

CLAYTON UTZ

**Brisbane City Council**

BCC

**Queensland Floods Commission of Inquiry**

Inquiry

**Third Statement of Rory John  
Kelly - 19 September 2011**

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Our reference 14118/80117397

Legal\303901783.1

**QFCI**

Date:

27/09/11

Jm

Exhibit Number:

635

### Third Statement of Rory John Kelly

I, Rory John Kelly, Regional Manager of Development Assessment South, Brisbane City Council, of 266 George Street, Brisbane, in the State of Queensland, state on oath as follows:

- A. Attachment **RJK-45** is a copy of a notice from the Commissioner of the Queensland Floods Commission of Inquiry (**Commission**) dated 9 September 2011 requiring me to provide certain information to the Commission with respect to the existing residential building at 42 Ferry Road, West End (**Subject Land**) in the form of a statement (**Notice**). This Statement is provided in response to the Notice.
- B. For the purposes of responding to the Notice and preparing this Statement I have, in my position as Regional Manager of Development Assessment South Branch of the Brisbane City Council (**Council**), had access to:
- (a) the business records of Council; and
  - (b) Council officers,
- to obtain information to provide a response to the Notice. Unless otherwise stated, the matters set out in this Statement are based on my own knowledge and the information derived from the above sources.
- C. The documents from the above sources and attached to this Statement have been collated by Council officers under my instruction.
- D. I set out below my responses to each of the questions set out in the Notice.

#### Qualifications and Background

1. My qualifications are set out in my First Statement dated 31 August 2011 (**First Statement**).
2. At the time of the development application for the Subject Land I was the Principal Planner, Development Assessment South Team. The role of Principal Planner is explained my First Statement.
3. A background of the Development Assessment South Team of the Council is also set out in my First Statement.



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Witness

## General observations

4. Council files indicate that the Subject Land is described as 28 to 42 Ferry Road, West End and is referred to as 28 Ferry Road, West End.

## Response to the Notice

### 1. The defined flood level of the Subject Land prior to the January 2011 flood event;

5. Council's records show the defined flood level for the Subject Land immediately prior to the January 2011 flood event as 5.4m AHD. The highest source of risk of flooding is Brisbane River flooding. Council's records also show that the site is affected by overland flow.

### 2. Whether Council's records indicate that the Subject Land was subject to surface flooding impacts during the January 2011 flood event;

6. Council's records indicate that the Subject Land was subject to surface flooding impacts during the January 2011 flood event.

### 3. When approval was given to permit use of the Subject Land for the existing residential development;

7. A Development Approval was given by Council by Decision Notice dated 30 October 2006 to Kozmic Developments Pty Ltd c/- Humphreys Reynolds Perkins (**Applicant**) under section 3.5.15 of the *Integrated Planning Act 1997* for a Development Application for Multi Unit Dwelling 93 units in 2 Stages (Stage A, 36 units & Stage B 57 units) (**Development Approval**). A copy of the Decision Notice, including the conditions, is Attachment RJK-46.

### 4. When the development application the subject of the approval:

- a. how potential flooding impacts were identified and whether consideration was given to potential flooding impacts from backflow of water through stormwater drains and/or overland flow;
- b. what assessment process was followed specific to flood impacts;
- c. what consideration, if any, was given to:
  - i. flood risk or the potential impact of flooding on the Subject Land and measures to address such risk or impact; and

- ii. the potential for inundation at basement level and the appropriateness of location of services, such as power, lift services and air-conditioner units, in the basement; and

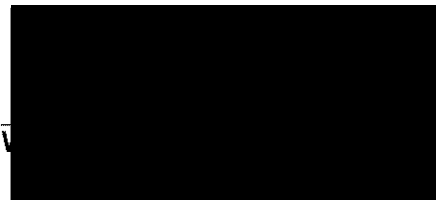
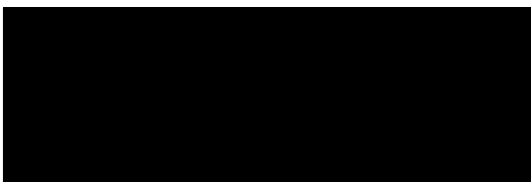
**5. In relation to each of the approvals, what conditions, if any, were included with respect to protection from flooding (regardless of its source).**

