

19.4 WELLINGTON PROPERTY MANAGEMENT PTY LTD V REDLAND CITY COUNCIL - PLANNING & ENVIRONMENT COURT APPEAL 2519/18 (MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 100-102 COLLINS STREET, REDLAND BAY)

Objective Reference:

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

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

Report Author: Christy Englezakis, Senior Appeals Planner

Attachments:

1. Location - Confidential
2. Council Resolution 2018/52 - Confidential
3. Original Plans - Confidential
4. Amended Plans - Confidential
5. Consolidated Grounds for Refusal - Confidential
6. Cinque Application - Confidential
7. Draft Conditions - Confidential

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

This report provides Council with an update in the matter of Wellington Property Management Pty Ltd (**Wellington**) v Redland City Council (**Council**) (Planning & Environment Court Appeal 2519/2018) and sets out the relevant information to enable Council to consider a without prejudice offer by the appellant to settle the appeal.

BACKGROUND

Wellington made a development application for a Material Change of Use for a Child Care Centre at 100-102 Collins Street, Redland Bay (see attachment 1), which was refused by Council on 20 June 2018 on grounds of need, impacts on the City's network of centres and traffic (see attachment 2). Wellington filled an appeal against the refusal on 9 July 2018.

Council and Wellington have been in without prejudice negotiations regarding amendments to the proposed development (see attachment 3). On three different occasions the Appellant provided amended plans to Council subsequent to without prejudice negotiations, namely 16 October 2018, 22 January 2019 and 30 January 2019. The most recent amended plans (see attachment 4) are in response to the issues raised by Council at the mediations on 4 October 2018, 17 January 2019 and 25 January 2019. Wellington is seeking to resolve the appeal on the basis of these amended plans, prior to the commencement of the hearing, on 25 February 2019.

ISSUES

Grounds of the Appeal – Original Plans

On 7 September 2018, Council filed Consolidated Grounds for Refusal (see attachment 5), removing traffic as a ground of refusal (noting that were the Court minded to approve the appeal, traffic matters would be managed by way of conditions) and confining the issues in dispute to need, town planning and noise. Council resolved to amend the reasons for refusal at the General Meeting on 5 September 2018 (Council Resolution 2018/150). The joint expert report (**JER**) process has been completed in respect of these issues.

Need

Both experts agreed there is a strong community and economic need for an additional 200 childcare places in Redland Bay over the next 18 years. They further agreed that this need may be satisfied by the provision of three average sized, or two larger childcare centres over this time period.

Council's need expert, [REDACTED] further concluded that there were at least six locations within Redland Bay where childcare centres are actively encouraged to locate and there was no planning need for the proposed development to be located on the subject site. He was also of the opinion that if the current application for a childcare centre opposite this site [REDACTED] (discussed below) was approved, the need for this centre would be reduced to zero, prior to 2030.

In contrast, [REDACTED] the need expert on behalf of the appellant, concluded that the subject site was a logical location for the proposal and would serve a local need in the southern part of the suburb without impacting on the hierarchy of centres.

Ultimately, both parties' experts agree with respect to the need for additional childcare places in the area. While the experts do not agree that the proposed location is the most suitable, location is considered to be a planning matter, which is discussed below.

Planning

Disagreement between the parties' planning experts arose principally with respect to location, scale and character.

Council's planning expert, [REDACTED] contended that the proposal conflicts with the Desired Environmental Outcomes, Urban Residential Zone and Child Care Centre Code of the Redlands Planning Scheme v7.1 [superseded] (**Planning Scheme**). He concluded that the proposal represents significant over-development of the site, indicated by the need for a two storey building, the area required for vehicle parking and manoeuvring; the requirement for substantial noise mitigation measures and inadequate outdoor open space.

The co-respondent's expert, [REDACTED] largely agreed with [REDACTED] and concluded that there remained genuine debate about conflict with the planning scheme.

In contrast, [REDACTED] for the appellant, found no conflict with the planning scheme, concluding that even if the Court was to find any conflict, it would be at the lowest end of the conflict scale and readily overcome by the grounds of public interest, specifically:

- The proposed development satisfies a community need;
- It is located close to existing centres, thereby establishing a local activity node; and
- The location is convenient to a residential catchment, which is not currently served by a childcare centre; and
- Accessibility is improved by the location at the corner of a trunk collector road; and
- A childcare facility at this location would complement, rather than compromise, other local centres, including the existing and proposed centre across Collins Street; and
- The proposed development will cater for only a proportion of the identified need; and
- As it is not a commercial or retail development, it will not result in 'ribbon' commercial development; rather, it is a community use adjoining a local centre.

Noise

The noise experts, [REDACTED] for Council and [REDACTED] for the appellant, agreed that a childcare centre could be established on the site, such that it would not result in unacceptable noise levels, however differed in their conclusions with respect to the required extent of noise control. Adequate noise barriers and enclosure of the first floor outdoor play area were specifically at issue.

Amended Plans

During mediation discussions, the parties resolved that there was sufficient agreement with respect to the issue of need, in that 200 additional child care places would be required over the next 18 years. Location and planning aspects remained in dispute. These issues were addressed at the third mediation, after which Council was provided with further amended plans and reports, focussed on the planning and noise aspects of the development.

Officer's assessment

Council Planning officers have considered the proposed changes and are satisfied that the amendments made by the Appellant address the grounds for refusal by:

- Reducing gross floor area and site cover;
- Moving the upper floor forward to cover parking bays and reduce the visual impact of the car park;
- Reorienting the upper floor away from adjacent properties, thereby reducing conflicts with sensitive receptors;
- Altering the upstairs play area to achieve Specific Outcome S3(2) of the Child Care Centre Code, to provide an outdoor play area that is not enclosed by louvres and glazed windows;
- Providing a 2m landscape buffer along all street frontages to present an attractive streetscape and address Specific Outcome S3 of the Child Care Centre Code;
- Stepping of retaining walls and acoustic barriers to constrain the combined height; and
- Utilising low, semi-transparent fencing with landscaping to improve the streetscape.

Expert advice

Planning

Council's planning expert, [REDACTED] reiterated that one of the Council's stronger points of conflict with the original plans was that the proposal was an overdevelopment of the site. He then went on to say that as a result of the without prejudice negotiations and the Appellant amending their design, this has, in effect, produced a better design, and as a result the amended plans much better respond to the original issues raised by Council.

Noise

[REDACTED] on behalf of Council, reviewed the revised noise assessment, based on the amended plans and considering a single storey residence approved on the lot immediately north of the subject site, instead of a two storey residence as considered in the JER.

[REDACTED] has provided preliminary advice to the effect that the acoustic barrier height would likely stay at a similar height. Noise disturbance from the first floor outdoor play area was addressed in the amended plans by reorienting the play space to Collins Street, away from residences. [REDACTED] considers that noise from this play area may exceed the noise limits proposed in the JER, however notes that the exact height of the acoustic barrier and any other mitigation measures may be managed by way of conditions and may be determined by further modelling.

Noise disturbance from the first floor outdoor play area was addressed in the amended plans by reorienting the play space to Collins Street, away from residences, and the effect of this will be assessed in the modelling.

Co-respondent in the Appeal

On 23 July 2018, Cinque Projects Pty Ltd ('Cinque') filed a Notice of Election to become a co-respondent in the appeal. Cinque's interest in the appeal relates to their current development applications for a Child Care Centre and Retail Development directly across the road, at 89 and 91-101 Collins Street, Redland Bay (see attachment 6). If approved by Council, Cinque's centre will provide places for up to 150 children.

These concurrent applications present a potential competitive disadvantage to each party, thus their respective interests in gaining development approval to address the immediate social and economic need. At the time of writing this report, the Cinque applications remain under assessment by Council, it is likely they will approve in the near future.

Cinque has not indicated whether they will elect to proceed to the hearing were Council and the Appellant to agree to resolve the appeal. Instead, they have advised that they will assess their position depending on the outcome of their respective applications and Council's consideration of the Wellington application on 20 February 2019.

Having chosen to rely on Council's experts in the matters of Need and Noise, Cinque engaged with the JER process in respect of planning matters only. Cinque's planning expert, [REDACTED] largely agreed with the opinion of Council's expert, [REDACTED] on the issues of location, built form and 'residential character' and outdoor play area requirements.

