

Our reference: MCU/2023/84

Decision notice— refusal

(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 2 February 2024

Applicant details

Applicant name: Arundel Estate Developments Pty Ltd
Applicant's contact details: C/- Urbis Pty Ltd Level 2
64 Marine Parade
SOUTHPORT QLD 4215

Application details

Application number: MCU/2023/84
Approval sought: Preliminary approval for a Material change of use for the Arundel Hills residential development, including a Variation request, for the Arundel Hills Development Code

Location details

Street address: Lot 18 and Lot 21 Arundel Drive, ARUNDEL QLD 4214
Real property description: Lot 18 SP231562 and Lot 21 SP144763

Decision

Date of decision: 25 January 2024
Decision details: Council has resolved to refuse the development application.
(Council Resolution G24.0125.017)

Referral agency(s) for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
- Development interfering with koala habitat in a koala habitat area outside koala priority areas (10.10.3.3.1.1) - Material change of use that is for a variation request containing Category B vegetation (10.3.4.3.1) - Development impacting state transport	State Assessment and Referral Agency	Concurrence agency	South East Queensland (South) regional office PO Box 3290, Australia Fair, Southport QLD 4215

infrastructure (Schedule 20 thresholds – Reconfiguring a lot in excess of 200 dwellings) (10.9.4.1.1.1)			
- All or part of the premises are subject to an easement for the benefit of a distribution entity or transmission entity, under the Electricity Act; and the easement is for a transmission grid or supply network. (10.9.2.2.1)	Energex	Advice agency	GPO Box 1461 Brisbane Qld 4001

Details of refusal

Council, as assessment manager, was not directed to refuse the application by one of the referral agency(s) identified above.

Reasons for refusal

Reasons for refusal are provided below in accordance with the Council resolution (G24/0125.017).

Properly made submissions

Properly made submissions were received. A list identifying the details of each principal submitter is attached.

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against the refusal of all or part of the development application. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the <i>Planning Act 2016</i>, to a development tribunal. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the <i>Planning Act 2016</i>. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the <i>Planning Act 2016</i> is attached to this notice, which sets out further information about the appeal rights.
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Referral Agency	You do not have appeal rights in relation to this decision.
Submitter	You do not have appeal rights in relation to this decision.

For further information please contact David Janson from Planning Assessment on 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Alex Glassington
Supervising Planner
For the Chief Executive Officer
 Council of the City of Gold Coast

enc:
 Statement of reasons (given under section 63(4) of *Planning Act 2016*)

Attach:
 Referral agency conditions and/or advice
 List of principal submitters for properly made submissions
 Appeal rights extracts

RESOLUTION G24/0125.017

That Council resolves to refuse the development application in accordance with the following reasons:

Reasons for refusal

The development and the variations sought to City Plan would result in the loss of Sport and recreation function over the subject site, and a loss of 67.25ha of Sport and recreation land from the City which will adversely impact the health, wellbeing, tourism economy and liveability of the City.

- 1 The removal of Sport and recreation function over the subject site and loss of 67.25ha of Sport and recreation land from the City.**
 - a Reduces the capacity of the City to support Sport and recreation land uses and activities.**
 - b Will contribute to adverse impacts to health and wellbeing, City liveability and social and community connection.**
 - c Contributes to an existing Citywide deficiency in Sport and recreation zoned land of -318ha, which will continue to grow over time.**
 - d Adversely impacts the sport and recreation tourism economy, particularly that of golf.**
 - e Is permanent, and not readily or affordably replaced.**
 - f Is not offset or balanced by any aspects of the proposed development. The proposed development does not involve the retention of any comparable sport and recreation function or land, but rather:**
 - i Private sport and educational establishment land in Lots 9013 and 9014.**
 - ii A hydraulics and flood management open space lot in Lot 9010.**
 - iii Environmentally sensitive conservation land in Lots 9004 and 9019.**
 - iv Landscaping buffers, bushfire management buffers, pocket parks, and non-trunk public open space park to service the proposed residential estate in the Precinct 4: Open Space lots.**

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan and Shaping SEQ:

- g Strategic framework, Strengthening and diversifying the economy theme, Strategic outcome 3.5.1(3) and Specific outcome 3.5.4.1(1).**
- h Strategic framework, Living with nature theme, Greenspace network element, Specific outcomes 3.7.3.1(1), (8) and (9).**
- i Strategic framework, A safe, well designed city theme, Strategic outcomes 3.8.1 (9).**

- j Strategic framework, A safe, well designed city theme, Safe, healthy and cohesive communities' element, Specific outcome 3.8.5.1 (4) and (5).
- k Sport and recreation zone code, Overall outcomes 2a, 2b, 2c and 2d.
- l Sport and recreation zone code, AO8.1, AO8.2 and PO8.
- m ShapingSEQ, Goal 2: Prosper, Element 6: Tourism, Strategies 1 and 2.
- n ShapingSEQ, Goal 4: Sustain, Element 7: Health and Wellbeing, Strategies 2, 4 and 5.

