

19.2 PLANNING AND ENVIRONMENT COURT APPEAL 339 OF 2018 - HOSGOOD COMPANY 3 PTY LTD & DPK INJECTION PTY LTD (MCU013949 MATERIAL CHANGE OF USE FOR A DUAL OCCUPANCY AT 2 STARKEY STREET, WELLINGTON POINT)

Objective Reference:

Authorising Officer: Louise Rusan, General Manager Community & Customer Services

Responsible Officer: David Jeanes, Group Manager City Planning & Assessment

Report Author: Emma Martin, Senior Appeals Planner

Attachments:

1. Proposal Plans
2. Amended Layout
3. Draft Conditions

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (f) starting or defending legal proceedings involving the local government.

PURPOSE

The purpose of this report is to provide an update to Council on the abovementioned appeal and to seek direction on the current offer to settle.

BACKGROUND

On 21 March 2017 Council received a development application for a Material Change of Use for a Dual Occupancy at 4 Starkey Street, Wellington Point.

The application was referred to the Group Manager of City Planning and Assessment and on 21 December 2017 Council's delegate refused the development application, and identified the following as the reasons for this decision:

1. Design and built form

The development proposes attached, two storey dwellings in an area which is characterised by single storey detached dwelling houses and would significantly exceed the density expected in the Urban Residential Zone. Further the lot size is considered to be insufficient to provide for the needs of the type of housing proposed and would not provide a high quality living environment for residents. The development is therefore considered to conflict with Specific Outcome S2.4 and Overall Outcome 4.24.7 (2) (b) of the Urban Residential Zone Code; and Specific Outcome S2 and Overall Outcome 2 (a) of the Dual Occupancy Code.

2. Access

Starkey Street is a trunk collector road and the site is located close to a busy signalised intersection; it is therefore necessary for all vehicles to be able to enter the exit the site in a forward direction to maintain the efficiency of the road network. It has not been demonstrated that the development can provide for safe and convenient vehicle access, manoeuvring and parking within the site for residents, visitors and the public. The development is therefore considered to conflict with S8 of the Dual Occupancy Code and S1, S3.1 and S3.2 of the Access and Parking Code.

3. Landscaping

Landscaped areas are not sufficiently sized to contribute to a pleasant, safe and attractive living environment or to complement the character of the surrounding area. The development is therefore considered to conflict with Specific Outcome S6 and Overall Outcomes (2) (a) of the Dual Occupancy Code.

An appeal was filed with the Planning and Environment Court on 30 January 2018. Although the decision was made under Sustainable Planning Act the appeal must be considered and decided under the Planning Act.

ISSUES

Original Proposal (Attachment 1)

Each proposed dwelling unit consisted of a single garage, open plan kitchen/lounge/meals area, laundry, three (3) bedrooms and bathrooms across two levels. The maximum height of the Dual Occupancy was 8.5m above natural ground level. Vehicular access was proposed via a shared driveway from Starkey Street with a total of four (4) car parking spaces provided on site, two (2) single garages and two (2) uncovered parks. Each unit was provided with private open space at the rear. Site cover was proposed at 50.64%.

The key issues raised as part of the assessment are outlined as follows.

- **Density**

The Redlands Planning Scheme Urban Residential Zone seeks to achieve a density of one dwelling per 400m². The proposed development on a site of 400m² will achieve a density of one dwelling per 200m². Although the proposal is over density and on a small lot, the site has a wide frontage more consistent with the frontage of a much larger lot.
- **Built form**

The proposed development looks like one large detached dwelling with garages side by side, with the exception of the two front doors which would not be anticipated on a single dwelling. The architectural design of the building has some visual interest through the use of the different building materials, articulated roof lines, front verandah and a balcony.
- **Streetscape**

The layout of the parking and the required manoeuvring area results in very dominant concrete hardstand for the majority of the front of the site. This is not consistent with the character of the area which is comprised of landscaped front yards. The proposed landscaping is insufficient to appropriately screen the hardstand, and the visual impact of this will likely alert people to the higher density use of the site.
- **Amenity**

The proposed private open space for each dwelling was not considered to be usable or functional both in terms of the dimensions of the space and the location having poor access to sunlight and ventilation.
- **Vehicle access**

Starkey Street is a trunk collector road and the site is located close to a busy signalised intersection; as such the Redlands Planning Scheme requires that all vehicles enter and exit the site in a forward direction. The original proposal demonstrated that this could be achieved. However, the vehicle manoeuvres required were so tight and considered so inconvenient that it was more likely that future residents would either reverse out of the site or park on the

street. Officers were therefore concerned that the proposed access arrangements posed a potential traffic safety risk.

The proposed development conflicted with a number of provisions of the Redlands Planning Scheme. The applicant did not provide sufficient grounds to justify the conflicts with the planning scheme, and the application was therefore refused.

Amended Design

Following the filing of the appeal Council officers attended mediation with the appellant, and an amended design and plans were provided following the meeting.

Council officers have reviewed the amended design (**Attachment 2**) and are satisfied that the changed application, with appropriate conditions, no longer conflicts with the Redlands Planning Scheme. Changes made to the application have been discussed below.

- Density

Specific Outcome S2.4 of the Urban Residential Zone Code seeks a dwelling unit density that is consistent with the low-rise character of the area. The dual occupancy has been designed to have the appearance of one large, single dwelling. The presence of the development being over density is also alleviated by the shape of the lot. The wide frontage of the lot is more akin to a larger lot size of 800m². Once developed the perception of the depth of the lot will be undistinguishable from the street. In relation to site cover the proposal is only marginally above the Probable Solution of 50% at 54%. The amended proposal maintains the garage design from the original proposal in that they are located bedside one another with a single driveway for access. The amended proposal has however relocated the Private Open Space to the front of the property, which will be fenced. The development is not dissimilar to what could occur on site if a single dwelling was constructed. In such a scenario it is most likely that the driveway would be located to one side rather than at the centre of the site, and the fenced yard would therefore extend for a longer uninterrupted proportion of the site frontage. In this scenario the fence would actually be more imposing in the street than that proposed by the amended layout. Moreover, the amended layout provides opportunity for landscaping to the front of the development which would not be required of a dwelling house, and in this instance it enables the development to contribute more positively to the amenity of the street.

Specific Outcome S2(1) of the Dual Occupancy Code requires the development to be consistent with the amenity of the locality, and be sufficient size to provide for the needs of the housing type. The general amenity of the locality varies along Starkey Street from small lots under 400m² to larger lots some containing Dual Occupancies. The subject site is located close to an intersection of a "trunk collector road" and a "sub-arterial road". As such the amenity in the immediate vicinity of the subject site is not the same as further north along Starkey Street. The development is now considered to provide for the needs of the housing type as the proposal is complying with setbacks and private open space requirements, it has adequate provision for clothes drying facilities and refuse bin storage and is able to accommodate the car parking required for each dwelling.

- Streetscape and Amenity

The Dual Occupancy Code requires the development to enhance the built form of the surrounding streetscape, complement the character of the surrounding area, and design

landscaping to contribute to a pleasant, safe and attractive living environment. With regard to the streetscape and amenity concerns raised relating to the extent and visibility of considerable hardstand, it is noted that the alternative layout has substantially reduced these concerns. The reduction in hardstand generally, and the increase in landscaping beside the driveway is considered a welcome change and improvement to the streetscape. The improvements go beyond what Council could reasonably expect on the site if it were to be developed for a single dwelling house.

The improved landscaping in conjunction with an improved building articulation and design of the amended layout is considered to achieve Specific Outcome S3 of the Dual Occupancy Code by enhancing the built form of the surrounding streetscape. The use addresses the street by presenting the front doors and windows to the street. The building form provides visual interest through the use of a combination of recesses, building materials, balconies, verandahs and articulation of the roofline.

With respect to the level of amenity of the private outdoor space, whilst it is acknowledged that there are benefits to positioning private open space behind the dwelling house especially where located on a busy road, i.e. in terms of privacy and noise, it is considered that the amended proposal achieves sufficient amenity for the future residents. The alternative design, which locates this space to the front of the property will have poorer acoustic amenity during peak times but will no doubt benefit from improved access to sunlight and ventilation. Privacy and noise impacts can be ameliorated with fencing and screen planting.

- Access

The amended design complies with all aspects of Specific Outcome S8 of the Access and Parking Code except (a), with regards to safe and convenient access for residents and visitors. The Access and Parking code typically seeks that all development taking access/egress from a trunk collector road or higher do so in a forward gear. The swept path analysis provided in support of the original design was extremely tight and so inconvenient that it is considered unlikely that the average driver will ever consider undertaking the manoeuvres. The alternative layout which involves one uncovered park on the driveway for each unit will now rely on reversing out of the site. Council engaged a traffic expert to conduct a review of the amended design to ensure reverse out movements onto a trunk collector road, within close proximity of a signalised intersection with a sub-arterial road, is a safe manoeuvre.

The design is considered to facilitate safe access and egress as the development is located more than 30m away from the Old Cleveland Road / Starkey Street intersection, which complies with the locational requirements for driveways in Chapter 15 - Access and Parking of the Planning Scheme. There are a relatively low number of movements to/from Starkey Street expected during peak hours (on average, no more than 2vph). There are significant gaps in northbound traffic on Starkey Street generated by the traffic signals at the nearby Old Cleveland Road / Starkey Street intersection. There is a presence of other existing driveways to similar uses immediately north and south of the subject site.

In addition to the above, the amended design is considered to achieve the Specific Outcome S8 of the Access and Parking Code as the use type is anticipated to have a different level of accessibility compared to other uses, on the basis that the Dual Occupancy Code lists tandem car parking as acceptable in the Probable Solutions. This highlights an inconsistency within the provisions of the planning scheme itself. The inconsistencies in the Scheme, the site specific assessment and traffic expert advice on balance however, has established that the level of

convenience for this use, and the safety and suitability of the manoeuvrers are considered acceptable.

Further to the above assessment, it is recommended that the following further issues will be conditioned to ensure the planning scheme outcomes are met.

- a. The applicant is required to install a double white line (pavement marking) along the existing centreline in Starkey Street, extending from the northern end of the median island in front of the site to the northern extremity of the subject site (a distance of approximately 25m).
- b. The applicant is required to install a “no-standing” signs and yellow line-marking along the western edge of the Starkey Street carriageway, extending from the Old Cleveland Road / Starkey Street intersection to the northern extent of the site, to prohibit on-street parking in the fronting section of Starkey Street.

