
**CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE SUSTAINABLE
PLANNING ACT 2009**

Pursuant to section 425 of the *Sustainable Planning Act 2009* (SPA), I hereby call in to reassess and re-decide a development application by Huntsman Property Pty Ltd c/- PLACE Design Group for a master planned community at 170 Brompton Road; 113, 116, 170, 257 and 266 Ross Road; and 390 Levitt Road, Upper Kedron, Brisbane. The development application is for a preliminary approval under section 242 of the SPA to vary the effect of the Brisbane City Plan 2000 (planning scheme) for material change of use, building work, operational work and reconfiguring a lot – residential uses, centre activities and open space/environmental purposes, and for a development permit for reconfiguring a lot – 356 residential lots, 1 lot for the purpose of neighbourhood centre activities and 3 open space lots in 2 stages.

Brisbane City Council approved the development application, subject to conditions, on 9 December 2014.

State interests

Under Section 424 of SPA, I may call in a development application only if the development involves a state interest. A state interest is defined in Schedule 3 of SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

A State Planning Policy (SPP) advances the purpose of SPA by stating the state's policy about a matter of state interest (section 22(b) of SPA). A designated region's regional plan is taken to be a state interest under section 35 of SPA.

I consider the proposed development involves the following state interests:

- (i) an economic and environmental interest of a part of the state:
 - The proposed development (as approved by council) will provide approximately 980 lots
 - The applicant purports that the original proposal would:
 - equate to approximately 2,000 dwellings
 - stimulate \$900 million in investment
 - provide Neighbourhood Centre activities which will create more than 550 permanent jobs
 - create up to 1,000 jobs at peak construction periods
 - create significant multiplier effects flowing through to other parts of the economy
 - revegetate degraded areas to provide more habitat for fauna
 - hand over to the community 40% of the site (currently in private ownership and inaccessible to the public) for recreation and conservation purposes.

- Biodiversity state interest (Part E of the SPP) - The site is shown as including MSES (Regulated vegetation, Wildlife habitat, Regulated vegetation intersecting a watercourse, and High Ecological Significance)
 - Natural hazards, risk and resilience state interest (Part E of the SPP) - The site is shown as including Flood hazard and Bushfire hazard areas and Potential bushfire impact buffers on the SPP mapping
- (ii) the South East Queensland Regional Plan 2009-2031 (regional plan):
- The strategic direction '*Accommodating future residential and employment growth*' in "*Part B Regional vision and strategic directions*" states that "*Future residential growth will be accommodated through a combination of redevelopment and the use of ... remnant broadhectare land*". The regional plan describes broadhectare lands as "*... undeveloped lots that could potentially be developed for urban residential purposes but are not currently zoned for higher density development. They are located within the Urban Footprint, and are usually surrounded by urban development or near existing or planned urban infrastructure services*" (Page 15). "*Part C – Regional land use pattern*" of the regional plan states that the Urban Footprint "*identifies land that can meet the region's urban development needs to 2031 in a more compact form,*" and includes "*established urban areas, broadhectare and remnant broadhectare areas that could be suitable for future urban development*". The site is consistent with this description of remnant broadhectare land and both it and the surrounding land are included in the Urban Footprint
 - The sub-regional narrative for Brisbane states that "*an additional 156 000 dwellings will be required to house Brisbane's expected regional growth.*" The proposed development will provide dwellings towards this required demand.
- (iii) ensuring there is an efficient, effective and accountable planning and development assessment system:
- The development application was lodged under (the now superseded) Brisbane City Council City Plan 2000 which identifies the site as being located within the Emerging Community, Environmental Protection and Rural zones
 - Brisbane City Council prepared, publicly consulted on, and adopted (on 30 June 2014) a new planning scheme (City Plan 2014) that did not significantly change the policy and development outcomes for the site (as articulated in City Plan 2000)
 - The proposed development seeks to override the City Plan 2000 planning with alternate development outcomes for the site
 - Significant community concerns were raised in response to the proposed development as evident through 1,318 valid submissions and 135 invalid submissions received by council about the application
 - The decision of council gave rise to concerns that it was not consistent with the policy and development outcomes articulated in the public expression of development policy, namely the City Plan 2000 and the City Plan 2014

Reasons for the call in

I have decided to call in this development application for the following reasons:

- I consider that the proposed development involves the state interests set out above
- The decision of council impacts upon the perception of an efficient, effective and accountable planning and development assessment system.

Integrated Development Assessment System

The Integrated Development Assessment System (IDAS) process will restart at the start of the decision stage.

Assessing and deciding the development application

I do not intend to reassess and re-decide the application having regard only to the State interests for which the application is called in. I will reassess and re-decide the development application under the normal assessment and decision provisions of SPA.

Planning and Environment Court Appeals

Pursuant to section 427(5) of SPA, my decision as the assessment manager cannot be appealed in the Planning and Environment Court.