The development and variations sought to the City Plan would result in significant, adverse, and unanticipated amenity and character impacts to the surrounding residential dwellings and Arundel locality.

- 2 The proposed development would result in significant, adverse and unanticipated amenity and character impacts to the surrounding residential dwellings and wider Arundel locality due to:
 - a The replacement of a significant portion of an existing golf course and Sport and recreation zoned site with infill urban development and its associated infrastructure.
 - b In many locations, including along Canada Place, Jarvis Place, Pearson Close, Tiger Drive and Torquay Place, the proposed residential precinct directly adjoins existing low density residential dwellings, with no buffers or appropriate interface outcome.
 - c Where there are landscape buffers, these are limited in replacing the unique character and feeling of open space, and high level of amenity currently provided by the subject site and its zoning.
 - d Direct amenity impacts may include visual, noise, shadowing, traffic, parking, glare, urban heat, and light impacts.
 - e Private sport and recreation Lots 9013 and 9014 also result in potential amenity and character impacts to adjoining low density residential dwellings, including an increase in scale and intensity of the use and potential lighting, noise, visual and traffic impacts.
 - f Waterways, mature vegetation, landscaping and open spaces will be removed or altered, reducing landscape character and scenic amenity.
 - g Wider view corridors through the subject site and visual amenity of the locality as a whole will be adversely impacted.
 - h Due to the sloping nature of the existing site significant earthworks are required to achieve required pad levels, resulting in large amounts of retaining walls and poor interface and visual outcomes.

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan and Shaping SEQ:

- i Strategic framework, Creating liveable places theme, Strategic outcomes 3.3.1 (3), (4), (8) and (11).

- j Strategic framework, Creating liveable places theme, Suburban neighbourhoods element, Specific outcomes 3.3.3.1 (1) and (7).
- k Strategic framework, Living with nature theme, Greenspace network element, Specific outcomes 3.7.3.1 (8).
- l Strategic framework, A safe, well designed city theme, Landscape character element, Specific outcome 3.8.2.1 (2).
- m Sport and recreation zone code, Overall outcomes 2(a)iv–v and 2(b)
- n Sport and recreation zone code, AO8.1, AO8.2 and PO8.
- o General development provisions code, Overall outcome 2(a).
- p General development provisions code, Performance outcome PO2.
- q ShapingSEQ Goal 5: Live, Element 3, Strategy 1.
- r ShapingSEQ Goal 5: Live, Element 4, Strategy 1 and 2.

The development would result in significant environmental impacts, including removal of matters of environmental significance required to be protected in situ.

- 3 The development and the variations sought to the City Plan would result in significant environmental impacts and damage to the subject site, and proposes inappropriate rehabilitation works, as a mitigation measure, that would result in additional bushfire risk and public maintenance burden, as follows:
 - a The development and variations sought to the City Plan do not adequately protect areas that are required to be protected in situ. The provisions of the Environmental significance overlay code require the area mapped as containing a waterway on Lot 21 of the subject site to be protected in-situ. That is, no development impacts to mapped matters of environmental significance and their buffers is contemplated.

The proposal involves the removal of this waterway required to be protected in situ.
 - b The development and variations sought to the City Plan do not adequately protect mapped waterways. There are 5 mapped waterways on the subject site, with 4 proposed to be filled in to facilitate development. One is proposed for retention and modification.

The on-ground conditions generally represent natural waterways. The waterways provide habitat for native aquatic and avian species. The Ecological Site Assessment

does not contain further investigation to determine the ecological value of the mapped waterways that will be impacted by the proposed development.
 - c The development and variations sought to the City Plan do not satisfactorily avoid or mitigate impacts to medium priority vegetation. The proposed development has not attempted to avoid or mitigate impacts to medium priority vegetation. The Environmental Offsets Act 2014 framework requires that impacts are addressed in a hierarchy of first being avoided, then mitigated before any significant residual impacts are offset as a final consideration. The proposed

development contemplates the removal of 24,715m² of mapped medium priority vegetation (MPV) on the subject site.

The impacts on MPV are proposed to be offset through a combined restoration and financial offset. As outlined in the submitted Ecological Site Assessment, the proposed development will result in 67,419m² of reconstruction planting and a financial settlement offset of \$58,376.72.