Were the appeal to proceed to a hearing, [REDACTED] is likely to further agitate on the issue of co-location, given it has not been substantively discussed during mediations, nor further considered by Council's planning expert, [REDACTED]. Whilst [REDACTED] opinion on the other matters in dispute may not have altered as a result of the amended plans, his reliance on the opinion of [REDACTED] in respect of these issues throughout the JER process may limit the strength of his argument if Cinque proceeds.

STRATEGIC IMPLICATIONS

Legislative Requirements

The amended plans were assessed against the relevant provisions of the Redlands Planning Scheme v 7.1 [superseded] and grounds of refusal. Further detail about these requirements is provided in the 'Issues' section of this report.

Risk Management

The appellant has indicated that it may vacate its hearing date of 25 February 2019 (and the following four days), if Council resolves to settle the appeal. Declining this offer will result in the matter proceeding to the hearing, which, if Council is unsuccessful, may result in the approval of the development in its original form (which Council originally resolved to refuse).

It is important to note that, even if Council resolves to settle, the co-respondent may continue with the appeal. Council will still be required to attend the hearing, however, if minded to settle, now in support of the Appellant's position (subject to a minor change occurring on the first day of the hearing, which makes the amended plans the basis of the appeal).

Financial

To date, costs associated with the appeal, including Counsel and experts, are [REDACTED]. Should Council resolve to refuse the offer and the matter proceeds to a hearing, further estimated costs of [REDACTED] will be incurred. Accepting the offer will result in minimal further costs to Council.

Note that if Council accepts the offer and the co-respondent maintains their contest, Council would still be required to attend the hearing, however Council's duty would be less onerous, given its support (subject to the approval of the minor change) for the Appellant. Costs for Counsel and Council's experts would be minimal, particularly as some experts may no longer be required, as it would not be necessary for Council to illustrate certain issues to the Court. In effect, the Appellant would be arguing against the co-respondent and Council would simply be required to outline their position.

People

Not applicable.

Environmental

Not applicable.

Social

There is a recognised, immediate and long term, social and community need for childcare facilities in Redland Bay, which this development will partially address. Further details with respect to this need are discussed in the 'Issues' section of this report.

Alignment with Council's Policy and Plans

The assessment of this offer and Officers' recommendation aligns with Council's policies and plans as referenced in the 'Issues' section of this report.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Planning Assessment Unit	23/01/2019 – 01/02/2019	Planning officers reviewed the amended plans and reports, and advised that the revisions adequately address the reasons for refusal in relation to site design.
Legal Services Unit	Ongoing	Council's Solicitor facilitated advice from Counsel and the experts. Advice was also provided in the progress of the appeal.
Counsel	Ongoing	Provided advice with respect to prospects, mediation strategy, carriage of the appeal and preparation for the hearing.

OPTIONS**Option One**

Council resolves to:

1. accept the offer made by the appellant and resolve the appeal, generally in accordance with the amended layout and draft conditions package, and on the basis the parties bear their own costs;
2. instruct its solicitors to take all necessary steps to settle the appeal; and
3. maintain this report and attachments as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Two

Council resolves to:

1. refuse the offer made by the appellant to resolve the appeal;
2. instruct its solicitors to take all necessary steps to prepare the appeal for a hearing; and
3. maintain this report and attachments as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

OFFICER'S RECOMMENDATION

Council resolves to:

1. accept the offer made by the appellant and resolve the appeal, generally in accordance with the amended layout and draft conditions package, and on the basis the parties bear their own costs;
2. instruct its solicitors to take all necessary steps to settle the appeal; and
3. maintain this report and attachments as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.



AMENDMENT MOTION**PROCEDURAL RESOLUTION 2018/51**

Moved by: Cr Tracey Huges

Seconded by: Cr Paul Gleeson

That Council amends the motion to read as follows:

That Council resolves to adopt Option 4 and refuse the application under the following grounds:

1. The proposed development does not provide for the identified convenience needs of the local community and will impact on the role and function of the City's network of centres in accordance with Specific Outcome S1.3(1) and Overall Outcome 4.24.7(2)(a)(ii) of the Urban Residential Zone Code and Specific Outcome S1.2 and Overall Outcomes 6.7.3(2)(a) of the Child Care Centre Code.
2. The proposed development does not provide for safe, efficient and convenient movement of vehicles and does not minimise the impact on surrounding traffic networks in accordance with Overall Outcome 6.7.3 of the Child Care Centre Code and Overall Outcomes 8.1.3 (2) of the Access and Parking Code.
3. There are no other relevant matters that justify the approval of the development despite the conflict with the relevant assessment benchmarks.

CARRIED 8/0

Crs Peter Mitchell, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Karen Williams, Wendy Boglary and Paul Gollè were absent from the meeting.

The motion with the amendment became the motion and was put as follows:

COUNCIL RESOLUTION 2018/52

Moved by: Cr Tracey Huges

Seconded by: Cr Mark Edwards

That Council resolves to adopt Option 4 and refuse the application under the following grounds:

1. The proposed development does not provide for the identified convenience needs of the local community and will impact on the role and function of the City's network of centres in accordance with Specific Outcome S1.3(1) and Overall Outcome 4.24.7(2)(a)(ii) of the Urban Residential Zone Code and Specific Outcome S1.2 and Overall Outcomes 6.7.3(2)(a) of the Child Care Centre Code.
2. The proposed development does not provide for safe, efficient and convenient movement of vehicles and does not minimise the impact on surrounding traffic networks in accordance with Overall Outcome 6.7.3 of the Child Care Centre Code and Overall Outcomes 8.1.3 (2) of the Access and Parking Code.
3. There are no other relevant matters that justify the approval of the development despite the conflict with the relevant assessment benchmarks.

CARRIED 8/0

Crs Peter Mitchell, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Karen Williams, Wendy Boglary and Paul Gollè were absent from the meeting.

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GENERAL LEGEND

- ALS ALUMINIUM LOUVRE SCREEN
- BAL P/COATED METAL BALUSTRADE ABOVE MASONRY UPSTAND TO TOTAL 1800mm HIGH
- CP CARPARK SPACE
- CR COLORBOND ROOFING
- LB LETTERBOX
- SHR SHOWER
- WB ADULT HEIGHT WALL BASIN

F	REVISED COLLINS STREET SETBACK	SM	4/05/2018
E	ADDED SECTION 'C'	SM	19/04/2018
D	FOR OPERATOR APPROVAL	MR	22/12/2017
REV.	DETAILS	INT	DATE



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PROJECT
NEW CHILDCARE CENTRE

LOCATION
100-102 COLLINS STREET
REDLAND BAY QLD 4165

CLIENT
WELLINGTON PROPERTY MANAGEMENT PTY LTD.

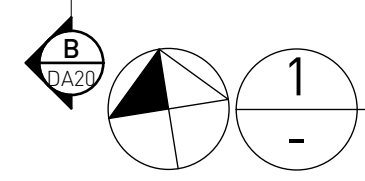
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SCALE:	JOB No.	1674
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PE	ISSUE DATE	4/05/2018
	ISSUE	F