- Garage Dividing Wall

The amended design incorporates a load bearing wall at ground floor level that separates the units at the garages. There is a portion of this separating wall that protrudes in front of the garages in order to support the floor above. This wall presents as a clear divider between units and works against the design and architectural features the applicant has incorporated to ensure the building presents as one dwelling. The appearance of this wall can be diminished through the extending the garages forward to align with the building line of the living area for Unit 1. Additionally, it is recommended to be conditioned that the materials used for the wall (both on the front and sides) are the same render or brickwork as the ground floor garage openings.

- Front Door Position

The design and articulation of the building to present the use as one dwelling is undermined by the prominent visual positing of the front doors. Both doors will be clearly visible from Starkey Street. Through minor design tweaks is it easy to move one of the doors to the side façade of the building and still have clear and easy access to the living areas of the dwelling units. A recommended condition of settling the appeal will be to ensure that one of the front doors is relocated and not visible from the street elevation.

City Plan

Council’s City Plan identifies the site as Low Density Residential which has similar requirements to the Urban Residential Zone under the Redlands Planning Scheme. The proposed development would be Code assessable under the City Plan, which is triggered by the proposed density of units on the site exceeding on dwelling per 400m².

Should an application for the same development be lodged and assessed against the City Plan, the more bounded assessment required for code assessment, compared to the impact assessment required under the Redlands Planning Scheme, would mean that a key issue in dispute in both the original assessment and the appeal process, would become irrelevant, specifically the access requirements. Most notably the provision that requires all access and egress to/from the site be in a forward gear due to the status of Starkey Street as a trunk collector road will not apply.

Although there are some alterations in language the key planning issues in the assessment will be similar to those identified in the Redlands Planning Scheme, i.e. streetscape, character and amenity.

Relevantly it is considered that if the proposed development was assessed under the City Plan the same officer recommendation would apply.

Expert Advice

[REDACTED]

[REDACTED] The advice received is as follows:

Traffic

[REDACTED] traffic engineer, expressed his opinion that on taking into account the proximity of the proposed site access to the Old Cleveland Road intersection and the existing traffic volumes on Starkey Street, he did not consider that the proposed access could be considered “unsafe”. He suggested conditions that could be imposed which he believed may be of some benefit to the proposal but no longer appeared to support a refusal based on the grounds relating to access.

Planning

[REDACTED] planner, identifies the main constraint of the site being its size at only 400m². Offsetting this failing, the site is wide, such that the interface with neighbours is relatively contained and the effect upon the neighbour to the rear will be similar to a single house. The site is also facing a park, being an open aspect suited to the wide frontage of the dual occupancy. Accordingly, the development has site constraints to overcome, to be able to justify meeting the code requirements and intent of the zone. This requires careful design, taking advantage of the site width. The alternative design has mostly achieved compliance. By reverting to a tandem parking arrangement, the significant width of the site has been used to advantage and the small site size constraint mostly overcome. It is reasonable to provide one garage and one additional parking space on the driveway.

[REDACTED]

STRATEGIC IMPLICATIONS

Legislative Requirements

There are no directions orders for this appeal and as such there is no strict Court timelines at present. It is likely however that the appellant will be forced to seek directions if Council does not respond to this offer soon.

Risk Management

There is a risk that, if Council does not accept the settlement offer and the appellant goes on to succeed in the appeal, an adverse costs order may be made against Council.

Financial

See the matters set out in the Risk Management section above.

People

It is noted that Council received a properly made submission regarding the proposed development during the assessment period. The submitter did not elect to join the appeal as a co-respondent. The matters raised in the submission, being that the size of the property is too small for two families to reside and the use would be detrimental to peaceful living for residents on all sides, are considered to have been appropriately addressed by the changes proposed.

Environmental

There are considered to be no environmental implications relating to the recommendation in this report.

Social

There are considered to be no social implications relating to the recommendation in this report.

Alignment with Council's Policy and Plans

The development the subject to the appeal has been amended such that it is now, with the proposed conditions, considered to comply with the provisions of the Redlands Planning Scheme.

CONSULTATION

The content of this report has been discussed with Council's Engineering Assessment and City Infrastructure teams as well as an independent planning consultant and traffic engineer. The

content has also been discussed and reviewed by Council's Legal Services team with advice from Counsel.

OPTIONS

Option One

That Council resolves to:

1. instruct its solicitors to take all necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and
2. maintain this report as confidential until the conclusion of the appeal.

Option Two

That Council resolves to:

1. instruct its solicitors to take all necessary steps to settle the appeal subject to different conditions; and
2. maintain this report and attachments as confidential until the conclusion of the appeal.

Option Three

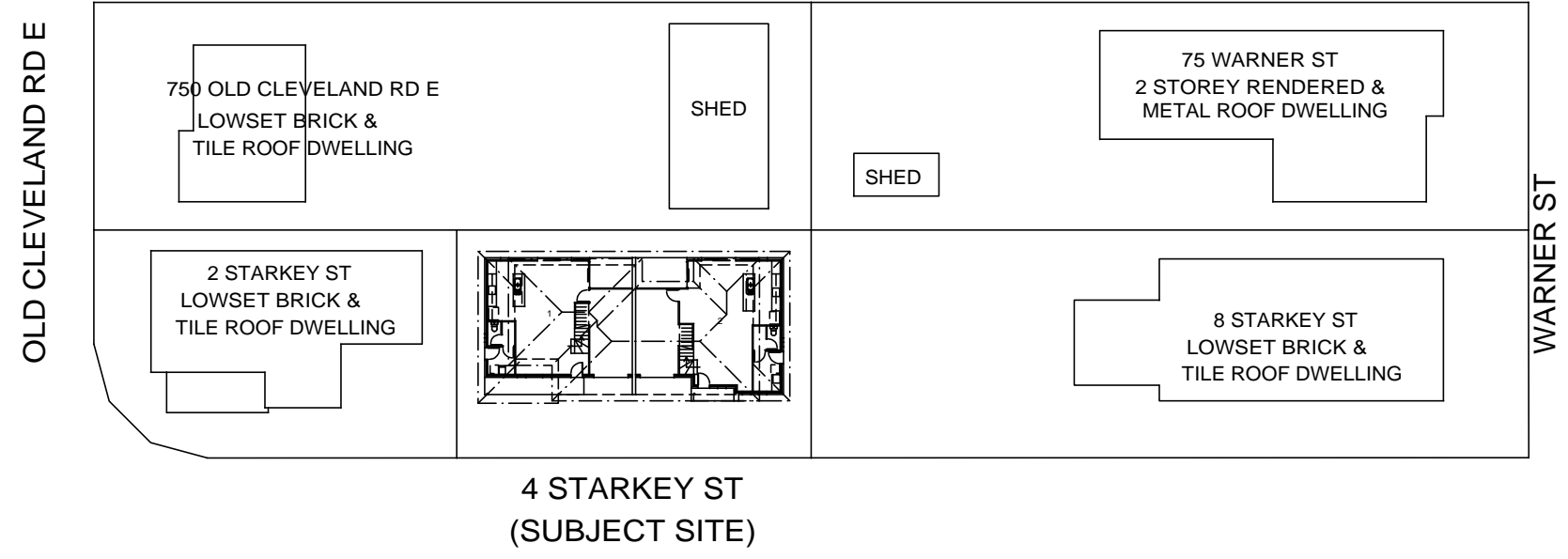
That Council resolves to:

1. instruct its solicitors to take all necessary steps to defend a refusal; and
2. maintain this report and attachments as confidential until the conclusion of the appeal.

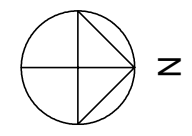
OFFICER'S RECOMMENDATION

That Council resolves to:

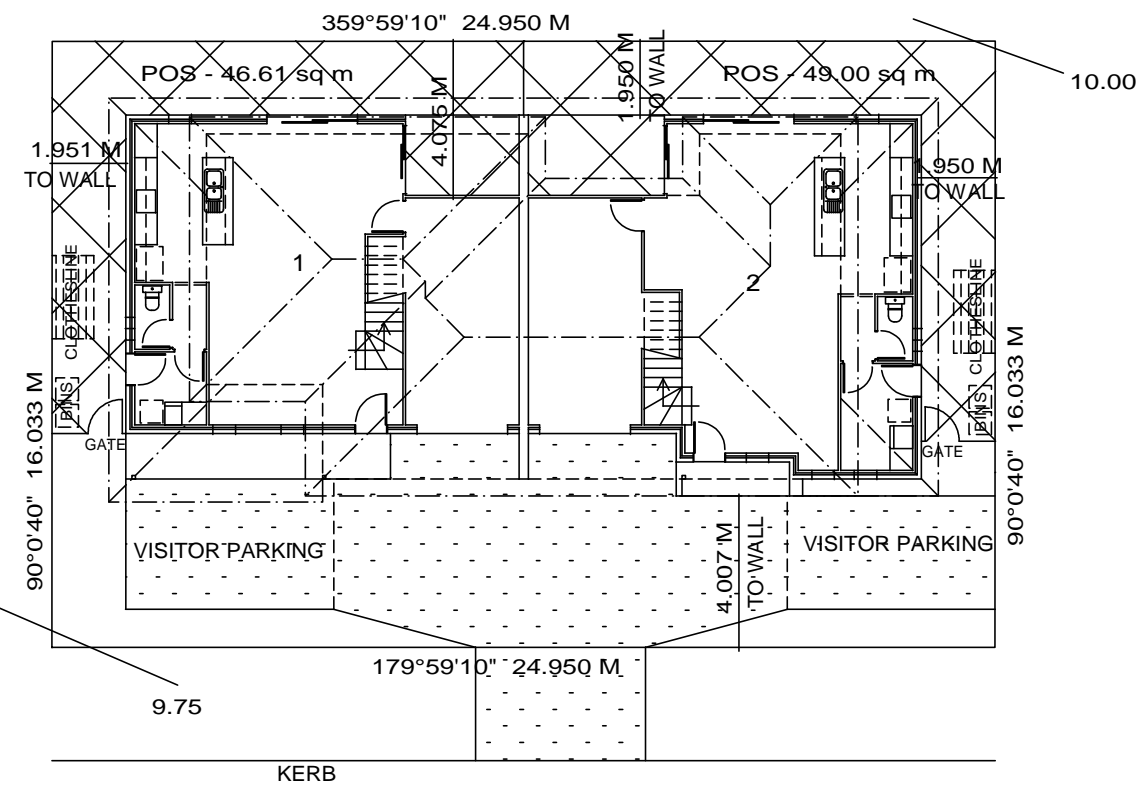
1. **instruct its solicitors to take all necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and**
2. **maintain this report and attachments as confidential until the conclusion of the appeal.**