Offsetting the majority of mapped medium priority vegetation does not adequately avoid or mitigate impacts in the first instance. Further to this, the extent of rehabilitation planting proposed is unsupportable due to the introduced bushfire hazard that it creates for existing dwellings and the ongoing maintenance burden on Council.

- d The development and variations sought to the City Plan reduce the greenspace network of natural landscape areas and does not enhance, maintain, or improve upon available habitat connectivity and wildlife corridors.

The subject site is an essential wildlife corridor within the urban footprint that provides habitat and safe movement for fauna under Arundel Road and towards the Coombabah Wetland Reserve. It is also a refuge for native wildlife within a dense urban setting and contains the endangered Regional Ecosystem 12.11.23.

The proposed development will significantly reduce habitat availability and movement opportunities for koalas. The possibility of the site becoming unviable to support koala populations is likely, given the extent of the development footprint and habitat removal proposed.

Further to this, the site forms part of the Green Space Network and a fauna movement corridor throughout the surrounding landscape. The proposal would significantly constrain this movement corridor.

- e The proposed rehabilitation works cannot be supported as they result in additional bushfire hazard risk. The proposed restoration works on Lot 21 will introduce risk to life and property to the residential properties that are external to the site as adequate bushfire radiation zones to mitigate increased radiant heat flux levels to less than 40kW/m² have not been addressed or demonstrated in the submitted Bushfire Management Plan (BMP). As such, this development proposes an intolerable bushfire risk. The proposed rehabilitation cannot be considered as a mitigating factor to offset impacts to mapped matters of environmental significance.

Further to this, the bushfire buffer that is proposed to separate houses adjoining Lot 21 will introduce an ongoing maintenance cost to the City. The buffer, that will also be utilised as a fire trail, is approximately 1,600m long and will require ongoing maintenance to ensure that grass height is maintained, ground fuel is managed, overhanging branches and dead or dying trees are removed and signage is maintained. As such, the extent of resources that are required to ensure that a low risk is maintained for houses external to the subject site will generate an ongoing maintenance burden to the City and it has not been demonstrated the development can undertake the subject rehabilitation.

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan and Shaping SEQ:

- f Strategic framework, Living with nature theme, Strategic outcomes 3.7.1(1), (2), (4), (5), (6) and (8).
- g Strategic framework, Living with nature theme, Greenspace network element, Specific outcomes 3.7.3.1(1), (2), (5), (8), (9) and (10).
- h Strategic framework, Living with nature theme, Nature conservation element, Specific outcomes 3.7.4.1(1), (2), (3), (4), (5), (6) and (7).
- i Strategic framework, Living with nature theme, Coastal wetland and waterway areas element, Specific outcomes (1), (6) and (7).
- j Environmental significance overlay code, Overall outcomes 2(a), 2(b), 2(d), 2(e), 2(f) and 2(h).
- k Environmental significance overlay code, Performance outcomes PO1, PO3, PO5, PO9, PO10, PO11, PO12, PO18 and PO22.
- l Bushfire hazard overlay code, Overall outcomes 2, 3a and 3b.
- m Bushfire hazard overlay code, Performance outcomes PO1, PO2, PO4 and PO7.
- n ShapingSEQ, Goal 4: Sustain, Element 3, Goal 1.

The proposed residential density, lot layout and character are inconsistent with the established residential character of the area

- 4 The development and the variations sought to City Plan will result in a residential density, lot layout and character outcome inconsistent with the established residential character and lot pattern currently adjoining and surrounding the subject site, by way of the following:
 - a Small residential lot sizes, to a minimum of 285m² and average of 475m², providing a residential density and intensity of development not anticipated within the Suburban neighbourhood or consistent with the established lot size pattern of the area. Suburban neighbourhoods anticipate low density, low intensity residential development, with lots less than 600m² only anticipated in limited circumstances to achieve a dispersed or gentle-scattering effect. The local area generally contains lots from 600m² to 800m².
 - b Narrower average lot frontages, including streets with an average lot frontage width of under 12m, increasing scale and intensity, reducing street trees and feeling of open space, and reduction of on street car parking spaces.
 - c Significant earthworks and retaining walls to accommodate the development at the proposed density, including external facing retaining walls up to 3.5m in height.
 - d Removal of established vegetation and landscaping within development footprint areas to accommodate the proposed density.
 - e Erosion of established built form and setback outcomes established within the surrounding residential estate and under design covenants for the original Arundel Hills Country Club Estate. Despite the reduced lot sizes and inclusion of a Variation request, no relevant building design or setbacks standard have been established under the Variation request to address this.