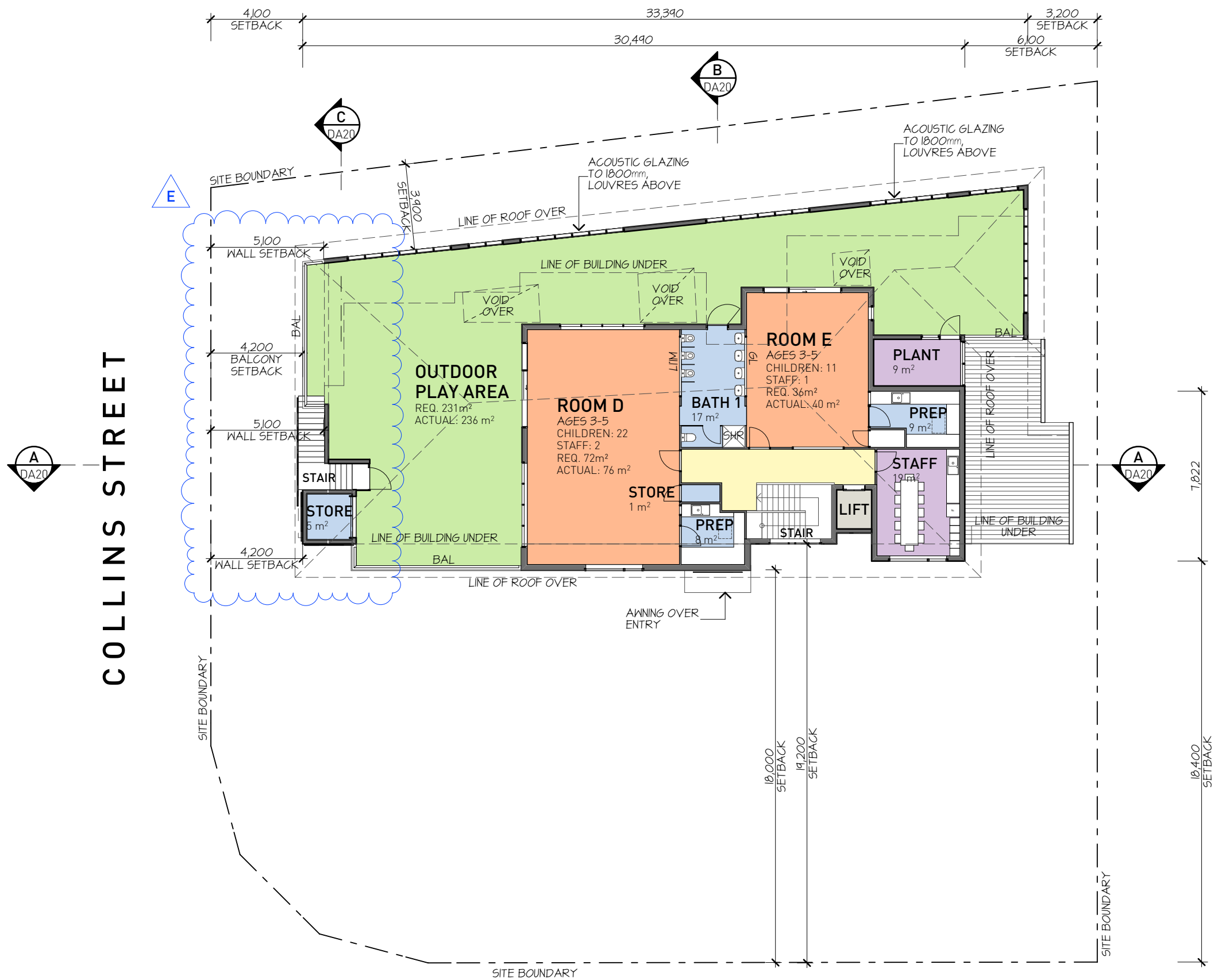
COLLINS STREET

TORQUAY ROAD



PROPOSED GROUND FLOOR PLAN

SCALE: 1:200



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GENERAL LEGEND

ALS	ALUMINIUM LOUVRE SCREEN
BAL	P/COATED METAL BALUSTRADE ABOVE MASONRY UPSTAND TO TOTAL 1800mm HIGH
CP	CARPARK SPACE
CR	COLORBOND ROOFING
LB	LETTERBOX
SHR	SHOWER
WB	ADULT HEIGHT WALL BASIN

E	REVISED COLLINS STREET SETBACK FOR OPERATOR APPROVAL	SM	4/05/2018
D	AMENDMENTS AS NOTED. COUNCIL RFI ISSUE.	MR	22/12/2017
C	DETAILS	MR	19/12/2017
REV.		INT	DATE

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PROJECT
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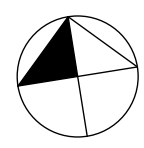
LOCATION
**100-102 COLLINS STREET
 REDLAND BAY QLD 4165**

CLIENT
**WELLINGTON PROPERTY
 MANAGEMENT PTY LTD.**

TITLE
FIRST FLOOR PLAN

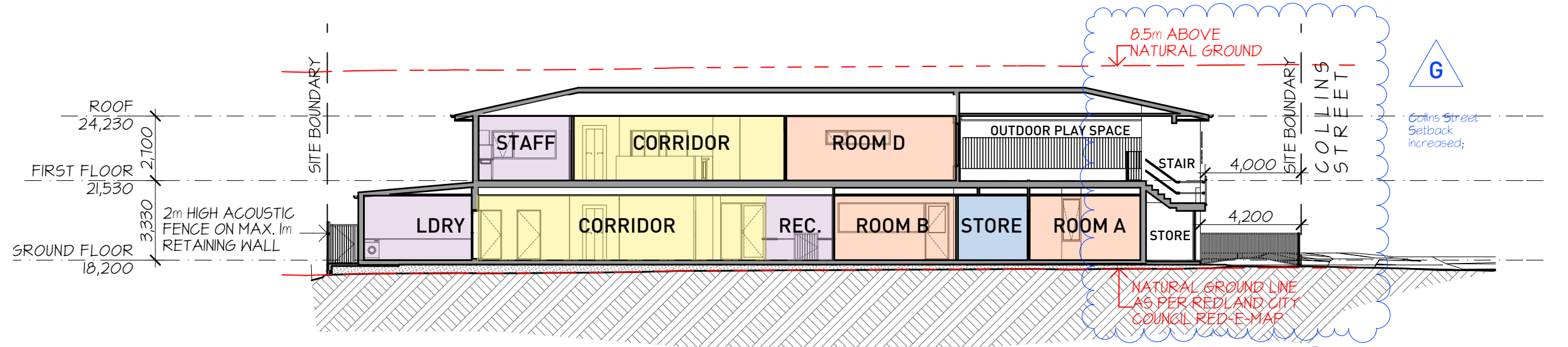
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DRAWN BY: PE	DWG No. DA11
ISSUE DATE 4/05/2018	ISSUE E

TORQUAY ROAD

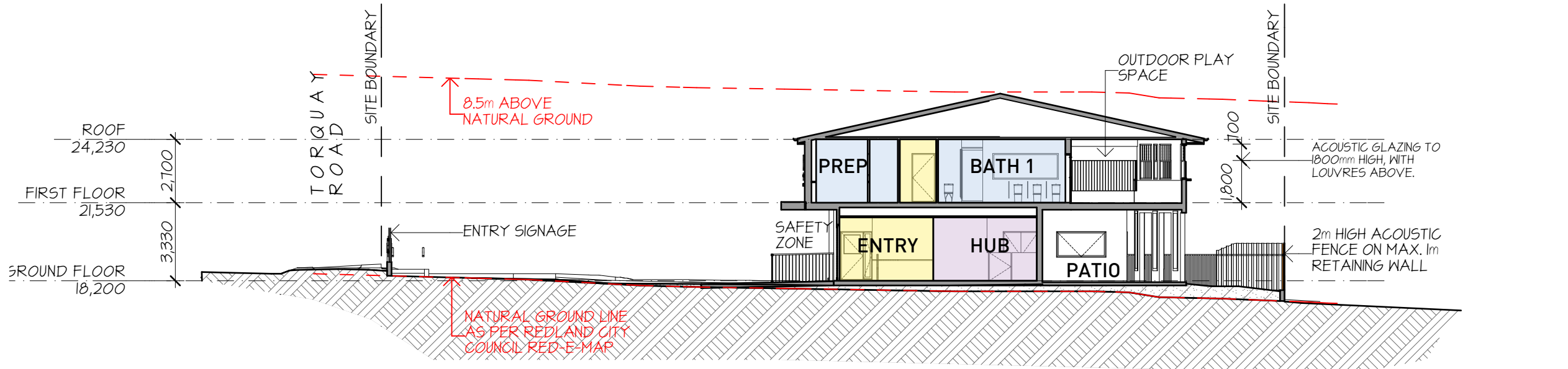


1 PROPOSED FIRST FLOOR PLAN

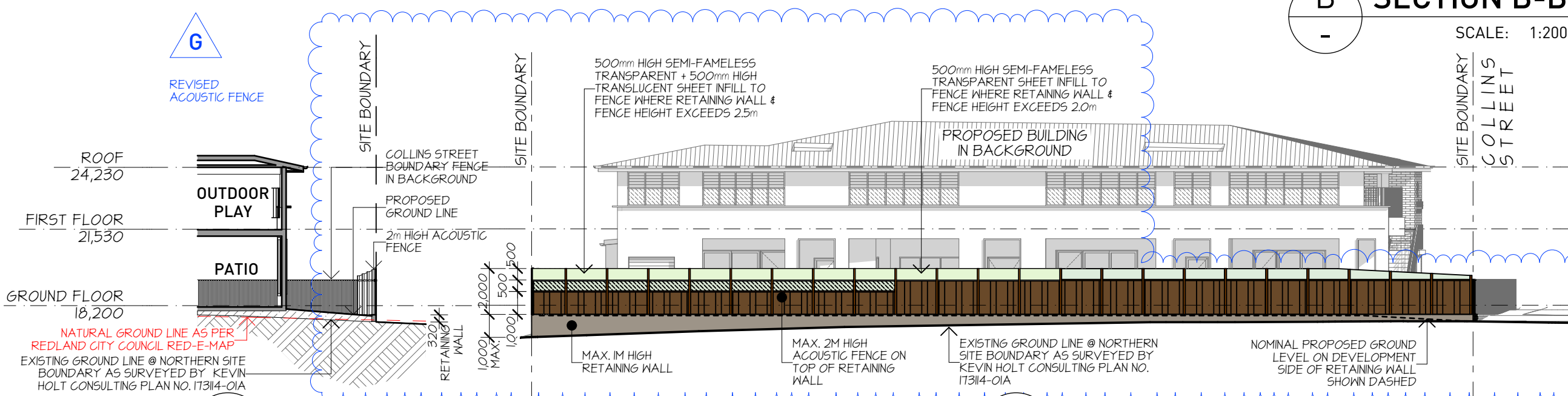
SCALE: 1:200



A SECTION A-A
SCALE: 1:200



B SECTION B-B
SCALE: 1:200



C SECTION C-C SCALE: 1:200
1 NORTH BDY FENCE ELEVATION SCALE: 1:200

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GENERAL LEGEND

ALS	ALUMINIUM LOUVRE SCREEN
BAL	P/COATED METAL BALUSTRADE ABOVE MASONRY UPSTAND TO TOTAL 1800mm HIGH
CR	COLORBOND ROOFING
E.G.L	EXISTING GROUND LINE
FBLK	FACE BLOCKWORK
GL	CLEAR GLAZING
RPB1	RENDERED PAINTED BLOCKWORK 1
RPB2	RENDERED PAINTED BLOCKWORK 2
RPB3	RENDERED PAINTED BLOCKWORK 3
RPB4	RENDERED PAINTED BLOCKWORK 4
WB	WEATHERBOARD CLADDING

G	REVISED COLLINS STREET SETBACK, REVISED ACOUSTIC FENCE DETAIL	SM	4/05/2018
F	ADDED SECTION 'C'	SM	19/04/2018
E	ADDED NORTH BOUNDARY FENCE ELEVATION DETAILS	SM	18/04/2018
REV.		INT	DATE

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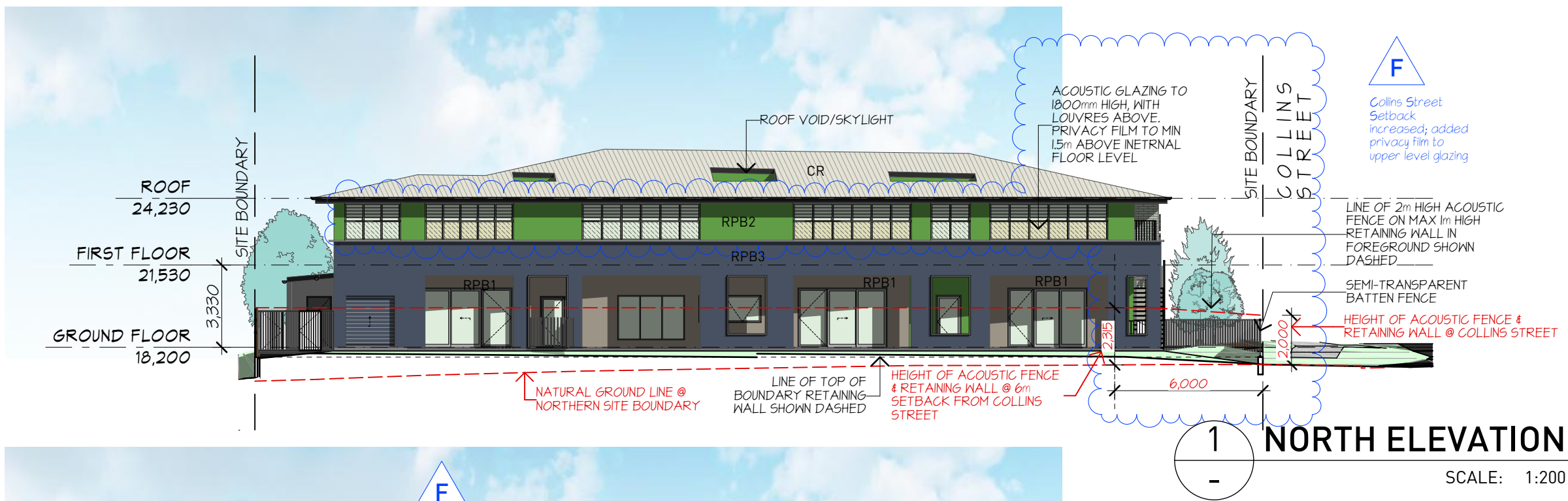
PROJECT
NEW CHILDCARE CENTRE

LOCATION
100-102 COLLINS STREET
REDLAND BAY QLD 4165

CLIENT
WELLINGTON PROPERTY
MANAGEMENT PTY LTD.

TITLE
SECTIONS

SCALE: 1:200(A3)	JOB No. 1674
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ISSUE DATE 4/05/2018	ISSUE G



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GENERAL LEGEND

ALS	ALUMINIUM LOUVRE SCREEN
BAL	P/COATED METAL BALUSTRADE ABOVE MASONRY UPSTAND TO TOTAL 1800mm HIGH
CR	COLORBOND ROOFING
E.G.L	EXISTING GROUND LINE
FBLK	FACE BLOCKWORK
GL	CLEAR GLAZING
RPB1	RENDERED PAINTED BLOCKWORK 1
RPB2	RENDERED PAINTED BLOCKWORK 2
RPB3	RENDERED PAINTED BLOCKWORK 3
RPB4	RENDERED PAINTED BLOCKWORK 4
WB	WEATHERBOARD CLADDING

F	REVISED COLLINS STREET SETBACK, PRIVACY FILM TO UPPER GLAZING	SM	4/05/2018
E	ACOUSTIC FENCE HEIGHT CLARIFIED	SM	16/04/2018
D	FOR OPERATOR APPROVAL	MR	22/12/2017
REV.	DETAILS	INT	DATE

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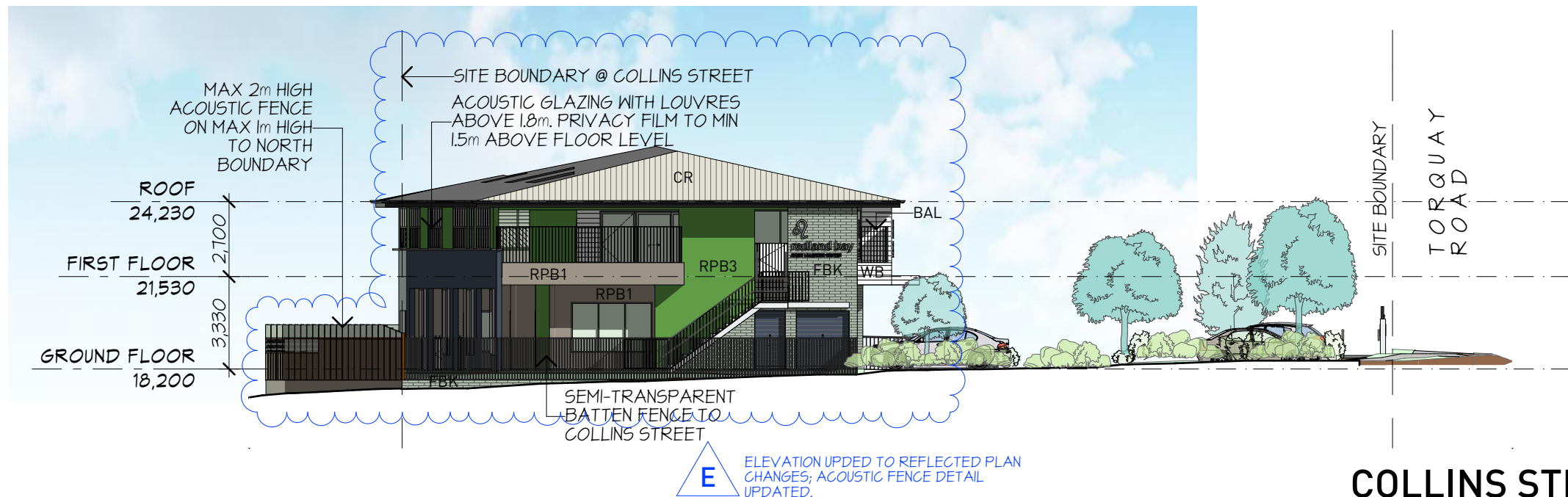
PROJECT
 NEW CHILDCARE CENTRE

LOCATION
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CLIENT
 WELLINGTON PROPERTY
 MANAGEMENT PTY LTD.

