

Sarah Doring

From: Sarah Doring
Sent: Monday, 25 February 2019 10:18 AM
To: Tim Pearson
Subject: RE: Gold City Council letter and response from Minister

Hey,

There was a submission from Cardno (on behalf of BCI Group) during the regional plan review, requesting the Greenridge site be included in the Urban Footprint. The site was retained in the RLRPA under *ShapingSEQ* for reasons including:

- the site is zoned rural and is constrained by MSES, MLES, bushfire, flooding and coastal hazards
- the site adjoins the Urban Footprint and there was adequate capacity to accommodate Gold Coast LGA's future urban growth within the existing urban footprint
- the site is not identified for more intensive development under council's current or strategic planning (investigation area)
- as the site is located within an identified investigation area, it would be premature to determine a change in regional land use category until appropriate investigations have been undertaken and preferred land uses determined.

Gold Coast Council's submission during the regional plan review did not include any requests to change the RLUC over this site. During the review, council officers stated that the area is within an identified investigation area and did not support further intensive development in this location.

Let me know if you need any further information.

Thanks
Sarah

From: Tim Pearson
Sent: Monday, 25 February 2019 8:37 AM
To: Sarah Doring <Sarah.Doring@dsgmp.qld.gov.au>
Subject: FW: Gold City Council letter and response from Minister

Hey,

Could you please let me know if the land in Coomera referred to by the GC D/Mayor had a submission about including it into the Urban Footprint during the drafting of *ShapingSEQ*?

Thank you,

Tim



Tim Pearson
A/Director
Regional and Spatial Planning
Department of State Development,
Manufacturing, Infrastructure and Planning

Queensland
Government

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From: Kerry Doss
Sent: Friday, 22 February 2019 4:24 PM
To: Tim Pearson <Tim.Pearson@dsdmip.qld.gov.au>
Cc: Graeme Bolton <Graeme.Bolton@dsdmip.qld.gov.au>; Teresa Luck <Teresa.Luck@dsdmip.qld.gov.au>
Subject: FW: Gold City Council letter and response from Minister

Hi Tim

Could you please check as to whether there were any submissions on this parcel of land under ShapingSEQ

Thanks

KD



Kerry Doss

Deputy Director-General Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

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From: Graeme Bolton
Sent: Friday, 22 February 2019 3:57 PM
To: Stephanie Challen <Stephanie.Challen@ministerial.qld.gov.au>
Cc: Teresa Luck <Teresa.Luck@dsdmip.qld.gov.au>; Kerry Doss <Kerry.Doss@dsdmip.qld.gov.au>
Subject: Gold City Council letter and response from Minister

Hi Steph,

Attached is a copy of the incoming and outgoing corro re a request to amend ShapingSEQ to bring 407ha property into the urban footprint to allow 20% to be developed and the remaining 80% to be dedicated to koala habitat.

Council is wanting table the Minister's response as part of an agenda item, which will make it a public record.

I have been approached to see if we would have any major concerns with this.

Regards,

Graeme.



Queensland
Government

Graeme Bolton
Executive Director, Planning and Development Services
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

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MINISTER FOR STATE DEVELOPMENT, MANUFACTURING, INFRASTRUCTURE AND PLANNING
Executive correspondence action sheet

DATE RECEIVED MO 06/09/2018	DATE RECEIVED DEPT <u>11, SEP 2018</u>	DATE DUE SIGNATORY <u>18, 9/2018</u>	DEPT REF MC18/5474
Author: Donna Gates, Acting Mayor	Company: City of Gold Coast		
<input checked="" type="checkbox"/> Response required		<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Minister signatory	<input type="checkbox"/> CONSTITUENT?	<input type="checkbox"/>	Decision brief
<input type="checkbox"/> DG or CG signatory	<input type="checkbox"/> Draft to MO first for approval?	<input type="checkbox"/>	Noting brief
<input type="checkbox"/> DDG signatory		<input type="checkbox"/>	Meeting brief
<input type="checkbox"/> Dept signatory (ED or Director)		<input type="checkbox"/>	Dot points
<input type="checkbox"/> Dept for appropriate action		<input type="checkbox"/>	Dept to call and resolve
<input type="checkbox"/> Referral to (agency).....(DLO to action)		<input type="checkbox"/>	Other.....
<input type="checkbox"/> No response necessary – file & note		<input type="checkbox"/>	
Contact person (for response)	Min <input type="checkbox"/>	COS <input type="checkbox"/>	Dept officer <input checked="" type="checkbox"/> Other <input type="checkbox"/>
Response time	5 days <input checked="" type="checkbox"/>	10 days <input type="checkbox"/>	15 days <input type="checkbox"/> MALPI <input type="checkbox"/> business days from receipt. Note Planning responsible for due date
Minister's Office comments/drafting instructions SC – 06.09.2018			
<p>Approved by: <u>Steph</u> Date: <u>06/09/18</u></p>			

DLO USE						DLO comments/drafting instructions Ministerial response please 11/9 Lloyds
BU	Lead	Copy/consult	BU	Lead	Copy/consult	
ODG	<input type="checkbox"/>	<input type="checkbox"/>	Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MID	<input type="checkbox"/>	<input type="checkbox"/>	IPP	<input type="checkbox"/>	<input type="checkbox"/>	
IP	<input type="checkbox"/>	<input type="checkbox"/>	EDQ	<input type="checkbox"/>	<input type="checkbox"/>	
MPP	<input type="checkbox"/>	<input type="checkbox"/>	BQ	<input type="checkbox"/>	<input type="checkbox"/>	
RED	<input type="checkbox"/>	<input type="checkbox"/>	QRA	<input type="checkbox"/>	<input type="checkbox"/>	
BSP	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	
OCG	<input type="checkbox"/>	<input type="checkbox"/>				
Lead area must ensure consultation occurs with other business units and departments if/as necessary to ensure a 'whole of portfolio' brief or response is provided.						Approved by: <u>[Signature]</u> Date: <u>07/09/18</u>

Approved by Director-General/Coordinator-General signature & date:/...../18



City of Gold Coast

09/09/18

RECEIVED

- 6 SEP 2018

Office of the Mayor

4 September 2018
Our ref: MS#71610090

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Gold Coast MC QLD 9729
Australia

Telephone +61 7 5581 5283
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Hon Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister

Cameron

In the absence of Mayor Tom Tate from the office on mayoral business currently, he has asked me to liaise with you on the issue of koala habitat protection.

As you are well aware, South East Queensland is home to nationally significant koala populations with Gold Coast containing important populations across both public and private land.

Equally, you appreciate that one of our city's largest koala populations is located in Coomera, a suburb identified within the ShapingSEQ South East Queensland Regional Plan as a Major Expansion Area. Recent independent studies identify that, as a result of rapid urban growth and resultant habitat clearing and fragmentation, the viability of this population is at risk and will decline without intervention.

In addition to its 2007 and 2017 East Coomera Koala Population studies, the City has recently completed detailed investigations to identify a protected network for permanently securing koala habitat to support the long term protection of this population.

Council is keen to investigate innovative, alternative approaches to secure this network for the koala population, at the same time as delivering cost efficiencies for ratepayers.

The identified protected network includes properties throughout the Coomera/Pimpama area that contain koala habitat to further consolidate existing conservation reserves. It has been designed to provide sufficient habitat to support a minimum viable koala population in the long term.

One of the properties identified as part of the protected network as a high priority for action is the 'Greenridge' property located at Green Meadows Road, Pimpama. This 407ha property is currently zoned Rural and located in the Regional Landscape and Rural Production Area (RLRPA) under the ShapingSEQ South East Queensland Regional Plan. It contains 188 hectares of existing koala habitat, with an additional 164 hectares of habitat requiring restoration, and provides excellent consolidation of existing conservation reserves.

The owners of this property have approached Council with a proposal to dedicate 80% of the site as koala habitat open space in exchange for developing 20% of the site, indicating they would be prepared to undertake any required koala habitat restoration.

It is worth noting that this land is proximate to an inter-urban break which is to be preserved under the SEQ Regional Plan. Beyond any remediation activities that might be envisaged, it would appear that the designation of inter-urban break would provide a substantial measure of conservation protection. As such it would appear ideally suited to comprise part of an expanded koala preservation area.

If so, the area proposed to be surrendered could be added to koala habitat areas at negligible cost to ratepayers enabling the City's new Koala Habitat Acquisition and Enhancement levy to be applied to securing other valuable land.

I would welcome your view of this proposal and to understand the likelihood and, if applicable, the timeframes for achieving development outcomes on this site at lowest cost to ratepayers. In particular I would appreciate your advice as to whether or not this parcel might in future be incorporated into the urban footprint of City of Gold Coast.

To simplify consideration I have attached a map of the relevant land with the pertinent RP data encoded.

Sincerely



**DONNA GATES
ACTING MAYOR**



Map 1: Greenridge property, Green Meadows Road, Pimpama



Lot address	Area
121RP903491	284269m ²
15SP145312	620000m ²
6RP50178	605660m ²
7RP50178	266940m ²
8RP50178	376860m ²
11RP50178	156770m ²
12RP50178	162780m ²
71W31402	303510m ²
16RP50178	143660m ²
13RP50178	545950m ²
14RP50178	199810m ²
15RP50178	406460m ²

Legend	<ul style="list-style-type: none"> Urban Footprint Future Public Open Space Public Open Space Proposed Coonera Connector 	Highest priority property	Produced by: N/A Bishop Production Date: 24 Jul 2018 Service Call Number: DR100000014 Projection: MGA94 Zone 56
			N 0 100 200 Metres
			CITY OF GOLD COAST



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

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Our ref: MC18/5474

Your ref: MS#71610090

18 DEC 2018

Councillor Tom Tate
Mayor
Gold Coast City Council
PO Box 5042
GCMC QLD 9729

Dear Councillor Tate

Thank you for Gold Coast City Council's (the council) letter of 4 September 2018 about koala habitat protection on the Gold Coast.

I commend the council for taking an active approach to this issue by undertaking work to identify opportunities to protect a network of koala habitat, with a specific focus on the Coomera and Pimpama areas.

