

30 November 2009

The Chief Executive Officer
Brisbane City Council
GPO box 1434
Brisbane Qld 4001

Dear Sir/Madam,

RE: Application number: A002171615 – Proposed rezoning of The Golf Course Riverfront Land from Rural and Parkland to Residential - Weekes Road - Moggill.

Our names are Anthony and Karen Leighton and our address is [REDACTED] Bellbowrie, which immediately adjoins the western boundary of this proposed development.

We would like to object to it on the following grounds:

1. The adverse impact it would have on our lifestyle.
2. It would completely block our family's only evacuation route from a major flood in the river.
3. Our property would become an unofficial alternative access to it.
4. This locale is not suitable for this type of development.
5. It does not offer the Community sufficient net benefits to warrant approval.
6. It would end the possibility of a much needed East-West bridge ever being built in this area.
7. The removal of the ridge from this property is not good flood risk management.
8. The use of fill on this site is not good flood risk management or environmentally sound.
9. The adverse impact it would have on wildlife and the environment.
10. It does not adhere to relevant requirements for development in this locale; i.e. river corridor set backs, lot sizes etc.

A detailed explanation of our concerns, along with our requested solutions, is as follows;

1. **The Impact it would have on our lifestyle** – Our property and every other block of land adjoining this proposed development are acreage lots. Rezoning this rural land and allowing it to be subdivided into 93 residential lots without minimising or eliminating the impact it would have on the semi-rural lifestyle the families from these acreage properties enjoy should not be allowed.

The semi-rural lifestyle the Moggill/Bellbowrie suburbs offered our family was the main reason we chose to move into this area and purchase this acreage property almost two years ago. This development would remove that lifestyle from us.

It would result in multiple, relatively tiny blocks immediately backing on to our property, perched and overlooking our backyard, within metres of our glass walled bedroom, living room, dining room and pool, invading our privacy, destroying our views and our semi-rural outdoor lifestyle which we enjoy immensely.

This developer has already agreed, after a direct request from the Lord Mayor, to remove the equivalent “offending” lots from a previous withdrawn attempt to develop this land, due to the obvious impact they would have on the lifestyles of the families from the adjoining properties on its western boundary. The reasons the Lord Mayor asked this developer to remove these lots remain sound, therefore we can see no justification for them being allowed in this proposal.

In addition, some versions of the lot layout submitted by the developer seem to show a car park or other development located behind our premise, which we also object to because of the impact it would have on our privacy, security and peace of mind.

1. Accordingly, to substantially reduce the impact this development would have on our lifestyle, we request that lots 57 through 62 (Dwg DA-100 Rev A), and the Cul de-sac that services them, be removed from this development (again) and the land they would occupy be surrendered to Council as Parkland. In addition we request that any car park, or other facility, be removed from behind our property and be relocated in lieu of proposed lot 78 and that all pathways in this region of the development originate from there.

2. **It would completely block our only escape route in a major river flood**– Our single storey house is built on an artificial “peninsula” built up by “fill” to the lowest allowable level with regards to a 1 in 100 year flood event. Our driveway is a full 10 meters lower still.

As our driveway is almost at the level of the river (which is in very close proximity) and crosses the enormous gully which runs parallel to the entire western boundary of this proposed development, vehicular escape from our property would be impossible even in the event of a minor-moderate flood in the river, let alone a major one.

Therefore, if we still live here when (not if) the Brisbane river rises towards the 1974 level (the level of our roof) again, our family’s only escape route to any higher ground at all will be by foot, up the narrow ridge to the south east of our property (see Councils Flood Flag Map - Bellbowrie) and the proposed lots (57 to 62) behind our house would completely block this route forever. Should this proposal progress unaltered and we end up with 6ft fences on the properties that border ours, and the river rises at night (as it did in 1974), we would either have to attempt to climb over a 3 metre barrier (2m fence plus 1m existing retaining wall) in a flood, at night, or wade through deeper flood waters, to evacuate. There *is* no other route.

This scenario is a very real concern to our family. Periodically this river does flood above the Q100 level. When it does, our safety should not be jeopardised at all, nor should we live with worry, just so a developer can eek every last possible drop of profit out of a subdivision that prima facie is deemed inappropriate.

2. Accordingly, we request that lots 57 to 62 (Dwg DA-100 Rev A) be completely removed from this development and the land they would occupy be surrendered to Council as Parkland (these are the same lots that would have the greatest impact on our lifestyle). Any proposed compromise that could eventuate in any obstacles (including fences) being encountered during a hurried night evacuation from our house to substantially higher ground is unacceptable.

Note: Should Council rezone this land and this subdivision proceed unaltered, the families from the other two properties that adjoin this proposed development on its western boundary (and share our driveway) would face exactly the same danger in the event of a major flood; however this submission is not made on their behalf, nor with their knowledge.

3. **The creation of a Thoroughfare through our Property** – We are concerned that our property will become a “de-facto” alternative access to, and from, this development.

In our opinion, the proposed Main access point, facing south on to Weekes road, plus a convoluted pedestrian pathway heading north towards Birkin Road, does not provide sufficient access for a sub-division of this type, in this location.

Our property would be the only obstacle between this proposed development and all of the following community facilities in Bellbowrie that would only be within comfortable walking distance of it if a shortcut is taken through our property;

- The Skate Bowl in Sugarwood Street
- The Bellbowrie Public 50m Pool and Café in Sugarwood Street.
- The Schools Bus Stop that would service this Development.
- The Public Bus Stop for buses to and from the city that would service this development.
- The combined Basketball and Tennis court in Sugarwood Street.
- The Bellbowrie Shopping Centre
- The probable future commercial site – currently vacant (fill settling) but zoned CP-MP3 multi purpose - on the corner of Sugarwood Street and Moggill road
- The future Tavern (currently with Council) on the corner of Moggill Road and Birkin Road
- The licensed clubhouse with restaurant, tab and poker machines at Bellbowrie Sports and recreation reserve in Sugarwood Street
- The cricket club with multiple fields and practice nets in Sugarwood Street
- The soccer club with multiple fields in Sugarwood Street
- The hockey club with multiple fields in Sugarwood Street
- The children’s playground in Sugarwood Street.

A shortcut taken through our property to this proposed development from each of these places would save anyone on foot over 600m compared with walking around to the Weekes road main access point. And that is just to the access point.

Also, the dead end road servicing the majority of the above facilities would naturally “funnel” anyone on foot seeking to get to this development, directly to our front boundary, as it would appear to be the logical and most direct route to it. The road ends seamlessly at our front boundary and becomes our driveway which is unfenced due to an easement sharing the driveway between the three properties on the western boundary of this proposal.

From our front boundary it would be easy to see the housing from this development across our mown gully and we fear the temptation to shortcut through our property will prove irresistible for kids, or drunken teens walking home from the bus stop after a night in the city.

In fact, from the road (or Google earth), our driveway would somewhat resemble, and could be mistaken for, one of the proposed concrete parkland pathways from this development, due to its long (150m), winding, branching, and partly hidden nature, and the multiple, mown, unfenced acreage properties through which it runs.

Once discovered, the shortcut through our property would become quickly become common knowledge and be impossible to stop. We would lose our sense of privacy, security and peaceful enjoyment of our own land and would be at increased risk of; crime, stress, trespass, and duty of care issues (there is a bridge/culvert and wet creek on our property).

3. Accordingly, we request that the developer provide at least one more (western), major public access point to this development and demonstrate to Councils and our satisfaction that no trespassing on our property will occur as a consequence of this application being approved.

4. **This locale is not suitable for this type of development**-- This parcel of river front land is Rural in both zoning and character and the acreage properties that surround it provide an excellent cascaded semi-rural buffer between it and the developed areas of Bellbowrie.

We still hear cattle lowing from properties adjoining this land and from across the river. We are woken many mornings by the raucous calling of flocks of hundreds of cockatoos and corellas stirring from their roosting spots in the large gum trees along the river that fronts this land. We are often kept awake by the loud calling of frogs in the wetlands lake at night. We have had kangaroos, koalas, echidnas, bandicoots, tortoises, fish, many snakes and countless birds and species of birds, on our property. If we stand on the boundary we share with this proposal and look east across the land it would occupy, we currently can see thousands of trees and lots of land and water, but cannot see even one house or road, despite being able to see for hundreds of meters in a 180° unbroken arc from North through East, to South. We could go on forever, our point is;

This is Not an area that has lost its rural feel, as claimed by the developer. In fact this land contributes significantly to the conservation of the rural, vegetated, open, character of the Bellbowrie/Moggill area.

The developer claims that Council has set a precedent for this application by allowing the pre-tirement "village" in Weekes Road on land that was previously zoned rural. That development involved the creation of a "gated" over 55's community on land that was already surrounded by residential lots, and virtually across the road from many of the earlier mentioned community facilities. It was a far different proposition than allowing a 93 lot suburban residential development on land that is surrounded by acreage lots, contains almost one kilometre of river and creek frontage that floods and is only really within comfortable regular walking distance of community facilities – if a shortcut is taken through a private residence.

The two are not comparable enough to set any sort of precedent.