STARKEY ST
LOCALITY PLAN
SCALE 1:500



NOTE: SITE CONSIDERED LEVEL. SCRAPE ONLY REQ'D

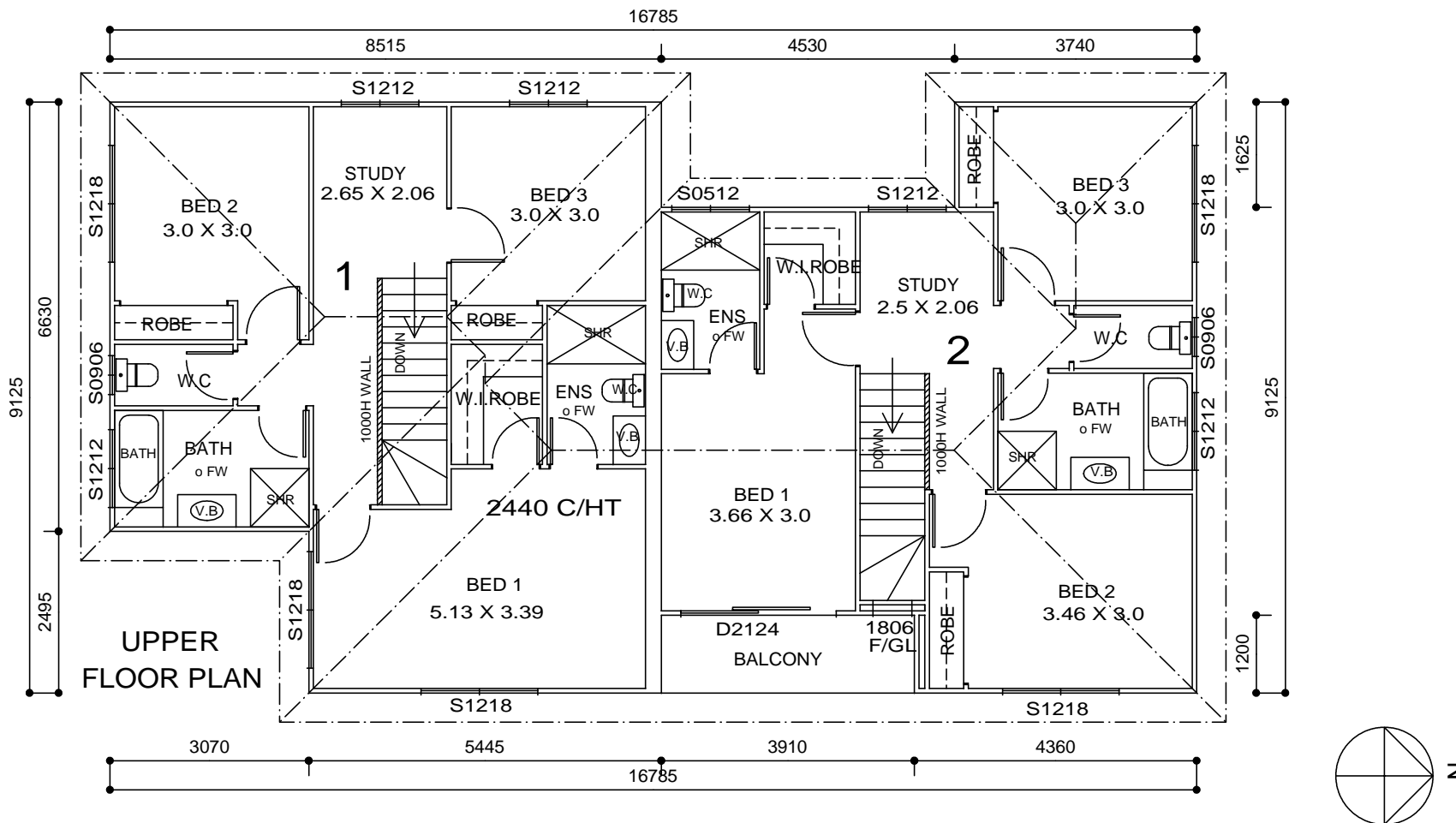


STARKEY ST
SITE PLAN
SCALE 1:200

SITE COVER - 202.558 sq m(50.64%)
GFA - 256.303 sq m(64.08%)
CARPARKING
COVERED - 2
UNCOVERED - 2
TOTAL - 4

REAL PROPERTY DESCRIPTION
LOT 11 ON S.P.284567
SITE AREA 400 sq m

CLIENT	SCALE 1:200 & 1:500	SITE PLAN
CONSTRUCTION PLUS	SHEET No 1 OF 4	
PROJECT	DATE 06-02-17	DRAWN PDW WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wwassociates@optusnet.com.au
LOT 11 STARKEY ST WELLINGTON POINT	DRAWING No 11STFL	
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DWELLING 1

LIVING AREA(LOWER) - 62.345 sq m

LIVING AREA(UPPER) - 69.268 sq m

GARAGE AREA - 19.672 sq m

PORCH AREA - 8.400 sq m

PATIO AREA - 6.635 sq m

TOTAL AREA - 166.320 sq m

DWELLING 2

LIVING AREA(LOWER) - 67.508 sq m

LIVING AREA(UPPER) - 64.182 sq m

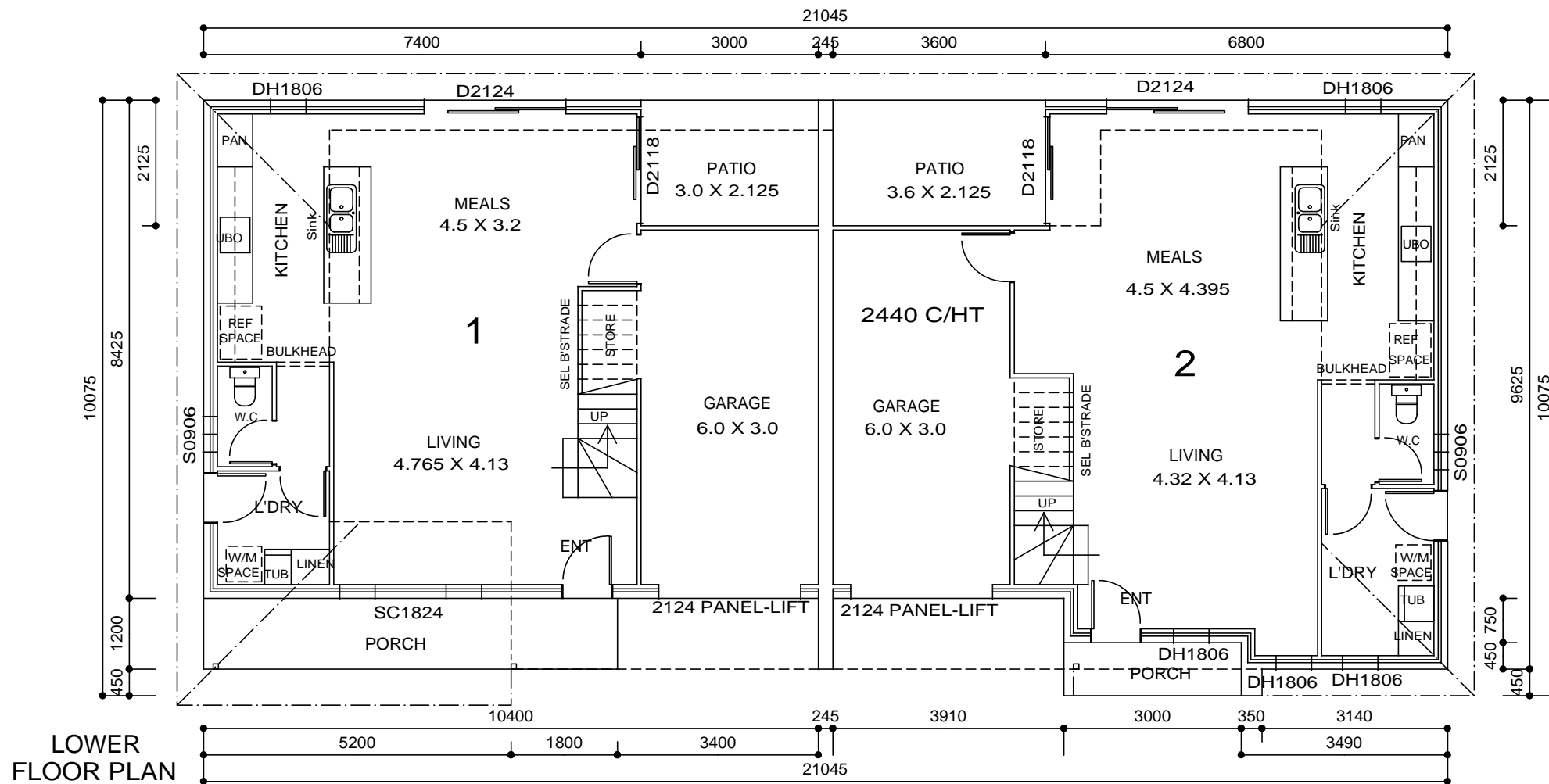
GARAGE AREA - 19.672 sq m

PORCH AREA - 2.858 sq m

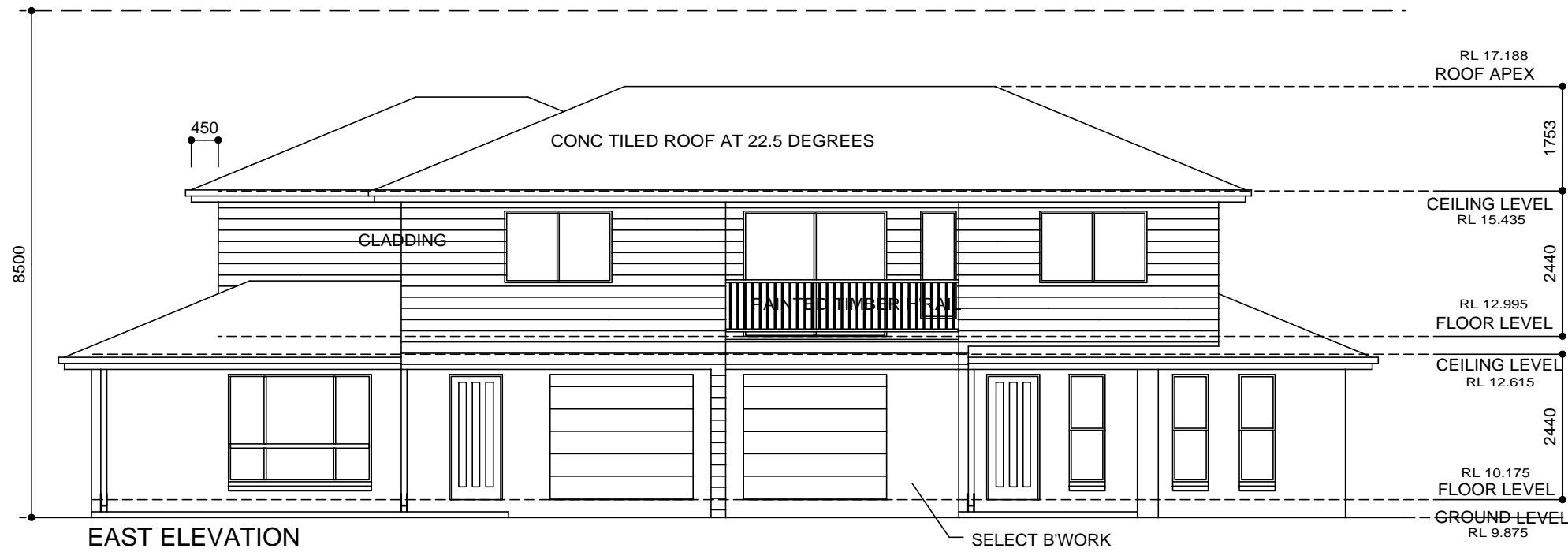
PATIO AREA - 7.910 sq m

BALCONY AREA - 4.692 sq m

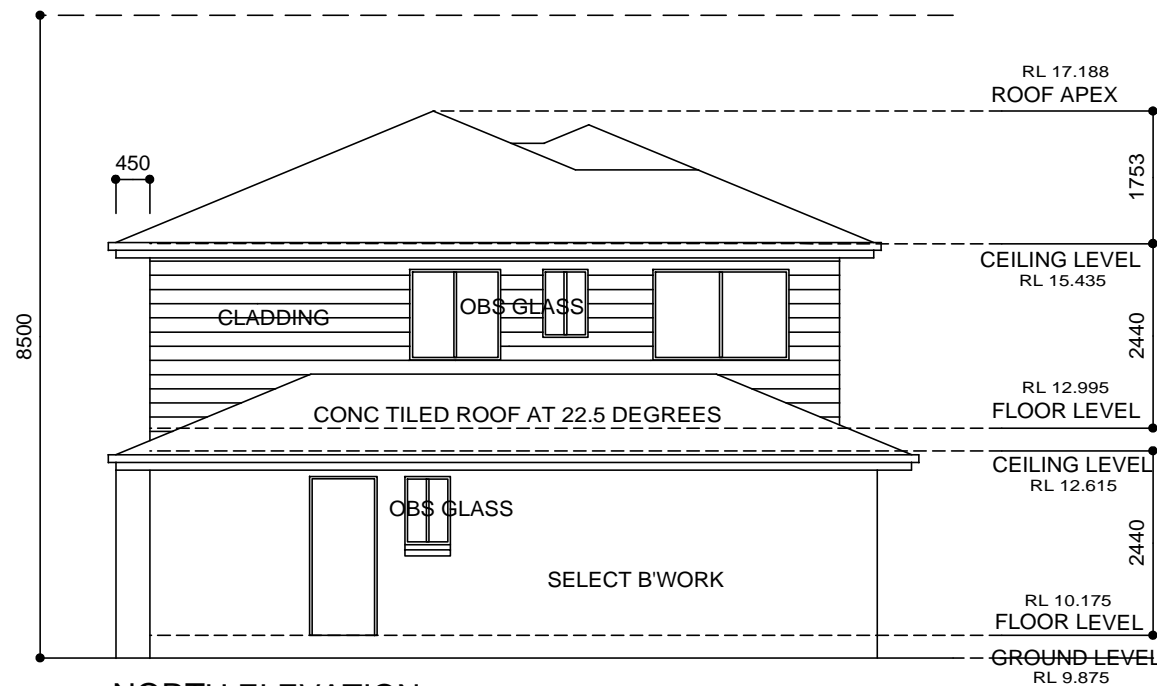
TOTAL AREA - 166.822 sq m



CLIENT	SCALE 1:100	FLOOR PLAN
CONSTRUCTION PLUS	SHEET No 2 OF 4	
PROJECT	DATE 06-02-17	DRAWN PDW WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wwassociates@optusnet.com.au
LOT 11 STARKEY ST WELLINGTON POINT	DRAWING No 11STFL	
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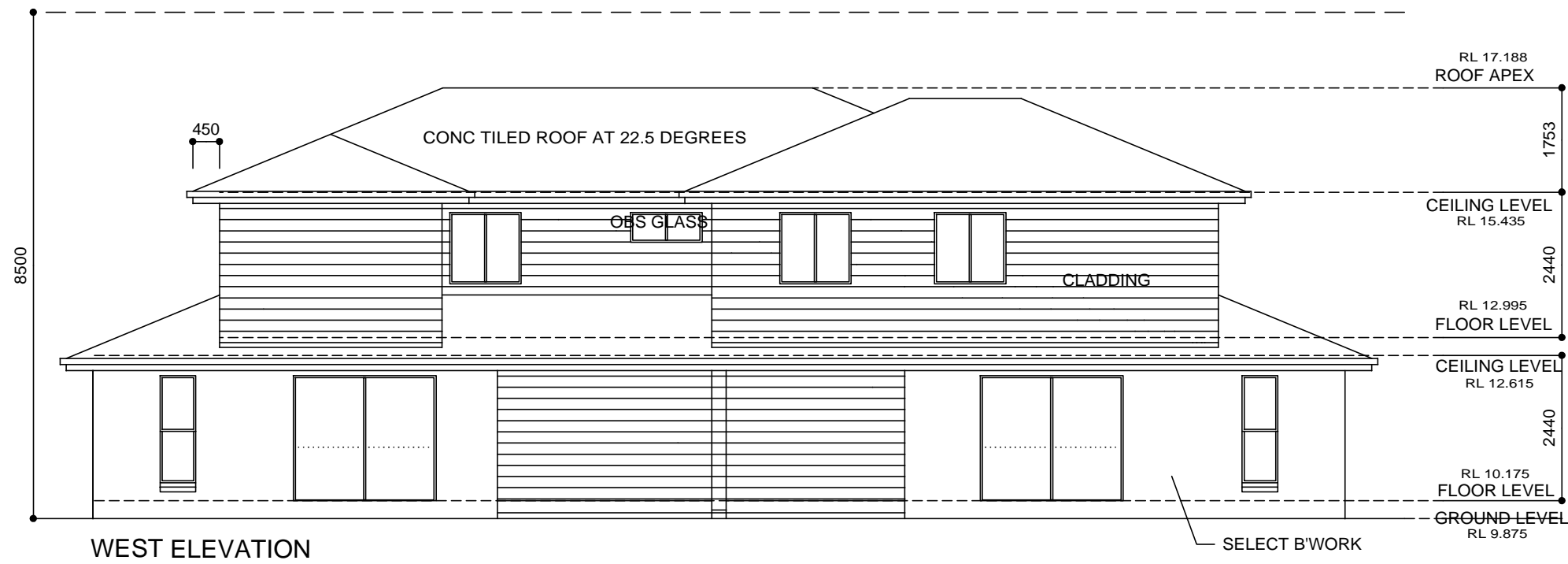


EAST ELEVATION

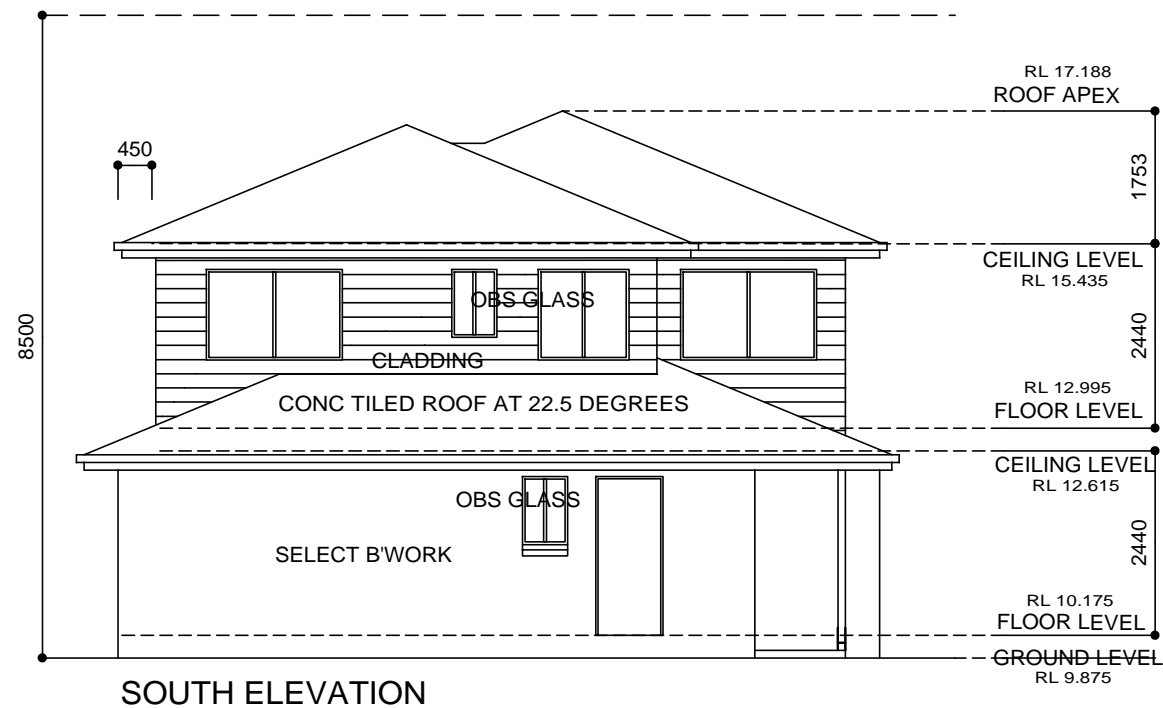


NORTH ELEVATION

CLIENT	SCALE 1:100	ELEVATIONS
CONSTRUCTION PLUS	SHEET No 3 OF 4	
PROJECT	DATE 06-02-17	DRAWN PDW
LOT 11 STARKEY ST WELLINGTON POINT	DRAWING No 11STFL	WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wvassociates@optusnet.com.au
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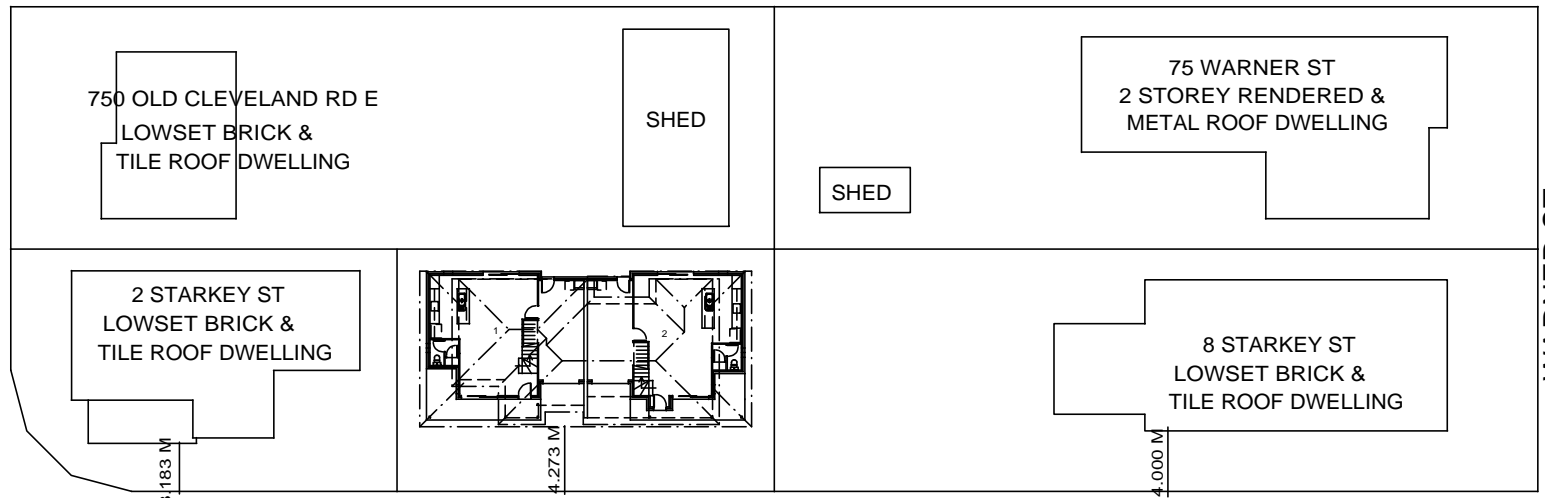
WEST ELEVATION



SOUTH ELEVATION

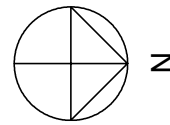
CLIENT	SCALE	ELEVATIONS
CONSTRUCTION PLUS	1:100	
PROJECT	SHEET No	DRAWN PDW
LOT 11 STARKEY ST WELLINGTON POINT	4 OF 4	WILLIAM H WILSON & ASSOC
	DATE	BUILDING & DESIGN CONSULTANTS
	06-02-17	QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478
	DRAWING No	19 KEYES ST LOGANLEA 4131
	11STFL	PH:(07) 3200 6836
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OLD CLEVELAND RD E

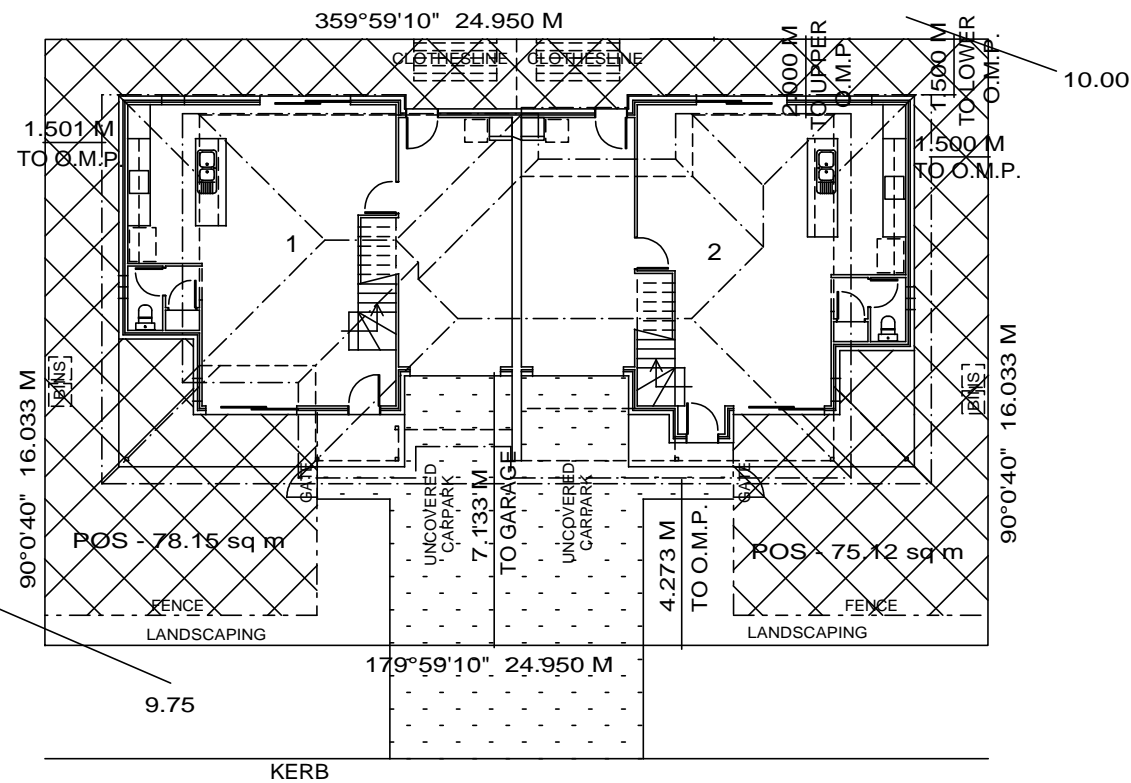


4 STARKEY ST
(SUBJECT SITE)

STARKEY ST
LOCALITY PLAN
SCALE 1:500



NOTE: SITE CONSIDERED LEVEL. SCRAPE ONLY REQ'D



STARKEY ST
SITE PLAN
SCALE 1:200

SITE COVER (AS DEFINED BY QDC) 200.356 sq m (50.09%)

GFA - 242.458 sq m (60.61%)

CARPARKING

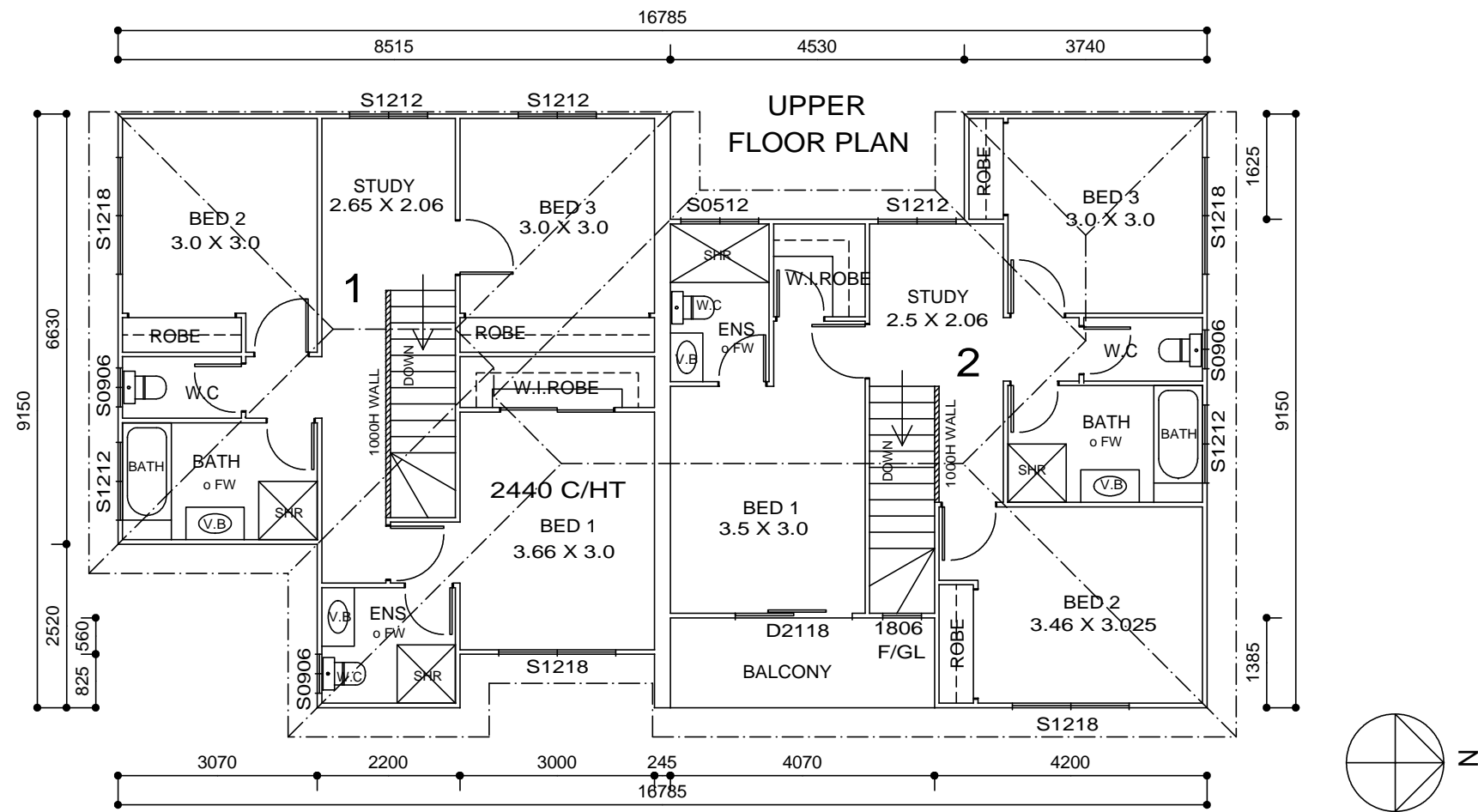
COVERED - 2

UNCOVERED - 2

REAL PROPERTY DESCRIPTION
LOT 11 ON S.P.284567
SITE AREA 400 sq m

AMENDED 19-09-2018
AMENDED 05-07-2018
AMENDED 17-05-2018
AMENDED 03-04-2018

CLIENT	SCALE 1:200 & 1:500	SITE PLAN
CONSTRUCTION PLUS	SHEET No 1 OF 4	
PROJECT	DATE 06-02-17	DRAWN PDW WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wvassociates@optusnet.com.au
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DWELLING 1