8. In relation to potential flooding, I refer to the DTM Scoping Sheet and Minute of the daily team meeting for the Development Assessment Team South held on 25 October 2005. The letters "DTM" stand for "Daily Team Meeting". A copy of the DTM Scoping Sheet and Minute is Attachment **RJK-47**.
9. It is the standard practice of the Development Assessment South Team to generate a property/history search for a subject site when a development application is lodged. Such a search was carried out for this property, and a copy is Attachment **RJK-48**. The search indicates the Subject Land is affected by flooding.
10. The purpose of the DTM is to identify the key planning issues for review and to allocate those issues to the relevant Council officers. I note from the DTM Scoping Sheet and Minute that flooding was identified as an issue and Paul Hills, Engineering Officer, Development Assessment Team South was identified as the Engineering Officer for the Development Application.
11. Attachment **RJK-49** is a memorandum titled "Development Application over land at 28 FERRY RD, WEST END QLD 4101" from Paul Hills to Deborah Mangu, Urban Planner of Development Assessment Team South and Assessment Manager for the Development Application, dated 16 November 2005. It comprises a list of issues to be resolved prior to approval of the Development Application, in particular:

*The West End Local Stormwater Management Plan has identified that the site is subject to partial inundation by floodwaters during flood events. The development will be conditioned to construct relief drainage as detailed in the Draft West End Riverside ICP, which includes drainage along the frontage of the site continuing along Ferry Rd to the Brisbane River. The costs of these works can be credited against ICP charges. The developer will be required to enter into an infrastructure agreement with Brisbane City Council."*

Witness

12. I note that Council's FloodWise Property Report was generated for the Subject Land and it indicated a defined flood level (**DFL**) of 5.4m AHD. Attachment **RJK-50** is a copy of the FloodWise Report for the Subject Land dated 17 November 2005.
13. The file indicates that an Information Request was sent by Council to the Applicant on 22 November 2005. Council's file copy of the Information Request is Attachment **RJK-51**.
14. The Information Request required further information in relation to the High Density Code, Engineering, Architecture, Landscape Architecture and Sustainability. With respect to Engineering, the request required information in relation to the issues identified by Paul Hills in his memorandum to Debra Mangu, including as outlined in paragraph 11 of this Statement.
15. The file indicates that the Applicant provided a Response to the Information Request by letter dated 6 February 2006 and received by Council on 8 February 2006. A copy of the Response is Attachment **RJK-52**. With respect to the Engineering issue specifically noted in paragraph 11 of this Statement which was included in the Information Request, the following was stated:
- "We noted that relief drainage may be required and will form part of any conditions of approval."*
16. Submissions were received in response to the public notification of the Development Application, but no submissions were received in relation to flooding.
17. The decision of the Establishment and Coordination Committee as Delegate of the Council was to endorse the recommendation that the Development Application be approved subject to the conditions in the Development Approval Package and subject to the condition that the Applicant sign an Infrastructure Agreement. A copy of the Decision is Attachment **RJK-53**.
18. The file indicates that an Infrastructure Agreement between Kozmic Developments No.3 Pty Ltd, Symbion Pathology Pty Ltd (formerly known as Mayne Health Pathology Pty Ltd) and Council was executed on 26 October 2006. A copy of the Infrastructure Agreement is Attachment **RJK-54**.
19. The conditions of the development approval included conditions to:
- "Carry out the approved development generally in accordance with the approved document(s) and/or drawing(s)."*



*“Design and construct all buildings to have the appropriate freeboard in accordance with the Council's "Subdivision and Development Guidelines" so as not to be flooded during a 50 year (ARI) local flood event or a 100 year (ARI) creek or river flood event whichever is the higher flood level.”*

20. In considering these conditions, I note that the Subdivision and Development Guidelines that applied at the time of the approval in Chapter 1, section 2.2, relevantly provided that:

*Basement car parks can be constructed to below the specified levels provided that suitably waterproofed perimeter walls, air vents, and entry/exit ramps at the carpark entrance are above the 100 year ARI flood levels for all flooding sources including the Brisbane River.*

Similar provisions are contained in the current version of the Subdivision and Development Guidelines.