We believe a better precedent is the developer's previous unsuccessful attempt to have a 40 something lot subdivision approved for this very site. That application was with Council for almost four years and did not receive approval, despite being relatively "kind" to the environment and offering the community a replacement golf course as compensation for losing their green space when the original one on this site closed down under the ownership of developers.

This current application is for double the number of lots of the previous application, proposes bulk earthworks for every lot and offers the Community relative trinkets in return for their loss of Green space.

We do understand that the previous application was withdrawn by the developer prior to a decision being made and we are not aware of the reasons why it was withdrawn. However the fact remains that a previous less invasive development application was submitted for this land and it was not approved, despite being with Council for years.

If any precedent is relevant to this application it is the previous unsuccessful application for this very site.

Also, the very small lot sizes proposed imply that 2 story housing will be allowed on this site. When we purchased our property we were informed by the previous owners that the reason that all the houses in this vicinity were single storey was because 2 storey houses were not allowed so as to preserve the open character of the area. That requirement should be a fundamental prerequisite of any development on this site.

We believe that this developer is making an extravagant request with this application in the expectation that the community will then settle for a compromise development they may otherwise not allow.

The community would expect Council to see through this ambit claim and deliver an outcome that maximises the possible benefits for both the community and the environment before this site can be rezoned.

4. Accordingly, we request that Council insist on the mandatory 100 metre rural river corridor setback being maintained for this development and that the number of lots be limited to 40 to 45 considerably positioned larger lots consisting of only single storey dwellings. We also request that the balance of the land not used for development be surrendered to Council as parkland in order to preserve some of the rural amenity of this area for; adjoining residents, wildlife, the community and posterity.

5. It does not offer the Community sufficient reward in return for their loss of green space. –

The riverfront portion of this land is potentially worth vastly more in non-monetary terms to the community and the environment, than it is in monetary terms to the developer.

The Precinct 1 river corridor portion of this land is ideally and uniquely situated to extend the recreation and riverside parkland precinct that begins at Bellbowrie Public Pool, and extends unbroken through the Bellbowrie Sports and Recreation grounds to the small riverside parkland called Booker Place park which includes a Riverside Playground, leash free Dog Park and BBQ facilities.

Quality community green space is under provided for in the Western Suburbs, especially since the closure of this golf course, and a substantial extension to the small existing riverside parkland via this development would provide quality community green space which would benefit the families from these suburbs for generations and create a riverside recreational area that could rival any in our city.

The removal of lots 6 through 25 (Dwg DA-100 Rev A) from this development and insisting on the mandatory 100 metre Precinct 1 river corridor being maintained, whilst leaving roads 4 and 5 unchanged and requiring an elevated (rather than low level) pedestrian creek crossing to Booker Place park would go a long way towards delivering such a priceless asset to the community as compensation for the “windfall” the community would be granting the developer should any development of this site proceed.

5. Accordingly, we request lots 6 through 25 (Dwg DA-100 Rev A) be removed from this proposal and the land they would occupy be surrendered to Council as Parkland and/or conservation area. We also request that all proposed residential development within the 100 metre Precinct 1 river corridor be removed whilst leaving roads 4 and 5 substantively unchanged and Council insist on an elevated pedestrian crossing of the creek, to Booker Place Park.

Allowing any Development at this location without road frontage to a substantial riverside park, irrespective of the protestations of the developer, the terrain, or any other reason, would be disgraceful.

6. It would end the possibility of an East-West bridge ever being constructed in this area -

This land directly borders (to the north and south) the only two feasible locations for a future East-West bridge across the Brisbane River (to either Sumner's road to the north or Wacol station road to the south) to the Western suburbs.

A bridge across the river in either of these locations would immensely benefit the residents of the Western Suburbs as it would not become a "de facto" western bypass due to its East-West orientation, yet still provide them with excellent access to the arterial roads (Centenary Highway, Ipswich Motorway and Logan Motorway) and railway, in close proximity to, but just across the river from, this proposal.

The approval of this application would effectively represent the end of any possibility of a bridge being constructed in either of these locations as it would enter a residential rather than rural area. Future residents of this subdivision would strongly argue (and rightly so) that a bridge in either of these locations would adversely impact their river views and increased traffic noise and volume would adversely impact their lifestyle.

6. Accordingly, we request that that Council consider the impact on the community of losing forever the possibility of an east-west bridge being constructed across the river in this locale, before approving this application.

7. The removal of the ridge from this property would not be good flood risk management –

Apart from its considerable aesthetic qualities, we believe that the large ridge that runs through the middle of this property plays a significant role in protecting the Bellbowrie area from exposure to river currents in the event of major floods.

This high ridge acts as a natural groyne on the river and would divert much of the energy from a major flood around the mouth of the creek that opens behind it into Bellbowrie. The effect of this ridge on floodwaters may well be the reason this river is so unusually wide at the meander immediately downstream from it.

The low areas of Bellbowrie flood now but it would mainly be from 'back up' water from the creek in behind this ridge and not 'current' from the river. Removing the ridge will expose Bellbowrie to river flood 'current' at a much lower level than would naturally be the case.

At whatever level this ridge is reduced to, flood water will begin "push" into Bellbowrie from the East via the River, rather than "back up" from the North via the creek which it currently does.

With the ridge removed, the north bank of the existing creek (where the leash free dog park is) will act as a 'reverse levee' turning Bellbowrie into a 'harbour' with positive pressure from river current pushing floodwater higher into the suburbs than would otherwise be the case. Removing this ridge would significantly change the characteristics of floods for the areas of lower Bellbowrie.

Council's responsibility with respect to flood risk management should not cease at the Q100 level. We appreciate that a line must be drawn somewhere for cost/benefit reasons however Council should maintain some basic, low cost, flood risk management for higher floods because this river does periodically reach those levels. The prevention of the removal of this ridge should fall into that category.

We believe this ridge would play such a significant role in protecting lower Bellbowrie from the majority of the energy from a major flood in the river that it should be protected in the Bellbowrie local plan as a Geological feature.

7. Accordingly, we request that the developer not be allowed to remove or alter this ridge in any material way. We also request that this ridge be protected through the Bellbowrie local plan as a geological feature.

8. The use of fill on this site is not good flood risk management or environmentally sound. –

Any residential development on this site and in particular any riverfront lots must be limited to areas that occur naturally above the Q100 line.

“Filling” must not be allowed to be used to achieve this level – especially for any riverside allotments - it will be dangerous. The level the developer proposes to fill to at this site was a long way under water in the 1974 flood, and that was not the biggest flood recorded in this river. It will flood again and fast flowing river flood water would erode soil fill – no matter how well it is compacted or protected – far easier and quicker than it would natural ground.

We appreciate that some water flow rate and erosion studies accompany this submission, and assume that they support the application (neither of us are experts in this field) but “he who pays the piper calls the tune” and we believe that other studies if carried out could/would conclude that it is not sound flood risk management to use fill to obtain the Q100 level on this flood plane, in this location, of this river. Its only common sense.

Allowing development down to the Q100 level on solid ground, if this was an appropriately zoned site would be one thing, but making an informed decision to rezone land that is currently unable to be built on, to allow a developer to artificially increase a flood plane through fill, for residential housing on a river bank that suffered such dramatic erosion in precisely this area (and also at Goodna just up river) in 1974, would be irresponsible at the very least and at the worst negligent. It would be Flood dumb.

Apart from the danger in floods, there is also an environmental aspect to consider of allowing fill to be used to obtain the minimum elevation near wetlands. On this point we speak with some first hand experience. As stated earlier our house is built on fill that has been used to achieve a minimum height on the edge of a waterway and we and the environment are still living with the consequences of Council allowing it to occur. Silt has gradually washed down from the fill used to elevate (7 or 8) properties in our subdivision and now blocks the large gully in a property down stream from us. Each time we have run off rain, water backs up from our neighbours property and sits still and stagnates in a “lake” on our property 40 meters long and 20 meters wide (but only 150mm deep) until it evaporates. Sub catchment A of this proposal would discharge into this gully. Using fill to obtain a minimum building elevation near a wet environment should not be allowed to happen in Brisbane again.

Should this application be approved and the developer be allowed to “fill” to the Q100 line, he would either; sell this land with the DA approved and “step away”, or develop it himself, before moving on to other things. Either way it would ultimately be the future occupants that are allowed to build on this land that would suffer the consequences of this decision and ratepayers would be left to clean up the mess.

This land is already zoned as being inappropriate for this type of development however that has not stopped consecutive applications being lodged with Council to develop it.

Providing all other pre-requisites and considerations are met, it may be feasible to build on certain portions of this site that naturally lay at or above the Q100 line, but any land that falls below this line on this site should not be built on ever.

As zoning seems to be ineffective in deterring attempts to develop the portion of this land below the Q100 line, we believe the best solution would be for all the land below it to be owned by Council - regardless of the outcome of this particular application.

8. Accordingly, we request that no “fill” be allowed to be used to create residential lots on this site and all residential boundaries on this site be confined to areas that naturally lay at or above the Q100 line. We also request that any land on this site that naturally falls below the Q100 line become the property of Council, either through voluntary surrender by the developer or through compulsory acquisition, under a flood property acquisition scheme, regardless of the outcome of this application.