TITLE
 ELEVATIONS 1

SCALE:	JOB No.	1674
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PE	ISSUE DATE	4/05/2018
ISSUE DATE	ISSUE	F



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COLLINS STREET WEST ELEVATION

SCALE: 1:200

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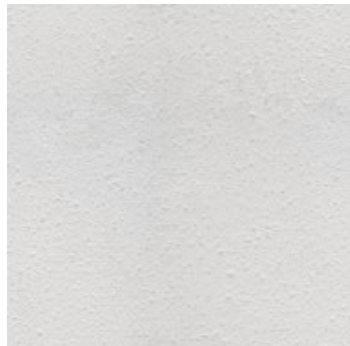
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GENERAL LEGEND

ALS	ALUMINIUM LOUVRE SCREEN
BAL	P/COATED METAL BALUSTRADE ABOVE MASONRY UPSTAND TO TOTAL 1800mm HIGH
CR	COLORBOND ROOFING
E.G.L	EXISTING GROUND LINE
FBLK	FACE BLOCKWORK
GL	CLEAR GLAZING
RPB1	RENDERED PAINTED BLOCKWORK 1
RPB2	RENDERED PAINTED BLOCKWORK 2
RPB3	RENDERED PAINTED BLOCKWORK 3
RPB4	RENDERED PAINTED BLOCKWORK 4
WB	WEATHERBOARD CLADDING

E	REVISED COLLINS STREET SETBACK FOR OPERATOR APPROVAL	SM	4/05/2018
D	AMENDMENTS AS NOTED. COUNCIL RFI ISSUE.	MR	22/12/2017
C	DETAILS	MR	19/12/2017
REV.		INT	DATE

RPB:
RENDERED PAINTED BLOCK
- WHITE



RPB:
RENDERED PAINTED BLOCK
- BROWN



RPB:
RENDERED PAINTED BLOCK
- GREEN



RPB:
RENDERED PAINTED BLOCK
- BLUE



FBK:
FACE BLOCK



WB:
PAINTED SELECTED
HORIZONTAL CLADDING



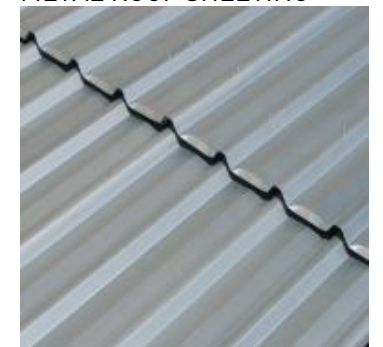
BAL-1:
ALUMINIUM BALUSTRADE
TYPE 1



FCP:
SELECTED TIMBER CEILING
CLADDING



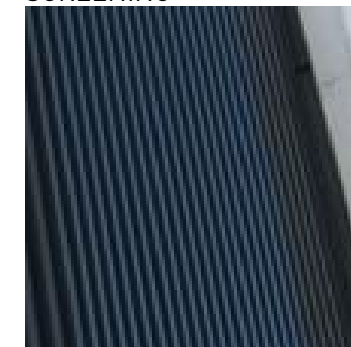
MR:
METAL ROOF SHEETING



GL:
METAL FRAMED GLAZING



SC:
P/COATED METAL
SCREENING



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PROJECT
NEW CHILDCARE CENTRE

LOCATION
**100-102 COLLINS STREET
REDLAND BAY QLD 4165**

CLIENT
**WELLINGTON PROPERTY
MANAGEMENT PTY LTD.**

TITLE
**ELEVATIONS 2 & MATERIALS
SCHEDULE**

SCALE:
1:200 (A3)

JOB No. **1674**

DRAWN BY:
PE

DWG No. **DA31**

ISSUE DATE
4/05/2018

ISSUE
E

2
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FINISHES SCHEDULE

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REV.	DETAILS	INT	DATE
E	UPDATED TO MATCH PLAN CHANGES FOR OPERATOR APPROVAL	SM	4/05/2018
D	UPDATED TO REFLECT PLAN CHANGES. COUNCIL RFI ISSUE.	MR	22/12/2017
C	DETAILS	MR	19/12/2017



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LOCATION
**100-102 COLLINS STREET
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CLIENT
**WELLINGTON PROPERTY
 MANAGEMENT PTY LTD.**

TITLE
PERSPECTIVES SHEET 1

SCALE: NTS @ A3
 DRAWN BY: PE
 ISSUE DATE: 4/05/2018

JOB No. **1674**
 DWG No. **DA40**
 ISSUE **E**

1 ENTRY VIEW
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E	UPDATED TO MATCH PLAN CHANGES FOR OPERATOR APPROVAL	SM	4/05/2018
D		MR	22/12/2017
C	UPDATED TO REFLECT PLAN CHANGES, COUNCIL RFI ISSUE.	MR	19/12/2017
REV.	DETAILS	INT	DATE



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 E info@husbandarchitects.com.au
 W www.husbandarchitects.com.au

PROJECT
NEW CHILDCARE CENTRE

LOCATION
**100-102 COLLINS STREET
 REDLAND BAY QLD 4165**

CLIENT
**WELLINGTON PROPERTY
 MANAGEMENT PTY LTD.**

TITLE
PERSPECTIVES SHEET 2

SCALE: NTS @ A3
 DRAWN BY: PE
 ISSUE DATE: 4/05/2018

JOB No. **1674**
 DWG No. **DA41**
 ISSUE **E**

1 COLLINS STREET VIEW 1



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Figured dimensions take precedence over scale dimensions. Contractors must verify all dimensions on site before commencing any work or making shop drawings.

E	UPDATED TO MATCH PLAN CHANGES FOR OPERATOR APPROVAL	SM	4/05/2018
D		MR	22/12/2017
C	UPDATED TO REFLECT PLAN CHANGES. COUNCIL RFI ISSUE.	MR	19/12/2017
REV.	DETAILS	INT	DATE

HUSBAND ARCHITECTS

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PROJECT
NEW CHILDCARE CENTRE

LOCATION
**100-102 COLLINS STREET
 REDLAND BAY QLD 4165**

CLIENT
**WELLINGTON PROPERTY
 MANAGEMENT PTY LTD.**

TITLE
PERSPECTIVES SHEET 3

SCALE:	JOB No.	1674
NTS @ A3	DRAWN BY:	DA42
PE	ISSUE DATE	E
4/05/2018		

1 COLLINS STREET VIEW 2

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Figured dimensions take precedence over scale dimensions. Contractors must verify all dimensions on site before commencing any work or making shop drawings.

GENERAL LEGEND

- ALS ALUMINUM LOUVRE SCREEN
- BAL-1 P/COATED METAL BALUSTRADE
- BAL-2 GLASS BALUSTRADE
- CP CARPARK SPACE
- CR COLORBOND ROOFING
- LB LETTERBOX
- SHR SHOWER
- MB ADULT HEIGHT MALL BASIN

L	REDESIGNED TO 75 PLACE. ISSUED FOR COMMENT.	MR	30/01/2019
K	REVIEW UPDATE	SM	23/01/2018
J	REDESIGNED TO 75 PLACE. ISSUE FOR COMMENT	SM	22/01/2019
REV.	DETAILS	INT	DATE