As you may be aware, on 4 May 2018, the Koala Expert Panel's final report and the Queensland Government's response were released by the Honourable Leeanne Enoch MP, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts. The Queensland Government's response to the panel's report sets out the committed actions to achieve the six panel recommendations, all of which were supported.

The first action being undertaken by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) is a review of the current Planning Regulation 2017 provisions relating to koala protection to address ongoing concerns regarding clarity. DSDMIP is a member of the Koala Advisory Council established by the Department of Environment and Science and will continue to engage in this process.

Regarding the proposal to partially develop a property called 'Greenridge' at Green Meadows Road, Pimpama, I am advised that the property is currently within the Regional Landscape and Rural Production Area (RLRPA) under South East Queensland Regional Plan 2017 (*ShapingSEQ*). The RLRPA was established to protect the region's environmental and natural values and assets. As a result, certain uses within the RLRPA are prohibited under the Planning Regulation 2017, including subdivision of lots below 100 hectares in size and most forms of residential development.

Your letter also requested my advice as to whether the property might be incorporated into the Urban Footprint as part of a future amendment to *ShapingSEQ*. I understand it has been agreed that the council has adequate capacity to accommodate its future urban growth within the existing Urban Footprint. The South East Queensland Growth Monitoring Program (GMP) is a key implementation action under *ShapingSEQ* and will report annually on land supply and development in South East Queensland, including how councils are tracking against the dwelling supply benchmarks under *ShapingSEQ*. Initial results of the GMP are anticipated to be released in late 2018.

However, under *ShapingSEQ*, local governments can make adjustments to the planning scheme to rezone land for urban purposes outside of the Urban Footprint. Such changes require a demonstrated and measurable local need and regional justification for the proposal. Any proposal to change the planning scheme zone will be subject to the relevant processes outlined in the Ministers Guidelines and Rules.

The next review of *ShapingSEQ* is due to occur between 2022 – 2024, at which time regional land use category boundary changes will be considered in review in response to new information and evidence, including local government strategic planning exercises.

If you have any questions about my advice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely



CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Brianna Gosper

From: Steve Knudsen <stevek@fivepoint.com.au>
Sent: Monday, 13 October 2014 9:02 AM
To: CONNOLLY Gail; David Hood; MAHONEY Kim
Cc: Adam Yem; Greg Chemello; Amanda Tzannes; Martin Garred; Michael Nash
Subject: Draft City Plan 2015 - Greenridge - Submission Number: CP1157
Attachments: Rod Litster QC - Opinion - 10.10.2014.pdf; ATT00001.htm; Fivepoint-logo.png; ATT00002.htm

Hi Gail, David and Kim,

I refer to our recent meeting at which we discussed various legal questions surrounding the designation of part of the Greenridge land to the emerging communities zone..

Please accept the attached legal opinion from Rod Litster QC (briefed by our Lawyers Hopgood) as an addendum to BCI's submission and in response to questions raised at that meeting.

Regards

Steve

RTI RELEASE - DSDMIP

Hopgood Ganim
Lawyers
PO Box 7822
Waterfront Place
BRISBANE QLD 4001

Attention: James Ireland

RE: GREENRIDGE POTENTIAL EMERGING COMMUNITY AREA

EX PARTE: BCI GROUP

OPINION

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Background

1. The Gold Coast City Council ("**Council**") has prepared a draft planning scheme ("**City Plan 2015**") for all land within its local government area ("**the City**").
2. City Plan 2015 was released for public consultation on 17 June 2014.

PLEASE NOTE:

Information contained in this Opinion is confidential and the subject of legal professional privilege. I do not consent to the use of this document other than for the purpose for which it has been prepared. I do not consent to alteration of this document without my prior written approval. If you receive this document (or a copy of it) from a source other than me, please notify me immediately.

3. BCI Group ("**BCI**") is the beneficial owner of land ("**the Land**") which:
 - (a) comprises 6, 7, 8, 11, 12, 13, 14, 15 and 16 on RP 50178, 15 on SP 145312, 71 on W 31402 and 121 on RP 90349;
 - (b) has a total area of about 407.3 hectares;
 - (c) is situated at Pimpama;
 - (d) is wholly within the City;
 - (e) is not within the Urban Footprint Regional Land Use category identified in the *South East Queensland Regional Plan 2009 to 2031* ("**the Regional Plan**").
4. Under City Plan 2015:
 - (a) Lots 6, 11 and 12 on RP 50178, 15 on SP 145312, 71 on W 31402 and 121 on RP 903491 are to be included in the Rural Zone;
 - (b) Lots 11 and 12 on RP 50178 and 71 on W 31402 are also to be included in the Rural Landscape and Environment Precinct;
 - (c) Lots 7, 8, 13, 14, 15 and 16 on RP 50178 are to be included in the Conservation Zone;
 - (d) no part of the Land is to be included within the Designated Urban Area on Strategic Framework Map 1.
5. The Land has been the subject of a very detailed investigation by a team of consultants engaged by BCI to analyse the suitability of the Land for development for urban purposes. That investigation has had the benefit of contemporaneous input from Council staff.
6. That investigation culminated in BCI making a very detailed submission to Council in response to City Plan 2015 being released for public consultation.
7. That submission (which includes site based investigations¹) identifies new information relevant to, and exposes errors in, designations applied to some of the Land by City Plan 2015.

¹ the technical reports include town planning, engineering, traffic, flood, odour, environment, economic need, agricultural and resource analyses

8. The BCI submission proposes that City Plan 2015 should be amended to:
 - (a) introduce the "Greenridge, Pimpama Conceptual Land Use Map".
 - (b) Include the whole of Lots 6, 11, 12 and 16 on RP 50178, 15 on SP 145312, 71 on W 31402 and 121 on RP 903491 (i.e. about 227.7 hectares):
 - (i) within the Designated Urban Area on Strategic Framework Map 1; and
 - (ii) in the Emerging Community Zone (guided by the development intent identified in the "Greenridge, Pimpama Conceptual Land Use Map" which identifies:
 - (A) the Greenridge Potential Emerging Community Area ("**the Greenridge PECA**") – which comprises an area of about 85 hectares identified as suitable for urban development and 9.9 hectares for "further investigation"; and
 - (B) the remaining 132.8 hectares as Open Space Network);
 - (c) consequentially remove Lots 11 and 12 on RP 50178 and 71 on W 31402 from the Rural Landscape and Environment Precinct; and
 - (d) leave Lots 7, 8, 13, 14 and 15 on RP 50178 (which total about 179.6 hectares) in the Conservation Zone.
9. The identification and protection of the Greenridge PECA in this way is entirely consistent with the "Purpose" of the Emerging Community Zone code.
10. Some other changes to aspects of City Plan 2015 (e.g. amendments to text and Settlement Pattern and Greenspace Network mapping and the like) are proposed as a result of the changes identified in paragraph 8.
11. The BCI submission also considers other land that lies generally to the south of the Land ("**the Intervening Land**").
12. BCI has no beneficial interest in the Intervening Land.
13. The Intervening Land:
 - (a) is not within the Urban Footprint Regional Land Use category identified in the Regional Plan; and

- (b) is not included within the Designated Urban Area on Strategic Framework Map 1 for City Plan 2015.
14. The BCI submission also proposes that the Intervening Land be included within the Designated Urban Area on Strategic Framework Map 1, with some limited consequential changes to other aspects of City Plan 2015 (i.e. amendments to Settlement Pattern and Greenspace Network mapping).
15. However, the BCI submission does not propose that:
- (a) the zonings applying to the Intervening Land change; or
 - (b) a Conceptual Land Use Map be introduced for the Intervening Land.

Questions

16. The process for making a new planning scheme is prescribed by the *Sustainable Planning Act 2009* ("SPA"), the Sustainable Planning Regulation ("SPR") and Statutory Guideline 02/14 - Making and amending local planning instruments dated 11 June 2014 ("**Guideline 02/14**").²
17. I have been asked to consider a number of matters related to that process as a result of recent discussions between representatives of BCI, Council and the Department of State Development, Infrastructure and Planning ("**DSDIP**").
18. Those matters are:
- (a) Do the changes proposed by the BCI submission result in a "significantly different" scheme for the purpose of Guideline 02/14?
 - (b) Can the Land and the Intervening Land be included in the Designated Urban Area on Strategic Framework Map 1 in City Plan 2015?
 - (c) Can a decision by Council about the BCI submission be challenged?
 - (d) What is the scope of a challenge to a decision by Council about the BCI submission?
 - (e) Would a challenge by BCI against a decision not to change City Plan 2015 have merit?

² SPA, s 117(1); SPR, s. 5

- (f) Would a challenge by others against a decision to change City Plan 2015 have merit?

A “significantly different” scheme?

19. It is necessary to understand the ‘stages’ and ‘steps’ that a draft planning scheme must undergo before it can be adopted.
20. Stage 3³ in Guideline 02/14, which comprises steps 7 to 9, provides for public consultation, including submissions.
21. The notes for Step 7 in Guideline 02/14⁴, recognise that public consultation provides an opportunity for community input into the development of a planning scheme and ensures a range of views and perspectives are taken into account. Those notes recognise that public consultation widens the perspective of the drafters and brings new ideas for how an area could be planned.
22. Step 8 in Guideline 02/14 specifically provides that:
- (a) Council must consider every properly made submission;⁵
 - (b) after considering the submissions, the Council may make changes to a proposed planning scheme to:
 - (i) address issues raised in a submission;
 - (ii) amend a drafting error; and
 - (iii) address new information or changed planning circumstances.⁶
23. It is only where a change would result in the planning scheme being “significantly different” to the version released for public consultation that the Council must carry out further public consultation.⁷
24. The notes for Step 8 in Guideline 02/14⁸ suggest that whether a change would result in the planning scheme being “significantly different” will depend on the individual circumstances, and that a council should consider the

³ at pp. 14 to 18

⁴ at p. 53

⁵ Step 8.1 at p. 15

⁶ Step 8.2 at p. 15 and Step 8.5(b) at p.16

⁷ Steps 8.3 and 8.4 at p. 16

⁸ at p. 53

change in terms of its intent, extent and effect on both the land use outcomes and assessment requirements.