9. **The adverse impact it would have on wildlife and the environment**– The assessment of the impact this development would have on the local wildlife should not be limited to the boundaries of this development. It should be considered within the wider context of the Bellbowrie local plan.

As mentioned earlier, every property that adjoins this land is acreage and most of them have limited or no restrictive fencing on the boundaries they share with it. In addition this land borders a substantial amount of parkland, extensive riverbank corridor habitats to its north and south, and a river front environment to its east. Combined this represents a substantial rural environment that is able to carry viable populations of native wildlife far beyond what the sum of its parts could carry in isolation should they be separated, which is what this proposal would do.

Some of the native wildlife we have observed in and around the immediate area of this proposal that would be at risk should the synergy effect of these ‘bloc’ of properties be lost are;

- Koalas (dogs should be banned, by covenant, from this development)
- Kangaroos(frequent visitors if not resident)
- Echidnas
- Bandicoots
- Blue Tongue Lizards
- Snakes
- Tortoises (they often “migrate” from the lake across our property?)
- Frogs (many, and very loud at times)
- Birds (we can identify over 50 species, but there are more especially in the wetlands.)

Also, contrary to representations made by the developer, the wetlands in the middle of this proposed development is not a dry lake. At the date of this submission it has a body of water over 100 meters long and 50 meters wide and we have not had any real rain for over 6 months.

During the evenings of the warmer months in the year, the sustained chorus of calls from the enormous number (and species) of frogs in this wetlands is remarkably loud. So loud in fact, that we often have trouble falling asleep at night. We are of the understanding that frogs are a good indicator of the health of the environment in which they live. If this is true then this wetlands currently forms part of a very healthy environment indeed.

We notice that the developer proposes to permanently drain these wetlands in the most recent version of this development, currently before Council. This wetland is vital to sustaining a freshwater wetland ecosystem, immediately adjacent to the brackish one of the river. Much of the wildlife in and around this development would most likely “disappear” should it be removed.

Also, we regularly have tortoises “migrate” from these wetlands across our land and adjacent properties to the creek at the front of our property and back again, a one way distance over land of about 250 meters. We don’t know why they migrate but they do and they somehow know the location of the water in the lake because they head straight for it. Should it be drained it would certainly bring an end to this behaviour, which may be important to their survival and/or breeding, we just don’t know.

It is our understanding that this body of water is in a designated wetland area, and if our understanding is correct, it should remain so, and the developer should not be allowed to drain it, period.

As the Bellbowrie/Moggill area becomes more populated it is important that bushland pockets that can carry viable wildlife populations are retained, or increased where possible, when development occurs. It is equally important that green corridors are maintained between bushland pockets to allow genetic material to mix.

A substantial part of this land should become an additional bushland pocket within the Bellbowrie local plan to complement the priors pocket road bushland already recognised. In addition the 100 metre Precinct 1 river corridor is the ideal “vehicle” to maintain a green corridor between them as they both contain linked Precinct 1 river frontage.

9. Accordingly, we request that Council prevent the developer from draining the wetlands that exist on this land and require that an independent study is undertaken to determine the species, population and vulnerability status of the frogs and tortoises of these wetlands and the impact this development would have on them. We also ask Council to ensure the developer adheres to the 100 metre Precinct 1 river corridor and evaluate the vital role this parcel of land plays in sustaining viable wildlife populations in the variety of different habitats throughout the Bellbowrie local plan, prior to approving this application.

10. **It does not adhere to the relevant requirements for developments in this locale** – We are not professionals in this field, however below are some of the issues we believe we may have identified where this application does not comply with “Councils City Plan 2000”, the “Bellbowrie local plan” or the “local plan for outer suburbs”.

These plans were done up by professionals at an expense to ratepayers and ratepayers would expect them to be closely adhered to as they provide all stakeholders with the same transparent consistent development guidelines to follow. The number of breached requirements we believe we have identified below reinforces our argument that this proposal is not suitable for this location. We may be incorrect with some but there are probably many others we have missed.

- **The Brisbane River planning scheme policy holds that no development is allowed within the 100 metre river corridor for river precinct 1.** The developer proposes to create 20 residential lots within the 100m exclusion zone; this would be lamentable for the community, detrimental to the environment and set a perilous precedent for rural riverfront areas.
- **A Generally Inappropriate Impact Assessable Proposal such as this must demonstrate that it has a positive impact on the landscape, scenic quality and streetscape of the locality.** In no reasonable way could this development be seen to have a positive impact on the landscape or scenic quality of this locality, if compared to what it would replace.
- **A Generally Inappropriate Impact Assessable Proposal such as this must demonstrate that it does not detract from the appearance, environment or amenity of the locality.** This application proposes to remove a large scenic, grassed riverside ridge and use the dirt as fill. The end result will be a flat residential suburban enclave too close to the river. This would detract greatly from the current appearance, environment and amenity of this locality.
- **The Bellbowrie local plan says that any development in the area must maintain Bellbowrie’s open character. It says that large residential lots contribute to the open character of the area.** This application proposes 60 lots less than 800m².
- **The Brisbane City Council PDOnline interactive mapping site indicates The body of water in the middle of this proposal is;**
 - **A designated wetlands,**
 - **Within the Brisbane River corridor,**
 - **On property zoned rural and parkland,**
 - **Within the Bellbowrie local plan which exists for environmental reasons.**

The developer proposes to drain these wetlands. Surely they cannot be drained.

Despite this lengthy objection, we are not opposed in principle to some form of considerate, moderate development on this land. Provided it does not adversely impact any stakeholder we would not object to it.

Unfortunately however, the application currently before Council would have a major negative impact our lifestyle as well as the lifestyles of the other residents that surround it. It would be detrimental to the environment, and does not provide sufficient reward to the community in return for their loss of quality rural green space from when this golf course closed. The only major stakeholder that would gain more than it cost them from this development would be the developer.

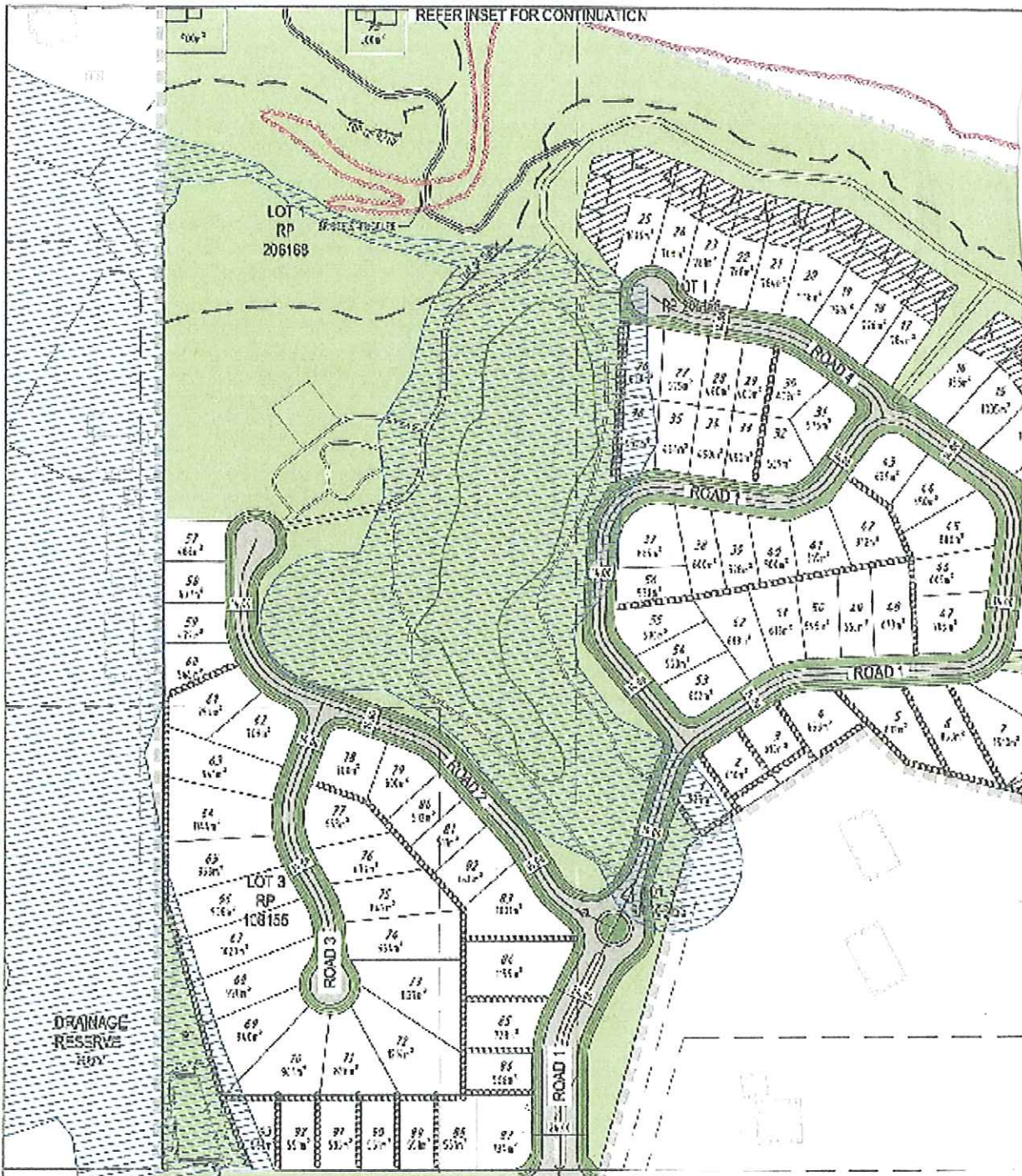
Therefore we ask that Council negotiate with the developer to deliver a revised proposal that is acceptable to all stakeholders. Otherwise this development should not proceed.

