ITEM 16.1.1 MCU013477 - 11 RACHOW STREET THORNLOANDS **Objective Reference:** A2537828 Attachments: 1. Aerial Map 2. Locality Map 3. Zone Maps 4. Without Prejudice Offer plans 5. Photomontage 6. Minor Change plans 7. Conditions Authorising Officer: Louise Rusan General Manager, Community and Customer Service **Responsible Officer: David Jeanes** Group Manager, City Planning and Assessment **Report Author:** Emma Martin Senior Appeals Planner

PURPOSE

This matter is referred to the General Meeting of Council seeking formal direction on how Council wishes to proceed with the appeal.

BACKGROUND

Proposal – the subject of the decision

As lodged the original application sought a Development Permit for a Material Change of Use for Multiple Dwellings (x167) at 11 Rachow Street, Thornlands (**Attachments 1 and 2**). The land is zoned Urban Residential sub-area 1 (UR1) and Open Space and is located within the South East Thornlands Structure Plan (SETSP) area in the Redlands Planning Scheme (**Attachment 3**).

The application proposed vehicular access from Rachow Street, with a new public road along the southern boundary of the site to provide access to some of the dwelling units with a shared internal driveway for the remainder. The private road was also intended to provide access to developable land to the south of the site. The proposal provided for the retention and rehabilitation of approximately 2.7ha of open space in public or private ownership within the eastern and northern part of the site. The proposed dwelling units were two-storey, three bedroom units. The units incorporated a single car garage, ground floor living areas directly adjoining a rear courtyard area with a minimum of 25m² private open space and upper level bedrooms/bathrooms.

During the course of the assessment and specifically in response to Council's information request the applicant reduced the number of units from 167 to 141.

<u>Refusal</u>

The application was assessed in accordance with the *Sustainable Planning Act* 2009 and refused under delegated authority on 20 February 2017. The grounds of refusal are summarised below:

1. Conflict with the intent and purpose of the Open Space zone

The proposal seeks to establish multiple dwellings in the Open Space zone, which is identified as an inconsistent use in the zone code.

2. Conflict with the Habitat Protection Overlay & South East Thornlands Structure Plan (SETSP) Overlay Greenspace Precinct

The proposal seeks to establish multiple dwellings in a Habitat Protection Overlay Enhancement Corridor and a coastal corridor precinct of the SETSP Overlay (Precinct 4a) and compromises the purpose of these environmental designations.

3. Transfer of open space land

The proposal seeks to retain in private ownership an area of the site zoned Open Space and designated as a Coastal Corridor in the SETSP Overlay.

4. Density

The proposed density conflicts with the Urban Residential zone code and the SETSP Overlay code. These outcomes of the zone and overlay codes seek to achieve a density of 1 unit per 400m2 and 12-15 dwellings per hectare. The proposed development footprint of 37,874m2 and 141 units results in a density of 37 dwellings per hectare and 1 unit per 268.6m2.

5. Dwelling unit design

The design of the proposed multiple dwellings conflicts with the Urban Residential zone code and the Multiple Dwelling use code. The proposed layout concentrates all dwelling units in one area without providing any communal open space and suitable landscaping treatments to serve as a visual break between the built form. The design of the internal road layout creates a barrel effect and each unit in the proposed development has similar building elements resulting in a repetitive building form that lacks visual interest.

6. Communal open space design

The proposed design and layout conflicts with Specific Outcome S7 of the Multiple Dwelling use code, which requires the provision of communal open space areas that are useable, functional and accessible to the anticipated number of residents.

7. Insufficient grounds to justify the aforementioned conflicts with the Redlands Planning Scheme

<u>Appeal</u>

The appellant has filed an appeal in respect of Council's refusal on 20 February 2017. The grounds of appeal are summarised as follows:

- The use is inconsistent in the Open Space zone but not a prohibited development. Being inconsistent does not necessarily warrant a refusal;
- The nature and operational characteristics of the proposed development are not inappropriate or inconsistent with the purpose of the Open Space zone code;
- The development provides a range of open space and recreational uses that meet active and passive recreational needs for the public. At the same time the development provides recreation activities in private ownership;
- The development provides an increased range of residential uses by proposing multiple dwellings;
- SETSP overlay does not necessarily compel privately owned sub-precinct part of the subject lot to be the transferred to public ownership. The proposal includes partial transfer of sub-precinct part of the subject lot to public ownership;
- The proposal includes building designs that exhibit high degree of interest through the use of colour, angles and materials;
- The proposed development does not compromise the 'Enhancement Corridor' designation of part of the lot, having regard to the present ecological values of the land. The proposal includes enhancement planting and restores the ecological value of the site;
- The proposed design of the multiple dwellings enhances the built for of the surrounding streetscape;
- The proposal includes sufficient private and communal open spaces.

ISSUES

On 8 May 2017 mediation was held between the parties to discuss the issues in dispute. In that meeting Council's appointed Planning and Ecology experts explained in more detail the two key preliminary issues, being the developable area of the site and the density proposed (which incorporated design concerns).

On 17 May 2017 Council's solicitors wrote to the appellant particularising the key issues to be addressed by a revised layout:

- The setback to koala habitat trees along the northern boundary be a minimum of 45m;
- The setback of the development is increased from the eastern boundary;
- All of the balance open space is to be rehabilitated and dedicated to Council;
- Internal layout and design needs improvement;
- Provide a minimum of 15% of the site area for landscaping;
- Provide a minimum of 5% of the site area for communal open space; and
- Appropriate density will be dependent on the above matters being resolved.

Without prejudice offer (Calderbank Offer)

On 30 May 2017, following further negotiations, the appellant wrote to Council's solicitors with additional amendments to the proposal and tendered this amended version as a Calderbank Offer.¹ This was subject to further negotiations which resulted in a final proposal that is now presented to Council, without prejudice (**Attachment 4**).

The final proposal the subject of the without prejudice offer comprises:

- 105 dwelling units
- 3.67 hectares of publically dedicated open space
- 4307m² of communal open space, including a footpath/cycleway loop around the development with five (5) exercise equipment stations and two (2) barbeque / kick about areas.
- Rehabilitation of the dedicated open space

The issues in dispute in the appeal, being the grounds of refusal, have been narrowed through negotiations between the parties, resulting in amendments to the proposal, as contained in the appellant's Calderbank Offer.

Open Space / Developable Area

The proposed amendment to the layout has significantly reduced the developable area such that the development is largely contained within the Urban Residential zoning of the site. The attached Site Plan in **Attachment 4** identifies the boundary between the Urban Residential Zone sub-area 1 (UR1) and the Open Space Zone on the subject land. It demonstrates that a very small part of 17 units around the periphery of the development encroach into the Open Space Zone, with parts of the internal driveway, car parking spaces, the pedestrian footpath and communal exercise stations located in the Open Space part of the site.

In considering the appropriateness of this proposal regard must be given to the purpose of the Open Space zoning of the site in order to determine whether the intended function is being achieved. In this case there are two key functions of the Open Space part of the subject land. The first function (i) is to ensure an appropriate separation between the ecologically sensitive Moreton Bay at the easternmost extent of the subject site and the proposed development. The second (ii) is the protection and enhancement of the ecological corridor passing through the site from the northwest toward the corridor adjoining the bay in the east, which itself has strategic importance along the foreshore.

In order to ensure the ecological outcomes intended by the zoning were advanced by the proposal; officers sought the assistance of an independent ecological expert. The advice conveyed in relation to (i) was that a setback of 200m between the bay and the proposed development is required. The critical reason for this is that the most significant impact is of noise and light from the development interrupting migratory shorebirds taking flight. A distance of 200m with the intervening land revegetated and rehabilitated is considered the acceptable industry standard to protect shorebirds. The expert advised that despite some

¹ The relevance of a Calderbank Offer is explained in the Legal Advice section of this report.

minor encroachments into the Open Space zoned part of the site, the proposal will achieve the intent of the Redlands Planning Scheme in this regard.

In relation to (ii), the intent of the zoning is to deliver an ecological corridor of at least 100m width to ensure sufficient depth of planting can be maintained such that the corridor could form a viable complex habitat that can absorb the edge effects of development on either side (the Waterline estate and the proposed development). The proposal has increased this corridor width to some 99m, with a rehabilitation strategy that proposes a densely vegetated core with the outermost part of the corridor to be a mix of smaller trees, landscaping associated with the footpath and part of the internal driveway. The advice of Council's appointed ecological expert is that the edge of a corridor would ordinarily require smaller trees to ensure that adjoining properties are not at undue risk of trees falling in the future. He confirmed that whilst an increased setback between the units and corridor would achieve better environmental outcomes the proposal is consistent with the UR zoning boundary in this location and it would be problematic therefore to argue for a greater setback.

Finally, it is acknowledged that the large majority of the land zoned Open Space is proposed to be dedicated to public ownership. On this basis and having regard to the advice of Council's appointed ecological expert it is considered that the first three grounds for refusal relating to the Open Space portion of the site have been satisfied by the appellant and are no longer sufficient grounds to progress a refusal.

Density, unit design and finishes and communal open space

It is difficult to disentangle the issues of density, unit design and communal open space as they are interdependent with regard to the outcome intended by the Redlands Planning Scheme, which is to ensure a high quality living environment and a high standard of residential amenity, whilst complementing the character of the surrounding area and delivering a density that ensures the efficient use of scarce developable land.

The proposed development comprises a density of 1 unit per $220m^2$. The probable solution (P2.4(2)(a)) for residential development within the Urban Residential Zone is 1 unit per $400m^2$. It is important to note however that this is a density for the whole Urban Residential zone and does not consider the additional density expected within the sub-area. Non-compliance with a probable solution therefore necessitates assessment against the relevant specific outcome (S2.4(2)), which requires that "dwelling unit density is compatible with the detached low-rise character of the zone".

In assessing the proposal against this requirement it is necessary to consider that the subject site is identified as being within a sub-area (UR1) of the Urban Residential Zone that is specifically identified for unit type development and aged persons and special needs housing, neither of which is generally of a detached character. Also relevant is that the developable part of the subject site is not located within close proximity of any land that is within the main part of the Urban Residential Zone, as such it cannot be concluded that the surrounding character of the proposed development is, or can reasonably be expected to be in the future, of a low-rise detached character. The closest area with this character is the Waterline development, which will be separated from the developed part of the subject site by a proposed 100m wide vegetated ecological corridor.

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The Overall Outcomes provide a consistent position as that identified in Specific Outcome S2.4(2) detailed above, merely adding that the sub-area is to provide an increased mix of housing types. In assessing the proposed density therefore it is critical to consider whether the outcomes sought by the Redlands Planning Scheme that are inextricably related to density, i.e. design, residential amenity and communal open space, are achieved.

In this regard, the following assessment advice is considered decisive in relation to density.

- The proposed layout has broken up the streetscape design;
- Most of the units facing public open space include balconies to increase passive surveillance. The northern units that back on to the open space precinct have been designed so that they will have pool type fencing along the rear as well as balconies to overlook the footpath;
- The proposal includes variation in roof design;
- The proposal includes varieties of materials to break up building bulk to all elevations that will be visible from public open space, from the site access and from adjoining development sites. (Attachment 5);
- Unit 86 presents its rear to the site access, landscaping to the entrance will be required to improve the streetscape;
- Although the communal open space is not located in one place it is considered to provide well for residents and comply with the requirement of 5% provided as communal open space (5% of UR zone)
 - two small BBQ & kick about areas; and
 - o a walking link with exercise equipment stations.
- Communal open space located along the southern boundary breaks up the long row of units;
- The development is well located for access to a local park directly to the west as well as a district park located within the Waterline development, which will eventually be embellished to a district park standard, as outlined in Council's Local Government Infrastructure Plan.

<u>Draft City Plan</u>

Under the draft City Plan, currently being considered by the Minister for Infrastructure, Local Government and Planning, the subject site is zoned Low-Medium Density Residential (precinct LMDR1) and Recreation and Open Space. It is important to note that if the application had been assessed under the draft City Plan the level of assessment would be the same as it is under the Redlands Planning Scheme v.7.1 and the assessment criteria for the proposal is generally consistent across both schemes. Notably, the probable solution for density (1 dwelling unit per 400m²) applied to the development under the current planning scheme has been removed under City Plan. The draft City Plan instead advocates a site based analysis approach for this type of development within the precinct, to ensure design and density are responsive to the surrounding character and constraints of each site. This is consistent with the assessment approach undertaken and summarised above.

Minor change application

During this time the appellant also lodged an application to the Court seeking to make a "minor change" to the proposal. It is relevant to highlight that an appeal is considered by the Court having regard to the proposal current at the time the decision was made. The appellant was therefore seeking to formally amend the proposal refused by Council, so that the version being considered by the Court would be the changed proposal, not the version that was refused.

The amended proposal the subject of the minor change application comprised the following:

- 108 dwelling units
- 3.67ha dedicated open space
- 4170m² communal open space
- Rehabilitation of the publically dedicated open space

The plan detailing this proposal is shown on **Attachment 6**.

On 13th July 2017 the Court accepted that the changes to the application constituted a minor change as defined by the *Sustainable Planning Act 2009*. It is therefore important to be aware that it is the proposal, as outlined in **Attachment 6**, that the Court will consider should Council choose to progress the matter to trial.

Costs

Council officers have advised the appellant that, if the Council agrees to settle the appeal, it will be on the basis that each party bears its own costs.

Under the Sustainable Planning Act 2009, the Court has the discretion to make costs orders. In deciding whether to make such orders, the Court may have regard to matters including the relative success of the parties, and whether a party participated without reasonable prospects of success.

As the appellant's offer to settle the appeal was a Calderbank Offer this means that if the appellant is successful in the appeal, they can rely on their Calderbank Offer in Court in support of any application for costs.

Where a Calderbank Offer has been made, the Court can order the party who rejected the offer to pay the successful party's costs on an ordinary basis (i.e. on the District Court scale of costs) up to the time the offer was made, and on an indemnity basis (i.e. the actual costs) from the date of the offer to the end of the proceeding.

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It should also be noted that, if the appellant is successful, the fact that there are only minor differences between the Changed Application and the Calderbank Offer may be taken into account by the Court in relation to any future costs application made by the appellant.

STRATEGIC IMPLICATIONS

Legislative Requirements

The matter has been listed in the Planning and Environment Court for review on 25th August 2017. Notwithstanding both parties are required by the *Sustainable Planning Act 2009* to progress the matter without delay and as such it is important that Council provide directions on the matter in order for Council's solicitors to meet these requirements.

Risk Management

The financial risk is discussed under the Financial heading below.

Financial

If Council opts to progress the appeal to trial it will incur Court and expert witness expenses. There is also the potential of the Court awarding costs against Council if it lost the appeal. This is discussed further in the 'Legal Advice' section of this report.

People

Nil

Environmental

The proposal is considered to advance the environmental outcomes sought by the Redlands Planning Scheme.

Social

Nil

Alignment with Council's Policy and Plans

The proposal is considered to comply with the Redlands Planning Scheme.

CONSULTATION

The Planning Assessment unit consulted with General Counsel Group and the Engineering and Environment unit.

OPTIONS

Option 1

That Council resolves to delegate the Chief executive officer under s.257(b) *Local Government Act to* negotiate to settle the appeal by Consent Order based on the without prejudice offer presented and generally in accordance with the conditions contained in **Attachment 7** of this report; **OR**

Option 2

That Council resolves to instruct its solicitors to settle the appeal by Consent Order based on the without prejudice offer presented and different conditions to those contained in **Attachment 7** of this report; **OR**

Option 3

That Council resolves to instruct its solicitors to progress the appeal to trial.

OFFICER'S RECOMMENDATION

That Council resolves to:

- 1. Delegate the Chief Executive Officer under s.257(1)(b) *Local Government Act* 2009 to negotiate to settle the appeal; and
- 2. Maintain this report and recommendation as confidential until the conclusion of the appeal.





Attachment 2 – Locality Map



Attachment 4 - Proposed Plans















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All drawings are to read in All drawings are to read in conjunction with the standard drawings and specifications. Any point of conflict must be reported immediately to ROYCORP Pty. Ltd. for resolution.





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Attachment 6 – Photo Montage





Attachment 5 - Minor Change

















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	ASSESSMENT MANAGER CONDITIONS	TIMING
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>Apr</u>	proved Plans and Documents	
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
Site Plan (subject to amendments in red)	Rachow_DA_01 Site Plan_2017.06.22 Rev D	Roycorp	16/06/2017
Rachow_DA_02 Ground Plan-2017.06.22	Pages 2 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_03 First Floor Plan-2017.06.22	Pages 3 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_04 Roof - 2017.06.22	Pages 4 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_05 Unit Colour -2017.06.22	Pages 5 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_06 Unit Types -2017.06.22	Pages 6 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_09 Section 2 -2017.06.22	Pages 9 of 11 (Rev D)	Roycorp	16/06/2017
Rachow_DA_09 Section - 2017.06.22	Pages 9 of 11 (Rev D)	Roycorp	16/06/2017
Stormwater Drainage Plan	SK-C002/A	Bornhorst + Ward Consulting Engineers	July 2017
Earthworks Plan	SK-003/B	Bornhorst + Ward Consulting Engineers	July 2017
Water Quality Treatment Catchments	SK-C004/A	Bornhorst + Ward Consulting Engineers	July 2017
Rehabilitation Plan	7479 E 02 C -as amended in red 7479 E 03 C -as amended in red 7479 E 04 C -as amended in red 7479 E 05 C -as amended in red 7479 E 06 C 7479 E 07 C 7479 E 08 C	Saunders Havill	18/07/2017

Tree Protection	Rachow_DA_1 Tree Protection_2015.12.02 Rev B	Roycorp	14/09/2016
Tree Location Survey	7479 S 01 SK B Sheets 1 to 5 of 5	Saunders Havill	13/04/2015
Preliminary Arboricultural Report	ASR IAS 20515	Independent Arboricultural Services	02/05/2015
Landscape Concept Plans – 11 Rachow Street Thornlands Cover Page	7479 L 1 CD G	Saunders Havill Group	18/07/2017
Landscape Concept Plans – 11 Rachow Street Thornlands Contents	7479 L 2 CD G	Saunders Havill Group	18/07/2017
Site Analysis Plan	7479 L 3 CD G	Saunders Havill Group	18/07/2017
Site Master Plan As amended in red	7479 L 4 CD G	Saunders Havill Group	18/07/2017
Communal Open Space Node Plan As amended in red	7479 L 5 CD G	Saunders Havill Group	18/07/2017
Communal Open Space Node Plan As amended in red	7479 L 6 CD G	Saunders Havill Group	18/07/2017
Typical Townhouse Landscape Plan	7479 L 7 CD G	Saunders Havill Group	18/07/2017
Internal Finishes	7479 L 8 CD G	Saunders Havill Group	18/07/2017
Internal Townhouse Species Palette	7479 L 9 CD G	Saunders Havill Group	18/07/2017

Table 1: Approved Plans and Documents

Compliance Assessment

Apply to Council, and receive approval, for Compliance Assessment for the documents and works referred to in Table 2: 3. Prior to site works

commencing.

Document or Works Item	Compliance Assessor	Assessment Criteria
Landscape Plan	Redland City Council	 Redlands Planning Scheme Part 8 Division 8 – Landscape Code 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 Redlands Planning Scheme Part 11 Policy 17 – Streetscape Design Manuals.
Arborist Report	Redland City Council	 Redlands Planning Scheme Part 11 Policy 9 Chapter 11 – Landscaping Australian Standard 4373:2007 – Pruning of Amenity Trees Australian Standard 4970:2009 – Protection of Trees on Development Sites.
Stormwater assessment or stormwater management plan	Redland City Council	 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 Redlands Planning Scheme Part 9 Schedule 11 – Water Quality Objectives Water Sensitive Urban Design Technical Guidelines for South East Queensland State Planning Policy December 2013 Queensland Urban Drainage Manual Australian Standard 3500.3:2003 – Plumbing and Drainage – Stormwater Drainage.
Water and wastewater supply and reticulation	Redland City Council	 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.
Access and parking plans	Redland City Council	 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 2890.1:2004 – Parking Facilities – Off-street car parking Australian/New Zealand Standard 2890.6:2009 – Parking Facilities – Off-street parking for people with
Road and footpath works	Redland City Council	 disabilities. Redlands Planning Scheme Part 7 Division 4 – Domestic Driveway Crossover 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 and Chapter 5 – Road and Path Design.
Sediment and erosion control	Redland City Council	 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 Institution of Engineers Australia Erosion and Sediment Control Guidelines.
Earthworks	Redland City Council	 Redlands Planning Scheme Part 7 Division 6 – Excavation and Fill Code Redlands Planning Scheme Part 8 Division 5 – Development Near Underground Infrastructure 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 12 – Excavation and Fill and Chapter 13 – Development Near Underground

		 Infrastructure Australian Standard 2870:2011 – Residential Slabs and Footings Australian Standard 4678:2002 – Earth-retaining Structures Australian Standard 3798:2007 – Guidelines on Earthworks for Commercial and Residential Development.
Electricity reticulation	Redland City Council	 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 and Chapter 9 – Electrical Reticulation and Street Lighting
Waste Management Plan	Redland City Council	 Redlands Planning Scheme Part 11 Policy 9 Chapter 16 – Waste Management.
Construction Management Plan	Redland City Council	 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:
 Compliance Assessment

Land	d Dedication and Design	
4.	Demolish or relocate/remove or obtain the relevant approvals for all existing structures on site in accordance with the approved plan(s) and cap all services prior to demolition commencing. This includes the boundary fences that adjoin Council managed land, which must be removed (along the northern and western boundaries).	Prior to the use commencing.
5.	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.
6.	Comply with the following requirements where it is proposed that habitable room windows above the ground storey will be within a distance of 6m, and within an angle of 45 degrees, and directly adjacent to habitable rooms of neighbouring dwelling units: a) Provide sill heights a minimum of 1.5m above floor level; or	Prior to the use commencing.

	b)		ovide fixed translucent, such as frosted or textured glazing, for any t of the window less than 1.5m above floor level; or	
	c)	Pro	ovide fixed external screens that are:	
		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.	
7.	Pla	n_20	e land to Council as shown on Site Plan, ref: Rachow_DA_01 Site 117.06.22 Rev D, prepared by ROYCORP, dated 16/06/2017, for the g purposes:	Prior to the use commencing.
	a) b)		ad; and en space.	
8.	doc	cume	easements for the following and submit the relevant easement ntation to Council for approval. Once approved by Council, register ements on the property title.	Prior to the use commencing.
	a)	deo pre	cess purposes over private roads from Rachow Street to land being dicated to Council in accordance with the approved Site Plan pared by Roycorp dated 16/06/2017 and subject to amendments in , in favour of Redland City Council and its agents.	
		No	te: this access needs to remain accessible at all times.	
9.	Ens	sure	vehicular access at Rachow Street is open at all times.	Prior to use commencing
		te: Th htrol.	his access must not be obstructed by gates or other means of access	and ongoing.
10.	All	struc	tures must be finished with a mix of face brick, cladding or render.	Prior to use commencing
			xposed blockwork, or large bricks that resemble blockwork, is not red to comply with this requirement.	and ongoing.
Acc	ess, I	Road	lworks and Parking	
11.	Pla	n_20	270 car parks in accordance with approved Rachow_DA_01 Site 017.06.22 Rev D, prepared by ROYCORP, dated 16/06/2017. The mber of car parks must comprise no less than:	Prior to the use commencing and ongoing.
	• •	53	6 resident/owner parking spaces (including garage spaces); visitor parking spaces; and fail collection bay.	
			to car parking spaces, bicycle spaces, bin bays and driveways must unobstructed and available for their intended purpose.	

