

**E&C REPORT – 20 AUGUST 2018 – CLAUSE C – ATTACHMENT B**



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

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Our ref: MC17/4125

28 MAY 2018

Councillor Julian Simmonds  
Chairman for City Planning  
Brisbane City Council  
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Dear Councillor Simmonds

Thank you for your letter of 6 September 2017, to the then Minister for Planning, the Honourable Jackie Trad MP, requesting approval to adopt the proposed Ferny Grove Upper-Kedron Neighbourhood Plan (the proposed amendment). I also note a subsequent letter on 14 September 2017, from Ms Andrea Kenafake, Acting Chief Executive Officer of the Brisbane City Council (the council), proposing the *Planning Act 2016* (the Planning Act) aligned version of the proposed amendment for adoption. As the Minister for State Development, Manufacturing, Infrastructure and Planning, I am now responding.

I am pleased to advise, in accordance with step 8.2(a)(i) of Statutory guideline 01/16: Making and amending local planning instruments (MALPI) the council may proceed to adopt the *Sustainable Planning Act 2009* (SPA) version of the proposed amendment received on 8 September 2017, subject to the enclosed ministerial conditions.

The enclosed ministerial conditions are included as the proposed amendment submitted for approval does not comply with the state interest for Natural Hazards Risk and Resilience or the state interest for Infrastructure.

As part of the former Minister's approval for the council to proceed to public notification, ministerial conditions were included requiring the council to incorporate the state's mapping for bushfire and specific regional ecosystem corridor mapping. The regional ecosystem corridor mapping was prepared to achieve a balance between environmental values and risk to life and property from potential bushfire hazard.

Following public consultation, the council has removed this mapping and incorporated provisions into the proposed amendment that will result in an unacceptable increase to the risk of bushfire hazard to people and property.

This conclusion is based on expert advice from Queensland Fire and Emergency Services (QFES), which has reviewed the proposed amendment and confirmed that the council's proposal will create the potential for avoidable burden on disaster management capacity including increased risk to people and property in the area.

I am advised that the council has been working with QFES to update the council's bushfire mapping and I look forward to the completion of this work to enable compliance with the July 2017 State Planning Policy.

After further careful consideration of the submission report provided by the council, and to address community concerns regarding traffic I have also decided to include a ministerial condition to incorporate an indicative emergency services and active transport only link to Mount Nebo Road.

This will ensure that this link can only be utilised for emergency access and active transport purposes only, such as cycling and walking, providing wider network efficiencies and community benefits, subject to further detailed planning and community consultation.

As the council is aware, through *ShapingSEQ*, a plan prepared in partnership with SEQ councils; it is the responsibility of council to determine how those dwellings are allocated across their local government area and actively deliver them through their plan making and development assessment processes.

I understand the council considered the implications of the commencement of the *Planning Act 2016* (the Planning Act) on 3 July 2017 on the adoption of the proposed amendment, and as stated above, provided a Planning Act aligned version for consideration in accordance with section 287(3) of the Planning Act.

I confirm, under section 287(3) of the Planning Act, that I am satisfied the version submitted to the former Department of Infrastructure, Local Government and Planning on 14 September 2017, is in a form and includes matters that are consistent with the Planning Act and I am satisfied that it does not substantially change the effect of the SPA version provided for approval to proceed to adoption.

Accordingly, the version of the proposed amendment that is aligned with the Planning Act can be incorporated in the aligned version of the *Brisbane City Plan 2014*, once all conditions are appropriately met.

If you require any further information, please contact Ms Megan Bayntun, Acting Executive Director, Policy and Statutory Planning, in my department on (07) 3452 6825 or [megan.bayntun@dilgp.qld.gov.au](mailto:megan.bayntun@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



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

Enc

## Enclosure 1

### MINISTERIAL CONDITIONS FOR BRISBANE CITY COUNCIL'S PROPOSED FERNY GROVE UPPER KEDRON NEIGHBOURHOOD PLAN PURSUANT TO SECTION 117 OF THE SUSTAINABLE PLANNING ACT 2009