Yours truly,

Anthony and Karen Leighton

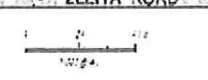


REFER INSET FOR CONTINUATION



EXISTING ROAD LT 35 OF SHEET 1501 WEEKES ROAD ZELITA ROAD

DATE	1/2012
BY	AKS
FOR	AKS
SCALE	1:1000



**RESIDENTIAL DEVELOPMENT
OF 102, 120 AND 126
WEEKES ROAD, MOGGILL**

AKS CONSULTING
 10/100/100
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Brisbane City Council

Dedicated to a better Brisbane

11 February 2010

Development Assessment Branch
City Planning and Sustainability Division
GPO Box 1434
Brisbane Qld 4001

Telephone 07 3403 8888

MGC Properties Pty Ltd (receivers and managers appointed)
C/- Ernst & Young
GPO Box 7878
Brisbane QLD 4001

Attention: Nathan Kelly / Justin Walsh

CC: PLACE Design Group
[REDACTED]

Permit Type: DA - IPA - Material Change of Use, DA - IPA - Reconfigure a Lot
Description of Proposal: Reconfiguration of a Lot (3 into 91 lots & park & road) and Preliminary Approval to override the Planning Scheme for residential uses

Address of Site: 126 Weekes Rd Moggill Qld 4070
108 Weekes Rd Moggill Qld 4070

Real Property Description: Lots 1 & 6 on Registered Plan 206168, Lot 3 on Registered Plan 108155

Application Reference: A002171615

Dear Sir/Madam

RE: Outstanding Issues

Further to our meeting on 21 January 2009, I write in relation to the current application for the above site. The meeting was a good opportunity to discuss the key issues relating to the current application and to also discuss the constraints of the site and opportunities to resolve the outstanding issues.

The proposed development is not supported in the current form. Whilst the proposed use on the site for low density residential purposes is supported in principle, there are a number of key issues that need to be addressed and resolved before the proposal could be favourably considered.

The revised plans in response to Council's Information Request dated 10 December 2008 do not show any major modifications from the original layout and there are a large number of issues outlined in the Information Request that have not been adequately addressed. The proposed layout needs to be substantially revised before the proposed development could be favourably considered.

The key issues that need to be addressed and resolved include:

- Lot layout and density
- Parkland areas (including the river corridor parkland and the central parkland)
- Setback to the Brisbane River
- Stormwater / Hydraulics / Flooding
- Earthworks

As discussed, these are only the key issues relating to the current application. Once an appropriate and acceptable layout is achieved, more specific technical issues may still be raised.

Lot Layout & Density

- Low density residential is supported in principle, however the proposed density is higher than what currently exists in the area. There are significant environmental constraints on the site and there is limited public transport in the area, therefore a lower density and fewer lots should be planned for.
- The density and lot sizes should be consistent with the surrounding area (sites that have already been developed). Whilst the proposed use on the site for low density residential purposes is supported in principle, the subject site is located in the Rural Area and the intent and DEOs of the Rural Area need to be considered and addressed.
- Private residential lots should not back onto public space areas, including the proposed river corridor parkland area and the proposed central parkland area, as it results in access, visibility and CPTED issues.
- The proposed layout results in the appearance of a 'gated community'. The layout should be re-considered to improve visibility and accessibility to parkland areas, including the proposed river corridor parkland.
- The proposed development in the current form only provides for 1 access to Weekes Rd via a cul-de-sac road to all lots. As the proposed subdivision layout would generate well in excess of 100 dwelling units, an additional access to Weekes Rd should be provided (as a minimum emergency access is required). Whilst a bus route in Weekes Rd is not planned for the foreseeable future, an additional access point could incorporate a potential location for a future bus turnaround area.
- The proposed lots 90 and 91 are land-locked. It is acknowledged that these lots are for the existing telecommunication towers and are to include lease arrangements, however the creation of freehold lots in this location is an issue, as well as maintenance and access issues.

Parkland

- The extent of parkland is in excess of what is required for the area, therefore the functionality and useability of the parkland areas is critical.
- The proposed river corridor parkland is not desirable in the current form. The useability of this parkland area is poor due to limited visibility and poor accessibility. The width, accessibility and visibility of the park is critical for it to function well, and to reduce safety issues. An esplanade road should be provided to address these issues.
- All parks should have at least 50% road frontage. As stated above, the proposed river corridor parkland should provide an esplanade road to improve the visibility, access, and useability of the park. The proposed central park area should also provide sufficient road frontage with an appropriate interface to the park, with no retaining walls and no steep batters.
- The proposed parkland areas should provide a strong link to Booker Park to the north-east of the site. Due to the topography of the site, a bridge link would be required. An appropriate and achievable location for a bridge needs to be determined.

In response to this the Developer Submitted a revised lot layout showing many lots within the waterways on this site (as ours is)

Setback to Brisbane River

- The setback to the Brisbane River is to be determined on the lot layout and topography, as well as the width and useability of the river corridor parkland with an esplanade road.
- The subject site is located in Precinct 1 of the Brisbane River. Whilst a setback similar to properties in Precinct 2 may be considered appropriate from a planning perspective, this may not be achievable and a greater setback may be required in order to achieve flood immunity and an appropriate interface to this river corridor park area.

Stormwater / Hydraulics / Flooding

- Extent of cut and fill in any waterway corridors (including the Brisbane River Corridor) need to address the Filling and Excavation Code as well as the Compensatory Earthworks Planning Scheme Policy.
- As stated above in the 'Setback to Brisbane River' section, the setback to the river will be determined on the lot layout together with a river corridor parkland area and esplanade road. An amended layout and design will be required, and therefore the extent of fill in the Brisbane River Corridor will be altered. Any filling in the Brisbane River Corridor would need to address the relevant provisions in the City Plan and appropriate hydraulic modelling would be required.
- As discussed, the extent of park and an esplanade road to the river is a key issue and should be a key consideration in any revised layout. The central parkland area provides additional open space, but is in excess of what is required for parks in the area. The existing lake and wetland located in this central park area has limited ecological significance. Whilst filling in waterway corridor is generally not supported, opportunities to fill part of this waterway could be explored, provided hydraulic issues are adequately addressed. Additional lots could be provided in the centre of the site, and pulling the development away from the edges of the site to achieve a greater setback to the Brisbane River and reducing impacts on adjoining properties.
- It is suggested to grade the slope of the site where possible to divert runoff to the Brisbane River, which would reduce impacts on adjoining properties.
- Stormwater treatment measures should not be located within public areas. Better use of road side swales should be considered to reduce sedimentation before runoff to parkland areas. Parks should not be the sole use for infiltration and removing sediments.
- The bio-retention basin in the south-west corner of the site (near Weekes Rd) will obstruct local flows and should be located outside of the waterway corridor and 100 year ARI flood extent. Alternatively, it would need to be demonstrated to have no adverse impacts if located in the waterway corridor.
- The capacity of the culvert under Weekes Rd in the south-west tributary must be shown to have at least 20 year ARI flood immunity to provide for flood free access to the site. This may need to be upgraded.

Earthworks

- The extent of cut and fill needs to be reconsidered and well planned to ensure there is a good interface to parkland areas, to waterway corridors, and to adjoining residential properties.

- An appropriate interface should be provided to the parkland areas, including adequate road frontage to parks, no retaining walls and no steep batters. Batters to parkland areas are preferred to be at least 1:6.
- Where retaining walls are required for lots to achieve flood immunity and to level the land, larger lots with batters may be a more appropriate outcome, rather than a smaller sized lot with retaining to all sides.

Please phone me on the telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely



Meaghan Bourke
Senior Urban Planner, Development Assessment
Development Assessment West BSQ

Development Assessment Branch



PLACE
PLANNING
DESIGN
ENVIRONMENT

BRISBANE
LEVEL 122, WINDHAM STREET
ADELPHI, BRISBANE QLD 4001
AUSTRALIA
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WEEKES ROAD

ERNST & YOUNG

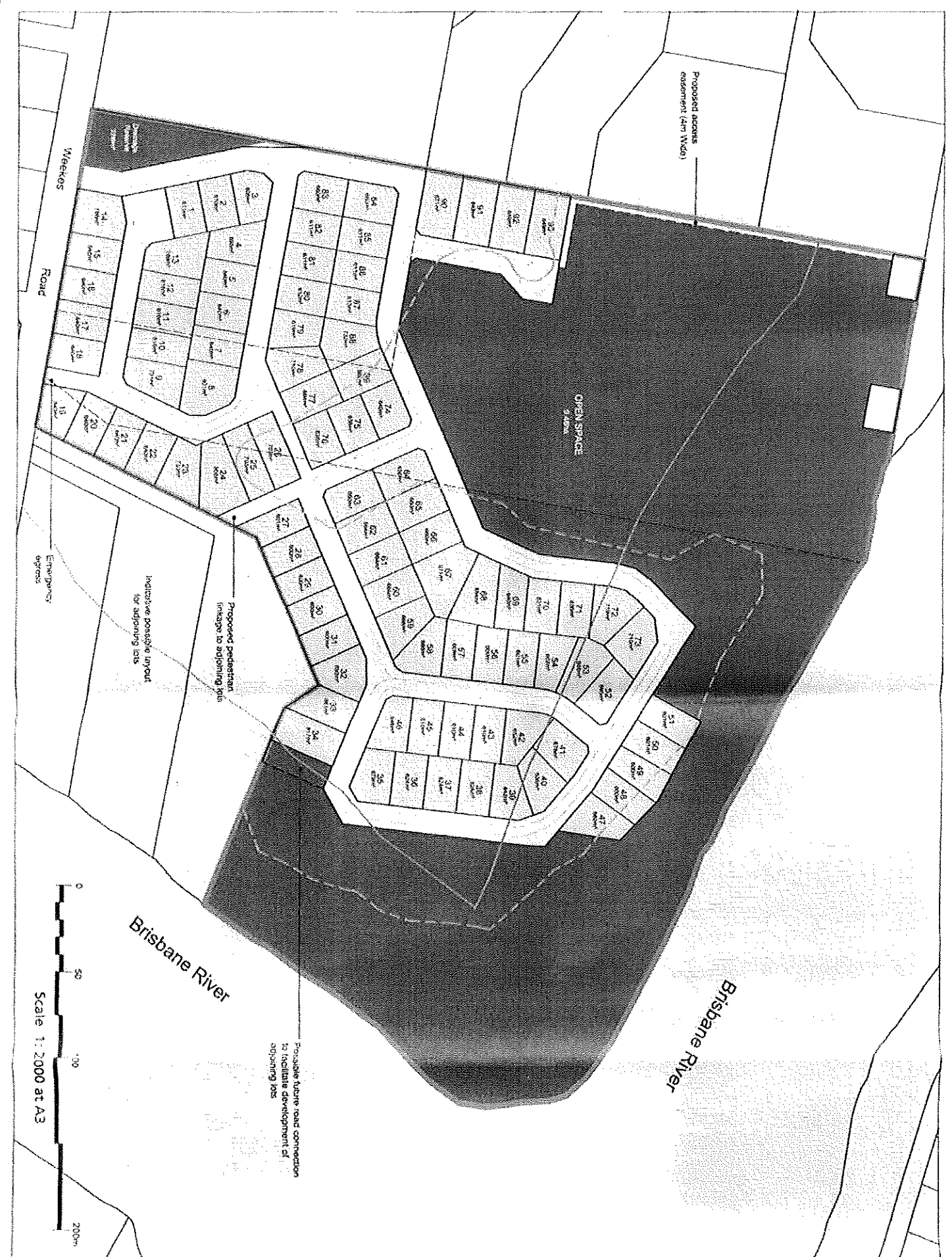
Previous development
boundary
Brisbane River Corridor
setback
Conserved site boundary
18.270m

Lot No.	Area (sqm)	Area (sqft)	Area (acres)
1	100	1164	0.027
2	100	1164	0.027
3	100	1164	0.027
4	100	1164	0.027
5	100	1164	0.027
6	100	1164	0.027
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10	100	1164	0.027
11	100	1164	0.027
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87	100	1164	0.027
88	100	1164	0.027
89	100	1164	0.027
90	100	1164	0.027

DEVELOPMENT
COMPARISON PLAN

Scale 1:2000 at A3

BRISBANE
PLANNING
DESIGN
ENVIRONMENT



Development Statistics	
14m Wide Road	1644 m
Area of open space	9.74 ha
Total no. of lots	93 lots
Area of lots	6.22 ha (32%)
Gross Density	5 du/ha

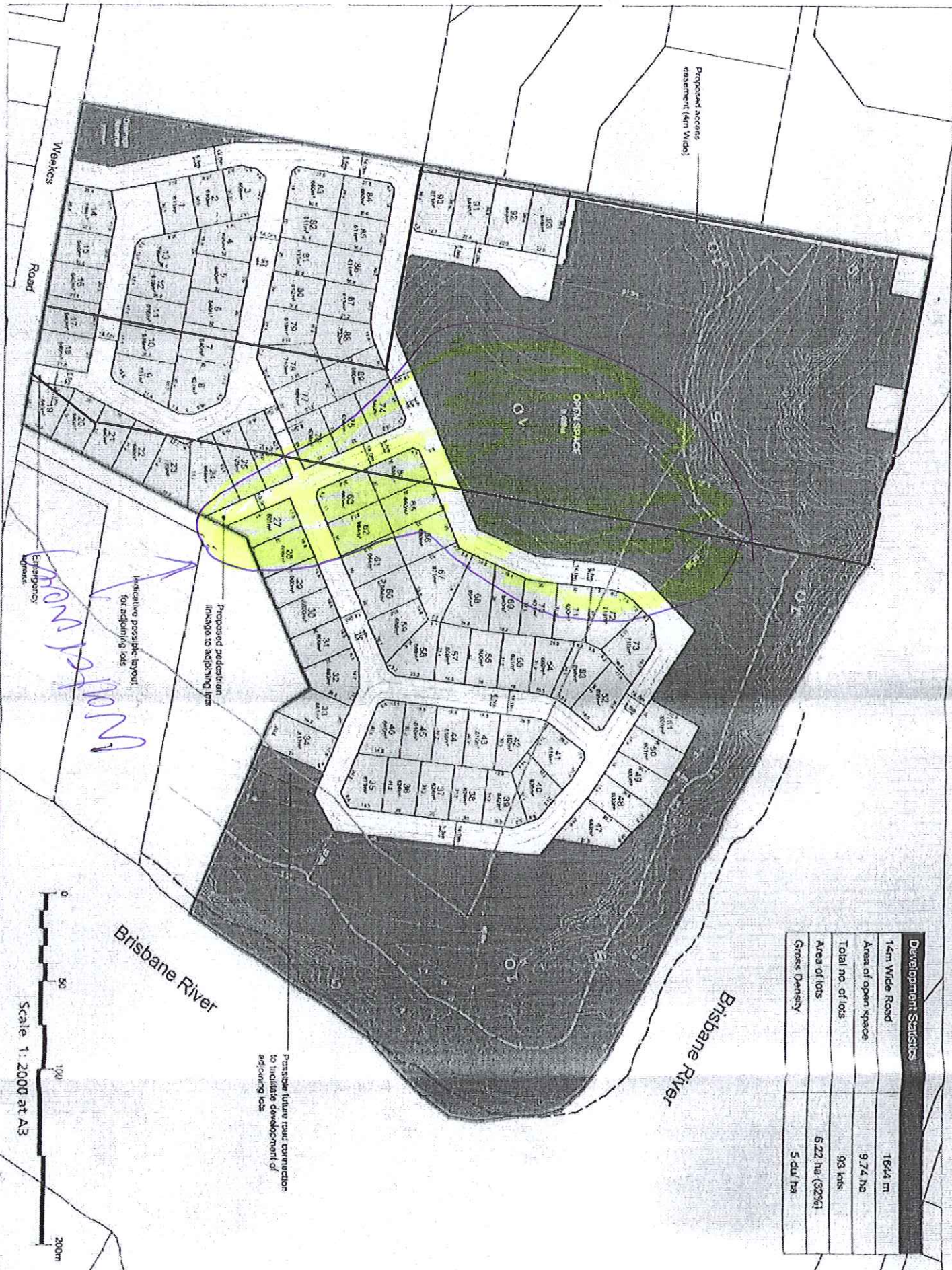


BRISBANE
 1/276 WOODWAY STREET
 FORTITUDE VALLEY QLD 4006
 AUSTRALIA
 T: (07) 3467 3822
 F: (07) 3022 4756

Brisbane River

Brisbane River

Proposed access easement (4m Wide)



Proposed

Indicative possible layout for adjoining lots

Proposed pedestrian linkages to adjoining lots

Possible future road connection to facilitate development of adjoining lots

Scale 1: 2000 at A3

WEEKES ROAD
ERNST & YOUNG

High spring water mark
 High spring water mark
 42m above
 Brisbane River Crossing
 18.231m

Lot No.	Area (sqm)	Area (sqm)	Area (sqm)	Area (sqm)
1	100	100	100	100
2	100	100	100	100
3	100	100	100	100
4	100	100	100	100
5	100	100	100	100
6	100	100	100	100
7	100	100	100	100
8	100	100	100	100
9	100	100	100	100
10	100	100	100	100
11	100	100	100	100
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85	100	100	100	100
86	100	100	100	100
87	100	100	100	100
88	100	100	100	100
89	100	100	100	100
90	100	100	100	100
91	100	100	100	100
92	100	100	100	100
93	100	100	100	100

anthony leighton

From: [REDACTED]
Sent: Monday, 13 September 2004 4:31 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Latest Plan for Moggill Country Club development
Attachments: Properly made Submission Weekes Rd Moggill sub division letter.doc; plan as of 07.09.2010.pdf

Thanks Margaret,

I appreciate the time you took to reply, as I could only imagine your workload.