	•	A roof and bund surrounding the carwash area with drainage to the	and ongoin
	•	sewer through an approved oil interceptor/separator. The oil interceptor	
		cannot be shared with any interceptor required for bin wash bays;	
	•	Designed to limit the entry of rainfall and overland flow into the sewerage system; and	
	•	Designed to minimise water usage.	
13.	follo	omit to Council for approval, engineering plans and details showing the owing frontage works are in accordance with the assessment criteria ed in Table 2: Compliance Assessment of this approval:	As part request compliance
	a)	Road construction including concrete kerb and channel and minimum	assessmen
	, L)	type A (Access Street standard) road pavement;	
	b)	Footpath earthworks, topsoiling and turfing of all disturbed footpath areas;	
	c)	Reinstatement of concrete kerb and channel where required;	
	d)	Removal of all redundant vehicle crossovers;	
	e) f)	Entry treatment/access to the site; A minimum 1.5m wide concrete footpath connecting the internal road to	
	•)	the existing concrete footpath in Edina Street; and	
	g)	Adjustment and relocations necessary to public utility services resulting from these works;	
		nstruct a minimum 6m wide driveway crossover in accordance with the dlands Planning Scheme Standard Drawing number R-RSC-3.	Prior to maintenanc the
	Red	dlands Planning Scheme Standard Drawing number R-RSC-3.	maintenanc the commencin whichever
	Red		maintenanc the commencin whichever
Sto	Red r mwa t	dlands Planning Scheme Standard Drawing number R-RSC-3.	maintenance the commencin whichever the sooner. Prior to the commencin
14. <u>Sto</u> 15.	Red r mwa t	 dlands Planning Scheme Standard Drawing number R-RSC-3. ter Management hvey roof water and surface water in accordance with the Redlands nning Scheme Policy 9 Chapter 6 – Stormwater Management to: A lawful point of discharge being the Bio retention swales located on 	maintenance the commencin whichever the sooner. Prior to the commencin
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<u>Sto</u> 15.	r mwa t Cor Pla Mat Pla	 dlands Planning Scheme Standard Drawing number R-RSC-3. ter Management hvey roof water and surface water in accordance with the Redlands nning Scheme Policy 9 Chapter 6 – Stormwater Management to: A lawful point of discharge being the Bio retention swales located on the easterly side of the development; and Generally in accordance with approved concept Stormwater Drainage Plan SK-C002/A prepared by Bornhorst and Ward. 	maintenance the commencin whichever the sooner. Prior to the commencin
<u>Sto</u> 15.	rmwat Cor Pla Mai Pla not	 ter Management nvey roof water and surface water in accordance with the Redlands nning Scheme Policy 9 Chapter 6 – Stormwater Management to: A lawful point of discharge being the Bio retention swales located on the easterly side of the development; and Generally in accordance with approved concept Stormwater Drainage Plan SK-C002/A prepared by Bornhorst and Ward. 	maintenance the commencin whichever the sooner. Prior to the commencin and ongoine Prior to the commencin and ongoine As part
<u>Sto</u> 15. 16.	rmwat Cor Pla Mai Pla not Sut stor Dra	 ter Management nvey roof water and surface water in accordance with the Redlands nning Scheme Policy 9 Chapter 6 – Stormwater Management to: A lawful point of discharge being the Bio retention swales located on the easterly side of the development; and Generally in accordance with approved concept Stormwater Drainage Plan SK-C002/A prepared by Bornhorst and Ward. 	maintenance the commencin whichever the sooner. Prior to the commencin and ongoin Prior to the commencin and ongoin As part request compliance
<u>Sto</u> 15. 16.	rmwat Cor Pla Mat Pla not Sut stor Dra bot	 ter Management hvey roof water and surface water in accordance with the Redlands nning Scheme Policy 9 Chapter 6 – Stormwater Management to: A lawful point of discharge being the Bio retention swales located on the easterly side of the development; and Generally in accordance with approved concept Stormwater Drainage Plan SK-C002/A prepared by Bornhorst and Ward. 	maintenance the commencin whichever the sooner. Prior to the commencin and ongoin Prior to the commencin and ongoin As part request

	 density of the proposed planting; Details of the stormwater diversion swale design with the civil plans. 	
	 Include design and scouring protection details that do not require use of rock lining; Amend the Rehabilitation planting plans of Saunders Havill set 7479 to include planting (and topsoiling or surface protection proposed by the civil engineering consultant) of the stormwater diversion swale indicated in Bornhorst and Ward Stormwater Drainage Plan SK-C002 Rev A; and A maintenance plan outlining the required maintenance schedule for the stormwater devices. 	
Infra	structure and Utility Services	
18.	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 works occurring.
19.	Connect the development to external reticulated sewer, external reticulated water and underground electricity supply in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval.	Prior to the commencing
20.	Remove the contents of the septic tank and grease trap from the site by approved contractor (copy of invoice to be supplied to inspector at drainage inspection).	Prior to build works commencing
	The tank and grease trap are to be demolished to 1 metre below ground level, holed, limed and backfilled.	
21.	Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.	Prior to the commencing
Con	struction	
22.	Install erosion and sediment control measures prior to commencement of the civil works, earthworks and construction phases of the development to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9, Chapter 4 Erosion Prevention and Sediment Control and the Institute of Engineers' Erosion and Sediment Control Guidelines.	Prior to works commencing
23.	Undertake any required excavation and fill works in accordance with the following:	During construction
	 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 Building Regulations 2006 (as amended) where involving gradients or embankments.	
24.	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.	construction.
<u>Acid</u>	Sulphate Soil Management	
25.	Provide an acid sulphate soil management plan in accordance with the findings of SGS acid sulphate soil test results, SGS/15/033A dated 24/02/2015.	At Compliand Assessment
<u>Was</u>	te Management	
26.	Install a screened refuse storage area on site for each dwelling unit, where the bins will not be stored in an area of private open space, as indicated on the approved plan(s) of development, for the storage of a minimum of two (2) waste collection bins per unit (i.e. one waste bin and one recycle bin for each unit) in accordance with the Redlands Planning Scheme Policy 9 Chapter 16 – Waste Management.	Prior to the us commencing and ongoing.
27.	Submit to Council for Compliance Assessment, a Waste Management Plan, demonstrating that waste vehicles can service all constructed dwelling units for the development.	As part of request for compliance assessment.
Land	Iscape Works	
28.	 Submit landscape plans to Council for Compliance Assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. Include the following items: Designs that are generally in accordance with the Landscape Concept and Rehabilitation Plans by Saunders Havill Group and the Site Plan prepared by Roycorp; Details of street tree planting in accordance with the Redlands Planning Scheme Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme unless otherwise approved as part of the compliance assessment approval; A maintenance plan for the entire landscaping component of the development; Details of all rehabilitation planting to the open space areas; Details of lighting to communal open space, driveways, public car parks and footpaths within the site; Tree protection methods for vegetation along adjacent property boundaries. Design in accordance with Australia Standard AS 4970- 	As part request f compliance assessment.

	trees identified for retention on the approved plans. The TPZs must be determined in accordance with Australian Standard A.S.4970- 2009 – Protection of Trees on Development Sites.	
29.	 In accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works – Landscaping – Technical Reports (4), submit an updated Arborist Report by a qualified Arborist, holding a minimum AQF level 5 in Arboriculture to support the current proposal regarding the retention of the existing vegetation to the northern, southern and western boundaries, which are also within the neighbouring properties, as depicted on the Tree Location Survey plan by Saunders Havill Group. The Arborist report must address the following but not be limited to: What impact the development proposal will have on the existing trees/vegetation; Conclusions and recommendations which can be incorporated into the design and construction; Any pruning to be in accordance with Australian Standard AS4373:2007 "Pruning of Amenity Trees"; and The tree assessment must be considered in accordance with Australian Standard AS4970-2009 "Protection of Trees on Development Sites". 	Prior to the use commencing.

ADDITIONAL APPROVALS

The following further **Development Permits** and/or **Compliance 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. Referral Agency Assessment through Redland City Council is required to undertake the removal works.

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:

- Compliance 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.

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.

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.

• Survey and As-constructed Information

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

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

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Aboriginal and Torres Strait Islander Partnerships.