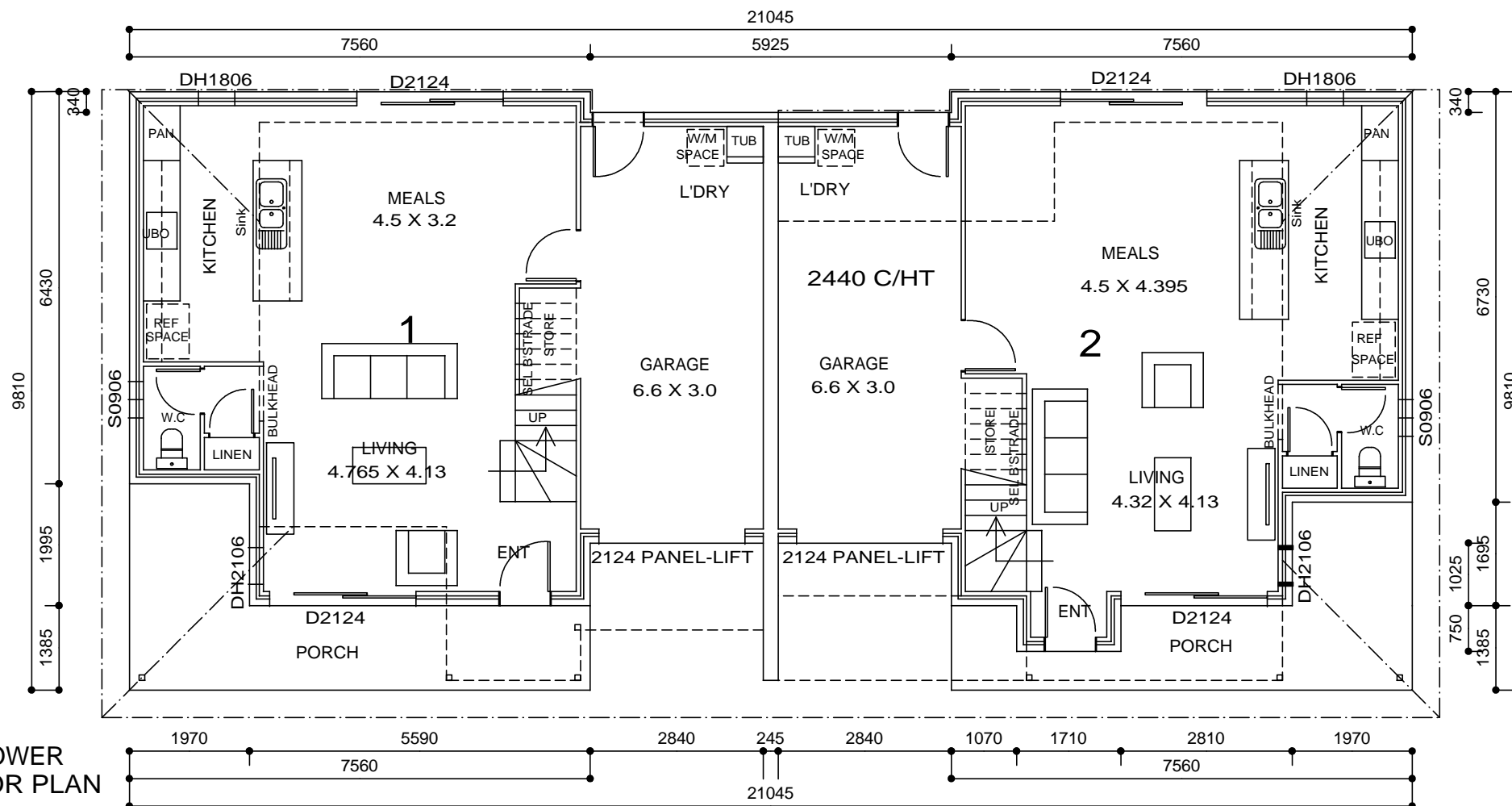
LIVING AREA(LOWER) - 58.707 sq m
 LIVING AREA(UPPER) - 66.747 sq m
 GARAGE AREA - 21.972 sq m
 PORCH AREA - 14.401 sq m

 TOTAL AREA - 161.827 sq m

DWELLING 2

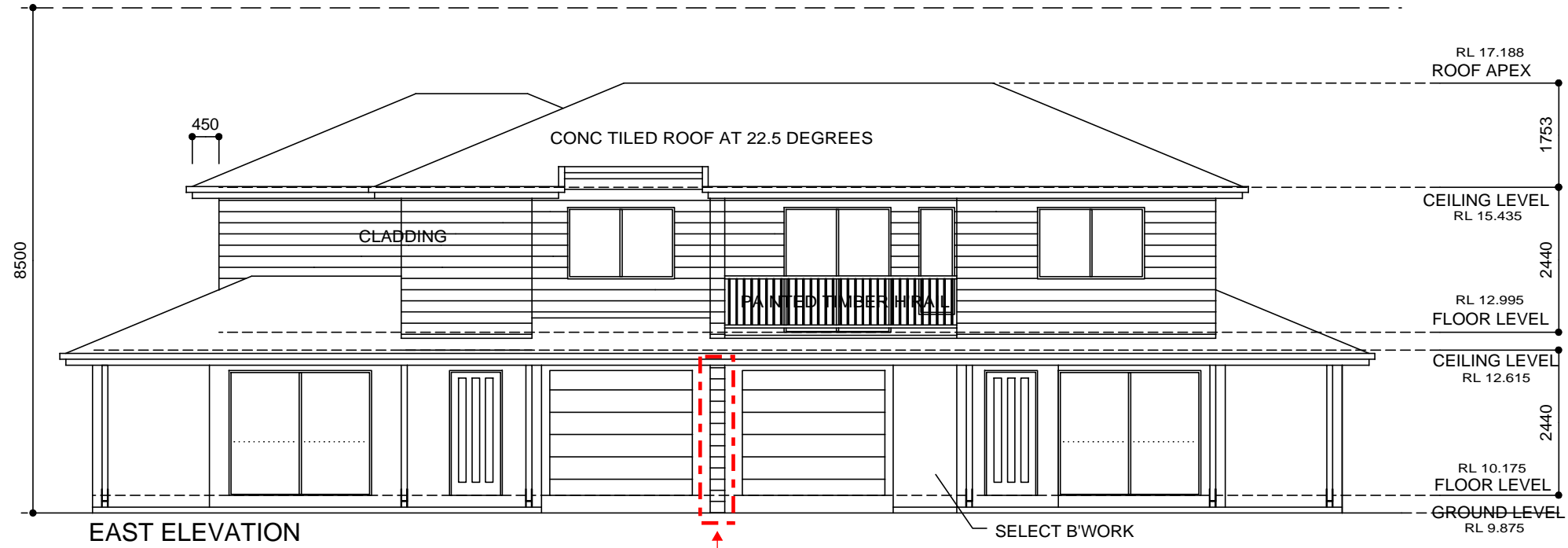
LIVING AREA(LOWER) - 60.580 sq m
 LIVING AREA(UPPER) - 63.425 sq m
 GARAGE AREA - 21.972 sq m
 PORCH AREA - 12.527 sq m
 BALCONY AREA - 5.839 sq m