I understand the planning process relatively well as I have been following this particular application closely for years.

However, this is the umpteenth submission of this application/plan/proposal and I seem unable to get the following simple message through to anyone;

THE PROPOSED LOTS ON ITS WESTERN BOUNDARY WILL ENDANGER THE LIVES OF THE RESIDENTS OF THREE EXISTING PROPERTIES THE NEXT TIME THE RIVER FLOODS.

That may sound dramatic but it is real, I assure you.

I have previously raised this issue with;

- Yourself on multiple occasions,
- The Lord Mayor (who personally had them removed once before)
- The last three Council assessment managers, and;
- The owner George Cheihk (who agreed to remove them as a "professional courtesy").

However the Recievers and Managers are now in control and they include them on the latest plan (attached) submitted to Council, therefore I can only conclude that Council has not made it clear to them that these lots will not be allowed, as many other issues raised by Council have been rectified by the latest plan (which is the best so far that does not include a replacement golf course). I ask you to read our concern No 2 in the attached objection letter (they are not in any order of precedence) which was sent to your office when we submitted it to Council.

I suspect this issue is being lost/confused due to our objections to the impact this development will have on our lifestyle, which is understandable but frustrating.

Either way, I seem unable to get this issue across in writing.

Accordingly, I ask for five minutes of your time the next time you are in Bellbowrie so that you can assess this issue in person.

I will need half an hours notice to get home from work.

Regards,

Anthony Lieghton

[REDACTED]
Bellbowrie
[REDACTED]

From: [REDACTED]
Sent: Monday, 4 October 2010 7:31 AM
To: [REDACTED]
Subject: Latest Plan for Moggill Country Club development

Dear Anthony

Thank you for your email and for raising your concerns about the latest development application lodged for the Moggill Country Club.

I fully understand your concerns however at this stage there is nothing which I or anyone else can do other than to advise you to lodge a formal submission when the public notification signs are erected. The process once a development application is lodged is that the process as legislated in the Sustainability Planning Act 2009 has to be followed. This involves initial assessment by the Council planners followed by a very thorough assessment after all submissions have been considered. It is only after that process that a decision is made about whether or not the application will be approved.

I hope it is of some comfort to know that the initial assessment has determined that the application is Impact Assessable - Generally Inappropriate which means the applicant will have to convince the Council that it is a good development and can address all the identified issues. Those already listed by the Planners include:

- Extent of cut and fill
- Flood immunity
- Retaining Walls
- Hydraulics assessment
- Interface with existing residential

I can assure you that the concerns you express, particularly as an affected neighbour, will be very thoroughly investigated.

We do not know how long it will be before the notification signs are erected. At the assessment stage the planners will also seek my views and I will certainly be raising the issues you have alerted me to. When your submission is lodged at the appropriate time please send me a copy.

I trust this information is of assistance.

Yours sincerely

Margaret de Wit
COUNCILLOR FOR PULLENVALE WARD
Chairman of Public and Active Transport

Suite 6, Level 1
Kenmore Village Shopping Centre
KENMORE QLD 4069

Ph: (07) 3407 0220
Fax: (07) 3407 0226
E-mail: pullenvale.ward@ecn.net.au

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anthony leighton

From: [REDACTED]
Sent: Sunday, 30 January 2011 5:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: Application A002171615 - to Subdivide The Old Moggill Golf Course
Attachments: image.png; ATT00067.htm; image.png; ATT00070.htm; image.png; ATT00073.htm; image.png; ATT00076.htm

Hi Margaret,

I have been in contact through emails, quite a few times over the past year or so regarding the above application endangering my family, in the event of a major flood in the river, by completely blocking our only possible escape route.

Well the flood happened and severely impacted the three families to the immediate west of this proposal as predicted.

We are all safe thanks to the SES, however the story may well have been very different if this development was in place as proposed.

The SES evacuated us through a narrow route that this development would block completely block forever with 6 ft residential fencing.

I ask that you read my latest email thread(below) with the current assessment manager for this application before contacting me to arrange a meeting at our house so you can see in person the very real danger this development poses.

Regards

Anthony Leighton
 [REDACTED] Bellbowrie

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: January 19, 2011 10:14:38 PM GMT+10:00
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Application A002171615 - to Subdivide The Old Moggill Golf Course

Hi Meaghan, how was your christmas break?

Ours was not too good.

The exact scenario I have been warning you/Council about for a long time (below) unfolded and severely impacted the three properties on the western boundary of this application. If the residential allotments 90 through 93 that this development proposes ever eventuate, at some stage in the future (whether we still live here or not) lives will be in real danger.

RESIDENTIAL PROPERTIES MUST NEVER, EVER, EVER, BE ALLOWED TO BACK ON

31/12/2004

I am not an expert in town planning but I cannot believe Council could take a deliberate, informed, positive, unnecessary, action (rezoning lots 90 through 93 from rural to residential) that will place residents in real danger.

Please find below as requested, the email from Council I was referring to in our discussion, which suggests a possible solution to this issue. This is not the answer however as it would result in multiple lots backing onto parkland, significantly detracting from the visual amenity of the parkland area with no benefit to any stakeholder except possibly the developer. However even his cost/benefit analysis of the inclusion of these four lots would have to be marginal at best given their location.

The answer is to very simply remove these four lots from the development.

Could you please read this email (below) and reply via email at your earliest convenience.

Regards,

Anthony Leighton.

From: [REDACTED]
Sent: 29 September 2010 09:29
To: [REDACTED]
Subject: Re: FW: Possible redevelopment of golf course - Moggill

Hi Sarah

I do apologise for the delay in getting back to you.

The applicant for the old golf course site (being lot 3 on RP 108155 and lots 1 and 6 on RP 206168) has submitted a revised lot layout to Council's Development Assessment West (DA West) team for their consideration. I have attached this to this email, however you can get more information on their application and all documents associated with the application via Council's website: <http://www.brisbane.qld.gov.au/planning-building/assessing-development-applications/check-application-status/index.htm> and enter in the following application number: A002171615

As you will see, their new proposal still includes housing lots along your back boundary. I have been discussing this application with our 'Strategic Planning' section however, and it will **probably** be their recommendation to our DA West team that the small street that is to provide access to these houses actually run along your back boundary (thereby providing more of a buffer between your property and any adjoining properties). Strategic Planning have yet to finalise their recommendations, however this is their current thinking.

If you would like to discuss this application in more detail, it is probably best for you to speak directly with the DA West team. Penny Douglas is the officer dealing with this application I believe (you call Council's number 3403 8888 and ask to be connected through to her).

I understand that the applicants will have to readvertise their proposal, and this will provide you with another opportunity to make a submission to Council on the application. Signs will be erected on the site to inform the community of their opportunity to do this, and you will also receive a letter as an adjoining land owner informing you of your opportunity to make another submission. Your existing submission would have been considered by the DA West team, and you should be able to view it on Council's website (as per the above address).

I hope this information is of some assistance.

Kind regards
Susan

From: [REDACTED]
Sent: Monday, 4 October 2004 1:42 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Application A002171615 - to Subdivide The Old Moggill Golf Course

Hi Meaghan,

My name is Anthony Leighton and my address [REDACTED] Bellbowrie, which immediately adjoins the western boundary of this proposal. We have spoken by telephone on a couple of occasions.

I notice earlier this week you sent another information request to the developer regarding some outstanding issues Council has with this application.

Whilst I agree with your comment that the latest lot layout is an improvement on the original proposal, there is one issue not addressed in your letter that is of such concern to me that I feel compelled to bring it to your immediate attention in isolation from all other issues:

THIS LOT LAYOUT WILL ENDANGER THE LIVES OF THE THREE FAMILIES FROM THE EXISTING RESIDENCES ON ITS WESTERN BOUNDARY. That may sound dramatic but it is very real I assure you, and I am becoming increasingly alarmed at it not ever being addressed as this proposal progresses ever further.

An enormous gully (that is part of the River) separates these acreage residences from the relative safety of local suburban streets; and their only possible escape route to any higher ground at all the next time the river floods will be completely blocked by proposed lots 90 through 93.

I am not talking about being "marooned" but safe, I am saying that next time the river floods, multiple families will have no possible escape at all from the rising water. These houses are built at the lowest allowable level and in 1974 the water level was above our roof.

Accordingly, I REQUEST THAT LOTS 90 THROUGH 93 BE COMPLETELY REMOVED FROM THIS DEVELOPMENT. No development at all should be allowed to endanger members of the community.

