

RESPONSE TO YARRUM EQUITIES SUBMISSION REGARDING MT COTTON VILLAGE:

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1. EXECUTIVE SUMMARY

Mt Cotton Village has had a long planning history that some may call disjointed. Significant legislative changes have occurred since the inception of the estate in 1973 with the designation of 550ha of forested land for residential use. The development has had many developers with Yarrum Equities Pty Ltd being the latest. Development approvals for the estate have been amended with each successive owner in an attempt to deal with these changes.

The site is located in a relatively remote area and faced significant charges for water cycle services at the outset. In this early phase of the development, a lack of public transport and other basic services contributed to inconsistent land sales program for the project.

Infrastructure placed a heavy financial impost on the development from the outset. These costs have had to be carried throughout the life of the project whilst new charges are added as the need for improved community services grow.

The estate is located in an area with significant environmental values, with State legislation adding successive layers of control for the protection of vegetation and fauna species on the site.

Council and the State Government negotiated acquisition of approximately 155ha of land from the development area for conservation purposes. An issue is whether this was an inadequate response to the environmental impact that may occur with development of the site.

In summary, the estate has significant environmental and planning issues that are to be addressed, at a time when Council and other agencies are under pressure to meet legislative requirements.

2. LOCATION

Mt Cotton Village is located on a site adopted in 1973 as part of the Federal Government's Satellite Cities Program.

At the time of rezoning, location was remote from retail and commercial facilities, did not have access to regulated public transport and did not have water cycle services available.

The only infrastructure that was available at the time of approval in the 1970's was a nearby rural primary school.

The site is heavily vegetated with extensive stands of native vegetation. We now know the area to be a significant koala habitat recognised as Koala Conservation Area and the site vegetation designated as Dominant Endangered Remnant Regional Ecosystem.

3. HISTORY

(a) **Deeds**

Redland Shire Council's involvement commenced with a development application to rezone 550ha of land from the rural zone to residential. Under legislation of the day a deed of agreement with Council was signed in May 1974, setting down extensive conditions for management and servicing of the land. This deed provided for residential use of the land but a raft of additional approvals was and still is required under State legislation. These include other approvals include subdivision, engineering works, park treatments, vegetation protection and environmental management. The deed required an extension to the water supply system of some 18 km, and provision of a sewerage treatment plant for an ultimate population of 6000 to 7000 people.

The financial impact of \$1.65 million for the water supply extension and further amounts for major sewerage treatment facilities had a major impact on the early viability of the development.

(b) **Changes**

Council has dealt with a further 7 deeds of agreement since 1974, assigning development rights to a procession of owners/developers. As part of a subsequent deed and the 1988 Redland Shire Town Plan, the zoning was changed from residential to comprehensive development. The consequence of that is that a dwelling house is not now as of right on allotments produced in the estate. This adds an additional layer of planning assessment to the process, before dwellings may be approved and constructed.

Since the adoption of Council's Strategic Plan in 1997, a process of master planning for the development has commenced. The latest version of that plan was lodged with Council in August 2003. As well as the master-planning process, all Queensland local authorities are going through a process of developing new planning schemes under the provisions of the Integrated Planning Act (IPA). Redland Shire has partially completed that process and consequently, the proposed Masterplan for Mt Cotton Village was rolled into that process.

Council's IPA planning scheme is presently under State Interest Review by Queensland State Government. This process may not be concluded for many months as the public notification phase and Council adoption phase are yet to occur.

c) **Environment**

The remote location of the development encouraged various agencies to consider the value of the local flora and fauna on the development site. With each subsequent development application, a growing awareness of the regional environmental values of the site developed.

Concerns have been growing for an extensive koala population in and surrounding the site, the Queensland Government adopted a State Planning Policy in 1997 for the identification and management of the koala population. Of the 3 levels of habitat value in the State policy, Mt Cotton Village is located in the centre of the habitat with highest value (Koala Conservation Area).

Subsequent studies have also been directed towards water quality, as the site straddles Native Dog Creek which flows to RAMSAR-listed sites in the form of wetlands, waterways (Logan River) and marine environments (Moreton Bay Marine Park).