25. Those notes also suggest that a council should consider whether a change has affected or altered:
- (a) a material planning issue, such as a policy position;
 - (b) a significant proportion of the area (or land owners) affected by the planning scheme;
 - (c) a matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions;
 - (d) the level of assessment;
 - (e) the planning scheme, so that it is "quite different" to the draft released for public comment.
26. It is unlikely that list of considerations is intended to be exhaustive and there is no guidance as to whether consideration of the matters identified should tell for or against a finding that the changed planning scheme is "significantly different".
27. The notes for Step 8 also point out that a change that affects the rights of one or more individuals does not necessarily mean the change is significant.
28. Step 9.1 (b) in Guideline 02/14⁹ also requires the Minister to consider whether a "version" is "not significantly different" to the version which has undertaken public consultation.
29. Although the matters relevant to the Minister's consideration are not specifically addressed by the notes in Guideline 02/14, it would be curious if the approach to be adopted by a council were not applied *mutatis mutandis*.
30. Whether a draft planning scheme including a change is "significantly different" to the version released for public consultation is a question that has been considered by the Planning and Environment Court and the Court of Appeal,

⁹ at p. 17

albeit by reference to analogous provisions of the *Integrated Planning Act 1997* ("IPA").¹⁰

31. The following principles can be distilled from the authorities:
- (a) a changed scheme will be "significantly different" from a scheme about which public consultation has been undertaken if the changes have the consequence that the changed scheme "as a whole" (or the "overall framework for land use and development within the local government area") is significantly different from that which was notified;
 - (b) a changed scheme will not be "significantly different" from that which was notified simply because individual interests may be affected by the change;
 - (c) consideration of the significance of the relevant differences requires an overall comparison between the changed scheme and that which was notified.¹¹

32. In this matter, the material changes involve the inclusion of Lots 6, 11, 12 and 16 on RP 50178, 15 on SP 145312, 71 on W 31402 and 121 on RP 903491:

- (a) within the Designated Urban Area on Strategic Framework Map 1;
- (b) in the Emerging Community Zone, guided by the development intent set out in the "Greenridge, Pimpama Conceptual Land Use Map" which identifies:
 - (i) the Greenridge PECA – an area of about 85 hectares identified as suitable for urban development and 9.9 hectares for "further investigation"; and
 - (ii) the remaining 132.8 hectares as Open Space Network.

33. Notably, it is not proposed to change the way that City Plan 2015 treats Lots 7, 8, 13, 14 and 15 on RP 50178.

¹⁰ e.g. *Clark v Cook Shire Council* - on appeal at (2008) 1 Qd R 327 and at first instance at [2007] QPELR 252; *ITC Timberlands Pty Ltd v Cassowary Coast Regional Council* [2010] QPELR 166

¹¹ e.g. *Clark*, at 339 – 340 (Keane JA as he then was); *ITC Timberlands Pty Ltd*, at [28] (A Wilson DCJ as he then was)

34. Having due regard to the detailed site based findings provided in the BCI submission it should prove difficult to maintain that the designations that have been applied to the Land in the scheme as notified were derived specifically for the Land through reasoned analysis of material planning issues, or by reasoned application of an identifiable policy.
35. The changes so far as they relate to the Land do not affect or alter a significant proportion of the area (or a significant proportion of the land owners) affected by City Plan 2015.
36. It is pertinent to observe that the Land is in a single ownership and that the Greenridge PECA is but a very small part of the area covered by "Zone Map - Map 14 Coomera" which in turn is only one of 43 "Zone Maps" covering all land affected by City Plan 2015. This can be compared to the situation in *ITC Timberlands Pty Ltd* where the change applied across all rural land in the relevant planning scheme area.
37. It does not appear likely that the changes so far as they relate to the Land involve a matter which is of widespread public interest throughout the local government area. When the limitations inherent in the proposed changes are appreciated it does not appear likely that those changes, so far as they relate to the Land, would generate multiple public submissions. Important in this context is the fact that future applications to authorise use of the Land for urban purposes will still be impact assessable.
38. Of course, the BCI submission also proposes that the Intervening Land be included within the Designated Urban Area on Strategic Framework Map 1 but, importantly, it does not propose that the zoning of the Intervening Land be changed or that a Conceptual Land Use Map be introduced for the Intervening Land.
39. Having due regard to the analysis provided in the BCI submission it should prove difficult to maintain that the designations that have been applied to the Intervening Land in the scheme as notified were derived specifically for that land through reasoned analysis of material planning issues, or by reasoned application of an identifiable policy.
40. Further, the changes proposed to the designation of the Intervening Land do not affect or alter a significant proportion of the area affected by City Plan 2015. The Intervening Land is of a similar size to the Land and is also but a small part of the area covered by "Zone Map - Map 14 Coomera". Although in

multiple ownership, it would be difficult to conclude the owners of the Intervening Land comprise a significant proportion of the land owners affected by City Plan 2015.

41. It does not appear likely that the changes so far as they relate to the Intervening Land involve a matter which is of widespread public interest throughout the local government area. When the limitations inherent in the proposed change to the designation of the Intervening Land are appreciated it does not appear likely that those changes would generate multiple public submissions. That future applications to authorise use of the Intervening Land for urban purposes will still be impact assessable is important in this regard.
42. That the individual interests of owners of lots comprising the Intervening Land may be affected by those changes is not "significant" in the relevant sense. It is relevant that it is not proposed to change the zoning or change the level of assessment for future applications that will be required under City Plan 2015.
43. Undertaking an overall comparison between changed scheme and that which was notified it is difficult to identify how the "overall framework for land use and development" within the City would be "significantly different" (in the relevant sense) to that which was notified.
44. In these circumstances I conclude that the changes proposed by the BCI submission do not result in a planning scheme that is "significantly different" to the version released for public consultation.
45. It follows that further public consultation should not be required if Council accedes to the BCI submission.

Inclusion of the Land and the Intervening Land in an Urban Area?

46. The process identified in Guideline 02/14 provides for the alignment of a draft scheme with a regional plan, including:
 - (a) Step 1¹² and Step 2¹³, which provide for the identification and consideration of the state interests expressed in a relevant regional plan;

¹² Step 1.4(c) at p. 9
¹³ Step 2A.1(a) at p. 9

- (b) Step 5¹⁴, which provides for the local government to give a written statement addressing a regional plan (including identified state interests) which includes:
 - (i) how those matters are integrated in the draft planning scheme;
 - (ii) reasons why they are not integrated; and
 - (iii) those that are not relevant;
- (c) Step 6¹⁵, which requires the Minister to determine whether a regional plan has been appropriately integrated;
- (d) Step 8¹⁶, which provides that where a local government wants to proceed with a changed planning scheme following public consultation it must:
 - (i) ensure that any change continues to appropriately integrate a regional plan;
 - (ii) identify any change that relates to that regional plan; and
 - (iii) provide information as to whether it considers a change affects a state interest;
- (e) Step 9¹⁷, which provides that the Minister must consider a regional plan and determine whether the proposed planning scheme appropriately integrates it.

47. Properly understood, the process requires consideration of a regional plan (including state interests), but specifically contemplates (by step 5) that there will be occasions where a regional plan will be neither integrated in the planning scheme, nor relevant.

48. If a new planning scheme is required to confine its urban areas to the Urban Footprint there is no utility in:

- (a) allowing a Council to provide reasons as to why a regional plan is not integrated or is not relevant (under step 5);

¹⁴ Step 5.1(d)(iii) at p. 12

¹⁵ Step 6.2(d) at p.13

¹⁶ Step 8.2(b) at pp.15 – 16 and Step 8.7(b) and (c) at p.16

¹⁷ Step 9.1(a)(i) at p.17 and Step 9.1(d) (i) and (ii) at p.18

- (b) providing for the Minister to determine whether a regional plan (or the state interests expressed in it) has been appropriately integrated (under step 9).
49. Guideline 02/14 sets out a process for acceptance of appropriate integration of the Regional Plan which includes the provision of appropriate justification (e.g. including new site specific analysis and information) as to why a regional plan should not be integrated, or is not relevant.
50. It is also relevant in this context that, the regulatory provisions in part F of the Regional Plan contemplate that land in “an urban area under a planning scheme (other than a transitional planning scheme)” may be located outside the Urban Footprint.¹⁸
51. Council’s Regional Planning Unit has suggested that “[t]he planning scheme should aim to coordinate land use and infrastructure provision to support the regional settlement pattern”.
52. There does not appear to me to be any reason in principle why in specific reasoned circumstances a designation by a Council of urban areas outside the Urban Footprint cannot be said to support the regional settlement pattern. It is not fanciful to suggest that there could be circumstances where a reasoned designation of an urban area outside the Urban Footprint is consistent with the regional settlement pattern; particularly where supported by site specific information.
53. Nor do provisions within SPA such as sections 19 and 25 detract from this approach.
54. The exclusion of transitional planning schemes from the operation of section 1.5(1)(a) of the regulatory provisions in part F of the Regional Plan reinforces a conclusion that the plan making process in Guideline 02/14 is intended to afford an opportunity for a Council to designate urban areas outside the Urban Footprint.
55. In the circumstances, I conclude that the Land and the Intervening Land can be included in the Designated Urban Area on Strategic Framework Map 1.
56. The process for doing so is provided within Guideline 02/14 and does not involve additional or unnecessarily complex steps.

¹⁸

section 1.5(1)(a)

Can Council's Decision be Challenged?