Previously, I have brought this issue up with:

- Yourself - via email
- The Lord Mayor - Campbell Newman
- Our local Councillor - Margaret De Wit
- Councils Assessment Process - through our properly made submission.

However it has never even been acknowledged as an issue by Council, let alone dealt with, despite its possible dire consequences .

I attach a copy of our original properly made objection letter for your convenience and refer you to our objection item number 2 (they are not in any order of precedence).

Could you please read it (item 2 only) and respond at your earliest convenience.

Regards,

Anthony Leighton.

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Version: 8.5.449 / Virus Database: 271.1.1/3296 - Release Date: 12/06/10 19:34:00

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Checked by AVG - www.avg.com

Version: 8.5.449 / Virus Database: 271.1.1/3311 - Release Date: 12/12/10 07:35:00










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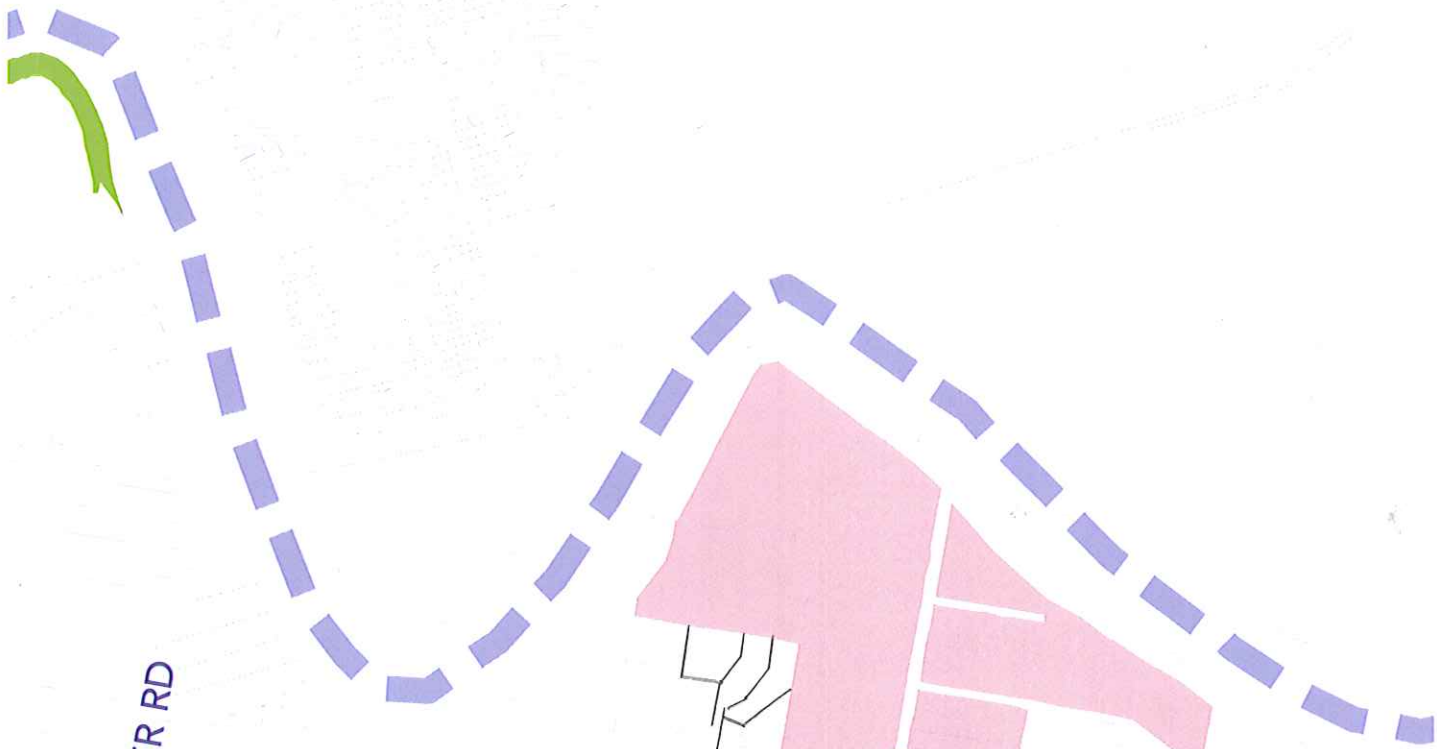
Version: 8.5.449 / Virus Database: 271.1.1/3411 - Release Date: 02/03/11 07:34:00

Area Classification Changes



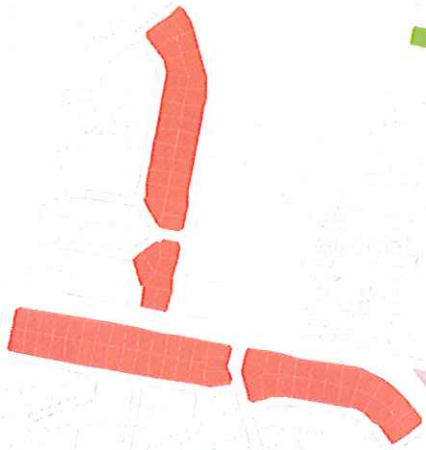
- | | | | |
|---|---|---|-------------------------------|
|  | Neighbourhood Plan boundary |  | Community Use Area (CU2) |
|  | Low Density Residential (LR) |  | Environmental Protection (EP) |
|  | Low-Medium Density Residential (LMR) |  | Park Land (PK) |
|  | Convenience Centre (MP4) |  | No Area Classification |
| |  | | Proposed District Sports Park |