- f Reduced street widths, including poorly managed interfaces with existing street connections.**

As a result, the development and the variations sought to City Plan are inconsistent with the following environmental assessment benchmarks of the City Plan and ShapingSEQ:

- g Strategic framework, Creating liveable places theme, Strategic outcomes 3.3.1 (3), (4), (8) and (11).**
- h Strategic framework, Creating liveable places theme, Suburban neighbourhoods element, Specific outcomes 3.3.3.1 (1) and (7).**
- i Strategic framework, A safe, well designed city theme, Strategic outcome 3.8.1 (2).**
- j General development provisions code, Overall outcome 2(a).**
- k General development provisions code, Performance outcome PO2.**
- l Reconfiguring a lot code, Overall outcome 2(a).**
- m Reconfiguring a lot code, Performance outcomes PO15 and PO17.**
- n ShapingSEQ Goal 1: Grow, Element 2, Goals 2 and 3.**
- o ShapingSEQ Goal 1: Grow, Element 3, Goal 1.**

The development provides a subdivision design and pedestrian network which will result in adverse safety, vehicle access, infrastructure and amenity impacts.

- 5 The development and the variations sought to the City Plan include non-compliant street layout and road design outcomes that do not comply with SC6.11 City Plan policy – Land development guidelines and relevant benchmarks of the City Plan. These design outcomes would result in an inadequately designed residential estate with adverse safety, vehicle access and amenity impacts to future and adjoining residences. This includes the following:**
 - a Reduced verge widths, to a minimum of 0.5m, that cannot accommodate footpaths, public utilities and infrastructure, safety buffers for vehicles and pedestrians, or street trees.**
 - b Short stub roads using a residential laneway profile cannot accommodate appropriate verge widths or stormwater infrastructure.**
 - c Streets dominated by narrow lots with no regard to vehicle crossover layout and impacts on pedestrian movement and safety, public utilities and infrastructure, street trees and impacts on the provision of on-street carparking spaces.**
 - d Pedestrian footpaths through public Open space lots/bushfire buffer zones with no regard to crime prevention through environmental design outcomes, increasing the opportunity for crime and reducing safety for users.**

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan and ShapingSEQ:

- e Strategic framework, Creating liveable places theme, Strategic outcome 3.3.1(8).**

- f Strategic framework, Creating liveable places theme, Suburban neighbourhoods element, Specific outcome 3.3.3.1(2).
- g Strategic framework, A safe, well designed city theme, Urban design, character and community identity element, Specific outcome 3.8.3.1(2).
- h General development provisions code, Overall outcome 2(a).
- i General development provisions code, Performance outcome PO6.
- j Reconfiguring a lot code, Overall outcomes 2(a) and (h).
- k Reconfiguring a lot code, Performance outcomes PO15, PO17 and PO23.

The development does not provide for adequate trunk and non-trunk public open space.

- 6 The development and the variations sought to the City Plan do not provide for adequate trunk and non-trunk recreational public open space to meet the needs of future proposed residents and the existing community. The development results in a shortfall of approximately 2000m² of public recreational open space.

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan:

- a Strategic framework, Living with nature theme, Greenspace network element, Specific outcomes 3.7.3.1(9) and (10).
- b Strategic framework, A safe, well designed city theme, Safe, healthy and cohesive communities element, Specific outcomes 3.8.5.1 (4) and (5).
- c Reconfiguring a lot code, Overall outcomes 2(i).
- d Reconfiguring a lot code, Performance outcomes PO21 and PO22.
- e Reconfiguring a lot code, Acceptable outcomes AO21.1, AO21.2, AO21.3, AO22.1 and AO22.3.

The development would result in adverse traffic impacts to the City's road network.

- 7 The development would result in additional traffic volumes that would adversely impact the City's road network, by way of queuing from the Arundel Drive / AB Paterson roundabout impacting on the Arundel Drive / Brisbane Road intersection and surrounding Council road network.

As a result, the development and the variations sought to City Plan are inconsistent with the following assessment benchmarks of the City Plan:

- a Strategic framework, Improving transport outcomes theme, Strategic outcomes 3.6.1(3), (5) and (7).
- b Strategic framework, Improving transport outcomes theme, Transport system efficiency element, Specific outcomes 3.6.4.1(4) and (5).
- c Transport code, Overall outcomes 2(b) and (e).
- d Transport code, Performance outcome PO20.

A residential estate of the form, scale, and intensity proposed is not intended for the subject site.