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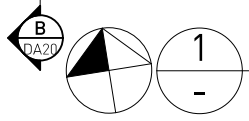
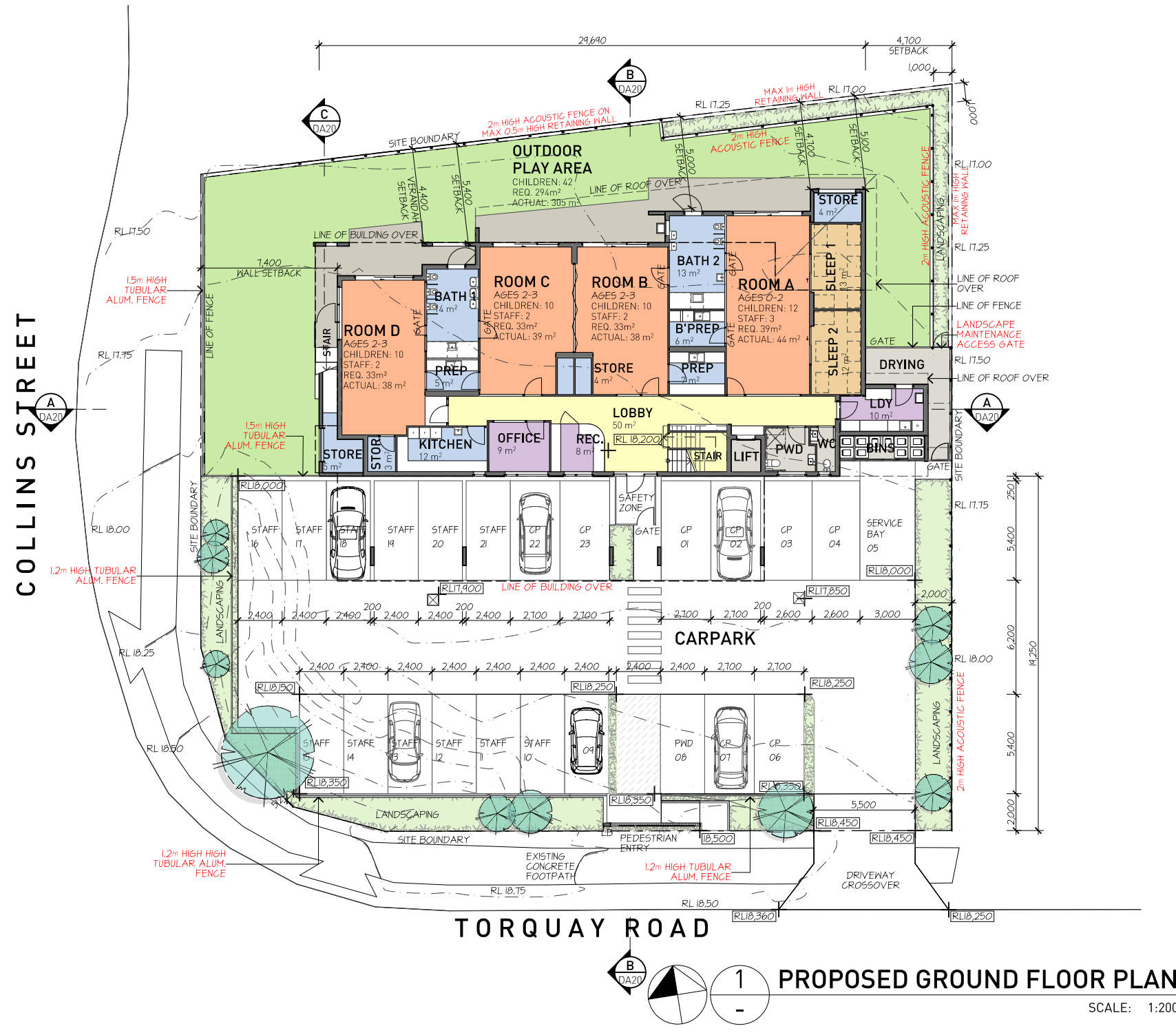
PROJECT
NEW CHILDCARE CENTRE

LOCATION
100-102 COLLINS STREET REDLAND BAY QLD 4165

CLIENT
WELLINGTON PROPERTY MANAGEMENT PTY LTD.

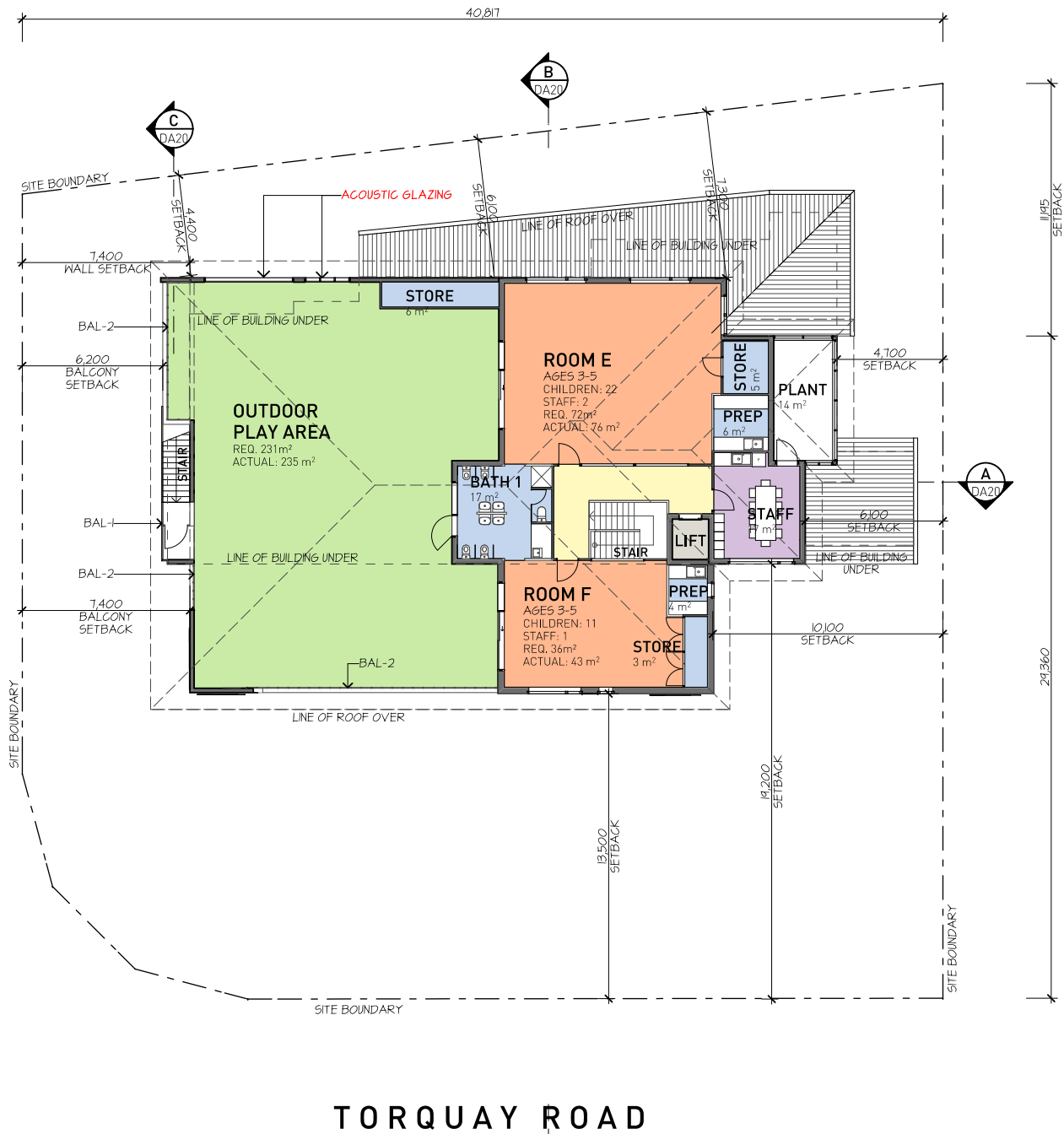
TITLE
GROUND FLOOR PLAN

SCALE:	1:200 (GA3)	JOB No.	1674
DRAWN BY:	PE	DWG No.	DA10
ISSUE DATE	30/01/2019	ISSUE	L



PROPOSED GROUND FLOOR PLAN

SCALE: 1:200



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- GENERAL LEGEND**
- ALS ALUMINUM LOUVRE SCREEN
 - BAL-1 P/COATED METAL BALUSTRADE
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 - CP CARPARK SPACE
 - CR COLORBOND ROOFING
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K	REDESIGNED TO 75 PLACE. ISSUED FOR COMMENT.	MR	30/01/2019
J	REVIEW UPDATE	SM	23/01/2018
H	REDESIGNED TO 75 PLACE. ISSUE FOR COMMENT	SM	22/01/2019
REV.	DETAILS	INT	DATE



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PROJECT
NEW CHILDCARE CENTRE

LOCATION
100-102 COLLINS STREET
REDLAND BAY QLD 4165

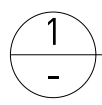
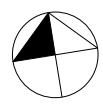
CLIENT
WELLINGTON PROPERTY
MANAGEMENT PTY LTD.

TITLE
FIRST FLOOR PLAN

SCALE:	JOB No.	1674
1:200 (GA3)	DWG No.	DA11
DRAWN BY:	ISSUE	K
PE	ISSUE DATE	30/01/2019

TORQUAY ROAD

COLLINS STREET



PROPOSED FIRST FLOOR PLAN

SCALE: 1:200

**IN THE PLANNING AND ENVIRONMENT COURT
HELD AT: BRISBANE**

No: 2519 of 2018

Between: **WELLINGTON PROPERTY MANAGEMENT PTY LTD (ACN 100 029 776)** Appellant
And: **REDLAND CITY COUNCIL** Respondent
And: **CINQUE PROJECTS PTY LTD** Co-Respondent by Election

CONSOLIDATED GROUNDS FOR REFUSAL

Redlands Planning Scheme Version 7.1

1. The built form including the associated parking and driveway area of the proposed development the subject of this appeal (**Development**) is too large for the subject site, such that the site is not an “appropriate location” for it, and the Development is incompatible within its locality, which results in conflict with:
 - a) Overall outcome 4.24.7(2)(b)(i)(b) and (c) of the Urban Residential Zone Code (**UR Zone Code**);
 - b) Specific Outcome 1.3 of the UR Zone Code;
 - c) Overall Outcome 6.7.3(2)(a)(ii) of the Child Care Centre Code (**Child Care Code**); and
 - d) Specific Outcomes 1.2(1) and S2(1) of the Child Care Code.
2. The Development is not co-located with other similar uses or community facilities or focal points, which results in conflict with:
 - a) Specific Outcome S1.3 of the UR Zone Code;
 - b) Overall Outcome 6.7.3(2)(a)(i) of the Child Care Code; and
 - c) Specific Outcome S1.1(1)(b) of the Child Care Code.
3. The Development's ground floor outdoor play area, and its proposed side and rear boundary landscaping and deep planting, rely upon using the same spaces, and in those spaces those requirements are mutually exclusive, such that the proposed development is in conflict with Specific Outcomes S3(2) and (3).
4. The Development's proposed upper floor outdoor play area does not achieve the functional requirements of an outdoor play area, in circumstances where the area is

GROUND FOR REFUSAL

Served on behalf of the Respondent

REDLAND CITY COUNCIL

92-95 Bloomfield Street

Cleveland QLD 4163

Tel: 07 3829 8645

Email: benjamin.leong@redland.qld.gov.au

roofed, and the glass windows to the north and east of this play area are acoustically glazed and obscured for off-site privacy and amenity reasons, such that the proposed development is in conflict with Specific Outcome S3(2) of the Child Care Code.

5. The Development would result in adverse noise impacts affecting neighbouring residential zoned lots, which results in conflict with:
 - a) Overall outcome 4.24.7(2)(c)(i)(e) and (ii) of the UR Zone Code;
 - b) Specific Outcomes S3.3(1)(b) and S3.8 of the UR Zone Code;
 - c) Overall Outcome 6.7.3(2)(a)(iv) of the Child Care Code; and
 - d) Specific Outcome S2(2) of the Child Care Code.
6. For the purpose of s.45(5)(b) of the *Planning Act 2016* (Q.), there are no other “relevant matters” that would that would warrant the approval of the development application.

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
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.	
<u>Approved Plans and Documents</u>	
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.	Prior to the use commencing and ongoing.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Ground Floor Plan	1674/DA10/L	Husband Architects	30/01/2019
First Floor Plan	1674/DA11/K	Husband Architects	30/01/2019
Elevations 1	1674/DA30/G	Husband Architects	30/01/2019
Elevations 2 & Materials Schedule	1674/DA31/F	Husband Architects	30/01/2019
Landscape Concept Plan	1709-L-SD01/Ground Floor/Rev 4	ASdesign	Received 30/01/2019
Proposed Planting Palette	1709-L-SD03/Rev 2	ASdesign	Received 30/01/2019
Concept Services Plan	17141/SK20 Rev A1	Morgan consulting engineers	15/12/2017
Traffic Engineering Assessment Report	BMC18033	BMC Traffic	01/11/2017
Noise Impact Assessment (most recent 30/01/19) – Addendums A,B and C also listed	L02419/PAK/18-119	MWA Environmental	30/01/2019

Table 1: Approved Plans and Documents

<u>Land Dedication and Design</u>	
3. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.	Prior to the use commencing and ongoing.

Hours of Operation	
4. Operate the approved use between the hours of 6:00am to 7:00pm Monday to Friday.	Ongoing
Conditioned Works Assessment	
5. Submit to Council, and receive approval for, Conditioned Works Assessment for the documents and works referred to in Table 2:	Prior to site works commencing.

Document or Works Item	Assessment Criteria
Landscape Plan	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 8 – Landscape Code • Redlands Planning Scheme Part 6 Division 7 - Child Care Centre • Redlands Planning Scheme Part 9 Schedule 9 – Street Trees • Redlands Planning Scheme Part 11 Policy 3 Chapter 3 – Landscaping and Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 10 – Parks and Open Space and Chapter 11 – Landscaping • Redlands Planning Scheme Part 11 Policy 16 – Safer by Design
Stormwater	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 9 – Stormwater Management Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 6 – Stormwater Management • Water Sensitive Urban Design Technical Guidelines for South East Queensland • State Planning Policy July 2017 • Queensland Urban Drainage Manual
Water Supply and Sewerage	<ul style="list-style-type: none"> • SEQ Water Supply and Sewerage Design and Construction Code • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 7 – Water Reticulation and Chapter 8 – Sewerage Reticulation.

Waste Management Plan	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 16 – Waste Management.
Access and Parking	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 1 – Access and Parking Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 15 – Access and Parking • Australian Standard 2890:2009 – Parking Facilities Set
Sediment and Erosion Control Plan/Program	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 6 – Erosion Prevention and Sediment Control Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 4 – Erosion Prevention and Sediment Control • International Erosion Control Association Best Practice Erosion and Sediment Control document
Earthworks	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 7 Division 6 – Excavation and Fill Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 12 – Excavation and Fill. • Australian Standard 4678:2002 – Earth-retaining Structures • Australian Standard 3798:2007 – Guidelines on Earthworks for Commercial and Residential Development.
Construction Management Plan	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding.

Table 2: Conditioned Works Assessment

6. Comply with all conditions and approved plans in the Conditioned Works Approval.	Prior to the use commencing.
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Noise

7. Implement noise mitigation in accordance with the approved Noise Impact Assessment Report.

Prior to the use commencing and ongoing.

Bonds

8. Lodge with Council the bonds listed in Table 3:

Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.

Bond Item	Amount	Drawn Down	Returned
Road Cleaning Bond	\$2,000		When works accepted on maintenance by Council.
Road Opening Approval Bond	\$5,000		When works accepted on maintenance by Council.
TOTAL	\$7,000		

Table 3: Bonds

9. Lodge a Maintenance Bond to the greater value of either;
 a) 5% of the agreed development works obligations; or
 b) \$2,500.

This bond shall be returned after formal acceptance by the Council of the works off maintenance and the transfer of the applicable works to Council.

Prior to works being accepted on maintenance by Council.

Inspections

10. Arrange with Council for the following inspections to be carried out at the relevant time in accordance with Table 4: Inspections 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.
Stormwater Bedding	After the stormwater pipelines are bedded and prior to backfilling.
On Maintenance	On completion of all civil and landscaping works to be transferred into public ownership as required by this approval and its conditions and prior to the commencement of the 12 months maintenance period.
Compliance Inspection	On completion of the development in accordance with the approval and its conditions.
Off Maintenance	At the end of the minimum 12 months maintenance period.

Table 4: Inspections

For the pre-start, on maintenance and off maintenance 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 contributed assets must be accepted on maintenance and the development must pass a Compliance Inspection before the use commences.

General	
11. 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.
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 3.4 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works.	During construction.
13. Rectify any damage to Council infrastructure as a result of construction activities, at no cost to Council.	Prior to on maintenance or the use commencing, whichever is the sooner.
14. Provide written certification from a Registered Professional Engineer Queensland (RPEQ) certifying that all civil works have been completed in accordance with the approved drawings and specifications and to the applicable Australian Standards.	Prior to on maintenance or the use commencing, whichever is the sooner.