Vegetation studies have also occurred, following the adoption of the Queensland Vegetation Management Act. These studies have led Queensland's EPA to designate the native vegetation on the site as "Endangered Dominant Remnant Vegetation Ecosystem". The casual observer of this extensive site would describe the site as "heavily timbered" with eucalypts being thickly located with many aged examples (habitat trees). There are many

other species of significance on the site, which give rise to the need for assessment under State and Local legislation.

(d) **Land Acquisition**

In 1998, Council and the Queensland Government identified the very significant impact the proposed development was likely to have on the koala and vegetation ecosystems. Council commenced negotiation to acquire approximately 150ha of the development site from Bayview Country Club Pty Ltd.

This particular area was identified as providing the best outcome for preserving the koala's core habitat. The acquisition was funded jointly by Redland Shire and the Queensland Government and was negotiated by the respective parties in the full knowledge of the effects urbanisation of the site could have.

The acquisition area is now managed by Queensland's National Parks and Wildlife Service. This indicates that Council's concern for the impacts of this development are well considered.

(e) **Staffing**

Redland Shire has experienced the same staffing difficulties as has many other similar local authorities. In recent years, the demand for residential lots has caused applicants to flood Council with subdivision proposals.

The consequence of these very high demands has fuelled the demand for development professionals in consultancies and assessment agencies. This situation has led to competition for labour resources and consequently rising remuneration rates.

Local authorities are not geared or financially able to compete for professionals in a way that private industry can. This has left Redland Shire struggling to retain planners, engineers and environmental officers in the assessment areas.

The struggle has been not only to retain present staff, but most importantly, not being able to increase the establishment to address the rising demand for development assessment. It is common for Council's advertisements for these positions to have no applicants. The current situation is further affected by demands for resources to develop new planning schemes by June 2004 for all local authorities

It is not expected that this situation will change during this period of high demand.

In Redland Shire, the rising demand for residential land has continued for more than 5 years. The development assessment staff establishment numbers have risen in an effort to deal with the increased demand.

5. APPEALS

The Productivity Commission has received submissions purporting to describe the outcome of a number of appeals to the Planning and Environment Court against decisions of Redland Shire Council.

The Council does experience appeals associated with development decisions. These appeals are over development conditions, submitter (objector) concerns or refusals.

There are a very small number of cases where Council decides not to accept the recommendation of professional officers, of which some of these decisions are appealed.

Council has dealt with appeals ably assisted by very capable legal resources. Without getting into specifics, Council's results from appeals that have proceeded to court are well

above average. This reflects the Council's approach to seeking to negotiate a settlement of differences wherever possible. Council does not deal with appeals lightly or without concern for costs and likely outcomes. Consequently, the results of appeals to the Planning & Environment Court strongly support Council's Strategic Plan and other planning instruments.

6. LEGISLATION

Mt Cotton Village, as a development proposal, is a reflection of 1970's thinking for decentralisation of the urban footprint. Due to numerous downturns in the housing economy over the decades since the initial approval, sales of land in this estate has seemed to be extremely varied and at times not strong. The sites remoteness and each developer's extremely varied approaches to development concepts for residential land, has not assisted the sales program.

Over the 30 years or so of the development, legislation of all types has effectively swamped the expectations of the original development concepts and planning regime. This legislation has come from Local, State and Federal governments.

Examples of the key legislation which have impacted on the development include:

- Federal Govt Satellite City Program 1973
- Local Government (Planning & Environment) Act 1992
- Environment Protection Act 1994
- State Planning Policy 1/97 (Koala Coast Policy)
- Integrated Planning Act 1997
- Vegetation Management Act
- Coastal Protection and Management Act
- Council policy development (progressive)

Each piece of legislation has had a significant impact on the planning and environmental outcomes for the estate. Impacts have included added layers of assessment and restriction on various aspects of the development.

The most significant impact has been the uncertainty the developer now faces for the completion of the estate in terms of the original approvals. Each new law has also brought delays in understanding the consequences for the approvals and changes that may occur to development potential of the estate.

7. CONCLUSION

This site is complex from a town planning sense, and is located in an environmentally significant area of South East of Queensland.

Rising community concern for the impact on the environment and for achieving better community outcomes has led to the need for greater scrutiny of the development. When this occurs at a time of greater demand for vacant land and under higher levels of State legislation, the process will inevitably be more heavily scrutinised.