP 159050.

It would appear from some of the cross-sections that significant modification to the landform is intended in the watercourses (see for example cross section 9). This may lead to undesirable loss of riparian vegetation.

Thank you for your consideration of these matters.



Cr Peter Young
Ext: 8400