



LEGAL SERVICES BRANCH
CORPORATE SERVICES DIVISION

Director, Dianne Smith (4740)

Solicitor Draftsman, Neil Boge (4745)

Senior Solicitor Conveyancing, Terry Griffiths (4744)

MEMORANDUM

To: Senior Town Planner North West
DEPARTMENT OF DEVELOPMENT & PLANNING

From: Warren Dwyer
Solicitor Conveyancing
LEGAL SERVICES BRANCH

Date: 23 March 1994

File No: (O)397/12-530/89

Subject: Rezoning of Land Situated at 841 Moggill Road, Kenmore

In accordance with the authority of the Delegate of the Council, the Undertaking dated 31 July 1991 given by Australia and New Zealand Banking Group Limited to the Council to secure to the Council certain obligations of the abovementioned company under a Deed entered into between that company and the Council, has been returned to Australia and New Zealand Banking Group Limited for cancellation and the applicant has been notified.

Accordingly, as no further action is required to be taken by my office in this matter, I have finalised my records and return the file to you.


for Dianne Smith
DIRECTOR



*Notes
Maya
Pau*

Mr W Dwyer

225 4755

225 5432

(0)397/12-530/89 WD:bl

178
23 March 1994

The Manager
ANZ Banking Group Limited
Cnr Queen and Creek Streets
BRISBANE QLD 4000

Dear Sir

Re: Rezoning of Land Situated at 841 Moggill Road, Kenmore

I refer to the Undertaking given by your Bank to the Council to secure to the Council certain obligations of the abovenamed company under a Deed entered into between the company and the Council and to my letter of 28 May 1992, wherein the Undertaking was reduced from the sum of \$104,200.00 to the sum of \$3,000.00.

I have been informed by the relevant Department of the Council that the security may be released. Accordingly, the Undertaking dated 31 July 1991 is enclosed herewith for cancellation.

Yours faithfully



for Dianne Smith
Director

LEGAL SERVICES BRANCH

DEPARTMENT OF WORKS

PLANNING BRANCH

CF:JH

TO: DIRECTOR, PLANNING BRANCH
FROM: C. FERREIRA (TECHNICAL OFFICER)
FILE NO.: 397/12-530/89
SUBJECT: RELEASE OF REZONING SECURITY - 841 MOGGILL ROAD, KENMORE
DATE: 13 May 1992

At folio 165, this Department has been requested to advise if the rezoning security may be released.

A recent site inspection shows that the following condition of approval relevant to this Department has not been completed.

"Condition (4iii)

Construction of a footbridge connecting this development to the shopping centre to the satisfaction of the Manager, Department of Works."

The footbridge is complete with the exception of footpath construction between the footbridge and the shopping centre. The estimated cost of the above is \$3,000-00.

RECOMMENDATION

That the Bonding and Sealing Clerk (BSCK), Department of Development and Planning be advised accordingly.


C. Ferreira

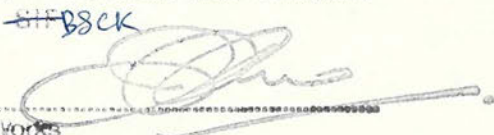
TECHNICAL OFFICER



DTW (A: DTW252\D84)

MANAGER, DEVELOPMENT AND PLANNING

Attn: ~~SIF~~ BSCK
LONDON


Manager - Works


DEPARTMENT OF DEVELOPMENT AND PLANNING

MS:AMM

(0)397/12-530/89

MEMORANDUM:

Principal Town Planner
Development North,
DEPARTMENT OF DEVELOPMENT AND PLANNING

Re: Rezoning of Land at 841 Moggill Road, Kenmore.

An application was received to rezone land at 841 Moggill Road, Kenmore, described as Part of Lot 3 on Registered Plan 198010, Parish of Indooroopilly, containing an area of 2.954 hectares, from the Future Urban Zone to the Residential A Zone. The purpose of the application was permit the development of land for an attached house complex of 45 dwelling units.

The Establishment and Co-ordination Committee at its meeting on 4th September, 1989, accepted offers made in respect of the rezoning application. Subsequently, Banella Holdings Pty. Ltd. entered into a Deed of Agreement with Council and provided a bond for the sum of \$170,081.00 to secure the obligations of the deed.

The Council at its meeting of 11th September, 1990, approved the application and resolved to make application to the Deputy Premier and Minister for Housing and Local Government for an amendment to the Town Plan. Notification of the rezoning was published in the Government Gazette on 17th November, 1990.

The Principal Town Planner Development North, advised City Solicitors on 24th July, 1991, that the amount of \$170,081.00 being held as security could be reduced to \$104,200.00 as the development had been partially completed.

By letter dated 16th July, 1991, Barry and Nilsson, Solicitors, on behalf of Banella Holdings Pty. Ltd., requested re-assignment of the responsibilities under the Rezoning Deed to Austcorp Developments Pty. Ltd.

RECOMMENDATION:

1. That approval be given to the assignment of responsibilities under the Rezoning Deed of Agreement from Banella Holdings Pty. Ltd. to Austcorp Developments Pty. Ltd.
2. That the City Solicitor be requested to prepare the necessary documentation.

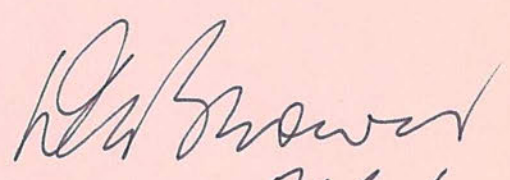
Mr Dwyer
[Signature]
City Solicitor
30/7/91

3. That authorisation be given for the existing bond from Esander Finance Corporation Ltd. for \$104,200.00 to be released and no longer retained as security once the Deed of Variation has been executed by Austcorp Developments Pty. Ltd. and a substitute bond is provided in a form acceptable to the City Solicitor.



(D. Mulcahy)
SENIOR TOWN PLANNER
NORTH WEST DISTRICT

I, Denis Eric Brown, Delegate of the Council, hereby determine to accept the recommendation set out above.



(D.E. Brown) 26/7/91
Principal Town Planner
Development
Department of Development
and Planning
AS DELEGATE OF THE COUNCIL

225 4090

Mr. M. Kay

PJT:AMW
(0)397/12-530/89

23rd November, 1990.

The District Clerk
Brisbane District
Department of the Valuer General
G P O Box 1401
BRISBANE QLD 4001

Dear Sir,

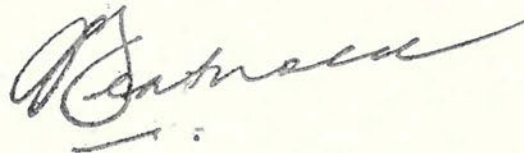
Application was submitted to rezone land situated at 841 Moggill Road and Boblynne Street, Kenmore, as described in the Schedule attached hereto.

Would you please note that the subject land has now been excluded from the Future Urban Zone and included in the Residential "A" Zone.

Notification of this rezoning was published in the Government Gazette dated 17th November, 1990.

A copy of part of the relevant scheme map is also enclosed.

Yours faithfully,



P.W. Berthold
TOWN CLERK

Attach.



Gazetted noted on DABS
19/11/90
W. Berthold
KRIB

225 4090

Mr. M. Kay

PJT:AMW
(0)397/12-530/89

23rd November, 1990.

The Secretary
Maclean Wargon Chapman Pty Ltd
C/- Pike Miris McNoulty
P O Box 338
TOOWONG QLD 4066

Dear Sir/Madam,

I refer to your application for the rezoning of land situated at 841 Moggill Road and Boblynne Street, Kenmore, as described in the Schedule attached hereto.

Council is pleased to advise that the subject land has now been excluded from the Future Urban Zone and included in the Residential "A" Zone.

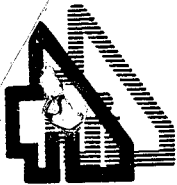
Notification of this rezoning was published in the Government Gazette dated 17th November, 1990.

Yours faithfully,



T. Eugene Kneebone 
MANAGER
DEPARTMENT OF DEVELOPMENT
AND PLANNING

Attach.



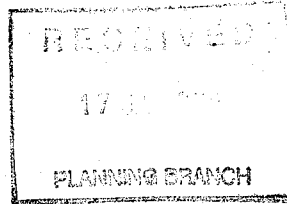
Department of Housing and
Local Government

37/90 134

The Town Clerk
Brisbane City Council
69 Ann Street
BRISBANE 4000

Attention: Mr B Johnstone
B.C.C. Town Planning Section

Your Reference: Refer Attached
Our Reference: Refer Attached
Enquiries: Minutes and Publications
Extension: (07) 237 1858



15th November, 1990.

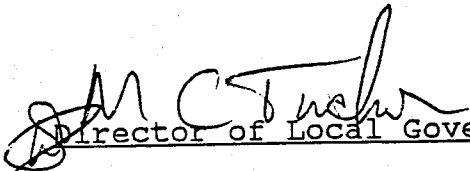
Dear Sir,

With reference to previous correspondence, I am directed to inform you that His Excellency the Governor in Council today gave approval to an Order in Council amending the Town Plan for the City of Brisbane by the rezoning of certain lands situated at Moggill Road and Boblynne Street, Kenmore; Murch Street, Everton Park; Kangaroo Gully Road, Bellbowrie; Chateau Street, Calamvale; Gemstone Crescent, Acacia Ridge; Rock Street, St. Lucia; Bradbury and Westacott Streets, Nundah; Durella Street, Durack; Prout Road, Burbank and Jubilee Terrace, Bardon.

A copy of such Order in Council, which will be published in the Government Gazette on the 17th November, 1990 is enclosed for your information.

The scheme maps referred to in the Order in Council, which scheme maps have been signed for identification by the Clerk of the Executive Council, are also enclosed.

Yours faithfully,


Director of Local Government



Address Correspondence to:
The Director-General PO Box 31 North Quay Brisbane 4002
Telephone: (07) 237 1328 Telex: QLGOV 42391 Facsimile: (07) 237 1265
Incorporating the Queensland Housing Commission and the Local Government Department.

Your Reference:

PJT:AMW (0)397/12-530/89; KG:AAO
(3)460/75/59(O/Pl); PJT:AMW (9)397/12-
254/90; PJT:AAO (7)397/12-1992/89

Our Reference:

TPA/3514; TPA/3455; TPA/3512; TPA/3463;
TPA/3469; TPA/3468; TPA/3466; TPA/3457;
TPA/3467; TPA/3472 DS:LAS

ORDER IN COUNCIL

At the Executive Building, Brisbane, the fifteenth day of November,
1990

Present:

His Excellency the Governor in Council

WHEREAS by the *City of Brisbane Town Planning Act 1964-1988*, it is, amongst other things, provided that the Governor in Council may approve an application made to the Minister by the Brisbane City Council for amendment of the Town Plan for the City of Brisbane (hereinafter referred to as "the Plan"); And whereas the Brisbane City Council has made applications to the Minister for amendment of the Plan in the manner hereinafter set forth: Now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the said Act, hereby approves the aforesaid applications made by the Brisbane City Council for amendment of the Plan and hereby amends the Plan -

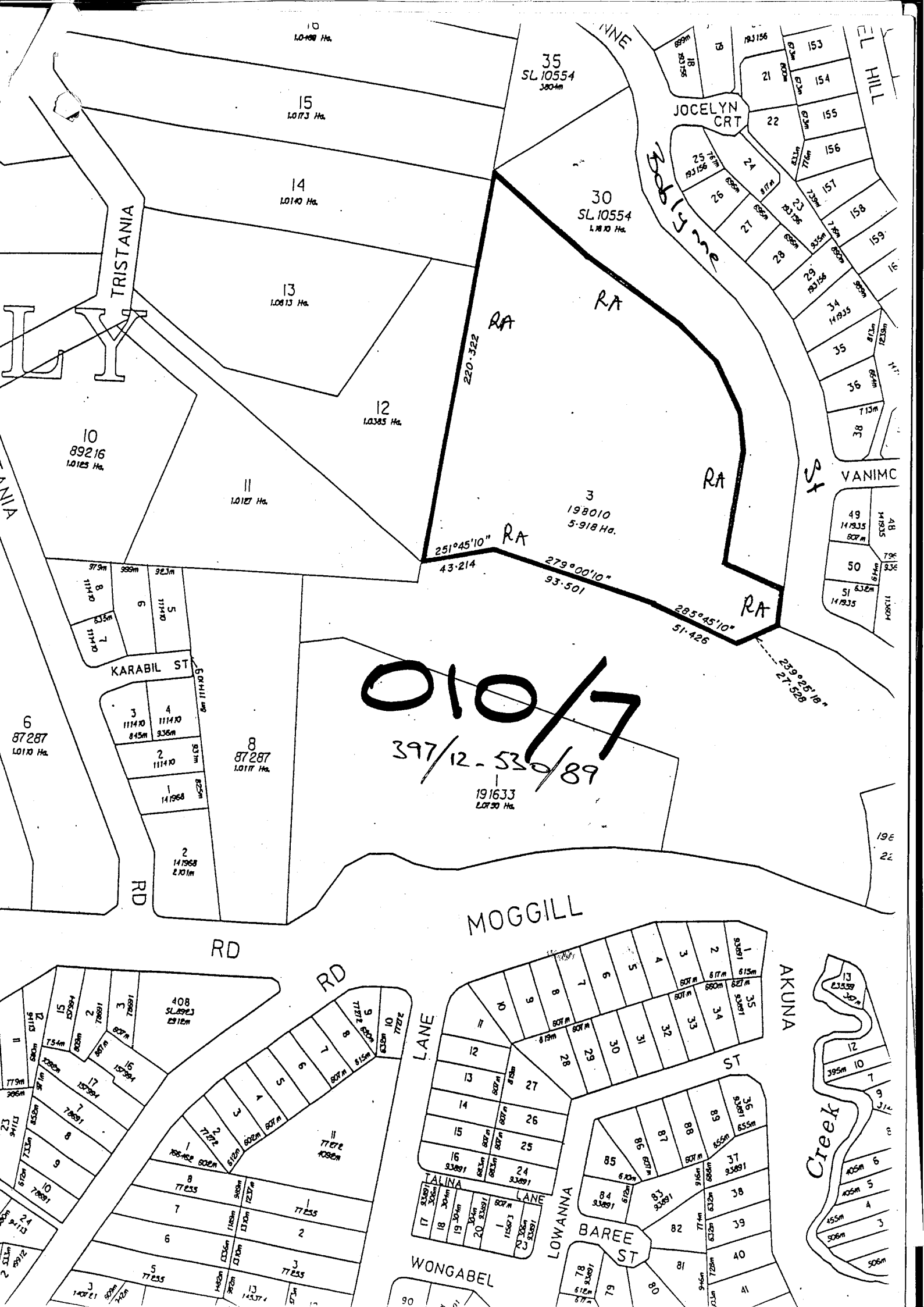
- (a) by excluding the land described in Column 1 of the Schedule hereto from the Zone set forth in Column 2 of the said Schedule respectively opposite the description of such land; and
- (b) by including such land in the Zone set forth in Column 3 of the said Schedule respectively opposite the description of such land.

And the Honourable the Deputy Premier, Minister for Housing and Local Government is to give the necessary directions herein accordingly.

E. J. BIGBY, Clerk of the Council

The Schedule

Column 1	Column 2	Column 3
Part of Lot 3 on R.P. 198010, parish of Indooroopilly	Future Urban Zone as shown on Scheme Map Z/87-010	Residential A Zone as shown on Scheme Map Z/87-010/7
Lot 319 on R.P. 119991 and Lot 243 on R.P. 132166, parish of Kedron	Future Urban Zone as shown on Scheme Map Z/87-H13	Residential A Zone as shown on Scheme Map Z/87-H13/5
Lot 811 on R.P. 219458, parish of Moggill	Residential A Zone as shown on Scheme Maps Z/87-S05 and Z/87-S06	Open Space Zone as shown on Scheme Maps Z/87-S05/4 and Z/87-S06/3
Lot 51 on R.P. 215005, parish of Yeerongpilly	Residential A Zone as shown on Scheme Map Z/87-V17	Open Space Zone as shown on Scheme Map Z/87-V17/13
Lot 111 on R.P. 217908, parish of Yeerongpilly	Residential A Zone as shown on Scheme Maps Z/87-T14, Z/87-T15, Z/87-U14 and Z/87-U15	Open Space Zone as shown on Scheme Maps Z/87-T14/1, Z/87-T15/4, Z/87-U14/1 and Z/87-U15/1
Part of Lot 1 on Plan SL 11899, parish of Indooroopilly, county of Stanley	Unzoned as shown on Scheme Map Z/87-N14	Special Uses Zone as shown on Scheme Map Z/87-N14/2
Lot 1220 on Plan SL 12265, parish of Toombul, county of Stanley	Unzoned as shown on Scheme Map Z/87-I17	Special Uses Zone as shown on Scheme Map Z/87-I17/11
Part of Lot 440 on Plan SL 12524, parish of Oxley, county of Stanley	Residential A Zone as shown on Scheme Maps Z/87-T12 and Z/87-U12	Open Space Zone as shown on Scheme Map Z/87-T12/3 and Z/87-U12/5
Lot 100 on R.P. 223201, parish of Tingalpa	Non Urban Zone as shown on Scheme Maps Z/87-P22, Z/87-P23, Z/87-Q22 and Z/87-Q23	Open Space Zone as shown on Scheme Maps Z/87-P22/1, Z/87-P23/1, Z/87-Q22/1 and Z/87-Q23/1
Lots 51 and 52 on R.P. 20444, parish of Enoggera	Residential B Zone as shown on Scheme Map Z/87-L13	Particular Development Zone as shown on Scheme Maps Z/87-L13/4



225 4905

Mr. B. Johnston

PJT:AMW
(0)397/12-530/89

27th September, 1990.

Director of Local Government
Department of Housing &
Local Government
P O Box 31
BRISBANE NORTH QUAY QLD 4002

Dear Sir,

Pursuant to Section 6 of the City of Brisbane Town Planning Act 1964-1989, Council hereby makes application for an amendment of the Town Plan so as to exclude from the Future Urban Zone and have included in the Residential "A" Zone, land situated at 841 Moggill Road and Boblynne Street, Kenmore, and described as lot 3 on registered plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares. The application was lodged with Council by Maclean Wargon Chapman Pty. Ltd. and the subject land was in the ownership of Ashwick (Qld) No. 10 Pty. Ltd. The land is now owned by Banella Holdings Pty. Ltd.

The grounds on which this application is made and the facts and circumstances relied on by Council in support of those grounds are:-

- (i) The applicant has agreed to enter into a form of agreement which form of agreement makes provision for development of the land to which such application relates and has executed such form of agreement.
- (ii) The site is considered suitable for the proposed use.

The proposed rezoning was advertised pursuant to Section 22 of the Act in the "Public Notices" columns of The Sun newspaper, a copy of which is attached. The advertisement was posted up on the subject land and the owners of abutting lands were notified of the proposal by the applicant; a Statutory Declaration to this effect is attached. Closing date for the receipt of objections was 13th April, 1989. Forty Seven (47) objections were received, copies of which are enclosed.

The objectors were notified by letters dated 2nd November, 1989, of Council's intention to proceed with the proposed rezoning. No appeal to the Local Government Court was instituted or initiated.

.... /2

Council at its meeting held on 18th September, 1990, approved the abovementioned application made pursuant to Section 8 of the Act and authorised the Town Clerk to make application to the Deputy Premier and Minister for Housing and Local Government for amendment of the Town Plan for the City of Brisbane to exclude the abovedescribed land from the Future Urban Zone and to include the land so excluded in the Residential "A" Zone by including in the Scheme Maps respectively forming part of the Town Plan a new Scheme Map numbered Z/87/010 and being a map in conformity with the map submitted.

For the purposes of Section 6(14)(b)(c) of the City of Brisbane Town Planning Act 1964-1989, the Council hereby determines that its representations on the objections made to the application made pursuant to Section 8 of that Act be -

1. Site is inappropriate for detached housing.
2. Not conveniently located/unsuitable for high density habitation.
3. Existing public transport unable to cater for additional passengers from unit development.
4. Peak hour traffic is already excessive. Proposal would result in chaotic traffic conditions.
5. Boblynne Street unable to cope with extra traffic.
6. Unit development is inappropriate in a high class residential suburb.
7. Area should be devoted to parkland or other community facilities.
8. Proposal is out of harmony with the area.
9. Proposal will lower quality of life and the class of the area.
10. If this proposal were allowed Council will be unable to stop other townhouse developments.
11. Existing flora and fauna should be preserved and the area to be undeveloped.
12. Shopping centre/tavern has already reduced the area of natural parkland.
13. Development will create higher water levels in the Cubberla Creek and part of the area will be subject to flash flooding.
14. Area should be developed as a children's playground as there is no available parkland on this side of Moggill Road.
15. Banks of the creek need to be properly sloped to avoid further erosion.
16. Proposal would be too intensive.
17. No sign on Moggill Road/Boblynne Street corner.

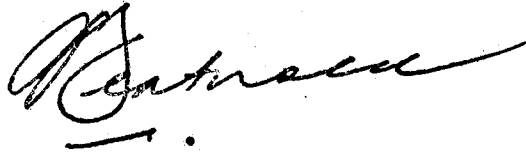
Representations:

1. The site is not considered inappropriate for housing, whether it be detached or attached houses.
2. The site is conveniently located with respect to shopping facilities. The attached housing scheme will have the lowest density (R1) for multi-unit development, which is acceptable in a Residential "A" zoned area.
3. Public transport along Moggill Road will need to be upgraded if there were to be a problem.
4. The proposal will not significantly add to the traffic intensity on Moggill Road. Boblynne Street is designed to cope with the traffic anticipated from the subject site.
5. Same as 4.
6. Attached housing as an alternative form of housing at an acceptable intensity is considered appropriate in any suburb be it "high" or "low class".
7. The land is privately owned and zoned Future Urban, which means that it is intended for residential purposes at some time in the future. The development will provide for its own recreational areas.
8. The proposal is set on a high and isolated piece of land and is well buffered from Boblynne Street.
9. The proposal will not necessarily lower the quality of life or the class of the area.
10. The Council does not necessarily want to stop other attached housing complexes.
11. Same as 7.
12. Same as 7.
13. Drainage works will have to be undertaken by the developer.
14. Approximately 25 percent of the land is to be dedicated as parkland and the proposed development will also provide for additional recreational spaces and the lack of park in this general area is to be solved by acquiring land in a location more publicly accessible than this development, which is more likely to be directly abutting Boblynne Street and Tristania Drive.
15. This will be a condition of the development.
16. The intensity is the lowest (R1) for multi-unit development.
17. The land at the corner of Moggill Road/Boblynne Street is not included in the application.

The land is not subject to any major or local flooding.

Copies of the relevant maps will be forwarded by hand.

Yours faithfully,

A handwritten signature in cursive script, appearing to read 'P.W. Berthold', with a horizontal line underneath.

P.W. Berthold
TOWN CLERK

Enclosure.

DEVELOPMENT AND PLANNING Committee's Recommendation of 11TH SEPTEMBER, 1990.

Presented to Council: 18TH SEPTEMBER, 1990. **ADOPTED**

J. PROPOSED REZONING OF LAND - 841 MOGGILL ROAD AND
BOBLYNNE STREET, KENMORE - BANELLA HOLDINGS PTY LTD.
 (0) 397/12-530/89

45. The Manager, Department of Development and Planning, reports that at its meeting held on 31st October, 1989, Council resolved to propose to grant an application submitted by Maclean Wargon Chapman Pty. Ltd., pursuant to Section 8 of the City of Brisbane Town Planning Act, to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares, in the ownership of Banella Holdings Pty. Ltd., from the Future Urban Zone and to include that land in the Residential "A" Zone, subject to the requirements of Subsection 11 of Section 22 of the abovementioned Act.
46. Continuing, the Manager states that no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act, has been instituted or initiated against the proposal of the Council to grant such application and the time for the institution of or initiation of such an appeal has expired.
47. Accordingly, the Manager recommends that the application now be approved and your Committee concurs.
48. **RECOMMENDATION:** (i) That it be and is hereby resolved that whereas:
- (a) at its meeting held on 31st October, 1989, the Council, for the reasons then specified, determined that it proposed to grant that application in the manner then specified;
 - (b) no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act 1964-1989 has been instituted against the said proposal of the Council to grant that application; and
 - (c) the time for the institution of any such appeal has expired;

the COUNCIL HEREBY APPROVES THE APPLICATION made on or about 9th March, 1989, to the Council pursuant to Subsection (1) of Section 8 of the City of Brisbane Town Planning Act 1964-1989 to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, and having an area of 2.954 hectares, from the Future Urban Zone under the Town Plan for the City of Brisbane and to include the land so excluded in the Residential "A" Zone thereunder subject to the applicant's entering into agreement with the Council making provision for development of the land to which the application relates in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989, and executing the appropriate form of agreement.

(ii) That the Council hereby authorises its execution of a Deed of Agreement prepared in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989.

(iii) Whereas the Council resolves as in (i) hereof, upon compliance with those conditions of approval specified in (i) hereof the Council make application pursuant to Section 6 of the City of Brisbane Town Planning Act 1964-1989 to the Deputy Premier and Minister for Housing and Local Government or other Minister of the Crown for the time being charged with the administration of that Act for amendment of the Town Plan for the City of Brisbane to exclude the land referred to in (i) hereof from the Future Urban Zone and to include that land in the Residential "A" Zone by including in the scheme maps forming part of the Town Plan a new scheme map marked Z/87/010 and otherwise in accordance with Clause 78 of the Schedule part of the Town Plan and being a map in conformity with the map tabled and marked "Q".

(iv) Subject to (v) hereof, the Town Clerk, which term shall, in the absence from duty for whatever reason of the Town Clerk, be read herein as a reference to the duties of the Town Clerk, be and is hereby authorised and directed to take such action and to do all things on behalf of the Council as may be necessary on its part for the making of the application determined to be made in (iii) hereof.

(v) For the purpose of Section 6(14)(b)(C) of the City of Brisbane Town Planning Act 1964-1989, the Council hereby determines that its representations on the objections made and lodged as prescribed by Subsection (5) of Section 22 of that Act to the application referred to in (i) hereof and which objections are tabled and marked "A" to "P" respectively be -

Summary of Objections:

1. Site is inappropriate for detached housing.
2. Not conveniently located/unsuitable for high density habitation.
3. Existing public transport unable to cater for additional passengers from unit development.
4. Peak hour traffic is already excessive. Proposal would result in chaotic traffic conditions.
5. Boblynne Street unable to cope with extra traffic.
6. Unit development is inappropriate in a high class residential suburb.
7. Area should be devoted to parkland or other community facilities.
8. Proposal is out of harmony with the area.
9. Proposal will lower quality of life and the class of the area.
10. If this proposal were allowed Council will be unable to stop other townhouse developments.
11. Existing flora and fauna should be preserved and the area to be undeveloped.
12. Shopping centre/tavern has already reduced the area of natural parkland.
13. Development will create higher water levels in the Cubberla Creek and part of the area will be subject to flash flooding.
14. Area should be developed as a children's playground as there is no available parkland on this side of Moggill Road.
15. Banks of the creek need to be properly sloped to avoid further erosion.
16. Proposal would be too intensive.
17. No sign on Moggill Road/Boblynne Street corner.

Representations:

1. The site is not considered inappropriate for housing, whether it be detached or attached houses.
2. The site is conveniently located with respect to shopping facilities. The attached housing scheme will have the lowest density (R1) for multi-unit development, which is acceptable in a Residential "A" zoned area.
3. Public transport along Moggill Road will need to be upgraded if there were to be a problem.
4. The proposal will not significantly add to the traffic intensity on Moggill Road. Boblynne Street is designed to cope with the traffic anticipated from the subject site.
5. Same as 4.
6. Attached housing as an alternative form of housing at an acceptable intensity is considered appropriate in any suburb be it "high" or "low class".
7. The land is privately owned and zoned Future Urban, which means that it is intended for residential purposes at some time in the future. The development will provide for its own recreational areas.

8. The proposal is set on a high and isolated piece of land and is well buffered from Boblynne Street.
9. The proposal will not necessarily lower the quality of life or the class of the area.
10. The Council does not necessarily want to stop other attached housing complexes.
11. Same as 7.
12. Same as 7.
13. Drainage works will have to be undertaken by the developer.
14. Approximately 25 per cent. of the land is to be dedicated as parkland and the proposed development will also provide for additional recreational spaces and the lack of park in this general area is to be solved by acquiring land in a location more publicly accessible than this development, which is more likely to be directly abutting Boblynne Street and Tristania Drive.
15. This will be a condition of the development.
16. The intensity is the lowest (R1) for multi-unit development.
17. The land at the corner of Moggill Road/Boblynne Street is not included in the application.

**Pike
Miris
McKnoulty**
Pty Ltd

Licensed Surveyors, Town Planners and Development Consultants



P.O. Box 338, Toowong 4066.
Suite 3, 29 Woodstock Road, Toowong 4066.

Telephone: (07) 371 7966
Facsimile: (07) 371 3602

Our Reference: 1946 JMCK Your Reference: (0)397/12-530/89 Attention: MR P VAN SLOTEN

10th August, 1989

The Town Clerk,
Brisbane City Council,
Department of Development & Planning,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

RE: PROPOSED REZONING AT 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE.
PART OF LOT 3 ON RP 198010, PARISH OF INDOOROOPIILLY.
COUNCIL FILE NO. (0)397/12-530/89.

We refer to discussions with Mr P Van Sloten on 3rd August 1989 and advise that in support of this application, we make the following offers on behalf of Banella Holdings Pty Ltd :-

1. LEGAL :

Authorise the preparation of by Council of a deed of agreement and any associated documents incorporating the matters in respect of which offers are made. The estimated cost of such documents being \$1460.00 is enclosed and we agree to pay any additional cost forthwith upon notification.

2. GENERAL :

- (i) Provide asphaltic concrete surfacing or similar to all vehicle movement areas.
- (ii) Layout to be generally in accordance with plan(s) numbered 276-88 sk6 submitted on 7/7/89, amended to comply with policy no. 7.01.
- (iii) The Gross Floor Area of the proposed development to limited 6210 m².

Dike
Mirls
McKnoulty
Pty Ltd

1946

- 2 -

MR P VAN SLOTEN

Secured
Amount

- (iv) The plan of layout to comply with Planning Policy No. 21.01 and to take account of policy no. 7.01 (building length and bulk).
- (v) Provision of an engineering report with regard to the access point and bridge, to the satisfaction of the Traffic Planning Branch and Department of Works.

3. TITLE ADJUSTMENT:

NOT APPLICABLE.

4. ROADWORKS AND DRAINAGE:

- (i) External Construction.

Construction of a culvert access the tributary and associated works such that any works will not have any adverse effects on existing drainage paths or flood levels.
- (ii) The gradients of roads to be to the satisfaction of the Manager, Department of Works and Manager of the Department of Development and Planning.
- (iii) Construction of a footbridge connecting this development to the shopping centre to the satisfaction of the Department of Works.
- (iv) The applicant to provide a detailed hydraulic study and physical model to confirm the detailed design of culvert in relation to this site to the requirements and satisfaction of the Manager, Department of Works, prior to approval of the subsequent Section 24.2 application (Town Planning Consent).

Sch 4(3)(2)

FILE NUMBER: (0)397/12-530/89

247/02K

SUBMISSION TO ESTABLISHMENT AND CO-ORDINATION COMMITTEETITLE:

Rezoning Application: 841 Moggill Road and Boblyne Street,
Kenmore.

Developmental Offers in Support of Rezoning and Provision of
Security.

ISSUE/PURPOSE:

Acceptance of offers in relation to a Rezoning Deed of
Agreement to allow rezoning of land and subsequent
development.

PROPONENT:

Department of Development and Planning

APPROVED

Lord Mayor

4 SEP 1989

SUBMISSION PREPARED BY:

Peter van Sloten,
Acting Senior Town Planner, North West District.
Extension 4090

RECEIVED
CORP SERVICES DIV.

- 5 SEP 1989

GENERAL ADMIN BRANCH

DATE:FOR DECISION AS DELEGATE OR RECOMMENDATION TO COUNCIL?:

For decision by the Establishment and Co-ordination Committee
as Delegate of Council.

IS DECISION RECOMMENDED REQUIRED BY AN ACT, ORDINANCE OR OTHERWISE TO BE
MADE BY COUNCIL BY RESOLUTION?:

Not applicable.

RECOMMENDATION:

1. The offers contained in the letter dated 10th August, 1989, be accepted subject to the developer at the time of executing the rezoning deed providing a bond in a form acceptable to the City Solicitor securing the obligations of the deed for an amount of \$170,081.00.
2. Development, including park contribution, shall be generally in accordance with plan no. 276-88SK6.

I Recommend Accordingly

TOWN CLERK

(T. Eugene Kneebone)
MANAGER

BACKGROUND:

1. The Department at its meeting of 18th July, 1989, decided that action be taken to rezone the land from the Future Urban Zone to the Residential "A" Zone subject to a satisfactory agreement concerning developmental requirements.
2. The proposal plan is in accordance with developmental requirements.
3. The security amount offered by letter dated 10th August, 1989, satisfies Departmental requirements.

CONSULTATION:

Developer's submission to Council dated 10th August, 1989.

IMPLICATIONS OF PROPOSAL:

13 objections and a petition of 31 residents were received.

The main objection is that the proposal is for townhouses, which is not considered to be in harmony with the detached housing stock in Kenmore.

The land contains an area of 2.954 hectares and a townhouse approval could be obtained with the consent of Council once the land is rezoned to the Residential "A" Zone.

URGENCY:

Expedite to allow development to proceed.

POLICY IMPACT:

Consistent with current Policies.

FUNDING:

No Council funds will be incurred.

ESTABLISHMENT CONSIDERATIONS:

Any work carried out by Council's day labour force would be limited to that required by the developer at its full cost and would be programmed not to interfere with Council's own budget work.

OPTIONS:

1. That the offers contained in the letter dated 10th August, 1989, be not accepted.
2. That the offers as submitted be accepted. (The preferred option is Option 2)

PUBLICITY:

Not applicable.

FILE NUMBER: (0)397/12-530/89

247 / 02 K

SUBMISSION TO ESTABLISHMENT AND CO-ORDINATION COMMITTEETITLE:

Rezoning Application: 841 Moggill Road and Boblyne Street,
Kenmore.
Developmental Offers in Support of Rezoning and Provision of
Security.

ISSUE/PURPOSE:

Acceptance of offers in relation to a Rezoning Deed of
Agreement to allow rezoning of land and subsequent
development.

PROONENT:

Department of Development and Planning

APPROVED

Lord Mayor

4 SEP 1989

SUBMISSION PREPARED BY:

Peter van Sloten,
Acting Senior Town Planner, North West District.
Extension 4090

RECEIVED
CORP SERVICES DIV.

- 5 SEP 1989

GENERAL ADMIN BRANCH

DATE:FOR DECISION AS DELEGATE OR RECOMMENDATION TO COUNCIL?:

For decision by the Establishment and Co-ordination Committee
as Delegate of Council.

IS DECISION RECOMMENDED REQUIRED BY AN ACT, ORDINANCE OR OTHERWISE TO BE
MADE BY COUNCIL BY RESOLUTION?:

Not applicable.

RECOMMENDATION:

1. The offers contained in the letter dated 10th August, 1989, be accepted subject to the developer at the time of executing the rezoning deed providing a bond in a form acceptable to the City Solicitor securing the obligations of the deed for an amount of \$170,081.00.
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I Recommend Accordingly

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FUNDING:

No Council funds will be incurred.

ESTABLISHMENT CONSIDERATIONS:

Any work carried out by Council's day labour force would be limited to that required by the developer at its full cost and would be programmed not to interfere with Council's own budget work.

OPTIONS:

1. That the offers contained in the letter dated 10th August, 1989, be not accepted.
2. That the offers as submitted be accepted. (The preferred option is Option 2)

PUBLICITY:

Not applicable.

Our Reference: 1946

Your Reference: (0) 397 / 12 - 530 / 89 Attention: MR VANSLOTEN

28th August, 1989

The Team Leader,
North West Sector,
Department of Development & Planning,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE QLD 4000

Dear Sir,

RE: PROPOSED REZONING FUTURE URBAN - RESIDENTIAL A - 841 MOGGILL ROAD, KENMORE.

We refer to recent conversations between Mr Peter Van Sloten and our Mr Sch 4(4)(6) in relation to the proposed rezoning of land, described as part of lot 3 on RP 198010, Original Portion 221 and 2218, Parish of Indooroopilly, County of Stanley located at 841 Moggill Road, Kenmore.

Accordingly we now forward to you twelve (12) copies of architectural plan no. 276/88.

Additionally, we also enclose three (3) copies of plan no. 1946-09 together with three (3) copies of plan no. DWG89010-01A.

We hope this information is sufficient for the final processing of the rezoning application, however if require any further information, please do not hesitate to contact the writer.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

Sch 4(4)(6)

Our Reference: **1946 JMCK** Your Reference: **(0)397/12-530/89** Attention: **MR P VAN SLOTEN**

10th August, 1989

The Town Clerk,
Brisbane City Council,
Department of Development & Planning,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

**RE: PROPOSED REZONING AT 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE.
PART OF LOT 3 ON RP 198010, PARISH OF INDOOROOPIILLY.
COUNCIL FILE NO. (0)397/12-530/89.**

We refer to discussions with Mr P Van Sloten on 3rd August 1989 and advise that in support of this application, we make the following offers on behalf of Banella Holdings Pty Ltd :-

1. LEGAL :

Authorise the preparation of by Council of a deed of agreement and any associated documents incorporating the matters in respect of which offers are made. The estimated cost of such documents being \$1460.00 is enclosed and we agree to pay any additional cost forthwith upon notification.

2. GENERAL :

- (i) Provide asphaltic concrete surfacing or similar to all vehicle movement areas.
- (ii) Layout to be generally in accordance with plan(s) numbered 276-88 sk6 submitted on 7/7/89, amended to comply with policy no. 7.01.
- (iii) The Gross Floor Area of the proposed development to limited 6210 m².

1946

- 2 -

MR P VAN SLOTEN

Secured
Amount

- (iv) The plan of layout to comply with Planning Policy No. 21.01 and to take account of policy no. 7.01 (building length and bulk).
- (v) Provision of an engineering report with regard to the access point and bridge, to the satisfaction of the Traffic Planning Branch and Department of Works.

3. TITLE ADJUSTMENT:

NOT APPLICABLE.

4. ROADWORKS AND DRAINAGE:

- (i) External Construction.

Construction of a culvert access the tributary and associated works such that any works will not have any adverse effects on existing drainage paths or flood levels.
 - (ii) The gradients of roads to be to the satisfaction of the Manager, Department of Works and Manager of the Department of Development and Planning.
 - (iii) Construction of a footbridge connecting this development to the shopping centre to the satisfaction of the Department of Works.
 - (iv) The applicant to provide a detailed hydraulic study and physical model to confirm the detailed design of culvert in relation to this site to the requirements and satisfaction of the Manager, Department of Works, prior to approval of the subsequent Section 24.2 application (Town Planning Consent).
-

Sch 4(3)(2)

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MR P VAN SLOTEN

Secured
Amount

5. SEWERAGE:

- (i) Headworks contribution - net site area 2.5234 hectares @ Sch 4(3)(2) per hectare.
- (ii) External construction :
Construct a 150mm dia. sewer from manhole 1A/1 (Order of Cost estimated Sch 4(3)(2)).
- (iii) Agree to construct internal reticulation to the satisfaction of Chief Engineer and Manager, Department of Water Supply and Sewerage.

Sch 4(3)(2)

Sch 4(3)(2)

6. WATER SUPPLY:

- (i) Headworks contribution - net site area 2.5234 hectares @ Sch 4(3)(2) per hectare.
- (ii) External construction :
100mm service connection, common internal fire/domestic line.
- (iii) Separate water services and meter to each Lot.
- (iv) Agree to construct internal reticulation to the satisfaction of Chief Engineer and Manager, Department of Water Supply and Sewerage.

Sch 4(3)(2)

7. PARK AND FOOTPATH TREES:

- (i) Land indicated on Pike Mirls McKnoulty drawing No. 1946-05, having an area 7130 m² to be transferred to the Crown for park purposes free of cost to Council.
- (ii) Payment of Sch 4(3)(2) per m² of Gross Floor Area to Council as a park contribution.
- (iii) Payment of Sch 4(3)(2) per Lot (45 Lots) for footpath trees.

Sch 4(3)(2)

1946

- 4 -

MR P VAN SLOTEN

8. UNDERGROUND SERVICES:

(i) Electricity

- a. Produce documentary evidence prior to sealing plans of subdivision by Council that a contract has been entered into with SEQEB to provide underground electricity and street lighting to the development.
- b. Transfer free of cost any easements and ground transformer sites to SEQEB and any associated .3 metres access restriction strips to Council.
- c. Advise any purchaser of property of their responsibility regarding connection from street supply.

(ii) Telecom

Obtain an undertaking from Telecom that all its services will be underground.

9. PAYMENTS:

Acknowledge :-

- (i) Amounts for cost of road and footpath works, drainage, water supply and sewerage construction are estimates and agree to pay to Council, for any such work carried out by Council, the current rate at time of payment.
- (ii) Rates at time of payment will apply for water supply and sewerage headworks.

10. PROGRAM:

Agree all payments and works to be completed within two (2) years of gazettal of the new zoning or prior to sealing of plan of Group Title Subdivision for Townhouses, whichever is the sooner.

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- 5 -

MR P VAN SLOTEN

Secured
Amount

11. SECURITY AND BONDING:

Total amount to be secured

Sch 4(3)(2)

FORM OF SECURITY:

A Bank Guarantee for the full amount of Security required
(Sch 4(3)(2)) will be supplied by the applicant from :

HONG KONG BANK AUSTRALIA LIMITED
400 QUEEN STREET
BRISBANE QLD 4000

We trust the offers contained herein will be sufficient
for the rezoning to be finalized and ask that you contact
the writer if any matter requires further clarification.

We thank you for your assistance in the matter.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

Sch 4(4)(6)

Our Reference: **1946 JMCK:sr** Your Reference: **(0)397/12-530/89**

Attention: **MR P VAN SLOTEN**

7th July, 1989

The Team Leader,
Team 1,
North West Sector,
Dept. of Development
& Planning,
14th Floor,
Brisbane City Council,
69 Ann Street,
BRISBANE. Q. 4000.

Dear Sir,

**RE: REZONING FROM FUTURE URBAN TO RESIDENTIAL A
PROPOSED TOWNHOUSES - 795 MOGGILL ROAD AND BOBLYNNE STREET,
KENMORE.**

We refer to recent discussions between the writer and Messrs. G. Veal and P. Van Sloten in relation to preliminary design amendments requested after initial examination of the above rezoning application by the Council Assessment Committee.

We have forwarded an engineering report by MacLean Wargon Chapman outlining details and impacts of proposed drainage works associated with the development, under cover of our letter dated 15th June, 1989, and write now to provide amended architectural and landscape plans addressing the other issues raised by the Committee.

The following issues have been addressed:-

1. Accessway -

The accessway will comply with Town Planning Policy 21.01, including a minimum 10m wide access reserve and 6m wide pavement throughout the development.

Extensive earthworks will be undertaken to re-shape the site, particularly in the vicinity of Lots 42 - 45 to ensure that the gradients of the accessway complies with minimum Council requirements. A preliminary assessment of gradients has been undertaken by the consulting engineer to confirm the feasibility of the access proposal.

Eleven visitor car spaces have been provided near the entrance to the development.

2. **Courtyards -**

The layout has been amended to provide courtyards having a minimum dimension of 5m, with no encroachment beyond the boundary of the drainage easement through the Southern portion of the site.

3. **Parkland Contribution and Foot bridge Construction -**

Our client is prepared to contribute Sch 4(3)(2) of gross floor area of the site to Council for upgrading of parkland in the area, and is offering to construct two (2) foot bridges across the two (2) existing creeks to provide a valuable pedestrian link between Boblynne Street and the existing Kenmore Tavern and Shopping Centre sites.

4. **Development Intensity -**

The following calculation are relevant to calculation of the maximum gross floor area permitted for the proposed Townhouse Development:-

a. Total site area -	2.954ha
b. Maximum gross floor area - 25% of total site area -	7385m ²
c. Maximum gross floor area after 10% park dedication	6637m ²
d. Proposed gross floor area - 45 Townhouses -	6210m ²
e. Site area required for proposed gross floor area -	2.48ha
f. Parkland dedication proposed (24.3% site area) -	7160m ²

We note that the 2.954ha site is being rezoned to Residential A and that we see two (2) alternatives for compliance with Council's criteria for R1 Development intensity:-

- a. Increase townhouse site to 2.48ha and reduce parkland dedication to 4740m², with land on the Northern side of the existing creek, within the drainage easement, being used for private open space within the proposed townhouse development.

or

- b. Adopt the mix of private and public open space proposed where Council would maintain direct control of the majority of land covered by the drainage easement, and the residents of the proposed townhouses would still have access to the public open space to be landscaped for passive recreation purposes. Under these circumstances we ask that Council take part of the open space dedication (2520m²) into account in calculation of the maximum gross floor area permitted for the development.

We suggest that alternative (b), outlined above would be more beneficial for both Council and residents of the area, and believe that our request for credit on part of the open space is reasonable under the following circumstances:-

- (i) Our client advises that the development requires 6210m² of gross floor area to ensure viability of the project, given abnormal costs associated with access, construction of a foot bridge and landscaping of the subject land and adjoining parkland.
- (ii) 25% of the site is being dedicated as Public Open Space.
- (iii) The parkland dedication will provide an extension of the existing open space fronting Boblynne Street, and will in turn provide for extension in a Westerly direction with future development of allotments fronting Tristania Road. The open space provides a desirable buffer between the existing Tavern and Shopping Centre developments and the residential lands to the North.

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- 4 -

MR P VAN SLOTEN

(iv) Pedestrian Link -

Upgrading and landscaping of the open space to be dedicated will include construction of two (2) foot bridges across the existing streams to the East and South of the proposed townhouses. These foot bridges and a proposed pathway will provide a valuable pedestrian link between Boblynne Street and the existing Tavern and Shopping Centre sites.

- (v) In addition to parkland dedication and extensive works within the open space, our client has offered to pay Council a contribution of \$12,420 for upgrading of parkland in the vicinity.

5. Traffic Generation -

In comparison of traffic generation by detached or attached housing schemes on the subject land, we suggest that any detached housing scheme would have to employ group title, due to the constrained shape of and access to the site:-

- a. Group title detached housing -
Lot yield = site area - 600m²
- b. Maximum yield total site area (2.954ha) - 49 Lots.
- c. Yield for 2.48ha site (as for townhouses) - 41 Lots.

Comparative traffic generation using trip generation figures we understand have been adopted after research by the Traffic Planning Branch.

- Detached housing 41 Lots at 10 trips/day - 410 trips.
- Attached housing 45 Lots at 6 trips/day - 270 trips.

These calculation would suggest that typical residents of an attached housing development would generate less traffic in Boblynne Street than a comparative detached housing scheme.

1946

- 5 -

MR P VAN SLOTEN

We enclose the following documentation in support of this submission:-

1. Four (4) coloured copies of drawing no. 276-88/8, prepared by architect Phill Tagell.
2. Three (3) coloured copies of landscape plan no. 89010-01, prepared by Flourishing Landscapes Pty. Ltd. to demonstrate development of private and public open space adjoining the proposed townhouses.

We trust this information will be sufficient for your final assessment of the rezoning application, and ask that you contact the writer if any matter requires further clarification or expansion.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY. LTD.

Sch 4(4)(6)

cc: Sch 4(4)(6)
Alderman Bob Mills

Our Reference: 1946JMCK Your Reference: (0)397/12-530/89 Attention: MR P VANSLOTEN

15th June, 1989

The Team Leader - Team 1,
North West Sector,
Department of Development & Planning,
Brisbane City Council,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

RE: PROPOSED REZONING FROM FUTURE URBAN TO RESIDENTIAL A
(TOWNHOUSES)
795 MOGGILL ROAD, KENMORE.

We refer to the writer's telephone conversation with Mr Peter Van Sloten on even date in relation to the rezoning of property described as part of Lot 3 on RP 198010, Parish of Indooroopilly.

As discussed, we are currently awaiting finalizations to architectural and landscape plans to accommodate issues raised in initial assessment of the rezoning application. In the interim, we have received a report from the Consulting Engineers for the project, Maclean Wargon & Chapman, in association with Water Studies Pty Ltd giving details of a preliminary assessment of the proposed culverts for the site.

The report is addressed to the attention of Mr Neville Gibson of the Works Department who we understand met with the engineers on 7th June to discuss the format and content of the study.

We trust this information will allow the file to be processed by the Works Department whilst we are compiling the report and architectural plans for the balance of the project. We thank you for your co-operation.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

Sch 4(4)(6)

1.17 Application for Rezoning of Land - 841 Moggill Road,
Kenmore: Ashwick (Qld) No. 10 Pty. Ltd.
(0)397/12-530/89

An application was submitted by Maclean Wargon Chapman Pty. Ltd. for the rezoning from the Future Urban Zone to the Residential "A" Zone of land at 841 Moggill Road, Kenmore, described as part of Lot 3 on Registered Plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares. The purpose of the application was to permit attached houses.

The Statutory Declaration had been submitted and objections were received to the proposal.

After considering the matter, the objections received and the report submitted and after taking into consideration those matters referred to in provisions (a), (b), (c), (d), (e) and (f) of Subsection 5 of Section 8 of the City of Brisbane Town Planning Act 1964-1988, the Committee raised no objection to the proposal from a planning point of view subject to a satisfactory agreement concerning developmental requirements including:

- (i) the gross floor area to be limited to 25 percent of the site area outside the drainage easement;
- (ii) the plan of layout to comply with Planning Policy No. 21.01 and to take account of Policy 7.01 (building length and bulk);
- (iii) the gradients of roads to be to the satisfaction of the Manager, Department of Works and the Manager, Department of Development and Planning;
- (iv) contribution of \$2.00 per square metre gross floor area at the consent application stage for parks purposes;
- (v) provision of an engineering report with regard to the access point and bridge to the satisfaction of the Traffic Planning Branch and Department of Works;
- (vi) provision of a footbridge connecting this development to the shopping centre to the satisfaction of the Department of Works;
- (vii) the drainage easement area to be transferred to the Council for park purposes.

RECOMMENDATION:

That the Council propose to take action to rezone the land as requested subject to a satisfactory agreement concerning developmental requirements including the requirements outlined above.

15/6/89
NTF applicant will
resubmit next week
JWH

Our Reference: 1946 JMCK:ss Your Reference: (0)397/12-530/89 Attention: MS. W. CHADWICK

14th April, 1989

The Town Clerk,
Brisbane City Council,
1st Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

RE: PROPOSED REZONING OF LAND - 795 MOGGILL ROAD, KENMORE.

We refer to our rezoning application for the rezoning of the land described as Part of Lot 3 on RP 198010, Original Portion 211 and 218, Parish of Indooroopilly, County of Stanley located at 795 Moggill Road, Kenmore.

The application which was lodged on behalf of Ashwick (Qld) No. 10 Pty Ltd was for proposed rezoning of the subject land from its present Future Urban Zone to the Residential A zone.

The time period for lodgement of objection to the proposal has now expired and we herewith enclose a Statutory Declaration outlining the steps taken in advertising this application.

We now enclose copies of the following :-

1. Statutory Declaration (Council's standard form).
2. Copy of letter to the adjoining owners.
3. List of adjoining owners.
4. Copy of the public notices erected on the subject land frontages i.e. Boblynne Street and Moggill Street.
5. Copy of newspaper advertisement.
6. Copy of the photographs of the signs as erected on the site.

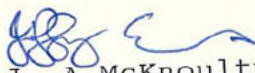
1946

- 2 -

THE TOWN CLERK

We now await your further advices in relation to this matter.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

per 
J. A McKnoulty

Sch 4(3)(2)

encl

APPLICATION FOR REZONING OF LAND CITY OF BRISBANE TOWN PLANNING ACT 1964 - 1986

Department of Development & Planning

DUPLICATE

OFFICE USE ONLY

89 00530

This copy has been available for public
inspection from the date shown above, until
today.

18/4/89

Date

Swa

Signature

The Town Clerk,
Brisbane City Council,
Brisbane, Q. 4000

Sir,

Application is hereby made under Section 8 of the City of Brisbane Town
Planning Act 1964 - 1986 to exclude the land described hereunder from a
ZONE and to include the land so excluded in another ZONE.

Date

8-3-89

Fee Paid \$

Receipt No.

Fee Checked BTM
& is correct

Details

X-Ref

Name

Unit
No.House
No.

Sufx.

Street
Code

1

- 795 -

4

- 697

PARTICULARS OF APPLICATION

A. Particulars of Land:

1. Real Property description: Part Lot 3 on RP 198010 as described by Metes & Bounds(Include original Portion Number) Parish Indooroopilly County Stanley2. Area: 2.9540ha

(If more than one allotment give area of each and total area)

3. Postal Address: Number 841 Street Moggill Road Suburb Kenmore Postcode 4069

B. Further Particulars

1. Zone from which land is desired to be excluded Future Urban2. Zone in which land is desired to be included: Residential A3. Grounds on which application is made: 1. The existing zoning is no longer appropriate.

2. The proposed zoning and development thereon is a logical use for the land
given its proximity to business uses and isolation from surrounding detached
housing.

4. Where land is freehold land, name of registered proprietor: ASHWICK (QLD) No. 10 PTY. LTD.5. Where land held from Crown for a leasehold estate, name of registered lessee: N/A

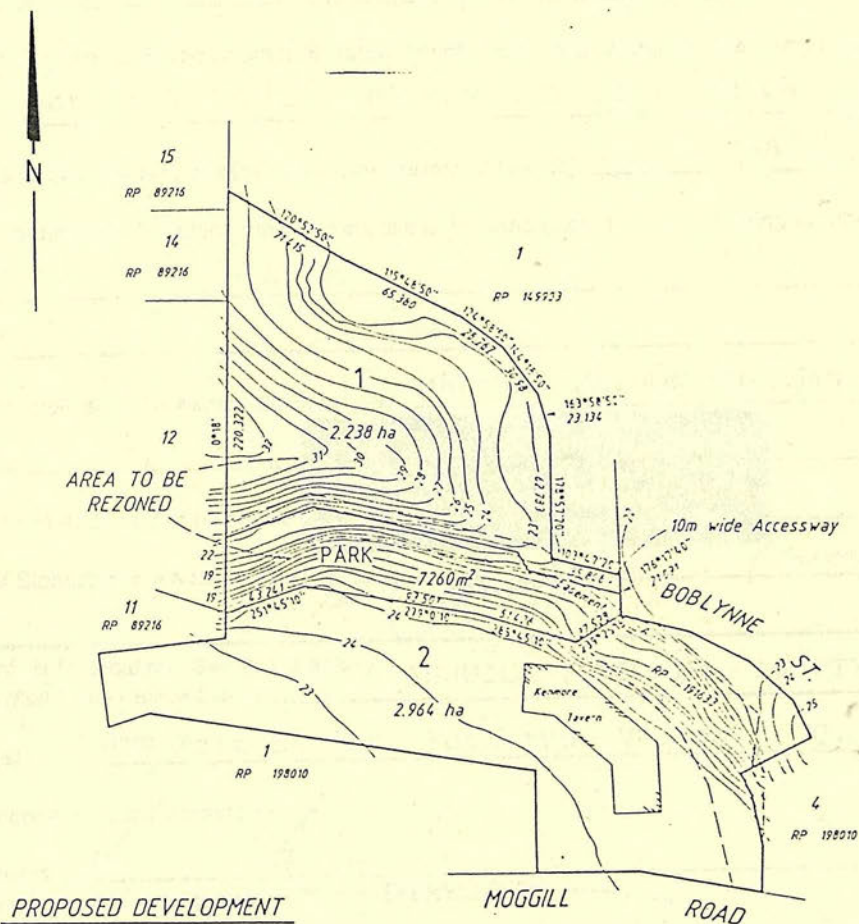
6. Where land is Crown land to be sold, leased or otherwise let, the Minister of the Crown Charged with responsibility for the land -

N/A7. Name of occupier (if any): Subject land vacant ; Balance land - Kenmore Tavern

8. State whether it is proposed to subdivide the land to facilitate the proposed use. Yes. Group Title Subdivision
of Townhouses proposed.

SITE PLAN AND LAYOUT

The site plan is required to be drawn to scale to be indicated showing the boundaries of the land to which the application relates or applies referring to their lengths in metres and bearings, the street or streets which the land or any part thereof abuts, the size and location of all *buildings* or other *structures* proposed to be *erected* on the land and the distance in metres from the nearest point of every such *building* or other *structure* to a boundary of the land. Where the land constitutes part of an *allotment* or part of more than one *allotment* or more than one *allotment*, the boundaries of that *allotment* or those *allotments* shall also be shown in the manner of the boundaries of the land in a colour other than that in which the boundaries of the land are shown.

PROPOSED DEVELOPMENT

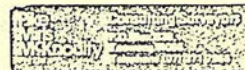
LOT 3 ON RP 198010

Client: JMcLean & Associates.

Note: Areas & Dimensions are approx. only subject to survey & Council approval.

Contours derived from Orthophotography (1:2500)

Scale 1:4000
Ref No. 1946-04
Feb. 1989



Scale: 1:4000 (Delete whichever inapplicable)

Buildings other structures and works presently erected or done in black.

Proposed buildings other structures and works in red.

D. Proposed Use of Land etc.:

1. Use desired to be made of the land: (see Note 4 below) Comprehensive Housing Development2. Height and number of storeys of proposed building: Height 7.5m Storeys 23. Number of persons proposed to be engaged in the proposed use: 100 - 120 Residents4. Total connected load of any mechanical power proposed to be employed in the proposed use: Nil

E. Present Use of Land etc.:

1. Use being made of the land (including any building or other structure thereon) at date of application: Subject land:Vacant - Balance land: Existing Tavern

2. Description of any building or other structure erected on the land and the use being made thereof at the date of application:

Subject land : Nil. Balance : Tavern and Car Park3. Materials of any building or other structure: (referred to in 2:) N/A

4. Number of persons engaged in the present use of the land (including any building or other structure thereon):

N/A

F. Applicant

Name of applicant: (Full Name - Block Letters) MACLEAN WARGON CHAPMAN PTY. LTD.Address: C/-Pike
Miris
McKnoulty
Pty Ltd

Consulting Surveyors

P.O. Box 338,
Toowong, 4066.
Telephone (07) 371 7966Telephone No. 371 7966

Signature of Applicant or otherwise

Basis of Signature: (see Note 3 below)

Sch 4(4)(6)(COMPANY SECRETARY)9/3/89

G. Consent To Application: (See Note 2 Below)

*I / We (Full Name - Block Letters) ASHWICK (QLD) No. 10 PTY. LTD.Address: 18xx Malt Street, Fortitude Valley. Q. 4006.

hereby consent to this application

Sch 4(4)(6)

Signature/s

(*Cross out word not applicable)

DIRECTOR21/2/89

NOTES:

- The application must be lodged in triplicate and accompanied by the appropriate application fee.
- The application must be accompanied by the consent in writing of the prescribed person if made by a person who is not the prescribed person.
A prescribed person means -
(a) in the case of an application to re-zone land held from the Crown in freehold, the registered proprietor of the land;
(b) in the case of an application to re-zone land held from the Crown upon a leasehold tenure, the registered lessee;
(c) in the case of an application to re-zone Crown land proposed to be sold, leased, or otherwise let, the Minister of the Crown charged with responsibility for the land.
- The application must be signed by the applicant or applicants or, in the case of a partnership by one of the partners thereof or, in the case of body corporate or an unincorporated association, by an authorised officer thereof.
- The application must be accompanied by an economic impact assessment, where following re-zoning, it is intended to carry out on the land to which the application relates or applies or part thereof a major shopping development. As to the meaning of the terms 'economic impact assessment' and 'major shopping development' see definition of those terms in section 3 of the City of Brisbane Town Planning Act 1964 - 1986.
- The printing in *italics of any word or phrase* in this form indicates that it is there used in the sense in which it is used in the Town Plan for the City of Brisbane presently in force.

THE MINUTE OF THE ASSESSMENT COMMITTEE MEETING
HELD ON TUESDAY, 21ST MARCH, 1989

6

1.12 Application for Rezoning of Land - 841 Moggill Road,
Kenmore: Ashwick (Qld) No. 10 Pty. Ltd.
(0)397/12-530/89

An application was submitted by Maclean Wargon Chapman Pty. Ltd. for the rezoning from the Future Urban Zone to the Residential "A" Zone of land at 841 Moggill Road, Kenmore, described as part of Lot 3 on Registered Plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares. The purpose of the application was to permit attached houses.

No Statutory Declaration was received at the time the application was considered, and no objections had been received to date. In the event that objections were received to the proposal the matter would be further considered.

After considering the matter, and the report submitted and after taking into consideration those matters referred to in provisions (a), (b), (c), (d), (e) and (f) of Subsection 5 of Section 8 of the City of Brisbane Town Planning Act 1964-1988, the Committee raised no objection to the proposal from a planning point of view subject to a satisfactory agreement concerning developmental requirements including:

- (i) the gross floor area to be limited to 25 percent of the site area outside the drainage easement;
- (ii) the plan of layout to comply with Planning Policy 21.01;
- (iii) the gradients of roads to be to the satisfaction of the Manager, Department of Works, and the Manager, Department of Development and Planning;
- (iv) contribution of \$2 per square metre of gross floor area at the subdivision stage;
- (v) provision of an engineering report with regard to the access point bridge to the satisfaction of Traffic Planning Branch and the Department of Works;
- (vi) provision of the footbridge connecting this development to the shopping centre to be to the satisfaction of the Department of Works;
- (vii) the drainage easement area to be transferred to Council for park purposes.

RECOMMENDATION:

That action be taken to rezone the land as requested subject to a satisfactory agreement concerning developmental requirements including the requirements outlined above.

NTF conveyed
to applicant
30/3/89
[Signature]

FORMAL APPLICATION UNDER SECTION 24.1 FOR REZONING OF LAND

RECOMMENDATION: YES

Date: 21-3-89

Application for Rezoning of Land -

Owner:

File No: (C)397/12-530/89

An application was submitted by Macleay Wagon Chapman Pty
for the rezoning from the Future Urban
Zone to the Res. A. Zone
of land at 841 Moggill Rd Kenmore.
described as Part of lot 3 on 198010
Parish of 1'pilly containing an area of 2.954 Ha.
The purpose of the application was to permit attached houses

No (STAT DEC STANDARD) / Yes objection/s was/were received to the proposal.

After considering the matter, the objection/s received and the report submitted and after taking into consideration those matters referred to in provisions (a), (b), (c), (d), (e) and (f) of Subsection 5 of Section 8 of the City of Brisbane Town Planning Act 1964-1986, the Committee raised no objection to the proposal from a planning point of view subject to a satisfactory agreement concerning developmental requirements including:

1. The G.F.A to be limited to 25% of the site area outside the drainage easement.
2. The Plan of layout to comply with planning policy 21.01 with appl
3. The gradients of roads to be to the satisfaction of the Manager Dept of Works and Corr dept of D&P.
4. Contribution of \$2 per m² gfa at the subdivision stage.
5. Provision of an engineering report ~~on the bridge~~ w.r.t. the access point to the satisfaction of the traffic branch and works Dept.
6. Provision of the footbridge connecting this development to the shopping centre to the satisfaction of the works. depart.
7. The drainage east area to be transferred to Council for park purposes.

RECOMMENDATION:

That action be taken / That the Council propose to take action to rezone the land as requested subject to a satisfactory agreement concerning developmental requirements including the requirements outlined above.

This matter was considered by the Dept of D & P on 21-3-89. The recommendation is supported.

[Signature]
MANAGER

DEPARTMENT OF D. & P.
THIS MATTER WAS CONSIDERED BY THE RATIFICATION COMMITTEE ON 22/3/89 AND I HAVE DECIDED THAT THE SUBMISSION BE

APPROVED
[Signature]
A/ MANAGER

Our Reference: 1946 JMCK: Your Reference: REZONING

Attention: MS. M. CHADWICK

6th March, 1989

The Team Leader,
North West Sector,
Dept. of Development & Planning,
1st Floor,
Brisbane Administration Centre,
Brisbane City Council,
69 Ann Street,
BRISBANE. Q. 4000.

Dear Madam,

**RE: REZONING TO RESIDENTIAL A - PROPOSED ATTACHED HOUSES
BOBLYNNE STREET, CHAPEL HILL.**

We refer to the writer's recent conference with Ms. W. Chadwick in relation to the above rezoning, and confirm that we act on behalf of Banella Holdings Pty. Ltd., in rezoning of part of the existing Kenmore Tavern site to accommodate a proposed Attached Housing Development. The rezoning relates to land described as part of Lot 3 on R.P. 198010, original portions 211 & 218, Parish of Indooroopilly, containing 2.954ha, and fronting Boblynne Street, Chapel Hill.

It is proposed to excise the land to be rezoned from the existing Tavern site from leaving the existing Tavern, on a site containing 2.964ha, as outlined in the attached subdivision proposal, our drawing no. 1946-04.

The proposed Townhouse Development will incorporate 45 luxury Townhouses, large floor area ranging from 135m² to 150m², gross floor area excluding car accommodation etc. We feel this type of development will be in keeping with the high standard of residential housing in the Chapel Hill area, and represents a logical buffer between the existing Tavern and Shopping Centres and surrounding residential suburb.

The site is well defined and isolated by existing creeks along the northern, eastern and southern boundaries which increase the separation of the development from existing residents and commercial developments.

It would be extremely difficult to develop the subject land by way of conventional subdivision due to the location of these creeks, and we feel that local residents should welcome the Townhouse Development in preference to extension of the existing Commercial Development on Moggill Road. The extent of land available for conventional residential subdivision in the western suburbs is now quite limited, and we believe that Council should be encouraging urban densification on isolated sites such as this, to better accommodate the demand for residential housing in this locality.

It is proposed to rezone 2.95ha of land to Residential A, but the total gross floor area proposed is 6360m² which at a rate of 25% of site area, could be contained on a parcel having an area of 25440m². We agree with Council that it is desirable to have a meaningful open space corridor between the site and the Kenmore Tavern, which will also constitute a logical extension of the existing open space in Boblynne Street. As our clients propose to develop and landscape the parkland along the southern boundary of the proposed Townhouses, including a pedestrian bridge, we feel it is more appropriate to dedicate more than the 10% of site area required under Council's parkland policy, as this will benefit both the Townhouse residents and residents of the surrounding suburb. This dedication would be made on the understanding that Council will permit a total gross floor area of 6360m² to be developed on the balance Townhouse site of 2.178ha where theoretically a site of 2.544ha would be required.

We enclose the following documentation in support of this rezoning application:-

1. Council's Rezoning Application forms duly completed and signed in triplicate.
2. Our client company's cheque for \$2110 which we understand to be the application fee appropriate in this instance.
3. Five (5) copies of our drawing no. 1946-04A showing the proposed subdivision and parkland dedication for excision from the Kenmore Tavern site.

4. Five (5) copies each of architectural drawings for the proposed development, numbered 276-88 SK4 and SK5.
5. Metes and Bounds description of the land to which the application relates.

We trust this information will be sufficient for your assesement of this application, and ask that you contact the writer if any further information is required.

Yours faithfully,
PIKE MIRLS MCKNOULTY PTY. LTD.

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METES AND BOUNDS DESCRIPTION

Land to be rezoned from Future Urban to Residential A, being part of Lot 3 on R.P. 198010, Original Portions 211 & 218, Parish of Indooroopilly, County of Stanley and being located at 795 Moggill Road, Kenmore.

Commencing at a point being the most northern corner of Lot 3 on R.P. 198010, the land is

bounded by a line bearing 120° 52' 50" for a distance of 71.415 metres,
thence by a line bearing 115° 48' 50" for a distance of 65.380 metres,
thence by a line bearing 124° 58' 50" for a distance of 28.767 metres,
thence by a line bearing 144° 18' 50" for a distance of 30.98 metres,
thence by a line bearing 163° 58' 50" for a distance of 23.134 metres,
thence by a line bearing 178° 57' 20" for a distance of 62.783 metres,
thence by a line bearing 103° 47' 20" for a distance of 35.808 metres,
thence by a line bearing 176° 17' 40" for a distance of 21.091 metres,
thence by a line bearing 239° 25' 18" for a distance of 27.528 metres,
thence by a line bearing 285° 45' 10" for a distance of 51.426 metres,
thence by a line bearing 279° 00' 10" for a distance of 93.501 metres,
thence by a line bearing 251° 45' 10" for a distance of 43.241 metres,
thence by a line bearing 0° 18' for a distance of 220.322 metres,
back to the point of commencement.

The land contains an area of 2.954 hectares.