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Pursuant to Section 117 of the *Sustainable Planning Act 2009* (SPA), I hereby advise Brisbane City Council that it may proceed to adopt the proposed amendment to the Ferny Grove Upper Kedron Neighbourhood Plan, as received on 8 September 2017, subject to the following conditions:

#### 1. State interest – Natural hazards, risk and resilience

##### Natural hazards, risk and resilience

- (i) Include the enclosed regional ecosystems (REs)—*Regional ecosystem vegetation communities planned for the Cedar Creek south-precinct* to reflect the REs as shown on the attached "*Cedar Woods Regional Ecosystem*" (refer **Enclosure 2**) and amend **Table 8.2.5.3.A, A021.2 (a) of the Performance outcomes and acceptable solutions** of the Bushfire Overlay code to include the reference *Regional ecosystem vegetation communities* (as per **Enclosure 2**).
- (ii) Amend *Map 5—OM-002.3* to show the future bushfire risk for the Ferny Grove-Upper Kedron Area (as per **Enclosure 3**).

#### 2. State interest – State transport infrastructure

- (i) Amend *Map 6—OM-018.2 Road hierarchy overlay map* and *Figure a—potential development areas and indicative layout* to:
  - (a) reflect the Department of Transport and Main Road's alignment of the transport link, for the purposes of emergency access and active transport solutions, between Cedar Creek south precincts and Mount Nebo Road (refer **Enclosure 4**)
  - (b) include a footnote for amendment 2(i)(a) above that states: *Subject to further detailed transport planning and community consultation.*
- (ii) Amend:
  - (a) **Section 7.2.6.1.2 (a) (i)** to include the following wording – achieves effective active transport connections within this catchment, including emergency access and active transport access only to Mt Nebo Road.
  - (b) **Table 7.2.6.1.3.A – A07.2** to include the following wording – Development excludes general traffic access from Mount Nebo Road and exclusively supports emergency services and active transport use only.
  - (c) **Table 7.2.6.1.3.A** – to include the following – A07.4 Development does not rely on private vehicle access to Mt Nebo Road.

Dated this <sup>27<sup>th</sup></sup> day of <sup>May</sup> 2018



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



CLIENT  
**CEDAR WOODS  
PROPERTIES LIMITED**

TITLE  
**CEDAR WOODS  
REGIONAL ECOSYSTEM**

LEGEND

Region Ecosystem

- 12.3.7 (RE) - 16.2
- 12.3.8 (RE) - 16.6
- 12.3.16 (RE) - 5.1
- 12.11.24 (RE) - 2.2
- 12.11.25 (RE) - 16.1
- 12.11.26 (RE) - 8.2
- Low Density Tree Cover in Rural Areas (RE) - 41.6
- Low Density Tree Cover in Built Up Areas (RE) - 41.6
- Low to Moderate Tree Cover in Built Up Areas - Fig Treatment (RE) - 41.6
- Low to Moderate Tree Cover in Built Up Areas - Fig Treatment (RE) - 41.6

This plan was prepared for the purpose and exclusive use of CEDAR WOODS PROPERTIES LIMITED and is not to be used for any other purpose. This plan is conceptual and is not a detail design.

This map is not guaranteed to be free from error or omission. LandPartners Limited disclaim liability for any act, done or omission made on the basis of the information in this map, and any consequences of such acts or omissions.

SCALEBAR  
0 50 100 200 300 400  
Meters  
Scale 1:7,500 @A3 MGA Zone 56

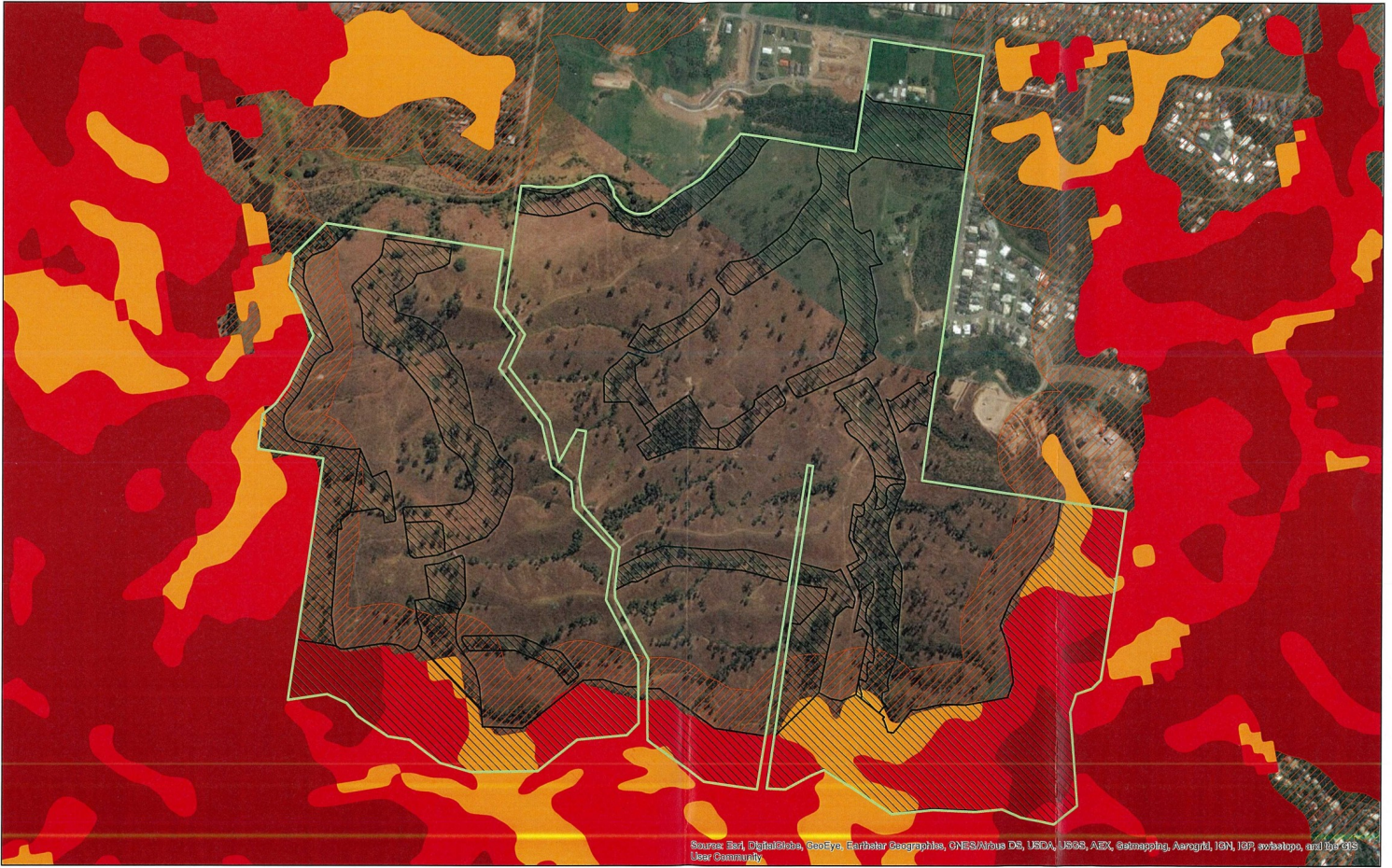
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FILE NUMBER: 668600T1

DRAWN	JDF	DATE	08/02/2017
CHECKED	WM	DATE	08/02/2017
APPROVED	DL	DATE	08/02/2017

PLAN NUMBER: WC006686.000-015

PG 6



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

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 \* Bushfire Risk Unit is derived from the density of exposed residential addresses and the distributed population of the constituent mesh block they fall within.

Scale at A3: 1:9,000  
 0 30 60 120 180 240  
 Metres

Map produced: 9/02/2017



**Map F version 3  
 Bushfire Prone Area  
 Ellendale - Upper Kedron  
 Including revised rehabilitation corridors**

*DRAFT*

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**Legend**

- Development extent
- Rehabilitation areas

**Bushfire prone area**

- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity
- Medium Potential Bushfire Intensity
- Potential Impact Buffer

Enclosure 4 - Preferred alignment of indicative future emergency services and active transport link