- 8 A residential estate of the form, scale and intensity proposed is not intended for the subject site, noting the following provisions of the City Plan:
- a Table 5.5.6: MCU – Sport and recreation zone (where not in a precinct).
 - b Table 5.6.1: Reconfiguring a lot.
 - c Sport and recreation zone code, Overall outcomes 2(a), (b), (c) and (d).

There is no need for a residential estate of the form, scale and intensity proposed on the subject site.

- 9 There is no need for a residential estate of the form, scale and intensity on the subject site.

There are insufficient relevant matters to substantiate a favourable consideration despite the non-compliances listed above.

- 10 There are insufficient relevant matters which would favour approval of the development and the variations sought to the City Plan. There are relevant matters which further support refusal of the application including an existing conflicting approval.

The development and the variations sought to City Plan would not advance the purpose of the *Planning Act 2016*

- 11 For the reasons set out above, a decision to approve the development and the variations sought to City Plan would not advance the purpose of the Planning Act 2016 as:

- a It does not contribute to ecological sustainability, as follows:
 - i it would erode the protection of land intended to support the health, and physical and social wellbeing of the community through sport and recreation.
 - ii It compromises achieving economic development.
 - iii it compromises the provision of integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction.
- b it would be inconsistent with the provision of an effective, transparent, coordinated, and accountable system of land use planning.

In the public interest, the development and the variations sought should be refused.

- 12 For the reasons set out above it is in the public interest that the decision-making discretion be exercised to:
- a refuse the development application pursuant to section 60(3)(c) of the *Planning Act 2016*
 - b refuse the variations sought to City Plan pursuant to section 61(3)(b) of the *Planning Act 2016*.

Statement of reasons (given under section 63(4) of the *Planning Act 2016*)

Details of proposed development	The proposed development is for a Preliminary approval for a Material change of use for the Arundel Hills Development Code, including a Variation request, for the Arundel Hills Development Code.
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • Strategic framework • Sport and recreation zone code • Acid sulfate soils overlay code • Airport environs overlay code • Bushfire hazard overlay code • Environmental significance overlay code • Flood overlay code • Industry, community infrastructure and agriculture land interface area overlay code • Landslide hazard overlay code • Reconfiguring a lot code • General development provisions code • Healthy waters code • Transport code • South East Queensland Regional Plan 2017 – Shaping SEQ
Relevant matters	The proposed development was assessed against, or having regard to, the following relevant matters: • Use of the site (golf course is not efficient or viable use of land). • Severe housing and land shortage. • Accommodating the needs of A.B. Paterson College. • Existing conflicting development approval - Sohken Australia Pty Ltd v Gold Coast City Council – Planning and Environment Court Appeal No.BD2891 of 2007
Reasons for refusal	Reasons for refusal are provided within the decision notice above in accordance with Council Resolution G24.0125.017.
Findings on material questions of fact	• City Plan • South East Queensland Regional Plan 2017 – Shaping SEQ • State Planning Policy • Other relevant matters
Evidence or other material on which the findings were based	• The common material

Matters raised in submissions

Matters	Officer comments
Matters in objection	
<u>Amenity and character</u> Submitters raised a range of concerns regarding loss of amenity and character currently provided by the subject site's Sport and recreation zone and its established use of a golf course. Submitters state the green and open nature of Arundel, afforded by the subject site, are one of the suburb's defining and most attractive characteristics. The following key issues were raised by submitters: • The subject site currently attracts wildlife and provides a unique sense of, openness, green character and visual amenity. Many submitters provided photos and stories of the positive character elements, including large amounts of wildlife interaction. • In many situations there will be direct amenity impacts from the proposal, including adjoining residential development resulting in additional noise, lighting, traffic and parking, including to those who currently live on cul-de-sacs. • The strong environmental and wildlife character of the land will be significantly impacted with the loss of vegetation and reduction in wildlife. • Proposed green buffers and boundary parks to existing dwellings are narrow and not a replacement for the existing amenity, open space and mature vegetation. • The private sport and recreation fields and their education activities will result in new noise, traffic and lighting issues, including from new buildings and lighting. Reporting should be undertaken on lighting impacts. • New residential lots are out of character with established pattern of area, including narrower and smaller lot sizes, significant earthworks and retaining walls, increased density and narrower	City officer assessment supports the concerns raised in relation to amenity and character. Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.