<p>15. 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.</p>	<p>During the construction phase.</p>
<p>16. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.</p>	<p>Prior to the use commencing.</p>
<p>17. Maintain all contributed assets for a minimum period of 12 months from the date the works are accepted on maintenance by Council. The works will be accepted off maintenance only where the works have been suitably maintained to any manufacturer's specifications and Council standards and are fit for purpose.</p>	<p>During the on maintenance period.</p>
<p><u>Access, Roadworks and Parking</u></p>	
<p>18. Provide 23 car parks in accordance with approved site plan. The total number of car parks must include at least 1 disability parking space.</p> <p>Access to car parking spaces, bicycle spaces, bin bays, vehicle loading and manoeuvring areas and driveways must remain unobstructed and available during the approved hours of operation. Loading and unloading operations must be conducted wholly within the site.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>19. 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> <ul style="list-style-type: none"> a) Road construction including concrete kerb and channel and road pavement; b) Footpath earthworks, top soiling and turfing of all disturbed footpath areas; c) Reinstatement of concrete kerb and channel where required; d) Removal of all redundant vehicle crossovers; e) Entry treatment/access to the site; f) Adjustment and relocations necessary to public utility services resulting from these works; g) A minimum 5.5m wide type R-RSC-3 permanent vehicular crossover to the Torquay Road frontage of the site. 	<p>As part of the request for conditioned works assessment.</p>
<p>20. 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> <ul 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 	<p>Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.</p>

<p>2017/2018 Financial Year is:</p> <ul style="list-style-type: none"> • \$5,375 – this incorporates a refundable bond of \$5,000 and a non-refundable administration fee of \$375 <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) that includes proposed haul routes for construction vehicles and that is prepared and authorised by a person who hold a Traffic Management Design qualification.</p> <p>e) 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>	
<u>Stormwater Management</u>	
<p>21. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to:</p> <ul style="list-style-type: none"> • A lawful point of discharge, Manhole Council asset No 148629, on Torquay Road. 	<p>Prior to the use commencing and ongoing.</p>
<p>22. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>23. Submit to Council, and receive Conditioned Works approval for, a stormwater assessment that is generally in accordance with the approved concept services plan and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and the following:</p> <ul style="list-style-type: none"> • Detailed drawings of the proposed stormwater quantity detention systems and any associated works. The drawings must include longitudinal and cross sections. 	<p>As part of request for conditioned works assessment.</p>
<p>24. Maintain all internal stormwater management devices for the life of</p>	<p>Ongoing condition.</p>

<p>the development in accordance with approved documentation and to manufacturer's specifications.</p>	
<p><u>Utilities</u></p>	
<p>25. 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.</p>	<p>At the time of works occurring.</p>
<p>26. Connect the development to external reticulated sewer, external reticulated water and underground electricity supply.</p>	<p>Prior to the use commencing.</p>
<p><u>Services</u></p>	
<p>27. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to site works commencing.</p>
<p>28. Provide water connections and water meters in accordance with Council's Standard Drawings. Provide details to Council of the water meters and their locations.</p>	<p>Prior to on maintenance.</p>
<p><u>Excavation and Filling</u></p>	
<p>29. Undertake any required excavation and fill works in accordance with the following:</p> <ul style="list-style-type: none"> a) Design retaining walls/structures to have a minimum design life of 60 years and to be in accordance with Australian Standard 4678:2002 – Earth Retaining Structures (as amended). b) Undertake compaction in accordance with Australian Standard 3798:2007 – Guidelines on earthworks for commercial and residential developments (as amended) and Australian Standard 2870:2011 – Residential Slabs and Footings (as amended). c) Comply with the relevant requirements of the <i>Building Regulations 2006</i> (as amended) where involving gradients or embankments. 	<p>During construction.</p>

<p>30. Submit to Council test certificates for all filling greater than 400mm in depth, confirming that the necessary levels of compaction have been achieved, including a Level 1 inspection and testing report in accordance with AS3798.</p>	<p>Prior to a compliance inspection.</p>
<p>31. Provide certification from a Registered Professional Engineer Queensland (RPEQ) for the design and construction of any retaining walls greater than 1m in height, in relation to stability and resistance to overturning and sliding (overall safety factor of 1.5) in accordance with AS1170.1 and AS3600.</p>	<p>Prior to a compliance inspection.</p>
<p>32. Connect all drainage pipes associated with a retaining wall to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).</p>	<p>Prior to the use commencing.</p>
<u>Erosion and Sediment Control</u>	
<p>33. 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).</p>	<p>During the construction phase.</p>
<p>34. Ensure dewatering activities (such as from excavations or sediment basins) do not discharge water offsite or where the water could reasonably be expected to move offsite or into waters or stormwater, unless the following are met:</p> <ul style="list-style-type: none"> a) the concentration of total suspended solids (TSS) must not exceed 50 mg/L; b) turbidity (nephelometric turbidity units - NTU) values must not be greater than 10% of the turbidity of waters immediately upstream of the sites water entry points at time of the release; c) the pH must be within the range of 6.5-8.5 except where, and to the extent, the natural receiving waters lie outside this range; and, d) water is to be sampled by experienced personnel and tested by a NATA (National Association of Testing Authorities) accredited laboratory. 	<p>During construction phase.</p>
<p>35. Provide a stabilised construction exit at each exit point for the site. Maintain this area so that no loose debris is deposited on to adjoining roadways. Remove any material brought onto the road as soon as possible.</p>	<p>During construction phase.</p>
<p>36. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.</p>	<p>During construction phase.</p>

<u>Waste Management</u>	
37. Install a screened refuse storage area, located as indicated on the approved plans for the development, for the storage of a minimum of 10 wheelie bins. The storage area must be impervious, well drained, provided with a hose cock, enclosed and illuminated for night time use.	Prior to the use commencing and ongoing.
<u>Landscaping Works</u>	
<p>38. Submit detailed Landscape Plans, specification notes and documentation to Council for approval in accordance with the assessment criteria listed in Table 2: Conditioned Works Assessment of this approval. Include the following items:</p> <ul style="list-style-type: none"> • Designs that are generally in accordance with the Landscape Plan Concept – Ground Floor 1709-L-SD01 Rev 4 by AS Design. • A maintenance plan for the entire landscaping component of the development. • Details of lighting to driveways, car parks and footpaths within the site. <p><i>Advice: Council suggest the use of a trellis structure attached to the proposed Acoustic fence to support the proposed climbing plant species.</i></p>	As part of request for conditioned works assessment.
39. Turf all areas of disturbance within the road verge with turf cut from a weed free source.	Prior to a Compliance Inspection or the use commencing, whichever is the sooner.
40. Remove all weed species from the site, as identified in Part B of Council's Pest Management Plan 2012-2016.	Prior to a Compliance Inspection or the use commencing, whichever is the sooner.
41. Pay to Council a monetary contribution for street tree planting for four (4) 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).	Prior to a Compliance Inspection or the use commencing, whichever is the sooner.

Survey and As Constructed Information

42. Submit as constructed drawings and documentation for all works prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 2.

Include surveyed as constructed data showing works completed (digital and hard copies) and amended design plan data showing construction deviation from design plans (digital and hard copies). The digital data and the design data must be endorsed by a RPEQ and Landscape Architect holding AILA (Australian Institute of Landscape Architecture) membership and a registered surveyor using the certification clauses contained in Planning Scheme Policy 9 – Infrastructure Works, Chapter 2.

As soon as all works are completed and prior to the request for on maintenance or the use commencing, whichever is the sooner.

ADDITIONAL APPROVALS

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

- Building Works approval.
- Building works – demolition:
 - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development.

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

- Conditioned works assessment as detailed in Table 2 of the conditions.
- Plumbing and drainage works.
- Capping of Sewer – for demolition of existing buildings on site.
- Road Opening Permit – for any works proposed within an existing road reserve.
- Food Business Licence in accordance with the *Food Act 2006*.

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.

- **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.

- **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.

- **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). Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence. It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23. The Fire Ant Restricted Area as well as general information can be viewed on the Department of Agriculture and Fisheries (DAF) website www.daf.qld.gov.au/fireants

- **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.

- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as **vulnerable** under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at www.ea.gov.au/epbc

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

- **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 Part 5 – Overlays, Division 10 – 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.