LATHER RD

WEEKES RD



SHAKO GULLY RD

Interactive Map

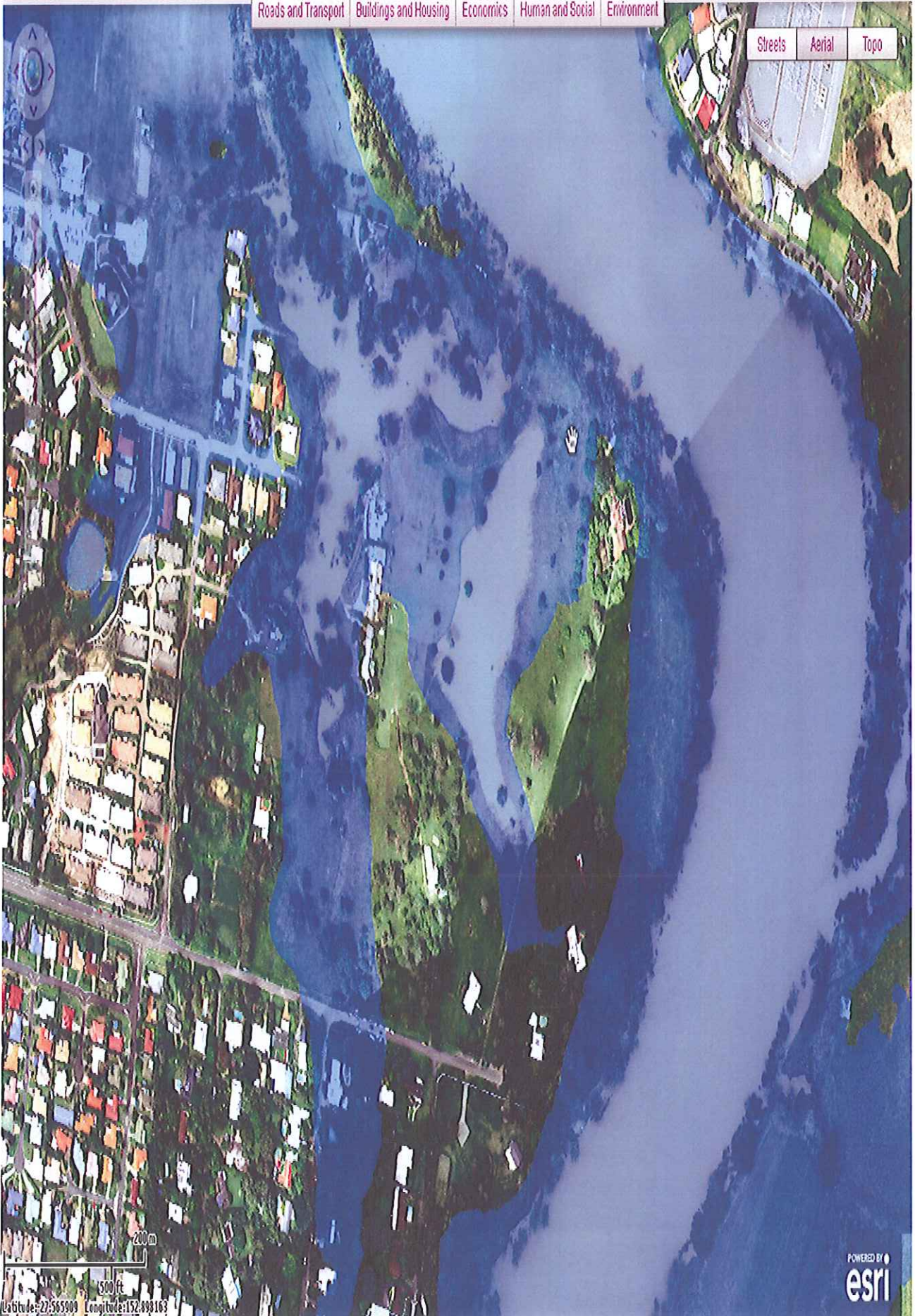


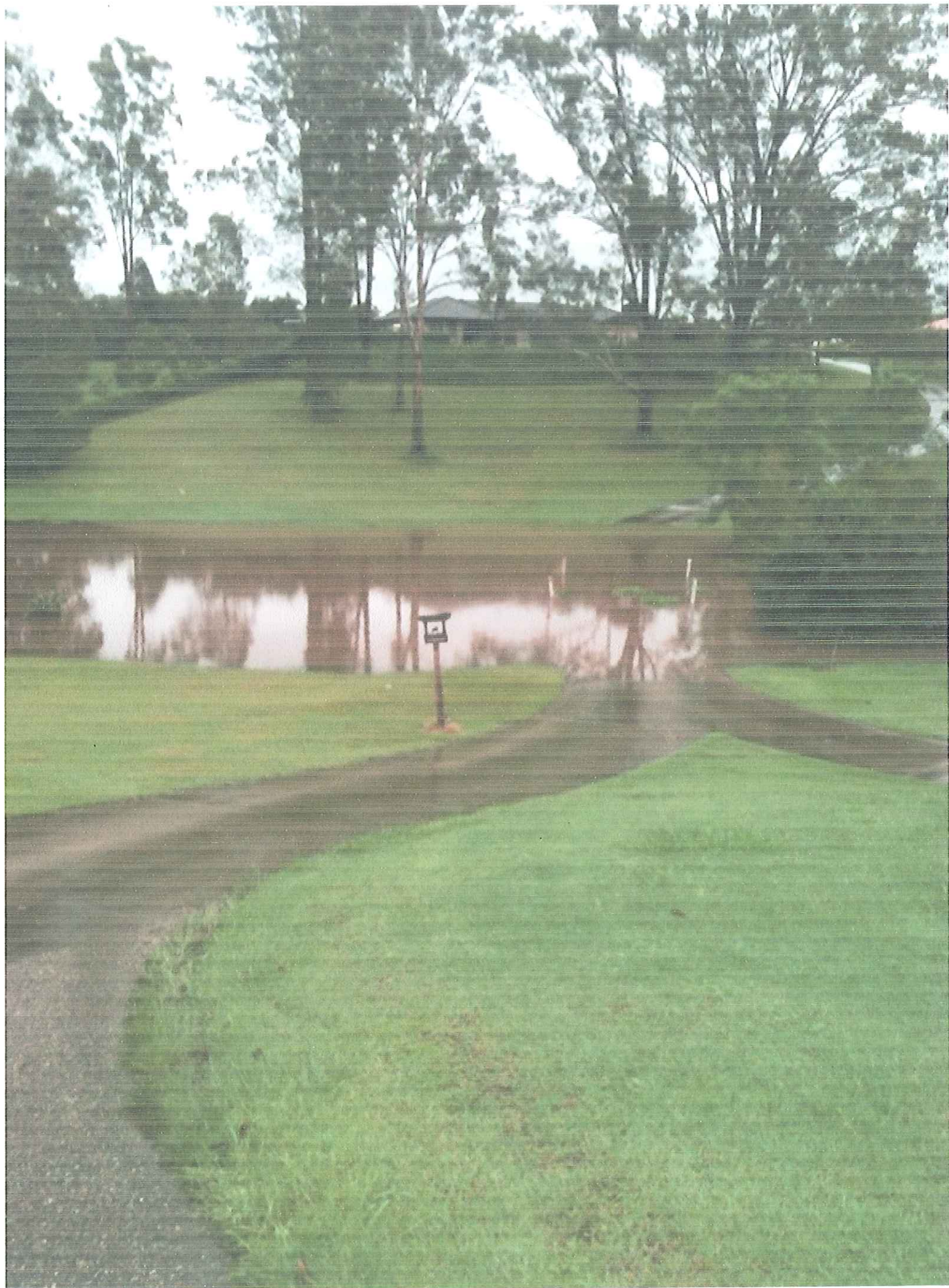
Community Feedback

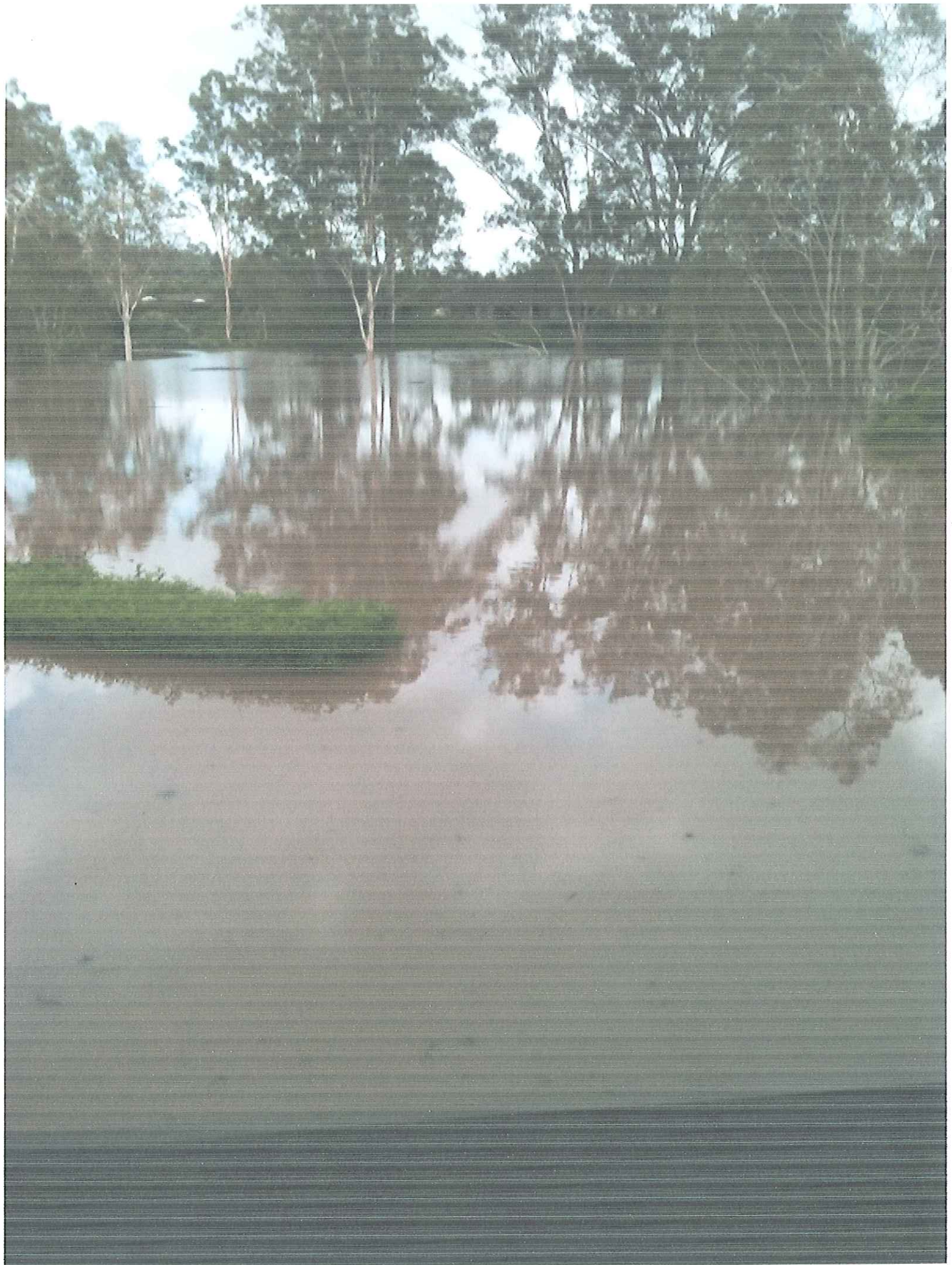
About

- Roads and Transport
- Buildings and Housing
- Economics
- Human and Social
- Environment

- Streets
- Aerial
- Topo







The screenshot displays an interactive map application. At the top left, the text "Interactive Map" is visible. To its right is a row of social media icons (Facebook, Twitter, YouTube, etc.). Further right are buttons for "Community Feedback" and "About". Below these is a horizontal menu with categories: "Roads and Transport", "Buildings and Housing", "Economics", "Human and Social", and "Environment". On the right side of the map, there are style selection buttons for "Streets", "Aerial", and "Topo". The map itself is an aerial view of a coastal region, with a red circle highlighting a specific building on a green peninsula. A scale bar in the bottom left corner shows 200m and 500ft. The bottom right corner features the "esri" logo and the text "Map data (C) 2011 MapData Services Pty Ltd (MDS), PSMA". At the very bottom, the URL "http://elbqra-139728069.ap-southeast-1.elb.amazonaws.com/qrainteractive/" and the date "6/09/2011" are present.



To see all the details that are visible on the screen, use the "Print" option in the "Share" menu.