 TOTAL AREA - 164.343 sq m

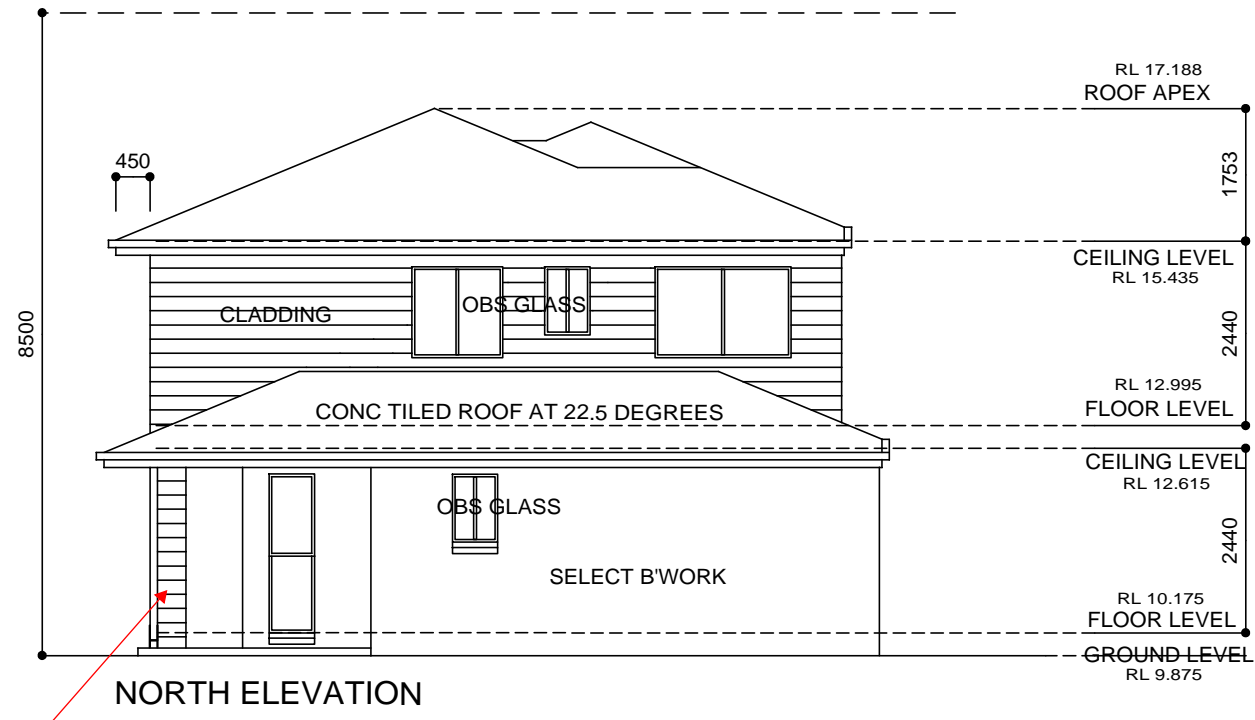


AMENDED 19-09-2018
 AMENDED 05-07-2018
 AMENDED 17-05-2018
 AMENDED 03-04-2018

CLIENT	SCALE 1:100	FLOOR PLAN
CONSTRUCTION PLUS	SHEET No 2 OF 4	
PROJECT	DATE 06-02-17	DRAWN PDW
LOT 11 STARKEY ST WELLINGTON POINT	DRAWING No 11STFL	WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wwassociates@optusnet.com.au
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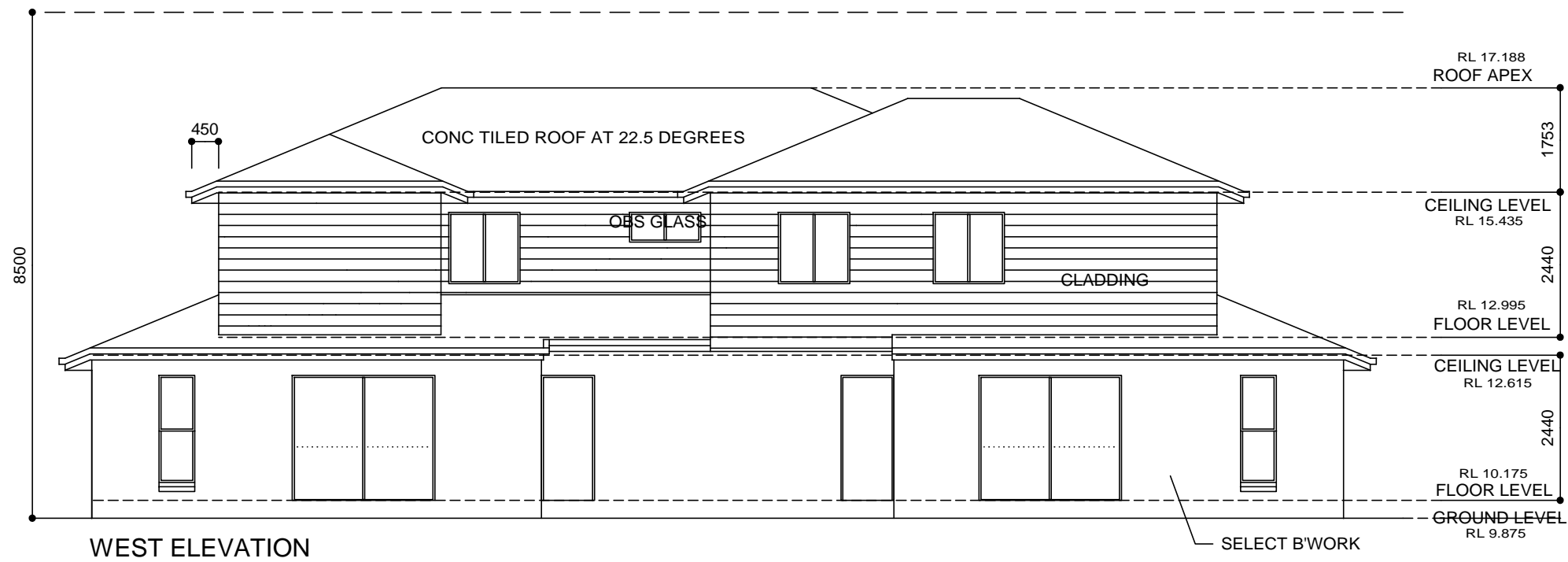
IN ACCORDANCE WITH CONDITION 9 OF THIS APPROVAL THE GROUND FLOOR DIVIDING WALL BETWEEN GARAGES MUST BE THE SAME FINISH (I.E. RENDER OR BRICKWORK) AS THE GARAGE OPENINGS



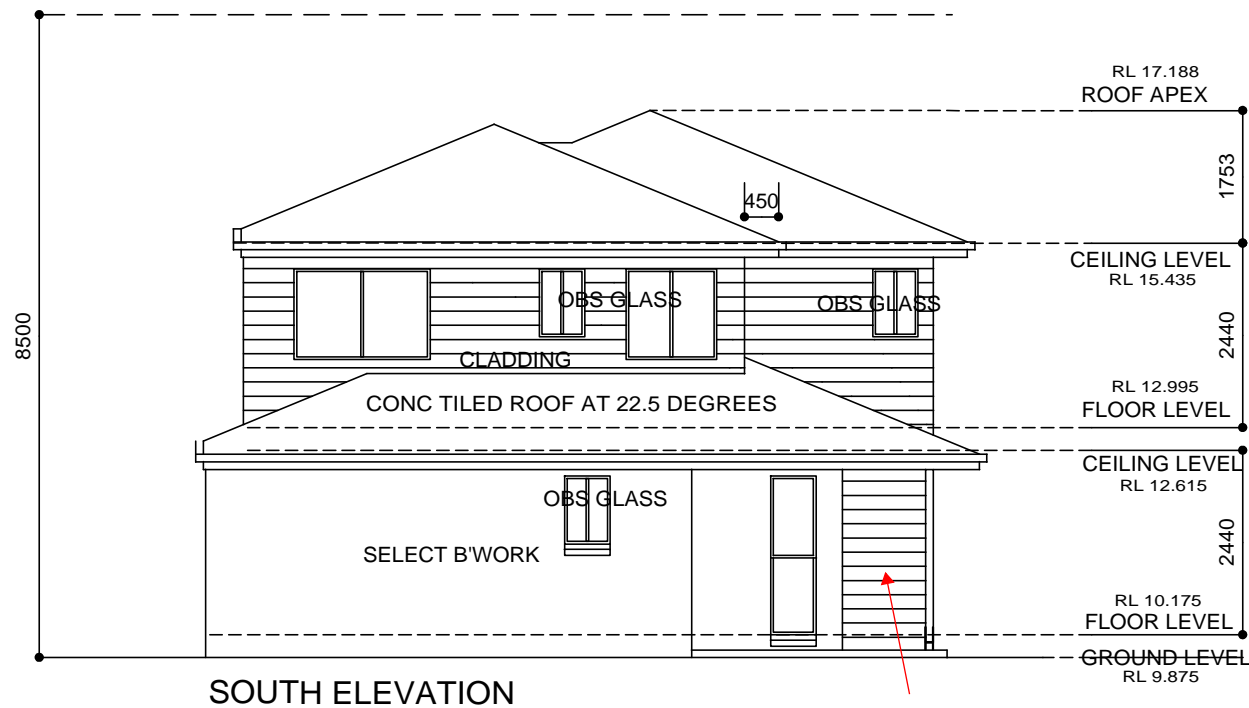
IN ACCORDANCE WITH CONDITION 9 OF THIS APPROVAL THE GROUND FLOOR DIVIDING WALL BETWEEN GARAGES MUST BE THE SAME FINISH (I.E. RENDER OR BRICKWORK) AS THE GARAGE OPENINGS

AMENDED 19-09-2018
 AMENDED 05-07-2018
 AMENDED 17-05-2018
 AMENDED 03-04-2018

CLIENT	SCALE	ELEVATIONS
CONSTRUCTION PLUS	1:100	
PROJECT LOT 11 STARKEY ST WELLINGTON POINT	SHEET No	DRAWN PDW
	3 OF 4	WILLIAM H WILSON & ASSOC BUILDING & DESIGN CONSULTANTS QBCC LIC(MEDIUM RISE) 56997 QBCC LIC(LOW RISE)1257478 19 KEYES ST LOGANLEA 4131 PH:(07) 3200 6836 FAX:(07) 3388 4075 email:wwassociates@optusnet.com.au
	DATE	
06-02-17	DRAWING No	
	11STFL	
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WEST ELEVATION



SOUTH ELEVATION

IN ACCORDANCE WITH CONDITION 9 OF THIS APPROVAL THE GROUND FLOOR DIVIDING WALL BETWEEN GARAGES MUST BE THE SAME FINISH (I.E. RENDER OR BRICKWORK) AS THE GARAGE OPENINGS

AMENDED 19-09-2018
 AMENDED 05-07-2018
 AMENDED 17-05-2018
 AMENDED 03-04-2018

CLIENT	SCALE	ELEVATIONS
CONSTRUCTION PLUS	1:100	
PROJECT	SHEET No	DRAWN PDW
LOT 11 STARKEY ST WELLINGTON POINT	4 OF 4	WILLIAM H WILSON & ASSOC
	DATE	BUILDING & DESIGN CONSULTANTS
	06-02-17	QBCC LIC(MEDIUM RISE) 56997
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		email:wvassociates@optusnet.com.au

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
<p>1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.</p>	
<u>Approved Plans and Documents</u>	
<p>2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.</p>	<p>Prior to the use commencing.</p> <p>Ongoing condition.</p>

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Site Plan	11STFL Sheet 1 of 4	William H Wilson & Assoc	19/09/2018
Floor Plan	11STFL Sheet 2 of 4	William H Wilson & Assoc	19/09/2018
Elevations (as amended in red)	11STFL Sheet 3 of 4	William H Wilson & Assoc	19/09/2018
Elevations (as amended in red)	11STFL Sheet 4 of 4	William H Wilson & Assoc	19/09/2018

Table 1: Approved Plans and Documents

<u>Design</u>	
<p>3. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.</p>	<p>Prior to the use commencing.</p> <p>Ongoing condition.</p>
<p>4. Comply with the following requirements for all first floor windows on the side and rear elevations and where it is proposed that habitable room windows will be within a distance of 6m, and within an angle of 45 degrees, and directly adjacent to habitable rooms of neighbouring dwelling units:</p> <p>a) For windows to the ground floor, screened by a minimum 1.5m high boundary fence; or</p> <p>b) Provide sill heights a minimum of 1.5m above floor level; or</p> <p>c) Provide fixed translucent, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or</p>	<p>Prior to the use commencing and ongoing.</p>

<p>d) Provide fixed external screens that are:</p> <ul style="list-style-type: none"> i) Solid translucent screens; or ii) Perforated panels or trellises that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and iii) Offset a minimum of 300mm from the wall of the building. 	
<p>5. Design the proposed dwellings to achieve noise levels in accordance with Australian Standard A.S.3671-1989 Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction to comply with the Redlands Planning Scheme Road and Rail Noise Impacts Overlay Code (section 5.10.9 P1.2).</p>	<p>Prior to the use commencing.</p>
<p>6. Design and construct the front and internal boundary fences and walls for the private open space for each unit to:</p> <ul style="list-style-type: none"> • Be located behind the landscaping strip that adjoins the site frontage and driveway as identified on the approved Site Plan; • Be no more than 1.2m in height where the fence is solid or be no more than 1.8m in height where the fence is at least 30% open or transparent in appearance. 	<p>Prior to the use commencing and ongoing</p>
<p>7. The private open space (POS) identified on the approved site plan must be maintained for the private and exclusive use of the corresponding unit.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>8. Relocate the front door of either Unit 1 or 2, so that that only one front door is visible on the front elevation.</p> <p><i>Note: The purpose of this condition is to maintain the appearance of a single dwelling house from Starkey Street.</i></p>	<p>Prior to the use commencing and ongoing.</p>
<p>9. Amend the garage design in accordance with the amendments in red marked on the approved plans for both units as follows:</p> <ul style="list-style-type: none"> • The finish of the wall dividing the garages must match the finish of the ground floor façade, whether brick or render. <p><i>Note: The purpose of this condition is to maintain the appearance of a single dwelling house from Starkey Street.</i></p>	<p>Prior to the use commencing and ongoing.</p>

<u>Construction</u>	
10. Design, implement and maintain measures and practices in accordance with "Best Practice Erosion and Sediment Control" published by the International Erosion Control Association (Australasian Chapter) (2008).	Prior to the works and during the construction phase, until the disturbed areas are stabilised.
11. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.	During the construction phase.
12. Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) Section 3.02 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works.	During construction.
13. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.	Prior to the use commencing.
14. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner.	At the time of works occurring.
<u>Services and Infrastructure</u>	
15. Connect the development to external reticulated sewer, external reticulated water and underground electricity supply.	Prior to the use commencing.
16. Provide a refuse storage area on site, for each dwelling unit, which is screened from view and located a minimum of 6m from the front property boundary, for the storage of a minimum of two (2) waste collection bins per dwelling (ie one waste bin and one recycle bin for each dwelling).	Prior to the use commencing and ongoing.
17. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge, being the kerb and channel within Starkey Street.	Prior to the use commencing and ongoing.
18. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater	Prior to the use commencing and

<p>Management, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>ongoing.</p>
<u>Development Near Underground Infrastructure</u>	
<p>19. Keep the areas surrounding the sewer house connection (IO) clear of fill and maintained clear of any obstructions for a minimum distance of 1.0 metre horizontally and 2.4 metres vertically.</p>	<p>During the construction phase and ongoing.</p>
<p>20. Design and construct footings that are closer than 1.5 metres to the sewer with bored piers, a minimum of 1.0 metre horizontal distance clear of the sewer and taken 300mm below the 45 degree line of influence to the sewer.</p>	<p>Prior to the works commencing, during the construction phase and ongoing.</p>
<u>Roadworks</u>	
<p>21. Submit to Council for approval, engineering plans and details showing the following frontage works are in accordance with the assessment criteria listed in Table 2: Conditioned Works Assessment of this approval:</p> <ol style="list-style-type: none"> a) Footpath earthworks, topsoiling and turfing of all disturbed footpath areas; b) Reinstatement of concrete kerb and channel where required; c) A no standing zone between the intersection of Starkey Street and Old Cleveland Road East and the southern side of the proposed driveway crossover, in accordance with the Manual of Uniform Traffic Control Devices; d) A double white line along the centreline of Starkey Street, from the northern nose of the existing traffic island to the common property boundary adjoining No. 4 & 8-12 Starkey Street, in accordance with the Manual of Uniform Traffic Control Devices. e) A minimum 6m wide type R-RSC-3 permanent vehicular crossover to the Starkey Street frontage of the site (minimum 125mm thickness and minimum F62 fabric). 	<p>As part of the request for conditioned works assessment.</p>
<p>22. Submit and have approved by Council a Road Opening Approval for any works being undertaken within the road reserve. Provide the following to Council as part of the application:</p> <ol style="list-style-type: none"> a) A completed application form and associated fee, at the rate applicable at the time of payment. The current rate for the 2018/2019 Financial Year is: <ul style="list-style-type: none"> • \$2,894 – this incorporates a refundable bond of \$2,500 and a non-refundable administration fee of \$394 	<p>Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.</p>

<p>b) A copy of the contractor's Workcover insurance currency certificate.</p> <p>c) A copy of the contractor's Public Liability insurance currency certificate. The public liability insurance policy must be a minimum of ten million dollars and must indemnify Redland City Council.</p> <p>d) Submission of a Traffic Management Plan (TMP) and/or a Traffic Guidance Scheme (TGS) that is prepared and authorised by a person who holds a current DTMR 'Open Level' Traffic Management Design Certification and should include proposed haul routes for construction vehicles associated with the works, as applicable.</p>	
<p>Landscaping</p>	
<p>23. Provide a landscape strip along the site frontage and either side of the driveway as identified on the approved site plan. Do not use any species listed as declared or non-declared weed species in Part B of Council's Pest Management Plan (PMP) 2012-2016.</p> <p><i>Note: You can access the PMP at:</i> http://www.redland.qld.gov.au/EnvironmentWaste/EnvironmentPlans/Pages/Pest-Management-Plan.aspx</p>	<p>Prior to the use commencing and ongoing.</p>
<p>24. Plant the frontage and driveway landscaping strips at an average density of one plant per square metre, comprising a mix of trees, shrubs and groundcovers. Within this mix, plant at least two tree species.</p> <p><i>Advice: Suggested plant spacing – groundcovers at 600mm-1.0m, shrubs at 2.0-2.5m, trees at 5.0m.</i></p>	<p>Prior to the use commencing and ongoing.</p>
<p>25. Provide organic mulch to all garden bed areas at a minimum depth of 100mm.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>26. Pay to Council a monetary contribution for street tree planting for two (2) street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council's Fees and Charges Schedule. The current rate is \$177 per tree (2018/2019 Financial Year).</p>	<p>Prior to the use commencing.</p>
<p>27. Arrange with Council a compliance inspection on the completion of landscaping as required by this approval and its conditions.</p> <p>The development must pass the inspection before the use</p>	<p>Prior to the use commencing.</p>

commences.	
General	
28. Provide details to Council of the nominated Principal Contractor, including copies of the Principal Contractor's workcover and public liability currency certificates. The public liability insurance policy must be a minimum of ten million dollars and must indemnify Redland City Council.	Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.
29. Undertake the development works so that there is no risk to public safety at any time on the site, adjacent public land, road reserve or private property. Should the site be unattended or abandoned, public safety must still be maintained.	During the construction phase and prior to the use commencing.
Conditioned Works Assessment	
30. Apply to Council, and gain approval for, Conditioned Works Assessment for the documents and works listed in Table 2:	Prior to site works commencing.

Document or Works Item	Compliance Assessor	Assessment Criteria
Signs and Line Marking Plan	Redland City Council	<ul style="list-style-type: none"> Manual of Uniform Traffic Control Devices.
Driveway, Access & Verge Works	Redland City Council	<ul style="list-style-type: none"> Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code

Table 2: Conditioned Works Assessment

Inspections

31. Arrange with Council for the following inspections to be carried out at the relevant time in accordance with Table 3 below.

Inspection	Timing
Prestart	Prior to any works commencing.
Erosion and Sediment Control	Immediately after installation of erosion and sediment control measures.
Driveway Crossover/Footpath	Box inspection to be undertaken with reinforcing mesh in place and supported on bar chairs prior to the concrete being poured.
Compliance Inspection	On completion of the development in accordance with the approval and its conditions.

Table 3: Inspections

For the pre-start & compliance inspections, at least **five (5) business days** notice must

be given to Council. For all other inspections, a minimum of **24 hours** notice must be given to Council.

The development must pass a Compliance Inspection before the use commences.

***Advice Note:** The Civil Consulting Engineer should inspect the works and satisfy themselves that the works are satisfactory prior to booking the respective inspections. In instances where Council's representative(s) fails an inspection, Council will charge a re-inspection fee prior to re-visiting the site. The cost of this re-inspection is identified in Council's Fees and Charges Schedule and is reviewed each financial year.*

ADDITIONAL APPROVALS

The following further **Development Permits** are necessary to allow the development to be carried out.

- Building Works approval;

Further approvals, other than a Development Permit, are also required for your development. This includes, but is not limited to, the following:

- Plumbing and drainage works.
- Conditioned Works Assessment as detailed in Table 2 of the conditions.
- Road Opening Permit – for any works proposed within an existing road reserve.

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**

Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.

- **Live Connections**

Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 07 3829 8999.

- **Hours of Construction**

Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

- **Street Trees**

Contact Council's Parks and Conservation team prior to any pruning being carried out on existing street trees.

- **Coastal Processes and Sea Level Rise**

Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.

- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website www.daff.qld.gov.au

- **Cultural Heritage**

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land use activity to exercise a duty of care. Further information on cultural heritage duty of care is available on the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) website: <https://www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/cultural-heritage-duty-care.pdf>

The DATSIP has established a register and database of recorded cultural heritage matters, which is also available on the Department's website: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-search-request>

Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body in the Redland City local government area. It is recommended you consult with QYAC in relation to aboriginal and cultural heritage matters prior to the commencement of works on site. QYAC can be contacted on 07 3415 2816 or admin@QYAC.net.au

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. Please contact DATSIP for further information.

- **Road and Rail Noise**

Council's Road and Rail Noise Impact Overlay Map identifies that the proposed development will be impacted by road/rail noise and triggers the Redlands Planning Scheme Road and Rail Noise Impacts Overlay Code. It is recommended that your

development be designed and constructed to minimise impacts from the nearby roadway or rail corridor.

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