street widths. The original estate had design covenants that provided for a high standard of residential character. The key theme of the objections was that once lost, green space cannot be replaced.	
<u>Environment</u> Submitters raised concerns regarding various environmental impacts from the proposal, including loss of native vegetation and fauna habitat, loss of fauna in particular the koala, removal of naturalised waterways, impacts to water quality and increased urban heat island effects. Wider impacts on global warming, the City's air quality and increased carbon emissions were also cited. Several submissions noted that a full environmental impact assessment by an independent body should be undertaken.	City officer assessment supports the concerns raised in relation to local environmental impacts on vegetation, waterways and wildlife. Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation. It is not considered an independent environmental impact assessment is required, as sufficient information has been submitted by the applicant and obtained by City officers to make a full and thorough assessment against City Plan benchmarks, and any other relevant matters.
<u>Environment – Referral under Environmental Protection and Biodiversity Conservation (EPBC) Act</u> Several submitters stated the application should be referred to the federal government under the provisions of the EPBC Act.	City officers acknowledge this matter and have advised the applicant of potential referral requirements. However, Council has no authority to compel the applicant to undertake the referral which is separate to the development assessment process.
<u>Traffic</u> Submitters raised concerns with the additional traffic volumes generated by the proposal, on both local streets and higher order roads, in particular Arundel Drive and its intersections at Brisbane Road and Napper Road. Peak hours, inclusive of school drop off and pick up, were cited as the primary issue. Examples of more localised issues include changed traffic patterns on lower order streets and cul-de-sacs, rat running, parking, and increased traffic from potential weekend sporting events on the private sport and recreation lots.	City officers acknowledge the issues raised by submitters. Detailed assessment and consideration of the traffic impacts from the proposal has been undertaken and are provided in section 5.3.2.3 of this report under the Transport code. Officers have determined the proposal complies with the majority of the City Plan assessment benchmarks in relation to traffic impacts, with the exception of queuing impacts on the Arundel Drive/Brisbane Road intersection. For other roads, additional traffic volumes are within the expected design capacity. Notwithstanding traffic impact assessment, officers have considered traffic amenity impacts on local streets and cul-de-sacs such as the Chichester Drive catchment. On this matter, officers consider the proposed subdivision layout and street network would contribute to unreasonable amenity impacts and have included this as a reason for refusal. Officers also advise that impacts to state controlled roads have been assessed by the

	Queensland state referral agency SARA.
<u>Loss of sport and recreation zoned land</u> Submitters objected to the loss of publicly accessible sport and recreation and golf course facilities, noting there is no like for like replacement or retention of sport and recreation zoned land. The following concerns were raised: • Sport and recreation zoned land, like general open spaces and green spaces, cannot be replaced once lost. • The locality and adjoining streets were developed around the provision of the golf course, and its sport and recreation function. • The subject site also provided a publicly accessible driving range, gymnasium, swimming pool and tennis courts. These provided supporting sport and recreation function and community benefit. • Concerns that the proposed private sport and recreation lots will not be accessible to the public, and only benefit a limited private school community. • Preserving the golf course will provide economic and social boost to the area.	City Officers assessment supports the concerns raised in relation to loss of sport and recreation zoned land, and the subsequent impacts on the City. Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.
<u>The proposal does not comply with the City Plan – Strategic framework benchmarks</u> Submitters note that the proposal does not comply with specific benchmarks of the City Plan in relation to the Sport and recreation zone.	City Officers assessment also concluded that the proposal would result in direct conflicts with City Plan benchmarks. Officers note that the applicant has submitted other relevant matters in support of the application, pursuant to 45(5) of the <i>Planning Act 2016</i>. Officers have undertaken a detailed assessment of the relevant matters put forward and concluded they do not substantiate a favourable consideration despite the City Plan non-compliances, and in some cases, are not relevant to the assessment.
<u>Lack of infrastructure</u> Submitters raised concerns that there is a lack of public and private infrastructure to service the additional residential density, including local parks, shops, schools, health care, sewer and water infrastructure, and community facilities. The proposal will contribute to overpopulation	City officers acknowledge the issues raised and have refused the application based on some of the mentioned matters. Other matters, such as the provision of schools and health care services are not related to the development assessment process and have not been included as a reason for refusal.