57. The process for making a new planning scheme is prescribed, *inter alia*, by SPA, SPR and Guideline 02/14.¹⁹
58. Sections 757(1) and (3) of SPA exclude the operation of the *Judicial Review Act 1991* ("JRA") and the jurisdiction of the Supreme Court for applications under that Act to review a decision under SPA, or to review conduct otherwise potentially reviewable under the JRA.
59. However, section 757(2) of SPA allows an application to be made for a statement of reasons under Part 4 of the JRA.
60. While the combined operation of, *inter alia*, sections 7, 20, 21, 22, 31 and 32 of the JRA may afford some scope to obtain a statement of reasons in relation to a decision to make a new planning scheme, it is unnecessary to further explore that aspect at this point in time.
61. Of more immediate interest is the opportunity provided by section 456 to seek declaratory relief (and associated orders) in the Planning and Environment Court about a matter done, to be done, or that should have been done for SPA.
62. The operation of section 456 extends to a matter done, to be done, or that should have been done for Chapter 3, Part 5, of SPA in which the process for making a planning scheme is founded.
63. The jurisdiction conferred on the Planning and Environment Court by section 456 of SPA is specific and limited and should be strictly construed to minimise impingement on the jurisdiction of the Supreme Court. There is nothing in SPA that precludes bringing a proceeding to like effect in the Supreme Court, provided no like application had been brought in the Planning and Environment Court. However, once an application is brought in the Planning and Environment Court, that court has exclusive jurisdiction.²⁰
64. There may well be good reasons that a decision would be taken to commence proceedings in the Supreme Court. One is because there is doubt as to whether the Planning and Environment Court could grant an interim injunction to stop the process for making a new planning scheme continuing while the declaratory proceeding is determined.

¹⁹

SPA, s 117(1); SPR, s. 5

²⁰

cf. *Netstar Pty Ltd v. Caloundra City Council* (2005) 1 Qd. R 287

65. It is unnecessary for present purposes to express a concluded view as to which jurisdiction is likely to be preferred by a party seeking to challenge a decision by Council about the BCI submission. It is sufficient to say that it is possible to challenge such a decision by way declaratory relief, at least in the Planning and Environment Court, and possibly in the Supreme Court (although not under the JRA).

The Scope of a Challenge to Council's Decision?

66. By section 117 of SPA, Council is required to follow the process stated in the Guideline 02/14.
67. By section 119(1) of SPA, substantial compliance with Guideline 02/14 will suffice so long as any noncompliance has not:
- (a) adversely affected the awareness of the public of the existence and nature of the proposed planning scheme; or
 - (b) restricted the opportunity of the public to make properly made submissions about the proposed planning scheme under the guideline; or
 - (c) for a planning scheme – restricted the opportunity of the Minister to consider whether State interests would be adversely affected.
68. I have identified no decisions about challenges brought (as to whether a change renders a scheme “significantly different” from a draft scheme which has been the subject of public consultation) by reference to the process for making a planning scheme provided under Chapter 3, Part 5, of SPA.
69. **Clark** and **ITC Timberlands Pty Ltd** determined challenges brought, unsuccessfully, by reference to analogous provisions of the IPA.
70. Elsewhere in Australia, there have been decisions about challenges of a similar type involving legislation expressed in different terms to the process for making a planning scheme provided under Chapter 3, Part 5, of SPA.
71. There are many decisions by courts that have been asked to review decisions where the power to make the decision (or continue with a statutory process) is dependent on being satisfied as to a specific matter.

72. The law in that regard is tolerably clear. The relevant decision must be accepted unless it can be shown, inter alia, to be a decision that:
- (a) no reasonable person would have reached; or
 - (b) is based on irrelevant considerations;
 - (c) is reached without regard to relevant considerations; or
 - (d) is in some other way unjustifiable.
73. However, if that decision is justifiable, it will not be set aside. It does not matter whether others might disagree with it.
74. In *Parramatta City Council v. Pestrell* (1972) 128 CLR 305 at 323, Menzies J said:

"There is, however, a world of difference between justifiable opinion and sound opinion. The former is one open to a reasonable man; the latter is one that is not merely defensible — it is right. ... (V)alidity ... does not depend upon the soundness of a Council's opinion; it is sufficient if the opinion expressed be one reasonably open to a Council. Whether it is sound or not is not a question for decision by the Court."²¹

A Challenge by BCI is likely to have Merit

75. It is not presently possible to articulate all bases on which a decision not to change City Plan 2015 as proposed by BCI could be challenged.
76. It will be necessary to carefully consider the reasons advanced in support of such a decision.
77. It is sufficient for present purposes to observe that one would ordinarily expect strong reasons to counter the very detailed investigation and very detailed submission that has been provided to Council, a submission which identifies new information relevant to, and exposes errors in, designations applied to some of the Land by City Plan 2015.

²¹ see also *Attorney-General (NSW) v. Quin* (1989-1990) 170 CLR 1, at 36-8, per Brennan J; *R v. Connell, ex parte the Hetton Bellbird Collieries Ltd* (1944) 69 CLR 407 at 430, per Latham CJ.

78. In the circumstances, a challenge to a decision by Council to reject the BCI submission is likely to have merit.
79. It would be necessary to apply for an interim injunction if it were thought appropriate to suspend the process for making a new planning scheme while the declaratory proceeding is determined.

A Challenge by Others is Likely to Face Difficulties

80. The analysis undertaken in this opinion justifies a decision by Council to accede to the BCI submission on a proper application of Guideline 02/14.
81. Analysis of the true character and extent of the proposed change suggests that a decision by Council to change City Plan 2015 as proposed by BCI would prove difficult to challenge.²²
82. As occurred in other decisions under the IPA²³, it would not be surprising if a challenge failed to demonstrate that an opinion of Council, that the modified scheme was not significantly different from the notified scheme, was one which could not have been held by any reasonable local government.
83. Further, the operation of section 119(1) of SPA may prove difficult to overcome.²⁴
84. As a practical matter, it may be observed that the owners of the Intervening Land would appear to potentially benefit, rather than be prejudiced, by the change proposed in the designation of the Intervening Land. The zoning of the Intervening Land would not change, nor would a Conceptual Land Use Map for the Intervening Land be introduced. It would be surprising if those owners would challenge a decision by Council to accede to the BCI submission.
85. In the circumstances, a challenge by others against a decision to change City Plan 2015 as proposed is likely to face difficulties.
86. Unless an interim injunction is sought, the process for making a new planning scheme should not be delayed while the declaratory proceeding is determined.

²² cf. *Massie & Ors v. Brisbane City Council* [2007] QCA 159

²³ *Clark and ITC Timberlands Pty Ltd*

²⁴ cf. *ITC Timberlands Pty Ltd*

87. It would ordinarily be expected that an applicant for an interim injunction would be required to offer an undertaking as to damages.

Conclusions

88. The Council must consider the BCI submission as part of the scheme making process.
89. Unless it does so, the opportunity for meaningful participation by BCI in the scheme making process will be frustrated.
90. The issues raised in the submission by BCI, and in particular the new site specific information, supports the proposed changes.
91. It is significant that it is not proposed to change the way that City Plan 2015 treats Lots 7, 8, 13, 14 and 15 on RP 50178 (i.e. about 179.6 hectares).
92. It is also important that the "Greenridge, Pimpama Conceptual Land Use Map" identifies:
- (a) the Greenridge PECA – an area of about 85 hectares identified as suitable for urban development and 9.9 hectares for "further investigation"; and
 - (b) the remaining 132.8 hectares as Open Space Network.
93. Moreover, the zoning of the Intervening Land would not be changed, nor would a Conceptual Land Use Map for the Intervening Land be introduced.
94. In that context, overall comparison of the changed scheme with that which was notified does not suggest that the "overall framework for land use and development" within the City would be "significantly different" to that which was notified.
95. The proposed changes do not result in the planning scheme being "significantly different" to the version released for public consultation.
96. Further public consultation should not be required if Council makes the changes proposed by the BCI submission.
97. The Land and the Intervening Land can be included in the Designated Urban Area on Strategic Framework Map 1 under City Plan 2015.

98. The process for doing so is provided within Guideline 02/14 and does not involve additional or unnecessarily complex steps.
99. It is possible to challenge a decision by Council about the BCI submission by way declaratory relief, at least in the Planning and Environment Court and possibly in the Supreme Court (although not under the JRA).
100. I have identified no decisions about challenges brought as to whether a change renders a scheme "significantly different" from a draft scheme which has been the subject of public consultation by reference to the process for making a planning scheme provided under Chapter 3, Part 5, of SPA.
101. So far as I can presently ascertain, all challenges brought under analogous provisions of the IPA (where the relevant schemes were changed adverse to the interests of those challenging) were not successful.
102. A challenge by BCI against a decision not to change City Plan 2015 is likely to have merit.
103. A challenge by others against a decision to change City Plan 2015 is likely to face difficulties.
104. I advise accordingly.
105. I acknowledge that there could be matters that may arise on reading this Opinion that may require further discussion.
106. Please do not hesitate to contact me if that is so.

With compliments



Rod Litster QC
Chambers,
Friday, 10 October 2014

OPINION

Friday, 10 October 2014

RE: GREENRIDGE PECA

EX PARTE: BCI GROUP

PREPARED FOR:

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PLEASE NOTE:

Information contained in this Opinion is confidential and the subject of legal professional privilege. I do not consent to the use of this document other than for the purpose for which it has been prepared. I do not consent to alteration of this document without my prior written approval. If you receive this document (or a copy of it) from a source other than me, please notify me immediately.

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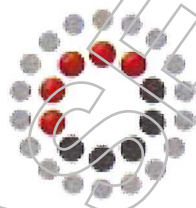
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RTI RELEASE - DSDMIP

RTI RELEASE - DSDMIP



FivePoint
PROPERTY ADVISORY

Brianna Gosper

From: Greg Chemello <Greg.Chemello@dsdip.qld.gov.au>
Sent: Tuesday, 23 September 2014 2:12 PM
To: Amanda Tzannes; Martin Garred
Subject: FW: Draft Gold Coast City Plan 2015 - Greenridge Submission
Attachments: Greenridge - Rod Litster QC - 21.09.2014.pdf; ATT00001.htm; Impact on rights of neighbouring property owners.pdf; ATT00002.htm; Fivepoint-logo.png; ATT00003.htm

Follow Up Flag: Follow up
Flag Status: Completed

Just received...

Chat tomorrow.

Regards

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Great state. Great opportunity.

 Please consider the environment before printing this email

From: Steve Knudsen [mailto:stevek@fivepoint.com.au]
Sent: Tuesday, 23 September 2014 1:52 PM

To: Greg Chemello
Subject: Draft Gold Coast City Plan 2015 - Greenridge Submission

Hi Greg,

Thank you very much for meeting with us yesterday on such short notice.

Greenridge submission and process of consultation with Council

To recap, we have lodged a submission to the Gold Coast draft City Plan 2015 requesting that the land known as Greenridge be designated part emerging communities and part conservation. The site, which is under single ownership, has a total area of 407 hectares and comprises 12 lots. We have identified about 85 hectares (or 20% of the site) as suitable for urban development (the Greenridge PECA). That urban development would require an impact assessable development application for approval of a master plan consistent with a conceptual land use map that would accompany the Emerging Communities zoning.

The submission to Council was the culmination of an extensive consultation and feedback process with Council Officers over the past 6 months. This process was initiated through an invitation from Council and the proposed outcomes reflect joint consideration of site constraints and opportunities. This extremely detailed process has led the planning for this site to be at a highly advanced stage, especially as it builds upon many years of analysis and investigation by the proponent.

Observations made about Urban Area inclusions

As discussed during our meeting, at last week's Council sub-committee meeting comments were made by DSDIP representatives to the effect that any change to the version of the draft City Plan 2015 released for public consultation to identify additional land for inclusion in the Urban Area for urban development, would require Council to re-advertise the draft City Plan. This would be necessary in order to demonstrate that consultation had been undertaken to gauge community reaction to the proposed change.

Our concern is that these comments could result in Councillors concluding that our request for a part urban designation could not be approved by the State in the absence of the draft scheme being re-advertised - a delay which we do not believe would be acceptable to Council given the timetable it has set for finalising the plan.

Rod Litster QC's advice

The primary issue in contention is whether a change to the Gold Coast draft City Plan 2015 to identify the Greenridge PECA would result in the planning scheme being "significantly different" to the version released for public consultation, thereby requiring Council to re-advertise the scheme. Following the subcommittee meeting last week, we sought the advice of Rod Litster QC who concluded as follows:

- o The Council must consider the submission as part of the scheme making process.
- o Unless it does so, the opportunity for meaningful participation in the scheme making process will be frustrated.

- o The issues raised in the submission, and the new site specific information provided, support the proposed change to the draft planning scheme.
- o The proposed change would not result in the planning scheme being “significantly different” to the version released for public consultation.

A summary of Mr Litster QC’s advice (which he himself prepared) is attached to this email.

The impact on the rights of neighbouring property owners

You have also asked us to comment on the potential for neighbouring property owners’ rights to be adversely affected by the changes proposed in our submission. While not relevant to the issue of whether the identification of the Greenridge PECA would result in the planning scheme being “significantly different” to the version released for public consultation, we are strongly of the view that this should not be a concern for either the State and/or Council for the reasons we have set out in a separate attachment to this email.

Meeting with Gail Connolly

We understand that you will be meeting with the Director of Planning for the Gold Coast Council, Gail Connolly, to discuss this and other issues relating to the draft strategic plan, in the coming days. In order to correct misapprehensions that may have arisen following the most recent subcommittee meeting, we would appreciate your confirmation that you have advised Council that it is empowered to assess the appropriateness of our submission according to its particular circumstances. In other words, that there is no blanket policy on the part of State to disqualify changes to the version of the draft City Plan 2015 released for public consultation that takes land out of a proposed rural designation and puts it into an emerging communities designation. This is particularly so give the advice of Mr Litster QC, that our submission, if accepted, would not result in the planning scheme being “significantly different” to the version released for public consultation.

We look forward to further dialogue following your meeting with the Director of Planning.

Regards

Steve

BCI Group – Greenridge

Plan Making Process

1. The process for making a new planning scheme is prescribed under the *Sustainable Planning Act*, the *Sustainable Planning Regulation* and *Statutory Guideline 02/14 Making and amending local planning instruments 11 June 2014 (Guideline 02/14)*, which outlines the steps that the draft planning scheme must undergo before it can be adopted, including public consultation.
2. Step 8 in Guideline 02/14 provides that Council must consider every submission and specifically authorises changes to the draft planning scheme:
 - (a) to address issues raised in a submission;
 - (b) to amend a drafting error; and
 - (c) to address new information.

This process affords an opportunity to a land owner to meaningfully participate in the scheme making process.

3. It is only where a change would result in the planning scheme being “significantly different” to the version released for public consultation that the Council must re-advertise. Guideline 02/14 provides guidance about whether a change is significantly different. Related questions have been considered by the Planning and Environment Court and the Court of Appeal.¹ It is not whether the change would cause a submission to be made, or would affect particular individuals; but whether the amended draft is significantly different ‘as a whole’.²
4. The notes for Step 8 in Guideline 02/14 confirm that the Council should consider whether a change has affected or altered:
 - (a) a material planning issue, such as a policy position;
 - (b) a significant proportion of the area (or land owners) affected by the planning scheme;
 - (c) a matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions;
 - (d) the level of assessment;
 - (e) the planning scheme, so that it is “quite different” to the draft released for public comment.
5. Step 9 in Guideline 02/14 requires the Minister to also consider whether a scheme including a change is “significantly different” to the version released for public consultation. While matters relevant to the Minister’s consideration have not been specifically considered by a Court or addressed by the notes in Guideline 02/14, it would be curious if the approach identified in paragraphs 3 and 4 above was not applied by the Minister.

Proposed Amendments

6. Detailed site based investigations³ (lodged in support of the submission after substantial consultation between the BCI Group and the Council) have identified about 85 ha of land as suitable for urban development (**the Greenridge PECA**). The Greenridge PECA (as depicted on the draft conceptual land use map) is only a very small part of:
 - (a) an area in common ownership (some 407 ha);
 - (b) the area covered by Zone Map - Map 14 Coomera;
 - (c) the local government area (which is covered by a total of 43 Zone Maps).

¹ *Clark v Cook Shire Council* (2008) 1 Qd R 327; *ITC Timberlands Pty Ltd v Cassowary Coast Regional Council* [2010] QPELR 166

² *Clark*, at 339 - 340 (Keane JA); *ITC Timberlands Pty Ltd*, at [28]

³ the technical reports include town planning, engineering, traffic, flood, odour, environment, economic need, agricultural and resource analyses

7. The draft planning scheme includes the Greenridge PECA in the Rural Zone. The submission (and associated site based investigations) identifies errors in the designations adopted in the draft planning scheme and provides new information that supports inclusion of the Greenridge PECA in the Emerging Communities Zone.
8. The identification and protection of the Greenridge PECA is consistent with the purpose of the Emerging Communities Zone. Associated consequential amendments reinforce that.

No “significant change” is proposed

9. Having regard to the physical characteristics of the land comprising the Greenridge PECA as identified by the detailed site based investigations, there does not appear to be a discernible policy position in the designations adopted in the draft planning scheme.
10. The proposed change does not affect either a significant proportion of the local government area (as is evident from paragraph 6), or (self-evidently) a significant proportion of the land owners in that local government area.
11. The proposed change is not a matter which would be of interest beyond the immediate locality and as such would not be:
 - (a) of widespread public interest throughout the local government area; and
 - (b) likely to generate multiple public submissions.
12. Even if included in the Emerging Communities Zone, urban development in the Greenridge PECA will remain the subject of impact assessment.
13. If the Greenridge PECA is included in the Emerging Communities Zone it cannot sensibly be said that the planning scheme “as a whole”, is “quite different” to the draft released for public comment. That limited change can be contrasted with:
 - (a) the change considered acceptable in **ITC Timberlands** (which increased the level of assessment across all land in the Rural Zone);
 - (b) the unacceptable example mentioned in **Clark** (a change to permit a large area exclusively for noxious industry in a small, otherwise rural, shire).

Conclusion

14. The Council must consider the submission as part of the scheme making process. Unless it does so, the opportunity for meaningful participation in the scheme making process will be frustrated. The issues raised in the submission, and the new site specific information provided, support the proposed change to the draft planning scheme. The proposed change would not result in the planning scheme being “significantly different” to the version released for public consultation.

Greenridge submission

Impact on the rights of neighbouring property owners

We are strongly of the view that this is not an issue which should be of concern for either the State Government and/or the Council for the reasons which follow:

1. Greenridge is under single ownership.
2. The Council's Pimpama Conservation area adjoins the entirety of Greenridge's northern boundary, the eastern boundary frontage is entirely to the Coomera River and the western boundary is opposite rural residential properties and the Pimpama Waste Water Treatment Plant. In fact the western most lot of the Greenridge site is outside the Greenridge PECA and will be retained as conservation open space so there will no discernible change to the two neighbouring rural residential property owners.
3. Between the southern edge of the Greenridge boundary and the existing urban area there is an area of approximately 300 hectares (referred to as the intervening land) that has been subject to analysis by our consultants to determine potential yield should Council be minded to also consider a change of designation for that land as well as Greenridge. There are approximately 30 lots contained within the intervening land of which circa 10 are owned by either the State Government (part of the IRTC corridor) or the Council. With regard to the privately owned land we understand that landowners have formed a cooperative group and have made submissions to the draft City Plan requesting an urban designation.
4. Greenridge is situated on the edge of a new urban area which is undergoing significant development at a rapid pace. Greenridge's impacts on the broader community would be limited to additional traffic but within a road network that has capacity (with the exception of Exit 54) to accommodate this additional traffic subject to relatively minor upgrades which will be funded by BCI where there are direct impacts. All of this would be within the reasonable expectations of the local community, representing as it would a continuation of ongoing infrastructure work in the locality.
5. In relation to this last contention, the existing East Coomera Yawalpah Local Area Plan, which was adopted as the planning regulatory document for the area in 2003, includes Preferred Development areas similar in extent to those proposed under the subject submission. Although the SEQRP varies the Statutory effect of the LAP, it has already informed the reasonable expectation of local residents regarding future development.