21. Approved plan DD-A02 Issue D dated September 2005 shows the driveway at 5.4m AHD, which is equivalent to the DFL and consistent with the Subdivision and Development Guidelines as set out above. Approved plan DD-A02 Issue D also shows the minimum habitable floor levels at 5.9m AHD, which is the DFL plus 0.5m,
22. Council files do not evidence specific consideration of the appropriateness of the location of services, however I note that the Development Approval contains conditions in relation to the provision of underground electricity services and underground telecommunications in accordance with the Subdivision and Development Guidelines. The location of such services, in particular electricity, is generally a matter between the developer and the public utility provider.
23. Other conditions of the Development Approval which are relevant to protection from flooding include the following:
- (a) Material Change of Use (Development Permit) - Stage A Multi Unit Dwelling (37 Units) - Conditions 16, 43, 44, 45 and 46;
  - (b) Material Change of Use (Development Permit) - Stage B Multi Unit Dwelling (57 Units) - Conditions 75, 101, 102, 103 and 104.

24. The file indicates that there are a range of associated development approvals for the Subject Land resulting from the conditions of the original development approval referred to above.

I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867 (Qld).

**Dated 1<sup>st</sup> September 2011**

**Signed and declared** by Rory John Kelly at  
Brisbane in the State of Queensland  
this 1<sup>st</sup> day of September 2011

Before me:

[Redacted Signature]

[Redacted Signature]

Signature of person before whom the declaration  
made

[Redacted Name]

SOLICITOR

Full name and qualification of person before  
whom the declaration is made

Our ref: 1707274

9 September 2011

Rory Kelly  
Brisbane City Council  
c/- Clayton Utz

#### REQUIREMENT TO PROVIDE STATEMENT TO COMMISSION OF INQUIRY

I, Justice Catherine E Holmes, Commissioner of Inquiry, pursuant to section 5(1)(d) of the *Commissions of Inquiry Act 1950* (Qld), require Rory Kelly to provide a written statement, under oath or affirmation, to the Queensland Floods Commission of Inquiry, in which the said Rory Kelly gives an account of the following with respect to the existing residential building located at 42 Ferry Road, West End (**Subject Land**):

1. the defined flood level of the Subject Land prior to the January 2011 flood event;
2. whether Council's records indicate that the Subject Land was subject to surface flooding impacts during the January 2011 flood event;
3. when approval was given to permit use of the Subject Land for the existing residential development;
4. when the development application the subject of the approval referred to in paragraph 3 was assessed:
  - a. how potential flooding impacts were identified and whether consideration was given to potential flooding impacts from backflow of water through stormwater drains and/or overland flow;
  - b. what assessment process was followed specific to flood impacts;
  - c. what consideration, if any, was given to:
    - i. the flood risk or the potential impact of flooding on the Subject Land and measures to address such risk or impact; and
    - ii. the potential for inundation at basement level and the appropriateness of location of services, such as power, lift services and air-conditioner units, in the basement; and
5. in relation to each of the approvals, what conditions, if any, were included with respect to protection from flooding (regardless of its source).



In addressing these matters, Rory Kelly is to:

- provide all information in his possession and identify the source or sources of that information;
- make commentary and provide opinions he is qualified to give as to the appropriateness of particular actions or decisions and the basis of that commentary or opinion.

Rory Kelly may also address other topics relevant to the Terms of Reference of the Commission in the statement, if he wishes.

The statement is to be provided to the Queensland Floods Commission of Inquiry by Thursday, 15 September 2011.

The statement can be provided by post, email or by arranging delivery to the Commission by emailing [info@floodcommission.qld.gov.au](mailto:info@floodcommission.qld.gov.au).

A black rectangular box redacting the signature of the Commissioner.

Commissioner  
Justice C E Holmes



Sent to Scrutiny on

20/10/06 By: *[Signature]*

Brisbane City Council

ABN 72 002 765 795

Application No: DRS/USE/H05-930691  
Project No: DRS/PRO/P05-110817  
Contact: *[Redacted]*  
Telephone: (07) 340 *[Redacted]*

Development Assessment Team South  
Development Assessment  
Customer and Community Services  
GPO Box 1434  
Brisbane Qld 4001

Facsimile 07 3403 5379

30 OCT 2006

COUNCIL DELEGATE  
DECISION MADE ON

27 JUL 2006

Kozmic Developments Pty Ltd  
C/- Humphreys Reynolds Perkins  
Level 20, 344 Queen Street  
BRISBANE QUEENSLAND 4000

Attention *[Redacted]*

Dear *[Redacted]*

**Decision Notice under section 3.5.15 of the *Integrated Planning Act 1997*:  
Development Application for Multi Unit Dwelling on land at 28 Ferry Rd, West  
End Qld 4101 and described as Lots 18-19 on RP197695 and Lots 3,14-17 on  
RP218570, Parish of Sth Brisbane.**

I am pleased to inform you that your application has been *approved* in accordance with the

Drawing or Document	Number	Plan Date
Basement 1 & 2	DD-A01 REV C	19-DEC-2005 (Plan Date)
Level 1 and Level 2	DD-A02 REV D	15-MAR-2006 (Plan Date)
Level 3 and Level 4	DD-A03 REV D	15-MAR-2006 (Plan Date)
Site Plan and Elevations	DD-A05 REV D	15-MAR-2006 (Plan Date)
Elevations	DD-A06 REV D	15-MAR-2006 (Plan Date)
Open Space Calculation & Fence Detail	DD-A07 REV C	05-DEC-2005 (Plan Date)
Level 5 & 6 and Level 7	DD-A04 REV D	15-MAR-2006 (Plan Date)
Environmental Noise Level Study	REPORT NO R05166/D1407/REV.0	30-SEP-2005 (Plan Date)
Stormwater 2	CD-0184351 W2-2001 ISS A	11-OCT-2004 (Plan Date)
Stormwater 1	CD-0184351 W2-2005 ISS A	11-OCT-2004 (Plan Date)
Report Summary and Water Efficiency Checklist	060317 (as amended in red)	17-MAR-2006 (Plan Date)
Landscape Plan	DWG NO LS 0306 ISS C (as amended in red)	06-FEB-2006 (Received)

This notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

This approval is for:

**Material Change of Use - Development Permit**

Should you want to discuss the approval, please do not hesitate to contact me on (07) 340

Yours faithfully,

Senior Urban Planner  
Development Assessment Team South  
**Development and Regulatory Services**  
**Customer and Community Services**

Decision Notice Details  
(Section 3.5.15 of the Integrated Planning Act 1997)

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**INTRODUCTION:**

The decision to approve the application subject to conditions was made by Full Council.

**APPLICANT DETAILS:**

Kozmic Developments Pty Ltd  
C/- Humphreys Reynolds Perkins  
Level 20, 344 Queen Street  
BRISBANE QUEENSLAND 4000

**SITE:**

Address of Site:

**28 Ferry Rd, West End Qld 4101**

Real Property Description:

**Lots 18-19 on RP197695 and Lots 3,14-17 on RP218570, Parish of Sth Brisbane**

Area Classification:

**Light Industry Area Li**

Name of Owner:

**Mayne Health Pathology Pty Ltd**

Name of Ward:

**Dutton Park**

**APPLICATION:**

Aspects of development and development approvals sought:

**Material Change of Use - Development Permit**

Description of Proposal:

**Multi Unit Dwelling**

Council File Reference:

**DRS/USE/H05-930691**

Lodgement Date:

**5 October 2005**

**TYPE OF APPROVAL:**

**Material Change of Use - Development Permit**

**FURTHER DEVELOPMENT PERMITS:**

Development permits(s) for the following are required before the development can be carried out:

- Carrying out Building Work
- Carrying out Operational Work

**CODES RELATING TO SELF ASSESSABLE DEVELOPMENT:**

Light Nuisance Code

**REFERRAL AGENCIES:**

The following were Advice Agencies for this application:

**Department of Natural Resources and Mines**

[www.qld.gov.au/departments](http://www.qld.gov.au/departments)

[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)

The following were Concurrence Agencies for this application:

**Environmental Protection Agency**

**Contaminated Land Unit**

[www.qld.gov.au/departments](http://www.qld.gov.au/departments)

[www.epa.qld.gov.au](http://www.epa.qld.gov.au)

The Council did not refer this application to any other State Agency.

**CONDITIONS:**

This approval is subject to conditions which are included in the attached approval package. The Environment Protection Agency as Concurrence agency has conditioned the approval. A copy of these conditions is attached to the package.

**SUBMISSIONS**

There were properly made submissions received about the application during the notification stage and a list of these submissions is attached.

The submitters are entitled to appeal this decision. The submitters' appeal period does not commence until the applicant's appeal period has ended or the applicant gives to the Council written notice that the applicant does not intend to make representations about the conditions of the development approval.

Pursuant to Section 3.5.19 of the *Integrated Planning Act 1997*, this development approval has no effect until either the submitters' appeal period has ended or, if an appeal is made to the Court or a tribunal, the decision of the entity is made in favour of the proposed development.