of the area.	
<u>Flooding impacts and hydraulics</u> Submitters raised concerns regarding: - Existing flooding on the golf course being worsened and impacts to adjoining properties. - Filling of lakes. - Golf course acted as flood mitigation device with increased filtration. - Accuracy of the submitted hydraulic reports, including the statement that no existing flooding occurred. - No consideration of above a 1 in 100 year event.	City officers acknowledge the issues raised by submitters. Detailed assessment and consideration of hydraulic and water quality matters has been undertaken by officers, including peer review from an independent hydraulic expert. Officers have determined the proposal complies with City Plan assessment benchmarks in relation to flood hazard, and the management of stormwater quantity and quality. Officers reviewed specific queries and concerns raised by submitters, and note the following: - Overland flow paths are not considered in the flooding assessment and mapping, hence the applicant's statements that no flooding to existing properties occurs. It is not possible to map and consider all overland flow paths on the site. - City Plan benchmarks do not require assessment of above a 1 in 100 year event. - Officers are satisfied that the stormwater and flood management strategy would reduce flooding across the site.
<u>Settlement pattern and development precedence</u> Submitters raised concerns regarding: - Impacts on other golf courses across the city by setting a precedence. - Loss of tourism on Gold Coast - Wider environmental impacts - Approval of the development would undermine the strategic planning process and the City Plan	City officers agree that approval of the proposal may contribute to an adverse settlement pattern within the City. Whilst all development applications are assessed on the individual circumstances of the site and merits of the application, approval may contribute to an adverse settlement pattern whereby private Sport and recreation zoned land is sought to be further developed, compromising the wider supply of Sport and recreation zoned land in the City and City-wide amenity and character. Officer assessment also supports the concern the development may impact tourism economy of the City. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.

<u>Security concerns</u> Submitters adjoining the subject site note that new walkways do not incorporate CPTED principles, will encourage crime, and result in a loss of privacy.	Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.
<u>Construction impacts</u> Concerns raised of long term amenity impacts during construction that are not consistent with the expected outcomes for the site, such as noise, dust, traffic and the like.	City Officers would normally note these are anticipated outcomes of residential development that would be managed by standard construction management and building noise regulations. However, the site is not anticipated for residential development and therefore adjoining residents would have the reasonable assumption that construction amenity impacts of the like would not occur. Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.
<u>Loss of community facility (Golf course and clubhouse)</u> Submitters noted the important role the subject site played in connecting the community, including the functions of the club house and its associated facilities such as dining, functions, special community events, gym, pool and tennis courts. Concerns raised that social and community connection would be eroded as a result of the development. Suggestions provided to maintain sport and recreation function and zoning over the site, such as a 9 hole golf course	Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections and are provided at the end of this report in the officer recommendation.
<u>Additional maintenance burden of City of Gold Coast and ratepayers</u> Submitters raised concerns that the development would result in unreasonable public maintenance burden on the City as a result of additional roads, infrastructure, parks and so forth.	City officers note these concerns. Notwithstanding Council's refusal of the application, some aspects of additional maintenance burden would be accepted as a part of the development, whilst others, such as bushfire management on public open space lots, does not comply with public land standards and would not be accepted by Council.
<u>The owner's poor operation and maintenance of the golf course is not a relevant matter</u> Submitters noted that the owner's commercial operation and maintenance issues with the golf course should not be considered as a relevant matter in the assessment.	City officers generally agree with this concern, and within the report officers note that the City Plan provides opportunities for supporting development on private sport and recreation zoned lots.

<u>Proposal will not actually provide affordable housing</u> The development will not actually provide affordable housing, and the applicant's contention that it will is inaccurate. Submitters noted the cost of house and land in the local area.	City officers agree with this concern, and do not support the applicant's position that the application should be approved in order to provide improved housing affordability and potential affordable housing.
<u>Indigenous cultural impacts</u> Concerns raised the cultural heritage impacts have not been considered or addressed.	Applicants and owners are required to maintain compliance with the <i>Aboriginal Cultural Heritage Act 2003</i> at all times. The Act establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: - a Is not negated by the issuing of this development approval. - b Applies on all land and water, including freehold land. - c Lies with the person or entity conducting an activity. - d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.
<u>Landslide hazard – change to natural ground level</u> Concerns the development and large amount of earthworks will result in risks to landslide hazard.	The subject site is mapped as containing Moderate landslide hazard risk within southern sections of Lot 18. The applicant submitted a Preliminary geotechnical investigation report, prepared by Soil Surveys, to address the code and make recommendations in relation to future bulk earthworks, batters, retaining walls and drainage. Officers have reviewed the report and agree with the findings. Any future earthworks development will require Code assessable development applications to be lodged and approved by Council.
<u>Mental health and wellbeing</u> Submitters stated the development application itself, and the potential future development it proposes, have cause stress and mental health impacts in the community. The application should not be permitted to be lodged.	City Officers note the concerns raised by submitters, but confirm that the applicant has the right to lodge this type of development application under the <i>Planning Act 2016</i>. Regarding impacts from the development itself, Council officers have considered this under the scope of amenity and character. As noted above, amenity and character has