Findings on material questions of fact

Particulars of the development application

Name of Applicant	Huntsman Property Pty Ltd c/- PLACE Design Group
Date application properly made to Council	26 June 2014
Date of decision notice issued by council	11 December 2014
Development approval sought	Preliminary approval under section 242 of the Sustainable Planning Act 2009 (SPA) to vary the effect of the Brisbane City Plan 2000 (planning scheme) for material change of use, building work, operational work and reconfiguring a lot – residential uses, centre activities and open space/environmental purposes, and Development Permit for reconfiguring a lot – 356 residential lots, 1 lot for the purpose of neighbourhood centre activities and 3 open space lots in 2 stages
Applicable planning scheme	Brisbane City Plan 2000
Land zoning	Partly Emerging Community, CP - Rural and CP - Environmental Protection and Ferny Grove/Upper Kedron Local Plan
Level of assessment	Impact
Site address	170 Brompton Road; 113, 116, 170, 257 and 266 Ross Road; and 390 Levitt Road, Upper Kedron, Brisbane.
Real property description	Lot 2 on SP151113, Lot 1 on RP178201, Lot 847 on S311193, Lot 1322 on S31576, Lot 859 on S311196, Lot 1323 on S312742, Lot 2 on RP20576
Referral agencies	<ul style="list-style-type: none">• Department of State Development, Infrastructure and Planning (DSDIP) as the State Assessment and Referral Agency (SARA) – Concurrence• Powerlink - Advice
Submissions received by council	1,318 valid submissions and 135 invalid submissions were received by council about the application.

Consideration of call in

I gave a proposed call in notice for the development application which was dated 2 March 2015. My reasons for giving the proposed call in notice form part of my reasons for giving this call in notice.

The proposed call in notice invited representations about whether or not the proposed development involves a state interest; whether or not I should exercise my powers to call in the development application and any matter stated in the proposed call in notice.

The representation period was for 20 business days, closing on 30 March 2015.

Written representations

A total of 288 representations were received. 223 of the representations advised that the development application involved state interests. 147 representations stated that I should exercise my ministerial call in powers to reassess and re-decide the development application.

Table 1 below provides a summary of the representations received.

State interest		
There is state interest	There is no state interest	N/A – did not identify
223	1	64
Call in		
Support	Oppose	N/A - did not identify
147	6	135

Table 1: Summary of representations received

Evidence or other material on which findings of material questions of fact were based

Informing my decision to call in the development application, I had regard to the following material:

Document
Departmental Briefing Note (MBN15/224) Ministerial briefing note for Cedar Woods, Upper Kedron determination of call in signed 24 April 2015
Attachment 1 – Determination of call in report, prepared by the Department of Infrastructure, Local Government and Planning, April 2015
Attachment 2 – Call in notice, prepared by the Department of Infrastructure, Local Government and Planning, April 2015
Attachment 3 – Deputy Premier (DP) letter to council to call in
Attachment 4 – DP letter to applicant to call in and extend decision period
Attachment 5 – DP letters to agencies
Attachment 6 – DP letters to submitters to call in
Attachment 7 – copies of representations received
Departmental Briefing Note (MBN15/117) Notice of proposed ministerial call in for Cedar Woods, Upper Kedron (Brisbane City Council) signed 2 March 2015
Attachment 1 - Request from Cedar Woods Properties Ltd dated 20 February 2015, as holding company of the applicant Huntsman Pty Ltd, not to call in the development application
Attachment 2 - Legal advice from Norton Rose Fulbright dated 1 March 2015

Document
Attachment 3 - Preliminary assessment report prepared by the Department of State Development, Infrastructure and Planning, February 2015
<ul style="list-style-type: none"> • Schedule 1 to Attachment 3 - Infrastructure Agreement • Schedule 2 to Attachment 3 - Concurrence and advice agency responses • Schedule 3 to Attachment 3 - Request from Cedar Woods Properties Ltd dated 20 February 2015, as holding company of the applicant Huntsman Pty Ltd, not to call in the development application
Attachment 4 - Proposed call in notice, dated 2 March 2015, prepared by the Department of State Development, Infrastructure and Planning
Attachment 5 - Ministerial correspondence to affected parties (including the assessment manager, applicant, submitters of which the Minister is aware at the time the proposed call in notice is given and concurrence agencies) dated 2 March 2015 advising that the Minister is considering calling in the development application, prepared by the Department of State Development, Infrastructure and Planning
Legislation
<i>Sustainable Planning Act 2009</i>
<i>Sustainable Planning Regulation 2009</i>
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
Other Planning Instruments
<i>South East Queensland Regional Plan 2009-2031</i>
<i>State Planning Policy July 2014</i>
<i>Brisbane City Plan 2000</i>
<i>Brisbane City Plan 2014</i>

Dated: 24/04/15

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade