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IN THE PLANNING AND ENVIRONMENT
COURT
REGISTRY: BRISBANE

Appeal No. BD 1913 of 2017

BETWEEN:

**GFW DEVELOPMENT PTY LTD (ACN 613 350 833)
TRUSTEE UNDER INSTRUMENT 717467977**

Appellant

AND:

BRISBANE CITY COUNCIL

Respondent

JUDGMENT

Before his Honour Judge Rackemann

Date of Hearing: 25 August 2017

Date of Order: 25 August 2017

THIS MATTER HAVING on this day come on for hearing by way of appeal against the decision of the Respondent to refuse a development application for a development permit for material change of use – multiple dwelling (3 units) (“the development application”) in respect of land located at 1 Probyn Street, Corina and more particularly identified as Lot 3 on RP 69217

AND UPON HEARING the Counsel for the Appellant and the solicitor for the Respondent

AND UPON READING the Notice of Appeal filed on 31 May 2017, the Order of her Honour Judge Kefford dated 21 June 2017, the affidavits of Michael Joseph McMahon filed on 9 August 2017 and the further affidavit of Michael Joseph McMahon filed by leave today

AND UPON THE COURT BEING SATISFIED THAT the changes to the development application are minor changes in accordance with section 350 of SPA

IT IS ORDERED THAT:

1. the appeal be allowed;
2. the changed development application be approved in accordance with the development approval package attached hereto and marked “A”, comprising pages 1 to 28; and

Judgment

Filed on behalf of the Appellant

Form No. PEC-7

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3. each party bears its own costs.

Filed on: 25 August 2017

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Registrar

"A"



Disclaimer: This document has no force or effect unless it is endorsed with a seal of the Court.

APPLICATION DETAILS

This package relates to the application detailed below

Address of Site:	1 PROBYN ST CORINDA QLD 4075
Real Property Description of Site:	L3 RP.69217
Aspects of development and type of approval:	DA - SPA - Material Change of Use Development Permit - Multiple Dwelling
Council File Reference:	A004536797 Permit Reference Number/s: DAMC334360716.
Package Status:	CONSENT ORDER - Version 2
Package Generated:	24/08/2017

PROJECT TEAM

The assessment of this application has been undertaken by:

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DRAWINGS AND DOCUMENTS

The term 'drawings and documents' or similar expressions mean:

Drawing or Document	Number	Plan Date
Proposed - Site Plan	3354 PR01 - SD102, Rev. J (Amended In Red 21-JUL-2017)	13-JUL-2017
Proposed - Ground Floor Plan	3354 PR01 - SD201, Rev. H	13-JUL-2017
Proposed - First Floor Plan	3354 PR01 - SD202, Rev. E	13-JUL-2017
Proposed - Second Floor Plan	3354 PR01 - SD203, Rev. E	13-JUL-2017
Proposed - Roof Plan	3354 PR01 - SD204, Rev. F	13-JUL-2017
Elevation - North	3354 PR01 - SD301, Rev. G	13-JUL-2017
Elevation - East	3354 PR01 - SD302, Rev. G	13-JUL-2017
Elevation - South	3354 PR01 - SD303, Rev. F	13-JUL-2017
Elevation - West	3354 PR01 - SD304, Rev. E	13-JUL-2017
Section A	3354 PR01 - SD305, Rev. F	13-JUL-2017
Section B	3354 PR01 - SD306, Rev. F	13-JUL-2017

Advice

Please see the attached document(s) for any advices.

APPROVAL CONDITIONS

Permit to Which These Conditions Relate:	DA - SPA - Material Change of Use
Activity(ies):	Multiple Dwelling
Stage:	

General/Planning Requirements

	Timing
1) Approved Drawings and Documents A legible copy of the approved DRAWINGS AND DOCUMENTS, the development approval conditions package and a copy of the Planning and Environment Court consent order bearing the seal of the Planning and Environment Court is to be available on site at all times during construction and earthworks. Note. This condition is imposed to ensure compliance with the conditions of development approval. The copy of the conditions and drawings should be located in a site management office or with the site foreman.	While site/operational/building work is occurring
2) Carry Out the Approved Development Carry out the approved development generally in accordance with the approved DRAWINGS AND DOCUMENTS. Note. This development approval may include the location of fences, retaining walls and/or external walls of buildings on the boundary of a lot. This approval does not imply permission to enter neighbouring properties to carry out the construction (including associated drainage and earthworks) or maintenance activities. Permission to enter neighbouring properties must be obtained from relevant property owners.	While site/operational/building work is occurring and then to be maintained
3) Complete All Building Work Complete all building work associated with this development approval, including work required by any of the conditions included in the Development Approval Package. Such building work must be carried out generally in accordance with the approved DRAWINGS AND DOCUMENTS, and, where the building work is assessable development, in accordance with a current development approval.	Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL), and then to be maintained
4) Maintain the Approved Development Maintain the approved development generally in accordance with the approved DRAWINGS AND DOCUMENTS, and any relevant Council engineering or other approval required by the conditions.	To be maintained

Architecture

	Timing
5) External Details	Prior to issue of Certificate of

4

11) Solar Screening Provide solar screening in accordance with the approved DRAWINGS AND DOCUMENTS.	Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained
12) Screening Multiple Dwelling / Dual Occupancy Provide screening in accordance with the approved DRAWINGS AND DOCUMENTS and the following: a) Where any windows of habitable rooms of the proposed dwelling(s) are within 2m at ground floor level or 9m above ground floor level of adjoining neighbouring dwellings' windows to habitable rooms, provide suitable screening in accordance with the following: - Sill heights of 1.5m above floor level; or - Fixed obscure glazing in any part of the window below 1.5m above floor level; or - Fixed external screens, or - Fencing to a minimum 1.8m above ground floor level (only applies to overlooking from windows at ground floor level). b) Where a direct view is available from balconies, landings, terraces and decks of the proposed dwelling(s) into windows, balconies, landings, terraces and decks of an adjacent dwelling house, that view must be screened from floor level to a height 1.5m above floor level c) Translucent screens, perforated or slatted panels, or fixed louvres that are permanent, durable and fixed and have a maximum of 25% openings, with a maximum opening of 50mm.	Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained

Landscape Architecture and Open Space Planning

Landscape Architecture and Open Space Planning	
	Timing
<p>13) Retain and Protect Existing Street Tree(s)</p> <p>Identify, retain and protect the existing street trees unless otherwise agreed in writing with Asset Services.</p> <p>Note: Street trees are protected under the Natural Assets Local Law. Street trees must not be removed or pruned without prior approval from Asset Services.</p>	<p>While site/operational/building work is occurring</p>
<p>13(a) Implement Protection Measures</p> <p>Install tree protection measures in accordance with Australian Standard - AS4970 Retention of Trees on Development Site.</p> <p>There must be no excavation, filling or storage of materials or plant within the drip line of the tree(s).</p> <p>Note: If fencing is proposed to protect street trees, a permit to temporarily occupy the footway will be required from Compliance and Regulatory Services.</p> <p>Timing: Prior to site / operational / building work occurring</p>	<p>As indicated</p>

<p>13(b) Maintain Protection Measures</p> <p>Maintain protection measures while development is occurring and remove protection measures prior to commencement of the use.</p> <p>Timing: While to site / operational / building work is occurring</p>	<p>As indicated</p>
<p>14) Street Tree Replacement</p> <p>Provide for replacement planting of the existing street tree(s) fronting the development site being removed to site the proposed driveway crossovers</p> <p>14(a) Enter Arrangement</p> <p>Enter into an arrangement with Asset Services to pay the cost or undertake works, as agreed with Asset Services, for the removal and replacement planting of the existing street tree(s) fronting the development site.</p> <p>Timing: Prior to site / operational / building work commencing</p> <p>14(b) Implement Arrangement</p> <p>Implement the arrangement agreed with Asset Services.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>As indicated</p> <p>As indicated</p>
<p>15) Streetscape Works - Neighbourhood Street</p> <p>Carry out streetscape improvement works to both the Hassall St and Probyn St frontages including concrete path (where required by this condition), turf and street trees to the verge to a Neighbourhood Street Major standard in accordance with the relevant Brisbane Planning Scheme Codes, Brisbane Standard Drawings (BSD), the requirements of this condition and the Infrastructure Design Planning Scheme Policy including sections 3.7.4.4 and 3.7.5</p> <p>15(a) Concrete Path</p> <p>Install a 1.8m wide broom finished standard Portland grey concrete path. The edge of the path is to be setback 1.3m from the back of kerb. The path is to transition to existing paths on verges that adjoin the development.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>15(b) Submit As-Constructed Drawings</p> <p>Submit to Development Assessment "As Constructed" plans including an asset register, checked by a Registered Professional Engineer Queensland, certifying that the concrete path works have been completed in accordance with relevant Brisbane Planning Scheme Codes/Policies.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>As indicated</p> <p>As indicated</p>

<p>Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>15(c) Turf</p> <p>Install turf to the full width of the verge excluding any concrete path required by this condition.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>15(d) Street Tree(s)</p> <p>Contact the call centre on 3403 8888 and request that Council undertake street tree planting in accordance with the Infrastructure Design Planning Scheme Policy including section 3.7.5 to the frontage of the development. Provide the call centre with the Development Approval number and obtain a reference number for the phone call for your record.</p> <p>Timing: Prior to issue of Certificate of Classification / Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation on the plan of subdivision (ROL)</p>	<p>As indicated</p> <p>As indicated</p>
<p>16) Landscape the Site - Self Certification</p> <p>Landscape the site in accordance with the requirements of this condition.</p> <p>16(a) Landscape Plan for Self Certification</p> <p>Prepare a detailed Landscape Plan at a scale of 1:100 for all on-site landscape works identified on the approved DRAWINGS AND DOCUMENTS including the Landscape Concept Plan as amended in red. The plan must be prepared by a registered Landscape Architect and must comply with the relevant Brisbane Planning Scheme Code. The plan must be certified by the registered Landscape Architect using Brisbane City Council Form CC10616 - Landscape Design Certification and the form must be submitted to Development Services.</p> <p>In addition to the requirements listed above, the plan must include the following:</p> <p>Planting</p> <ul style="list-style-type: none"> - Provide columnar trees at 3.0 metre intervals where possible along site boundaries - Provide screening trees and shade trees along the entire length of the rear boundary - Provide one small shade tree to each private courtyard - Provide flowering / shade trees within the frontage at maximum centres of 6.0 metre, provided as 45 litre stock or larger, staked and tied - Provide shade trees along driveways where possible - Provide low shrubs and groundcovers to all landscape areas - Provide a minimum of 2m wide landscaping for the street frontage excluding the driveway crossover and pedestrian access - Provide a minimum of 1.5m wide landscaping for a side boundary excluding the area for built to boundary walls - Provide a minimum 1m wide landscaping for a side boundary, where a driveway is located adjacent to the boundary - Provides one tree per 20m of frontage capable of growing 15m 	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained</p> <p>As indicated</p>

high (minimum) at maturity

- Provide tree planting to achieve a minimum of 25% shade to outdoor communal spaces within 5 years
- Provide tree species that can provide a minimum 50% shade cover to a site's open space within 10 years
- Provide a minimum of 25% landscaping within communal outdoor space consisting of a balanced combination of soft and hard landscape features
- Provide a minimum of 25% landscaping at a minimum 1m dimension within private open space areas on ground or in structure

Amenity

- Trees required to be retained are documented, protected and integrated into the landscape design in accordance with Australian Standard - AS4970 Protection of trees on development sites
- Provide a prioritised pedestrian entry to the units front and rear
- Fences and retaining walls must not exceed 2.0 metres in height from ground level unless stepped back and planted
- Hard surfaces must grade to landscaped areas
- Provide a hose cock for each courtyard

Specifications

- Provide mulch and soil to meet Australian Standards
- Ensure that soil media is ameliorated to increase its water-holding abilities

Timing: Prior to building work above ground level commencing

16(b) Implement Certified Landscape Plan

As indicated

Carry out the landscaping work in accordance with the above certified detailed Landscape Plan.

Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first

16(c) Certify Work

As indicated

On completion of the landscaping work, submit to Development Services Brisbane City Council Form CC10613 - Landscape Works Certificate prepared by a registered Landscape Architect or licensed Landscape Contractor to certify the completed landscaping work complies with the certified detailed Landscape Plan.

Note: A copy of the as-constructed detailed Landscape Plan must accompany the completed Landscape Works Certificate.

Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first.

16(d) Maintain Landscape Work

As indicated

Maintain the landscape work generally in accordance with the certified detailed Landscape Plan.

Timing: To be maintained

Pollution

	Timing
<p>17) Buildings in Transport Noise Corridors - Acoustic Treatments</p> <p>All new houses, townhouses, units, hotels and motels (Class 1-4 buildings) on sites located in a designated transport noise corridor are required to comply with the requirements of the Queensland Development Code Mandatory Part 4.4 - Buildings in Transport Noise Corridors. The buildings will need to achieve specific levels of noise mitigation through the use of appropriate materials for floors, walls, roofs, windows and doors for the relevant noise category.</p> <p>17(a) Transport Noise Corridor Design</p> <p>Submit for the approval of a Building Certifier as part of the subsequent development application for a development permit to carry out building work, details of the design of the development to demonstrate compliance with this condition.</p> <p>Timing: Prior to approval of the development permit to carry out building work</p> <p>17(b) Transport Noise Corridor - Construction</p> <p>Submit to the Building Certifier, certification from a suitably qualified person that the approved details of the design of the development to demonstrate compliance with this condition have been implemented.</p> <p>Timing: Prior to issue of a Certificate of Classification/ Final Inspection Certificate</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained</p> <p>As indicated</p> <p>As indicated</p>

Engineering

	Timing
<p>18) On-site Erosion (low risk)</p> <p>Minimise on-site erosion and the release of sediment or sediment laden stormwater from the site at all times by implementing best industry practice for sediment and erosion control.</p> <p>Note: Guidelines and factsheets to assist with this are available from the 'Healthy Waterways – Water by Design' website at http://waterbydesign.com.au/factsheets/</p> <p>Timing: While site works are occurring and until all exposed soil areas are permanently stabilised against erosion.</p>	As indicated
<p>19) Information Signage</p> <p>Erect an "Information Sign" on the subject property in accordance with Council's general requirements for signage and in accordance with the</p>	As indicated

requirements outlined below:

a) The sign should provide a brief description of the development proposed;
b) The sign is to list the name, postal and/or email address and a contact telephone number for the following parties (where relevant) that are undertaking work on the site:

Developer;
Project Coordinator;
Architect/Building Designer;
Builder;
Civil Engineer;
Civil Contractor/s; and
Landscape Architect;

c) The lettering on the sign is to be at least 25 millimetres in height, be of regular weight and in sentence case;
d) The sign is to be a minimum size of 1,200 millimetres by 900 millimetres;
e) The maximum area of the sign is to be 2.0m²;
f) The sign is to be positioned as follows:

located centrally along each road frontage of the site to Probyn Street and Hassall Street;

located on or within 1.5 metres of the road frontage;
mounted at least 300 millimetres above ground level; and
clearly visible from the street for a pedestrian;

g) The sign is to contain no commercial or corporate advertising other than the name, logo or slogan of the parties outlined in part (b) of this condition;
h) The sign is to be non-illuminated; and
i) Both the sign and the supporting structure are to be made of weatherproof material and to be properly maintained at all times;

Timing: Prior to site works commencing and then to be maintained until completion of the development for all stages.

20) Construction Management Plan (Minor)

Prepare a Construction Management Plan for the subject site.

The Construction Management Plan must be available on site at all times and must show, but not be limited to the following details where applicable, for the construction phase of the approved development:

- Provision of alternative pedestrian route/s, past or around the site
- Personal Protection Equipment Areas
- Existing and proposed kerbside allocation signs and line marking (such as bus stops, loading zones and parking meters and/or ticket dispensers)
- Temporary vehicular access points
- A sign-off page is required demonstrating that all contractors and construction staff have read and agreed to comply with the Construction Management Plan
- Employee and visitor parking areas
- Provision for loading and unloading materials including the location of any remote loading sites
- The location of materials, structures, plant and equipment to be stored or placed on the construction site
- The anticipated staging and programming
- Signage prominently erected at the perimeter of the site entrance stating: - Developers Name and address - A contact representative of the Developer and Principal Contractor and phone number. These people must be responsible to provide 24 hr contact for complaints arising from the development

Prior to site/operational/building work commencing

<p>- Allowable work times as those set by the Queensland Environmental Protection Policy (Noise) 2008. A request can be made to work outside of these hours by submitting an Environmental Management Plan for assessment and obtaining an endorsed decision from the Environmental Management delegate Development Services.</p> <p>Note:</p> <p>- The Construction Management Plan is not required to be approved by Development Services.</p> <p>20(a) Implement Construction Management Plan (minor)</p> <p>Carry out the development in accordance with the Construction Management Plan prepared in accordance with this condition.</p> <p>Timing: While site/operational/building work is occurring</p>	<p>As indicated</p>
<p>21) Protect Existing Infrastructure</p> <p>Where there is existing infrastructure in the vicinity of the proposed work, the new work must not damage or compromise the working ability of the existing infrastructure. Where alterations to public utility mains, existing mains, services or installations are necessitated by the development, prior to alterations commencing, the developer must notify Council or the relevant infrastructure provider and obtain agreement to the alterations. The developer must meet the costs of the alterations. The alterations must be carried out in accordance with the relevant Brisbane Planning Scheme Codes or infrastructure providers requirements.</p> <p>21(a) As Constructed Drawings</p> <p>Where alterations to existing infrastructure are required, submit to Development Services "As Constructed" drawings showing all new and/or rectification works and an asset register, prepared by a Registered Professional Engineer Queensland.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>21(b) Submit Certification</p> <p>Where alterations to existing infrastructure are required, submit to Development Services certification from a Registered Professional Engineer Queensland, confirming that the alterations have been completed in accordance with the relevant Brisbane Planning Scheme Codes and any other relevant infrastructure requirements.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>	<p>While site/operational/building work is occurring</p> <p>As indicated</p> <p>As indicated</p>
<p>22) Filling and / or Excavation (Minor)</p> <p>Filling and/or excavation works on the site must be in accordance with</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever</p>

<p>the relevant Brisbane Planning Scheme Codes.</p> <p>22(a) Prepare Earthworks Drawings</p> <p>Earthworks drawings must be prepared and certified by either: a Registered Professional Engineer Queensland or a suitably qualified geotechnical and structural consultant, in accordance with the relevant Brisbane Planning Scheme Codes.</p> <p>The drawings must include the following:</p> <ul style="list-style-type: none"> - maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary - preservation of all drainage structures from the effects of structural loading generated by the earthworks - protection of adjoining properties and roads from ponding or nuisance from stormwater. <p>Timing: Prior to site/operational/building work commencing</p> <p>Note: The Earthworks drawings are not required to be submitted for Council approval.</p>	<p>comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>As indicated</p>
<p>22(b) Implement and Maintain the Earthworks</p> <p>Carry out and maintain the earthworks in accordance with the certified drawings.</p> <p>Note: A copy of the certified Earthworks Drawings must be available on-site for inspection by Council Officers during these works.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>	<p>As indicated</p>
<p>23) Repair Damage to Kerb, Footpath Or Road</p> <p>Repair any damage to the existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drainlines) and re-instate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>
<p>24) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking</p> <p>Construct access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved DRAWINGS AND DOCUMENTS, including the following:</p> <ul style="list-style-type: none"> i. A pavement of minimum Local road standard or equivalent surface material (including associated drainage) to the area on which motor vehicles will be driven and/or parked. ii. Manoeuvring on site for a medium car and for the loading and unloading of vehicle(s). 	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained</p>

<p>iii. Parking on the site for 6 cars and for the loading and unloading of vehicle(s) within the site</p> <p>iv. Provide 1 secure bicycle parking space per unit.</p> <p>v. A minimum of 2.3 metres height clearance to all undercover parking areas and a minimum of 2.5 metres above parking spaces for people with disabilities. The minimum clear height must be measured to the lowest protrusion from the ceiling (e.g. fire sprinklers, services, lighting fixtures, signs, etc).</p> <p>vi. A height clearance sign located at the entrance(s) to undercover car parking areas and a directional visitor parking sign clearly visible from the vehicle entrance to the site.</p> <p>vii. An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site.</p> <p>viii. The internal paved areas must be signed and delineated in accordance with the approved drawings and Manual of Uniform Traffic Control Devices - Queensland Department of Transport and Main Roads - Transport Operations (Road Use Management) Act 1995.</p> <p>24(a) Submit certification</p> <p>Submit to Development Services, certification from a Registered Professional Engineer Queensland, that the above requirements have been implemented in accordance with this condition.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first</p>	<p>As indicated</p>
<p>25) Refuse Collection - Kerb Side (external road or internal private road)</p> <p>Refuse and recycling bins for the proposed development must be collected from the kerb side unless alternative refuse collection arrangements are made with Brisbane City Council's Waste Services.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained</p>
<p>26) Refuse Storage - Kerb Side Collection</p> <p>Provide a roofed and screened waste enclosure to accommodate the type and quantity of waste/recycling bins required to service the development.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained</p>
<p>27) Ponding of Stormwater</p> <p>Carry out the approved development to ensure that adjoining properties and roads are protected from ponding or nuisance from stormwater as a result of the works.</p> <p>Notes: If remedial works are necessary to comply with this condition, prior approval must be obtained from Development Services.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>
<p>28) On Site Drainage - Minor</p>	<p>Prior to issue of Certificate of</p>

<p>Provide a stormwater connection to all new or existing allotments and provide drainage infrastructure to ensure stormwater run-off from all roof and developed surface areas will be collected internally and piped in accordance with the relevant Brisbane Planning Scheme Codes to a lawful point of discharge.</p> <p>Note: Guidance for the preparation of drawings and/or documents to comply with this condition is provided in the Brisbane Planning Scheme Policies</p> <p>28(a) Submit As Constructed Drawings</p> <p>Where reconfiguring a lot, submit to Development Services "As Constructed" drawings prepared by a Registered Professional Engineer Queensland.</p> <p>Timing: Prior to Council's notation of the plan of subdivision</p> <p>28(b) Submit Certification</p> <p>Where reconfiguring a lot, submit to Development Services certification from a Registered Professional Engineer Queensland, confirming that the works have been completed in accordance with this condition.</p> <p>Timing: Prior to Council's notation of the plan of subdivision</p>	<p>Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL), and then to be maintained</p> <p>As indicated</p> <p>As indicated</p>
<p>29) Service Conduits and Mains</p> <p>Provide and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services or installations that are required to carry out the approved development. These works must be in accordance with the relevant Brisbane Planning Scheme Codes, and include the following, where applicable:</p> <ul style="list-style-type: none"> - the provision of all services and/or conduits along the full length of any rear allotment access or access easement. - the breaking and/or relocation of any existing sewer combine drains. - the relocation of any fire hydrant and/or valves from the development's vehicular footway crossings. - the retention and/or relocation of any existing foul water lines that currently exist within the site <p>Note: Applicants must liaise with the appropriate service authorities. Typical underground services and/or conduits to be constructed include power, phone, telecommunications, sewer (including private combine drains) stormwater and gas, if applicable.</p> <p>29(a) Submit As Constructed Drawings</p> <p>Submit to Development Services "As Constructed" drawings, including an asset register, prepared by a Registered Professional Engineer Queensland.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>29(b) Submit Certification</p> <p>Submit to Development Services certification from a Registered</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p> <p>As indicated</p> <p>As indicated</p>

<p>Professional Engineer Queensland, confirming that the works have been completed in accordance with the requirements of this condition.</p> <p>Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>	
<p>30) Telecommunications</p> <p>Submit to Development Services, certification from an authorised telecommunications carrier/contractor, that the following works and infrastructure have been undertaken and installed in accordance with telecommunications industry standards:</p> <p>a) Provide telecommunications to the subject buildings, lead-in conduits and equipment space in a suitable location within the buildings, to suit the carrier of choice.</p> <p>b) If new pits and conduit infrastructure are required to be installed within the road reserve fronting the site, it must be suitably sized to cater for future installation of fibre optic cables.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>
<p>31) Agreement with Electricity Supplier</p> <p>Submit to Development Services, evidence of an agreement with an electricity supplier to provide necessary services to the development in accordance with the relevant Brisbane Planning Scheme Codes.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>
<p>32) Permanent Vehicle Crossover</p> <p>Provide a 6 metre wide Type B1 permanent shared access crossover to Unit 1 and 2 from the Hassall Street frontage of the site and a 3.5 metre wide Type B1 permanent vehicle crossover to Unit 3 from the Probyn Street frontage of the site in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS.</p> <p>Note: No further permits are required to carry out these works and street trees must not be removed without prior approval from Asset Services.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>
<p>33) Redundant Crossover</p> <p>Remove the redundant existing vehicle crossing(s) on the frontage(s) of the site and reinstate the kerb and channel, road pavement, footways and footpaths in accordance with the relevant Brisbane Planning Scheme Codes.</p>	<p>Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first (MCU or BW), or prior to Council's notation of the plan of subdivision (ROL)</p>

Standard Advice

	Timing
<p>34) Construction Noise and Dust Emissions</p> <p>Pursuant to the Environmental Protection Act 1994, all development involving</p>	As indicated

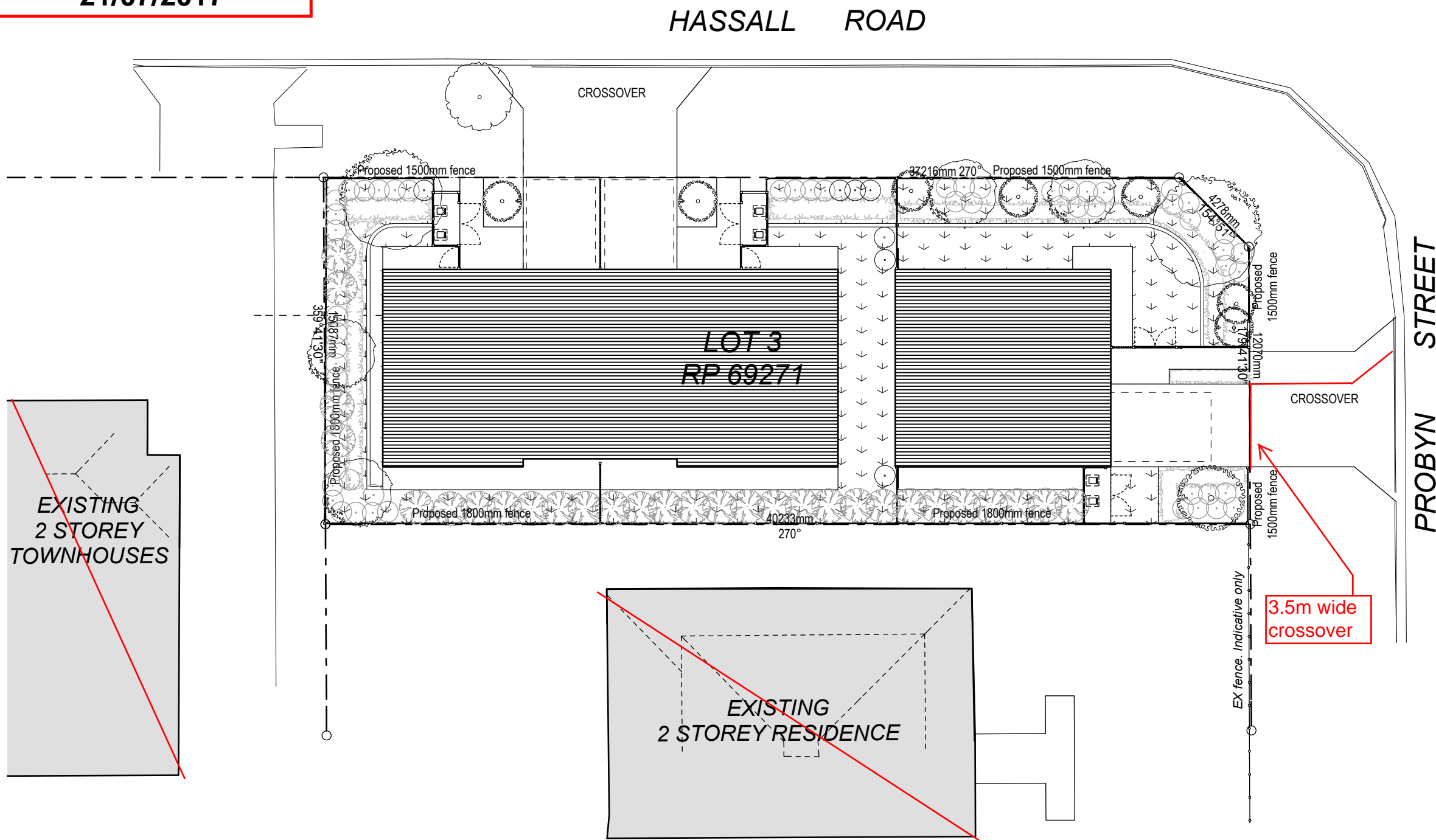
<p>the emission of noise and dust from building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Act.</p> <p>The Environmental Protection Act 1994 prescribes that:</p> <p>1. A person must not carry out building work in a way that makes an audible noise-</p> <ul style="list-style-type: none"> - on a business day or Saturday, before 6.30a.m. or after 6.30p.m; or - on any other day, at any time. <p>2. The reference in subsection (1) to a person carrying out building work-</p> <ul style="list-style-type: none"> - includes a person carrying out building work under an owner-builder permit; and - otherwise does not include a person carrying out building work at premises used by the person only for residential purposes. <p>Note: A request can be made to work outside of these hours by submitting an Environmental Management Plan for assessment and obtaining an endorsed decision from the Environmental Management delegate Development Services.</p>	
<p>35) Advice</p> <p>Please note that the information contained in this section under the heading Standard Advice has been provided as advice only and does not form part of the development approval conditions. This information has been provided to advise of other obligations under state legislation or local laws that may require action to be undertaken prior to commencing the activity approved by this development approval.</p>	As indicated
<p>36) Equitable Access</p> <p>Provision must be made for equitable access for persons with disabilities to and within the site in accordance with the Queensland Anti-Discrimination Act 1991, the Federal Disability Discrimination Act 1992 and Australian Standard AS1428 Parts 1-4, Australian Standard for Access and Mobility and the National Construction Code.</p>	As indicated
<p>37) Water and Wastewater</p> <p>Services for water and wastewater (sewerage) are no longer under the jurisdiction of Brisbane City Council. Authorisation to connect the approved development to the water/wastewater networks and for property service connections requires a Water Approval under the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009. Any necessary Water Approval must be obtained from the relevant distributor-retailer (currently operating as Queensland Urban Utilities for the Brisbane City Council area).</p> <p>For the purpose of compliance assessment of a subdivision plan pursuant to Schedule 19 of the <i>Sustainable Planning Regulation 2009</i> (whether in relation to a development permit for Reconfiguring a Lot or a Building Format Plan subsequent to a development permit for a Material Change of Use), documentary evidence, issued by the</p>	As indicated

<p>relevant distributor-retailer, must be provided to Council to verify that the conditions of any necessary Water Approval under the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, have been complied with.</p>	
<p>38) Damage to Trees on Adjoining Lots</p> <p>Please note that any damage caused to vegetation on adjoining lots as a result of exercising this development approval may result in civil action.</p>	<p>As indicated</p>
<p>39) Fire Ant Movement Controls</p> <p>To prevent the spread of fire ants, the Queensland Government has implemented movement controls in areas of Queensland (biosecurity zones) where this pest species has been detected. These controls apply to individuals and commercial operators, and restrict the movement of materials that could carry fire ants which include soil, turf, potted plants, mulch, baled hay or straw, animal manures, mining or quarry products.</p> <p>Breaches of these controls can potentially impact the community, economy and the environment. Penalties for non-compliance with movement controls within fire ant biosecurity zones apply under the Biosecurity Act 2014.</p> <p>If you are unsure of your obligations contact the relevant Queensland State Government Department (Biosecurity Queensland, Department of Agriculture and Fisheries)</p>	<p>As indicated</p>

**** End of Package ****

APPROVED PLAN
Planning and Environment Court Decision
Appeal Number
1913 of 2017

AMENDED IN RED
21/07/2017



SITE INFORMATION

RPD: Lot 3 on RP69271
PARISH: Oxley
COUNTY: Stanley
SITE AREA: 602 m²
SITE ZONING: LMR2 - Low Medium Density Residential

BUILDING CLASSIFICATION

~~PROPOSED:~~ CLASS 2

SITE COVER

PROPOSED SITE COVER: **41.3%** (249 m²)
(EXCLUDING OVERHANG AND AWNINGS)

PRIVATE OPEN SPACE (POS)

APARTMENT 01: 8.5 m² (Patio) + 80.5 m² (POS) = 89.0m²
 APARTMENT 02: 11.0 m² (Patio) + 85.0m² (POS) = 96.0 m²
 APARTMENT 03: 10.0 m² (Patio) + 117 m² (POS) = 127.0 m²

TOTAL POS: 29.5 m² (Patios) + 282.5m² (POS) = **312m²**

CARPARKS

RESIDENCE BAYS: 3
VISITORS BAYS: 3

APARTMENT GFA AREA

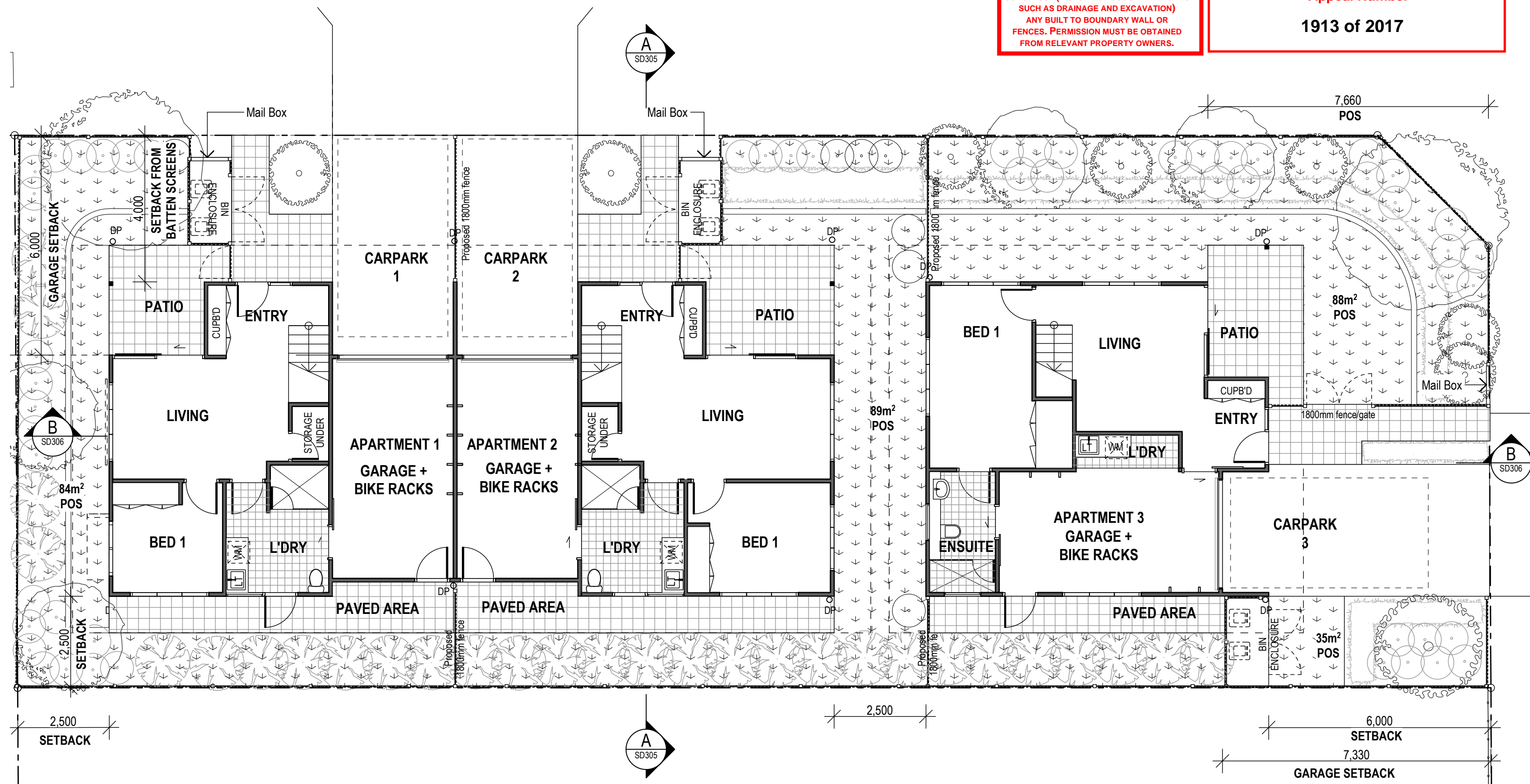
APARTMENT 01:	204 m ²
APARTMENT 02:	215 m ²
APARTMENT 03:	212 m ²

Proposed Site Plan
SCALE: 1:200



THIS APPROVAL SHOULD NOT BE TAKEN TO CONSTITUTE PERMISSION TO ENTER NEIGHBOURING PROPERTIES TO CONSTRUCT (INCLUDING ASSOCIATED WORKS SUCH AS DRAINAGE AND EXCAVATION) ANY BUILT TO BOUNDARY WALL OR FENCES. PERMISSION MUST BE OBTAINED FROM RELEVANT PROPERTY OWNERS.

APPROVED PLAN
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Appeal Number
1913 of 2017



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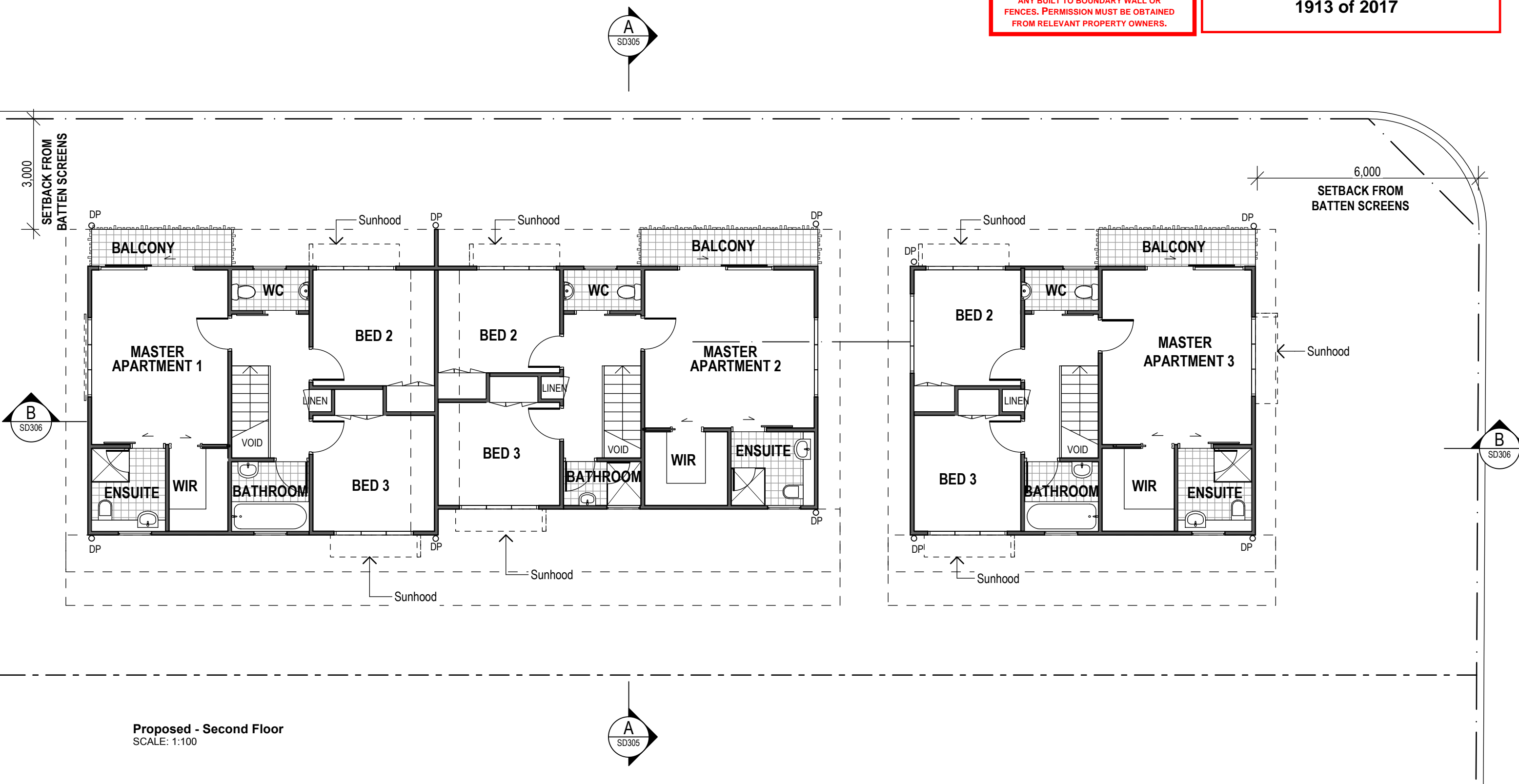


Proposed - First Floor
SCALE: 1:100



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APPROVED PLAN
Planning and Environment Court Decision
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1913 of 2017



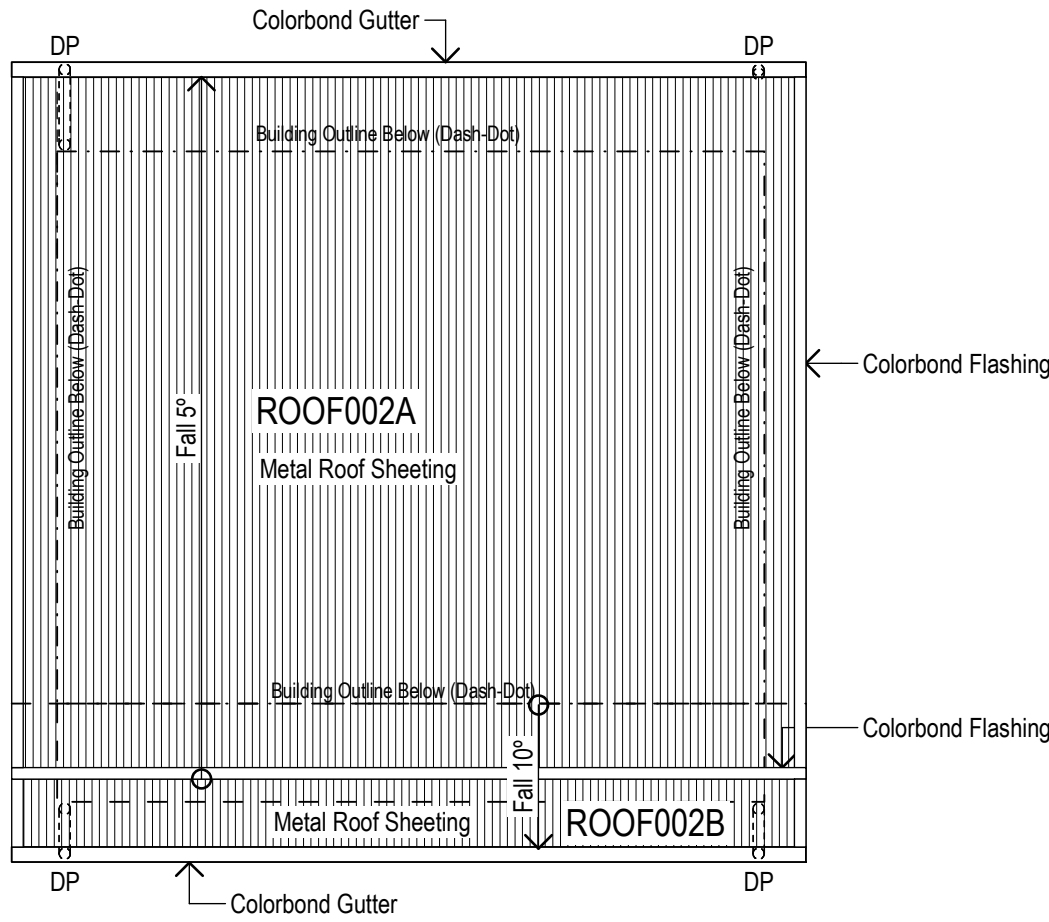
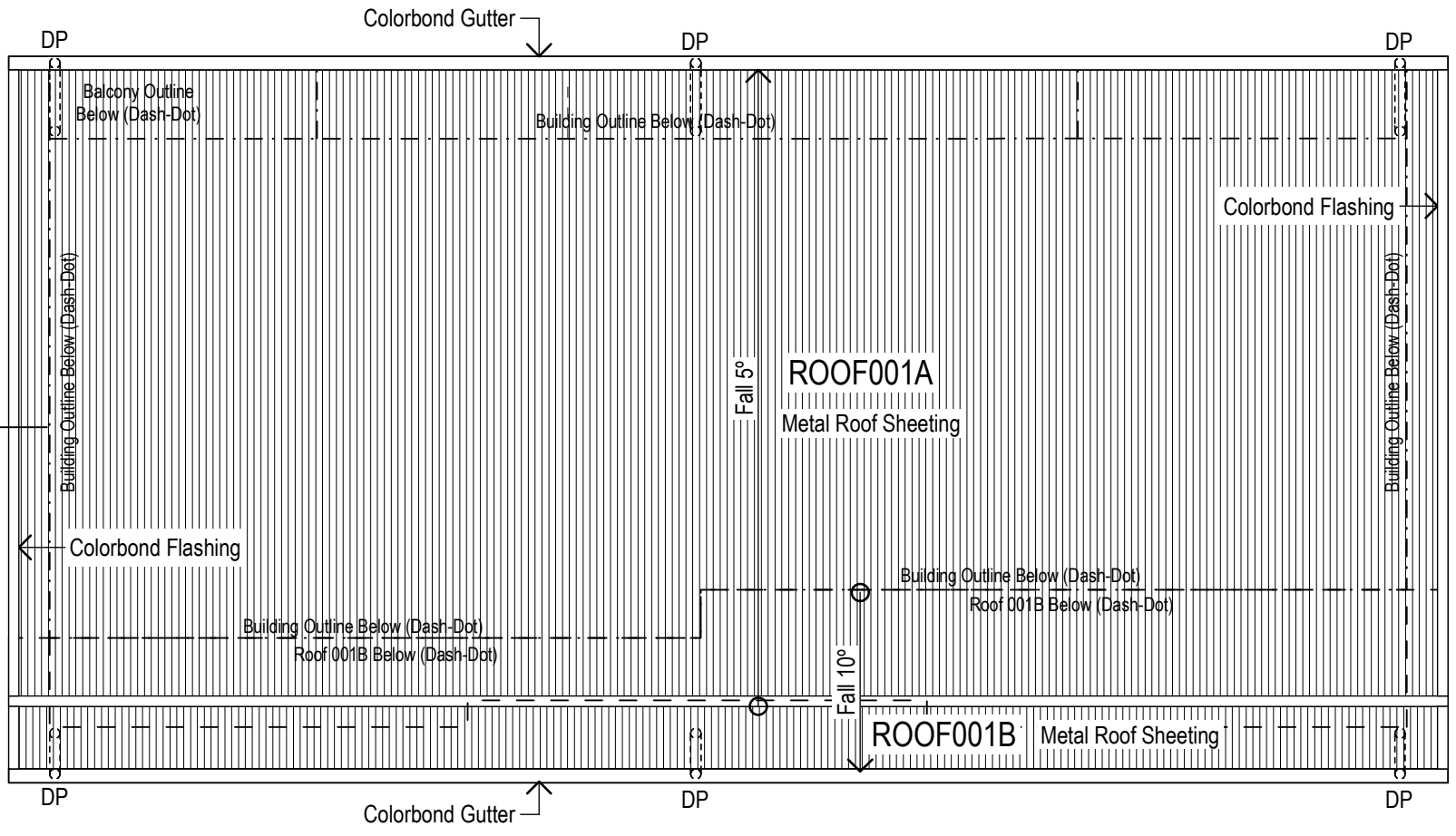
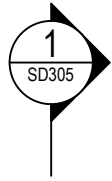
Proposed - Second Floor
SCALE: 1:100



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Planning and Environment Court Decision
Appeal Number

1913 of 2017



Proposed - Roof Plan
SCALE: 1:100



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APPROVED PLAN
Planning and Environment Court Decision
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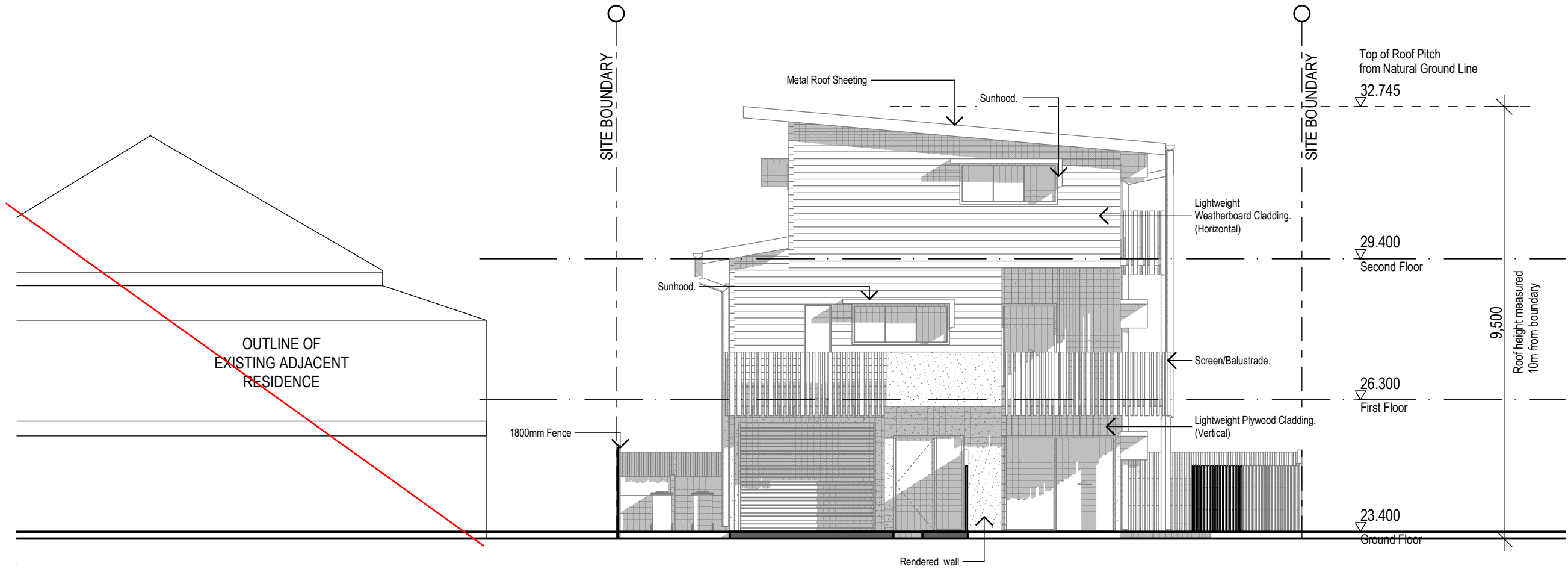


Elevation North
SCALE: 1:100

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Planning and Environment Court Decision
Appeal Number

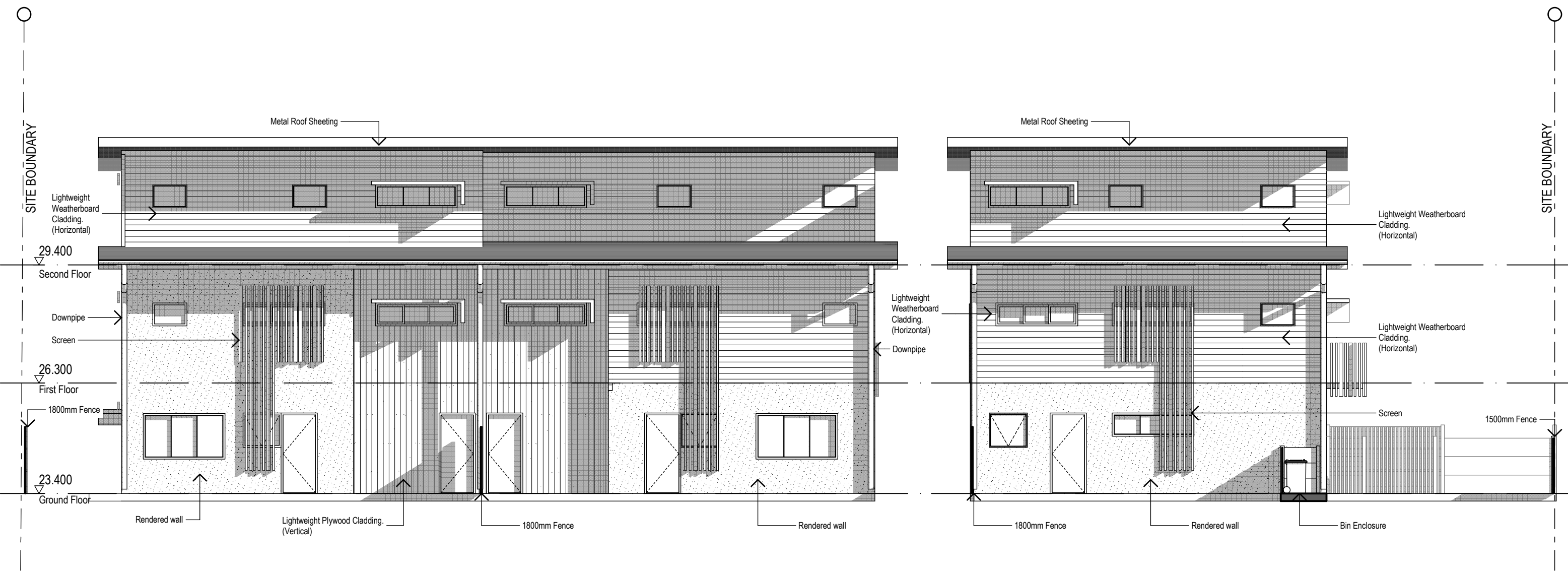
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Elevation East
SCALE: 1:100

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APPROVED PLAN
Planning and Environment Court Decision
Appeal Number
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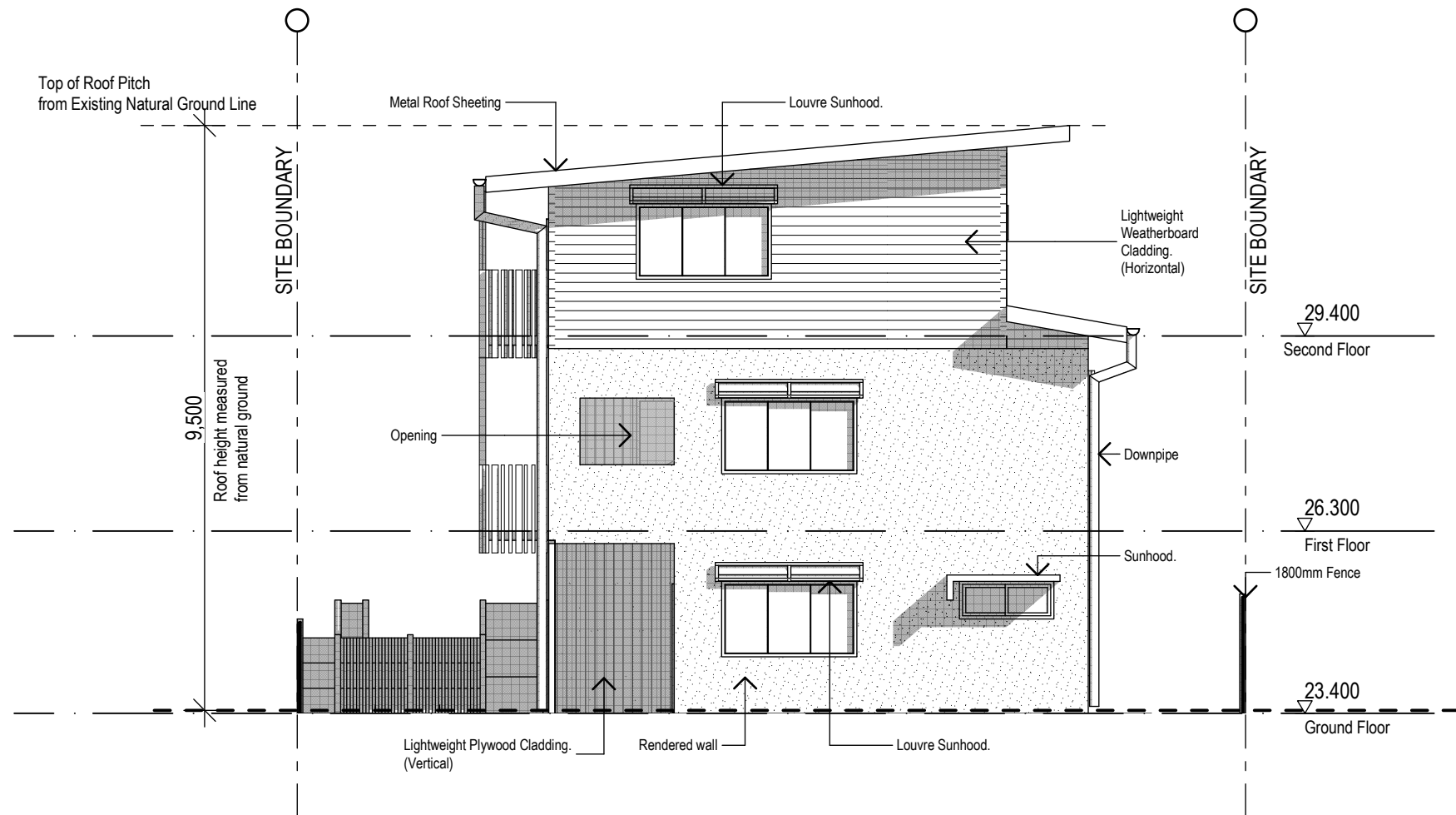


Elevation South
SCALE: 1:100

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APPROVED PLAN
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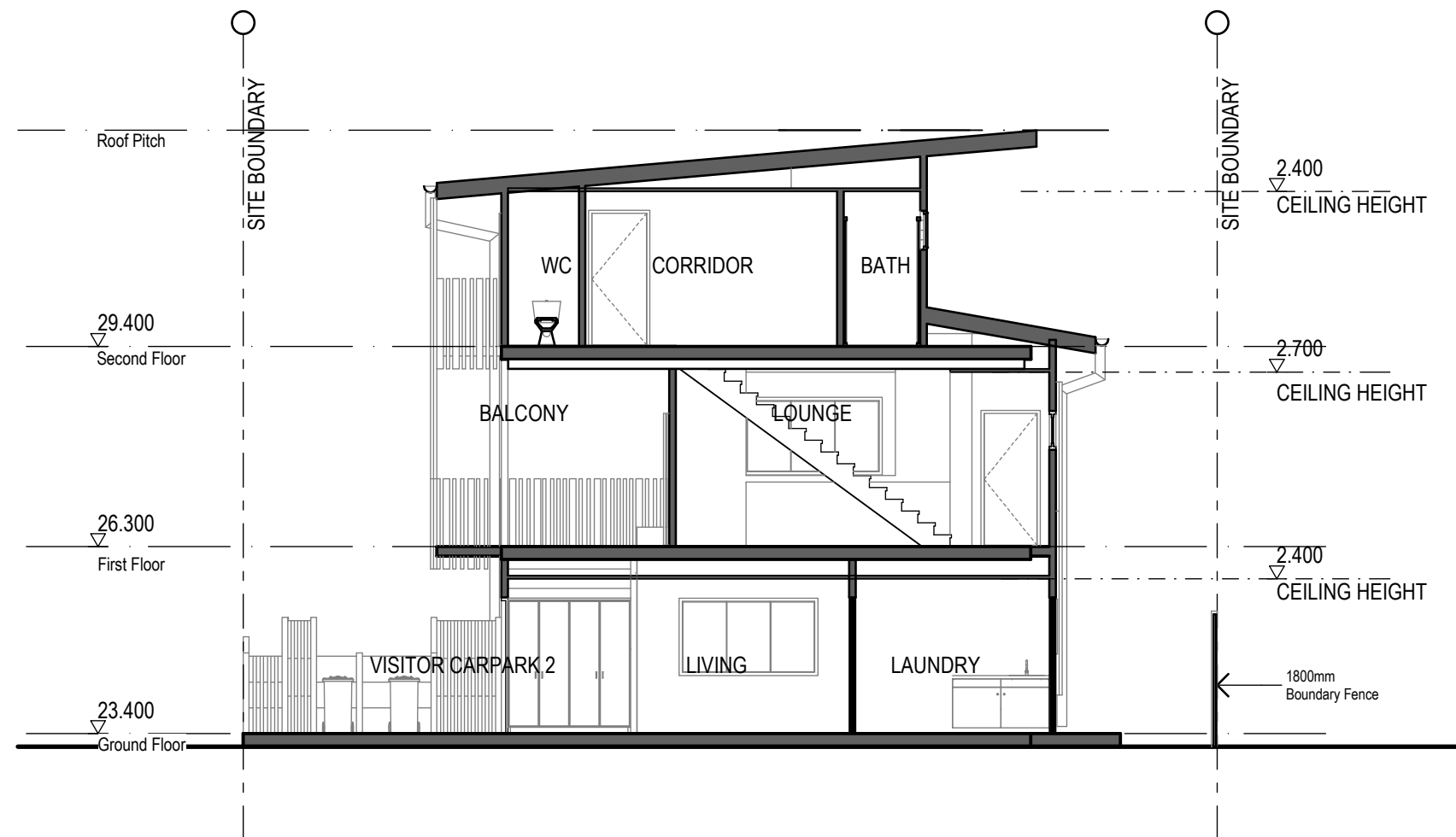
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Elevation West
SCALE: 1:100

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Appeal Number
1913 of 2017



Section A
SCALE: 1:100

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Planning and Environment Court Decision
Appeal Number
1913 of 2017



Section B
SCALE: 1:100