6. Concomitantly, Greenridge presents a tremendous opportunity to leverage existing trunk infrastructure and new and planned social infrastructure whilst making a significant contribution to economic development and jobs creation in the local economy. More specifically, Greenridge is a 407-hectare site and one of the largest parcels of land under single ownership in the City. Our submission to Council:
- Proposes sensible development of 85 – 95 hectares (20%) of the site; delivering approximately 1,400 new dwellings and thereby making a meaningful contribution to much needed new land supply in the northern corridor;
 - Would result in over 300 hectares of the site being rehabilitated by BCI and permanently preserved as a conservation area, including possible transfer of title to Council;
 - By rehabilitation and revegetation will provide a net increase in bushland koala habitat;
 - Preserves the critical bio-regional Moreton Bay foreshore corridor;
 - Will trigger new investment and create jobs over a 10-year plus development timetable; and
 - Provides a permanent book-end to residential development in the East Coomera/Pimpama area given its juxtaposition to existing Council conservation reserves and rivers.

RTI RELEASE

Brianna Gosper

From: Greg Chemello <Greg.Chemello@dsdip.qld.gov.au>
Sent: Saturday, 11 October 2014 11:49 AM
To: Amanda Tzannes; Martin Garred
Subject: FW: Greenridge - Options for Council
Attachments: Greenridge - Options for Council.docx

FYI

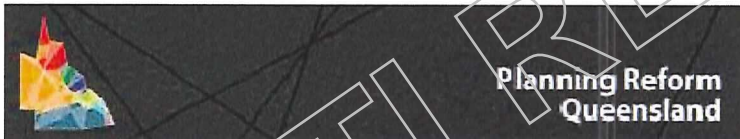
Regards

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From: Greg Chemello
Sent: Saturday, 11 October 2014 11:48 AM
To: 'CONNOLLY Gail (GAIL.CONNOLLY@goldcoast.qld.gov.au)'
Subject: Greenridge - Options for Council

Gail

I thought it might be useful for our 14th October 2014 meeting to start to define and compare the options available to Council.

The attached is my first attempt...

Happy for you to distribute to other Council representatives.


Please note the comments are my PERSONAL views and do not represent the views of the Minister or the Department.

Regards

Greg Chemello
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Planning and Property Group
Department of State Development, Infrastructure and Planning
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Greenridge – Options for Gold Coast planning scheme (Draft City Plan 2015)

Basis of Submission being sought post public consultation on the draft planning scheme:

- Change from Rural zoning to Emerging Communities zoning (which would also require a policy change to the defined urban footprint within the draft planning scheme’s Strategic Framework)
- Realignment of constraints overlays based on technical reports submitted as part of the submission

Options	Pros	Cons
<p>1A – Change the Planning Scheme and re-advertise the entire Scheme</p>	<ul style="list-style-type: none"> • Fully compliant with MALPI requirements • All changes to the urban footprint and associated zoning can be considered holistically • Eliminates risk of a potential Judicial Review legal challenge to the scheme 	<ul style="list-style-type: none"> • Will delay delivery schedule of the entire planning scheme until late 2015/early 2016 • Has the potential to increase submissions on second round of advertising as community may have been unaware changes to the urban footprint were within Council’s scope. • Will probably require further changes to the scheme as a result of planned mid 2015 introduction of the Planning and Development Act
<p>1B – Change the Planning Scheme and re-advertise only the those aspects which have significantly changed</p>	<ul style="list-style-type: none"> • Fully compliant with MALPI requirements • Minimises risk of potential legal challenge to the scheme • Same approach being adopted by other local governments at the moment – Mackay and Moreton Bay as examples 	<ul style="list-style-type: none"> • Will delay delivery schedule of the entire planning scheme until late 2015/early 2016 • Urban footprint is a city wide policy matter in the strategic framework, so consultation would still need to be relatively broad • Changes to the urban footprint could be widespread depending on the number of submissions received • Likely to attract requests for a similar process to be applied to other sites/submissions from a significant number of submitters/proponents • Will probably require further changes to the scheme as a result of the Planning and Development Act
<p>1C – Change the Planning Scheme and the applicant undertakes local community engagement</p>	<ul style="list-style-type: none"> • Less/no impact to delivery schedule of the entire planning scheme • Costs of additional consultation would be the proponent’s responsibility 	<ul style="list-style-type: none"> • Not specifically provided for under MALPI – so Council would need to be confident it can endorse the consultation to have been done effectively under MALPI • Consultation would be limited to this particular site, so Council would still need to consult regarding any other urban footprint changes • Some risk that the Minister may still not be satisfied MALPI has been followed (notwithstanding any legal advice that may be provided by the proponent) • Likely to attract requests for a similar process to be applied to other sites/submissions from numerous proponents (noting that Council has deferred more than 15 sites to a future amendment pending review of the SEQ Regional Plan and other studies)
<p>1D – Change the Planning Scheme without any additional advertising or community engagement</p>	<ul style="list-style-type: none"> • No impact on delivery schedule of the planning scheme 	<ul style="list-style-type: none"> • Public concern about additional urban area added to the planning scheme without the opportunity to provide advice or views • Industry concerns about “missed opportunities” to add other areas into the urban footprint • Considerable risk that the Minister may consider the planning scheme to be “significantly different” in this respect and require council to return to public consultation as the Minister may not be satisfied MALPI has been followed (noting the amendment is not a “minor amendment” under MALPI) • High risk that both Council and the Minister will be exposed to a possible Judicial Review based on MALPI not being followed – which could render the planning scheme approval decision as invalid • Likely to attract requests for a similar process to be applied to other sites/submissions from a significant number of submitters/proponents

<p>2 – Identify the site as an investigation area in the Planning Scheme and address as part of a “stage 1” amendment in 2015</p>	<ul style="list-style-type: none"> • Fully compliant with MALPI requirements • Will allow consultation to occur through future amendment • Consistent with Council’s adopted resolution of 18 October 2013 to defer consideration of this site to a future amendment, pending review of the urban footprint in the SEQ Regional Plan • More equitable and consistent approach city wide • Minimises risk of potential Judicial Review legal challenge to the Scheme 	<ul style="list-style-type: none"> • Provides no development certainty for Greenridge • Defers any potential development in the precinct • No certainty around planning scheme amendment timeframes
<p>3 – Do nothing, leaving the Planning Scheme as is</p>	<ul style="list-style-type: none"> • Fully compliant with MALPI requirements • Eliminates risk of a potential legal challenge to the Scheme • Consistent with Council’s adopted resolution of 18 October 2013 to defer consideration of this site to a future amendment, pending review of the urban footprint in the SEQ Regional Plan 	<ul style="list-style-type: none"> • Proponent not satisfied that their submission has been properly considered by Council • Provides no development certainty for Greenridge • Defers/terminates any potential development in the precinct

Best options are either 1B or 2...

Brianna Gosper

From: Amanda Tzannes <Amanda.Tzannes@dsdip.qld.gov.au>
Sent: Tuesday, 30 September 2014 11:53 AM
To: Martin Garred; Gary Krishna
Subject: FW: Greenridge (Kornhauser site) City of Gold Coast

From: CONNOLLY Gail [mailto:GAILCONNOLLY@goldcoast.qld.gov.au]
Sent: Tuesday, 30 September 2014 11:39 AM
To: MAHONEY Kim; Amanda Tzannes
Cc: 'martin.gerrard@dsdip.qld.gov.au'; HOOD David; Greg Chemello
Subject: FW: Greenridge (Kornhauser site) City of Gold Coast

FYI.

I believe the meeting will seek to obtain DSDIP's agreement that inclusion of the site within the urban footprint and application of an emerging communities zone can occur without jeopardising the draft City Plan/risking rejection by the State.

Regards,

Gail

Gail Connolly
Director
Planning and Environment
City of Gold Coast

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CITY OF
GOLDCOAST

From: Mayoral CoS
Sent: Tuesday, 30 September 2014 10:01 AM
To: CONNOLLY Gail; CALDWELL Cameron; BETTS Greg
Cc: DICKSON Dale Private; CALLEJA Mary; MAYOR
Subject: Greenridge

Hello all,

This is just a heads up that the Mayor's PA Mary Calleja will be organising a face to face meeting between the Mayor, the Greenridge proponent, Mr Greg Chemello from DSDIP, Cr Caldwell (as local area councillor for the project), Cr Betts (as Chair of City Plan 2015 Subcommittee), Director of Planning, CEO, and myself, prior to the Mayor's trip overseas on the 17th to put to bed the Greenridge City Plan issues.

Kind regards,



Wayne Moran
Chief of Staff
Office of the Mayor Tom Tate

T: 07 5581 5283 **M:** Sch. 4(4)(6) - Disclosing I
P: PO Box 5042 Gold Coast Mail Centre Qld 9729
A: 135 Bundall Road Bundall Qld 4217
W: cityofgoldcoast.com.au

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RTI RELEASE - DSD/MIP

Brianna Gosper

From: Amanda Tzannes <Amanda.Tzannes@dsdip.qld.gov.au>
Sent: Saturday, 25 October 2014 2:44 PM
To: Martin Garred
Subject: Fwd: Greenridge - meeting note
Attachments: Eliezer Kornhauser to Dale Dickson 24 October 2014.pdf; ATT00001.htm

Follow Up Flag: FollowUp
Flag Status: Completed

FYI

Amanda Tzannes
Manager - Planning
Regional Services - SEQ South
Department of State Development, Infrastructure and Planning

Begin forwarded message:

From: "Greg Chemello" <Greg.Chemello@dsdip.qld.gov.au>
To: "Amanda Tzannes" <Amanda.Tzannes@dsdip.qld.gov.au>
Subject: Fwd: Greenridge - meeting note

FYI

Regards
Greg Chemello
DDG Planning and Property
DSDIP

Begin forwarded message:

From: "Eliezer Kornhauser" <eliezerk@bcig.com.au<<mailto:eliezerk@bcig.com.au>>>
To: "'Office of the CEO'" <ceo@goldcoast.qld.gov.au<<mailto:ceo@goldcoast.qld.gov.au>>>

Cc: "Tom Tate" <mayor@goldcoast.qld.gov.au<<mailto:mayor@goldcoast.qld.gov.au>>>, "Wayne Moran" <mayoralcos@goldcoast.qld.gov.au<<mailto:mayoralcos@goldcoast.qld.gov.au>>>, "Cameron Caldwell" <division3@goldcoast.qld.gov.au<<mailto:division3@goldcoast.qld.gov.au>>>, "Gail Connolly" <gailconnolly@goldcoast.qld.gov.au<<mailto:gailconnolly@goldcoast.qld.gov.au>>>, "Greg Chemello" <Greg.Chemello@dsdip.qld.gov.au<<mailto:Greg.Chemello@dsdip.qld.gov.au>>>, "Michael Nash" <mnash@urbanps.com.au<<mailto:mnash@urbanps.com.au>>>, "Steve Knudsen" <stevek@fivepoint.com.au<<mailto:stevek@fivepoint.com.au>>>
Subject: Greenridge - meeting note

By the Grace of G-d

Dear Pauline,

Would you kindly bring the attached letter to Mr Dickson's attention.

Regards

Eliezer Kornhauser

Eliezer Kornhauser

72 River Street South Yarra Vic 3141
Office: +61 3 9614 0333
Email: eliezerk@bcig.com.au
Web: www.bcig.com.au

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Mr Dale Dickson
Chief Executive Officer
City Of Gold Coast

Friday 24th October 2014

Dear Dale,

The logo for BCI GROUP features a stylized mountain range graphic in shades of blue and red above the text "BCI GROUP" in a bold, sans-serif font.

As foreshadowed in my email of 21 October the note below captures the key discussion points and follow ups from the Greenridge meeting held in the Mayoral Lounge on 14 October.

Over the past seven months or so, we have enjoyed a very productive process of engagement with Council Officers on the preparation of a submission for the Draft City Plan. We continue to advocate our submission that part of the Greenridge site be included in City Plan in the Emerging Communities Zone, and we trust a continuing commitment to collaboration and shared communication will facilitate a favourable assessment of our submission.

Following is a record of the key discussion points and follow ups together with some commentary from BCI. We invite you and the other recipients to comment on this note.

KEY DISCUSSION POINTS AND FOLLOW UPS

1. Meeting Note

The Mayor voiced his strong interest in advancing the project because it supports his (and Council's) mandate to generate prosperity in the City through appropriate development especially where it foreshadows opportunities for greater housing choice.

BCI commentary: Greenridge is a major project of citywide significance which will deliver significant economic benefits. Economic forecasters MacroPlan Dimasi estimate:

- *Construction Investment of over \$500 million;*
- *Infrastructure contributions - an estimated \$49.9 million related to both general and residential infrastructure contributions;*
- *Construction Employment - Greenridge will contribute 150 EFT jobs directly and 240 EFT jobs indirectly;*
- *New Rates Revenue - approximately \$1.85 million per annum.*

2. Meeting Note

The Director of Planning commented on the extent of work which had been undertaken by the proponent and its consultant team in conjunction with Council Officers. She confirmed that all planning and technical issues have been addressed adequately with the exception of some further work needed to clarify the implications of recent legislative changes with regard to trunk infrastructure definition and designation, and in particular, the process and parameters for trunk infrastructure conversion.

BCI commentary

We view this issue as something requiring agreement/ consensus with Council, rather than being technical in nature. Further, we note that this is a process that Council has control over, both through the preparation of a Local Government Infrastructure Plan that is required by July 2015 and in the meantime, through assessment of any trunk infrastructure conversion against the default conversion criteria provided by the State.

Follow up: The Director indicated that Council Officers intended to explore this issue over the next few weeks with a view then to meeting with the proponent to reach an agreed position.

3. Meeting Note

The Director of Planning confirmed the attractiveness of the environmental outcomes proposed by the proponent.

BCI commentary

Environmental outcomes of the Greenridge submission include:

- *Rehabilitation and permanent preservation of over 300 hectares of the site as a conservation resource;*
- *Provision of a net increase in bushland koala habitat by rehabilitation and revegetation;*
- *Preservation of the critical bio-regional Moreton Bay foreshore corridor and Coastal Wetlands and Islands Core Habitat System;*
- *Preservation and enhancement of the 'Hinterland to Coast Critical Corridor' to complement the Inter-urban Break*
- *Provision of a logical book-end to residential development in the East Coomera/Pimpama area, given the site's adjacency to existing Council conservation reserves and Rivers.*
- *Should Greenridge be included in City Plan as submitted we would be willing to consider gifting to Council all of the land not proposed for development.*

4. Meeting Note

Greg Chemello, representing the Minister for Planning, indicated his view that the inclusion of Greenridge in the Emerging Communities zone in the Draft City Plan was a significant change to the Plan advertised in June and would trigger a need for some form of re-advertising of the scheme. Mr Chemello specifically referred to other submitters to the Draft Plan who would not enjoy the same benefit conferred on BCI through the inclusion of the Greenridge site in the Emerging Communities zone. These submitters, it was contended, would be strongly interested in the matter and could be expected to make submissions to Council/ the Minister if afforded an opportunity to do so.

It was also suggested that submitters could argue that the inclusion of Greenridge as Emerging Communities is contrary to an earlier Council resolution foreshadowing that Greenridge would be dealt with as part of the First Amendment package. Alternatively, it was suggested that such inclusion could be contrary to Council's broadly adopted strategic approach to the preparation of City Plan.

BCI commentary

- (i) *BCI has commissioned and tabled a written opinion from Rod Litster QC. Mr Litster QC is strongly of the opinion that the inclusion of Greenridge in City Plan would not constitute a significant change to the Plan originally advertised and would therefore not require re-advertising.*
- (ii) *Mr Litster's opinion also makes clear that Council must consider the BCI submission on its merits as part of the scheme-making process. Unless it does so, the opportunity for meaningful participation will be frustrated (paragraphs 88-89).*
- (iii) *Previous resolutions made about the Greenridge site mark a point in time and reflect the conditions existing at that time. Since then there have been changes to process and a range of externalities that have made available the time and resources to deal with Greenridge.*
- (iv) *We have now asked Rod Litster QC to prepare a supplementary opinion dealing with the view expressed by Mr Chemello.*

Follow up: Following up a suggestion made by the Mayor, Mr Chemello agreed to request a meeting with the Minister which would afford the Minister the opportunity to consider and decide upon the various issues under consideration.

Follow up: Separately, the Director of Planning advised that Council would be reviewing Mr Litster's legal opinion.

Follow up: BCI is currently reviewing relevant Council resolutions and we intend to respond to them in that context. We are of the understanding that the Director of Planning intends to review these resolutions from a Council perspective.

5. Meeting Note

The Chair of the City Planning Committee confirmed that Council remains committed to its timetable for the delivery of the new City Plan. By extension, therefore, the inclusion of Greenridge in the Emerging Communities zone could not be entertained if it brought about a need for re-advertising the whole scheme.

BCI commentary

We note that the rollout of City Plan has been extended several months. We also assume that any perceived impediment to including Greenridge in the Emerging Communities zone based upon the belief that it could delay the delivery of the Planning scheme, would be removed if the scheme had to be re-advertised for some other reason.

6. Meeting Note

The Chairman of the Planning Committee raised doubts about whether the designation of Greenridge as an Investigation Area - foreshadowing inclusion in the Emerging Communities zone as part of a First Amendment package - would be detrimental to BCI.

BCI commentary

The designation of Greenridge as an Investigation Area and the postponement of consideration for Emerging Communities until the First Amendment would be an unacceptable outcome to BCI for both legal and commercial reasons. Investigation Area status would not reflect the extent of agreement reached regarding the future of the property and would leave it open to an extended or duplicated investigation process or delay or diminution through changes in the political landscape.

Follow up: We have foreshadowed above the request for a supplementary legal opinion from Mr Litster QC. In further support of our submission already lodged, we would propose to provide the supplementary submission as an addendum to our original submission to Council - as suggested by the Director of Planning. However, this would be confined to:



- a copy of Mr Litster's findings;
- a more detailed commentary on the impact to BCI of a postponement of the consideration of the merits of our submission; and
- commentary on the impact of Council resolutions made about Greenridge and City Plan more broadly.

Given the Mayor's request for a meeting with the Minister of Planning, we imagine it is implicit that no decision will be made in connection with our submission until that meeting has taken place. We would appreciate your confirmation to that effect. Furthermore, we continue to press for an opportunity to present the Greenridge submission to the City Plan subcommittee before a final decision is made concerning our submission.

We look forward to hearing from you in due course.

Yours sincerely

A handwritten signature in purple ink, appearing to read "Eliezer Kornhauser".

Eliezer Kornhauser

Brianna Gosper

From: CONNOLLY Gail <GAILCONNOLLY@goldcoast.qld.gov.au>
Sent: Thursday, 13 November 2014 4:17 PM
To: 'Michael Nash'; HOOD David
Cc: MAHONEY Kim
Subject: RE: 1234 - Greenridge Submission - request for information

Importance: High

Hello Michael,

I can advise that there were 65 submissions requesting inclusion in the urban footprint. Unfortunately, I can't provide the size/scale of each submission at this time, as preparing that specific information for Greenridge would divert significant resources away from our core task of working our way through the mapping and analysing of those submissions.

Have you managed to get a date from the Deputy Premier for a meeting?

Regards,

Gail

Gail Connolly
Director
Planning and Environment
City of Gold Coast

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gailconnolly@goldcoast.qld.gov.au
cityofgoldcoast.com.au



From: Michael Nash (mailto:mnash@urbanps.com.au]
Sent: Thursday, 6 November 2014 12:36 PM
To: CONNOLLY Gail; HOOD David

Cc: MAHONEY Kim
Subject: RE: 1234 - Greenridge Submission - request for information

Good afternoon Gail,

Thanks for the update. I appreciate the need to maintain the confidentiality of submitters and would be happy to accept the information on that basis. As explained in the original email, our intention is to identify the number of submitters seeking inclusion in the Urban Area and what 'scale' they are and I thought Sha was a good point between small scale and larger scale. I don't think there is a need for any additional detail.

We are continuing our liaison with State Government and have a site inspection coming up with Rob Molhoek, Michael Crandon and DSDIP officers.

We are also finalising a time to meet with the Deputy Premier.

I am also working through the issues and action items identified below on bold in my original email and will report back to you directly.

My investigations into the trunk infrastructure don't reveal any major change in the way that trunk infrastructure is defined and therefore I can't see how the conservation land could be defined as trunk infrastructure and be part of a successful request for conversion. Do you have any further advice on this matter?

Please feel free to contact me anytime to discuss further.

Regards

Michael Nash / DIRECTOR / Sch. 4(4)(6) - Disc



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From: CONNOLLY Gail [<mailto:GAILCONNOLLY@goldcoast.qld.gov.au>]
Sent: Thursday, 30 October 2014 3:54 PM
To: Michael Nash; HOOD David
Cc: MAHONEY Kim
Subject: RE: 1234 - Greenridge Submission - request for information

Hi Michael,

Further to this request I can advise that the lawyers have advised that we can give you some of the information you requested – as long as we don't disclose information that would enable the submitters/etc to be identified.

However, in the 2100 submissions analysed to date, we have received more than 40 submissions relating to land outside the urban footprint. This number will potentially increase as we continue to analyse and QA the remaining submissions.

Hence it is not possible to provide you with the comparative data you have requested at this point in time.

Regards,

Gail

Gail Connolly

Director
Planning and Environment
City of Gold Coast

T: 07 5582 8271 M: [REDACTED]
PO Box 5042 Gold Coast Mail Centre Qld 9729
gailconnolly@goldcoast.qld.gov.au
cityofgoldcoast.com.au



From: Michael Nash [<mailto:mnash@urbanps.com.au>]
Sent: Monday, 27 October 2014 6:29 PM
To: CONNOLLY Gail; HOOD David
Subject: RE: 1234 - Greenridge Submission - request for information

Thanks Gail.

What timing are you expecting on the legal advice?

I am reviewing the current situation regarding trunk infrastructure to report back as well. I'll let you guys know as soon as we have completed our review.

I'll Eliezer know that Dale will be responding to his correspondence.

Give me a call anytime on the mobile if you'd like to discuss further or if there is any further information you need from us.

Regards

Michael Nash / DIRECTOR / [Sch. 4(4)(6) - Disc]



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From: CONNOLLY Gail [<mailto:GAILCONNOLLY@goldcoast.qld.gov.au>]
Sent: Monday, 27 October 2014 5:40 PM
To: Michael Nash; HOOD David
Subject: RE: 1234 - Greenridge Submission - request for information

Hi Michael,

I note your request below – which I'm not sure can be accommodated under the Information Privacy Act. The lawyers will advise me in due course.

In any case, Dale will be responding separately to Eliezer's recent letter re the meeting with the Mayor.

Regards,

Gail

Gail Connolly
Director
Planning and Environment
City of Gold Coast

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gailconnolly@goldcoast.qld.gov.au
cityofgoldcoast.com.au

From: Michael Nash [<mailto:mnash@urbanps.com.au>]
Sent: Wednesday, 15 October 2014 6:28 PM
To: CONNOLLY Gail; HOOD David
Subject: 1234 - Greenridge Submission - request for information

Good evening Gail and David,

Gail, further to our meeting yesterday with you and the Mayor, Cameron, Dale, Greg, Wayne and our team, one of the matters that was raised (and has been raised by David) is the 'other' submitters and the impact that this has on our consideration.

It now appears that the other submitters is a political consideration but David raised the relevant issue of cumulative impact of submissions requesting inclusion in the Urban Area and what this does for consideration of the 'significant change' to City Plan.

So that I can start to undertake an apples v apples comparison, could you furnish me with some general information on these submissions, in particular:

1. How many submissions relate to property outside the existing Urban Area / Urban Footprint seeking inclusion in the Urban Area;
2. Broad comparative data on the submissions, mainly the scale of the sites in question – are they significant land holdings (say 5ha and more) or small land holdings.

I'm not looking for anything that could jeopardise confidentiality just enough to make the comparisons and consider the cumulative impact.

If there is any issue with this, I'm happy to discuss the sensitivities of releasing this data with Dale.

Also, please find below what I took to be the actions required to finalise the technical matters as agreed with David at our meeting earlier this week. David – could you confirm you agree with these matters and add any detail that you may be interested in?

Intervening Lands

- Review the ownership of the intervening lands and advise (concentrating on how much land owned by Council / State, private land owners that made submission)
- Consider how a CLUM that includes the intervening lands would be presented – i.e. what would it look like?

Infrastructure

- Review the definition of trunk infrastructure and how it would apply to a conservation park (when conservation land is not included as infrastructure and therefore not subject to being defined trunk as it relates to recreation open space)

- Review options and mechanisms to give certainty regarding the passing of the land to Council at no cost to them – deed, voluntary infrastructure agreement, resolution as part of the rezoning of the site, infrastructure strategy, etc

State Interests

- Confirm we have addressed State Interests at the appropriate strategic level (as confirmed by our submission)
- Confirm process for future DA's and chances for further public and State referral agency input into same

Why now justification

- Summarise the submission points we have that addresses this issue
- Provide timeframes for approval processes and what they mean for timing of getting actual product on the market. This would be under the draft City Plan and under the amendment package. Initial review indicates at least mid 2017 under City Plan and early 2019 under the amendment package.

Regards

Michael Nash / DIRECTOR / Sch. 4(4)(6) - Disc



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RTI RELEASE - DSDMIP

Brianna Gosper

From: CONNOLLY Gail <GAILCONNOLLY@goldcoast.qld.gov.au>
Sent: Tuesday, 30 September 2014 2:31 PM
To: Amanda Tzannes
Cc: HOOD David; MAHONEY Kim; Martin Garred
Subject: RE: Greenridge (Kornhauser site) City of Gold Coast

Hi Amanda,

Also, Council's current position (resolved by full Council last year) was to defer consideration of the matter until Amendment 1. Many surrounding owners have not made a submission on the basis that they were told Council would hold off on any work until then and the site remained outside the footprint in the exhibited draft Plan. The inclusion of the site now is likely to cause significant angst as they were hoping for inclusion too ...

I was happy to go with an investigation area for now as it can be argued that it is not such a significant change from the exhibited draft Plan.

Will wait and see if the Mayor's office can get everyone together before the 17th.

Regards,

Gail

Gail Connolly
Director
Planning and Environment
City of Gold Coast

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From: Amanda Tzannes [mailto:Amanda.Tzannes@dsdip.qld.gov.au]
Sent: Tuesday, 30 September 2014 1:53 PM
To: Greg Chemello; CONNOLLY Gail

Cc: HOOD David; MAHONEY Kim; Martin Garred
Subject: RE: Greenridge (Kornhauser site) City of Gold Coast

Yes – agree with Greg's comments below.

It is our view (at officer level) that there is significant risk associated with option A and that such may result in the planning scheme being 'significantly different'.

The other thing Council should consider is the manner in which a change such as this would affect neighbouring properties and their associated land use rights.

Amanda Tzannes

Manager Planning | SEQ South | Regional Services
Department of State Development, Infrastructure and Planning
Queensland Government
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Great state. Great opportunity.

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From: Greg Chemello
Sent: Tuesday, 30 September 2014 12:09 PM
To: CONNOLLY Gail
Cc: HOOD David; MAHONEY Kim; Amanda Tzannes; Martin Garred
Subject: RE: Greenridge (Kornhauser site) City of Gold Coast

Hmmm....

My understanding is that Council can:

- a) include the site as Emerging Communities and amend the urban footprint accordingly or
- b) cite the area as an Investigation Area or
- c) leave the site as non urban

Option a) entails obvious a risk the state will reject that variation OR that someone will legally challenge the Minister and/or Council under Judicial Review. I would have thought both these scenarios are very unlikely. Amanda or Martin, you may have some views on this though...

Option b) is "safe" but obviously doesn't advance the development.

Option c) would result in substantial lobbying to the Minister in my view...

Regards

Greg Chemello
Deputy Director-General
Planning and Property Group
Department of State Development, Infrastructure and Planning
Queensland Government

tel +61 7 3452 7686
post PO Box 15009 City East Qld 4002
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greg.chemello@dsdip.qld.gov.au
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Great state. Great opportunity.

 Please consider the environment before printing this email

From: CONNOLLY Gail [<mailto:GAILCONNOLLY@goldcoast.qld.gov.au>]
Sent: Tuesday, 30 September 2014 11:39 AM
To: MAHONEY Kim; Amanda Tzannes
Cc: 'martin.gerrard@dsdip.qld.gov.au'; HOOD David; Greg Chemello
Subject: FW: Greenridge (Kornhauser site) City of Gold Coast

FYI.

I believe the meeting will seek to obtain DSDIP's agreement that inclusion of the site within the urban footprint and application of an emerging communities zone can occur without jeopardising the draft City Plan/risking rejection by the State.

Regards,

Gail

Gail Connolly
Director
Planning and Environment

City of Gold Coast

T: 07 5582 8271 M: Sch. 4(4)(6) - Disclosing
PO Box 5042 Gold Coast Mail Centre Qld 9729
gailconnolly@goldcoast.qld.gov.au
cityofgoldcoast.com.au

**CITY OF
GOLD COAST.**

From: Mayoral CoS
Sent: Tuesday, 30 September 2014 10:01 AM
To: CONNOLLY Gail; CALDWELL Cameron; BETTS Greg
Cc: DICKSON Dale Private; CALLEJA Mary; MAYOR
Subject: Greenridge

Hello all,

This is just a heads up that the Mayor's PA Mary Calleja will be organising a face to face meeting between the Mayor, the Greenridge proponent, Mr Greg Chemello from DSDIP, Cr Caldwell (as local area councillor for the project), Cr Betts (as Chair of City Plan 2015 Subcommittee), Director of Planning, CEO, and myself, prior to the Mayor's trip overseas on the 17th to put to bed the Greenridge City Plan issues.

Kind regards,



Wayne Moran
Chief of Staff
Office of the Mayor Tom Tate

T: 07 5581 5283 M: Sch. 4(4)(6) - Disclosing
P: PO Box 5042 Gold Coast Mail Centre Qld 9729
A: 135 Bundall Road Bundall Qld 4217
W: cityofgoldcoast.com.au



The Gold Coast Aquatic Centre officially opens to the community in September. This new \$41 million venue is the first to be completed for the Gold Coast 2018 Commonwealth Games™ and its opening is a major milestone. Visit cityofgoldcoast.com.au/aquaticcentre for more information.

Council of the City of Gold Coast - confidential communication

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