	formed one of the reasons for refusal of the application.
<u>Bushfire</u> Submitters raised concerns regarding increased bushfire hazard from rehabilitation vegetation in conservation zone.	Officers have recommended refusal of the application. The reasons for refusal include matters raised within the objections, and are provided at the end of this report in the officer recommendation.
<u>No centre zones or commercial facilities</u> Submitters raised concerns regarding a lack of local shopping facilities to service the development.	City officers agree with the issue raised, noting City Plan benchmarks require a small neighbourhood shop to be provided for this sized development. This has been included as a reason for refusal.
<u>Fire Ants</u> Concerns raised that the development would result in fire ant issues.	City officers do not consider this is a relevant development assessment matter.
<u>Present and future maintenance of the golf course</u> Concerns raised regarding the unsightly nature and overgrown grass on the subject site.	City officers do not consider this is a development assessment issue.
<u>Engineering documentation is erroneous, has not been checked by RPEQ or peer reviewed</u> Concerns raised with various errors or methods used in the engineering reporting.	City officers are satisfied with the engineering documentation provided. Where required, RPEQ certification for the design has been provided.
<u>Council should purchase the land for a public golf course or parkland.</u> Submitters requested that Council purchase the subject site and conserve it for sport and recreation, conservation or green space functions.	The City's strategic land acquisition programs are designed around the targeted purchase of properties to ensure the long-term viability of wildlife corridors and infrastructure and recreational enhancement across the Gold Coast local government area. The program strategically identifies potential properties for inclusion based on multiple and varied factors. The subject property is not currently identified for inclusion within the City's strategic land acquisition programs.
<u>A review by the Foreign Investment Review Board is required regarding the previous owners.</u> Concerns raised regarding the previous owners of the site.	City officers do not consider this is a relevant development assessment matter.
<u>No Electrical impact assessment</u> Concern raised that no electrical impact assessment was undertaken for the proposal.	Council officers do not consider this is a relevant development assessment matter. Notwithstanding this, Council officers note that Energex were a referral agency for the

	application and no concerns were raised.
<u>No construction impact assessment has been undertaken</u> Concern raised that no construction impact assessment was undertaken for the proposal.	City officers do not consider this is a relevant development assessment matter.
<u>Insufficient consultation undertaken by Council and developer</u> Concerns raised that insufficient consultation has been undertaken by Council and the developer for the application.	Council is not the developer for this application. Council is the assessment manager and is required to assess and decide the application. The application was lodged by a private developer who has complied with relevant legislative requirements including a 30 business day public notification period from 31 August to 17 October 2023.
<u>Division 7 is not currently represented</u> Submitters expressed concerns that no local representation was available for Division 7 and requested decision of the application be deferred.	Previous advice from the Office of the Mayor has been provided on this issue. In summary, Full Council resolved on Tuesday 24 October that the Mayor be authorised to be consulted on routine Council matters otherwise performed by the Councillor for Division 7. City officers have been advised to continue to prepare a decision for the application.
<u>Property values</u> Concerns that the proposal will adversely impact adjoining property values.	City officers do not consider this is a relevant development assessment matter.
Matters in support	
<u>Development will supply additional housing supply</u> Submitters supported the additional housing supply the proposal would provide for.	City officers acknowledge the benefits provided by additional housing and land supply, and this matter is discussed through the report. However, it is not considered to warrant approval of the application noting the significant non-compliances with the City Plan and regional plan. City officers have recommended refusal of the application.
<u>Incorporation of open space and sporting facilities for the public</u> Submitters supported the new open spaces and sporting and recreation facilities for the public.	The proposal does not provide for any sporting facilities for the public. Open space land is generally provided for landscaping buffers, bushfire management zones and open space to service the residents of the proposed development. City officers also note the safety and crime issues with many of the proposed pedestrian paths through open space lots. City officers have recommended refusal of the

	application.
<u>Number of golf courses within the City</u> Submitters stated that there are a sufficient number of golf courses in the City and it is difficult to make them commercially viable.	City officers have discussed this issue within the report. It is not considered a relevant matter in assessing the application. Officers also note the commercial viability of one specific sport and recreation use (golf) does not dictate the viability of the wider Sport and recreation zone. City officers have recommended refusal of the application.
<u>Development will provide sporting facilities for AB Paterson College</u> Submitters supported the provision of additional facilities for the college, noting the Sporting success of school and that the land may be used by community based sporting teams.	City officers do not consider this is a relevant matter in assessing the application. Officers also note there is no requirement or guarantee the private sport and recreation lots will be available for public or wider community use. City officers have recommended refusal of the application.