## BRISBANE CITY COUNCIL'S APPROVAL PACKAGE

### APPLICATION DETAILS

This package relates to the application detailed below:

Address of site:	28 FERRY RD, WEST END QLD 4101
Real property description of site:	RP197695/L18 STH BRISBANE RP197695/L19 STH BRISBANE RP218570/L14 STH BRISBANE RP218570/L15 STH BRISBANE RP218570/L16 STH BRISBANE RP218570/L17 STH BRISBANE RP218570/L3 STH BRISBANE
Aspects of development and type of approval:	1. Material Change Of Use (Development Permit) - Stage A Multi Unit Dwelling ( 37 Units) 2. Material Change Of Use (Development Permit) - Stage B Multi Unit Dwelling ( 57 Units) 3. Concurrence Agency (Development Permit) - Environmental Protection Agency 4. Standard Advice (Non Development Advice) - Advice to the developer
Description of proposal:	Multi Unit Dwelling 93 units in 2 stages (Stage A , 36 units & Stage B 57 units )
Purpose:	Multi Unit Dwelling
Council File Reference:	DRS/USE/H05-930691
Package status:	APPROVED - Version 2 (26th of October, 2006 04:58:26 PM)
Package generated on:	27th of October, 2006

### PROJECT TEAM

The assessment of this application has been undertaken by:

ASSESSMENT MANAGER  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: (07) 340 [REDACTED]

MARIO FURLAN  
Architect  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: (07) 340 [REDACTED]

PAUL HILLS  
Engineering Officer  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: (07) 340 [REDACTED]

Principal Ecologist  
Development Assessment Team  
TECHNICAL SPECIALIST TEAM  
Development and Regulatory  
Services  
Phone: 340 [REDACTED]

Pollution Officer  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: (07) 340 [REDACTED]

Town Planner  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: 340 [REDACTED]

STEVEN SCHWARTZ  
Town Planner  
Development Assessment Team  
SOUTH BRISBANE  
ADMINISTRATION CENTRE  
Development and Regulatory  
Services  
Phone: 07 340 [REDACTED]



## DRAWINGS AND DOCUMENTS

The term 'drawings and documents', or similar expressions, means:

Drawing or Document	Number	Plan Date
Basement 1&2	DD-A01 REV C	19-DEC-2005 (Plan Date)
Level 1 and Level 2	DD-A02 REV D	15-MAR-2006 (Plan Date)
Level 3 and Level 4	DD-A03 REV D	15-MAR-2006 (Plan Date)
Site Plan and Elevations	DD-A05 REV D	15-MAR-2006 (Plan Date)
Elevations	DD-A06 REV D	15-MAR-2006 (Plan Date)
Open Space Calculation & Fence Detail	DD-A07 REV C	05-DEC-2005 (Plan Date)
Level 5 & 6 and Level 7	DD-A04 REV D	15-MAR-2006 (Plan Date)
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Report Summary and Water Efficiency Checklist	060317 (as amended in red)	17-MAR-2006 (Plan Date)
Landscape Plan	DWG NO LS 0306 ISS C (as amended in red)	06-FEB-2006 (Received)

## HIGHLIGHTS

Due to their importance, the following conditions have been highlighted in **bold** in this document: **7,8,66,67**

A CE

Please see the attached document for any advices.







## APPROVAL CONDITIONS

Section to Which These Conditions  
Relate:

### 1. Material Change Of Use (Development Permit) Stage A Multi Unit Dwelling ( 37 Units)

Section Name:

#### GENERAL/PLANNING REQUIREMENTS

		TIMING
1)	<p>Carry out the approved development generally in accordance with the approved document (s) and/or drawing(s)</p> <p><b>GUIDELINE</b> <i>This condition refers to the approved plans, drawings and documents to which the approval relates and is the primary means of defining the extent of the approval. Approved plans, drawings and documents are stamped PLANS and DOCUMENTS referred to in the APPROVAL and are dated to reflect the date of approval of the application by Council's Delegate.</i></p>	While development is occurring on site and then to be maintained
	<p>Complete all building work associated with this development approval, including work required by any of the following conditions. Such building work is to be carried out generally in accordance with the approved plans, drawing(s) and/or documents and, where the building work is assessable development, in accordance with a current development permit.</p> <p><b>GUIDELINE</b> <i>This condition is imposed to ensure all building work associated with the use are in place before the use commences. It is not appropriate that the site be used without such work being completed. Please note that the work referred to in this condition involves operational work and may therefore constitute 'assessable development'. The Council informs you there fore that this condition does not authorise assessable development to occur and a development permit may therefore be necessary. Please refer to the Council's information sheets. For any enquiries about this condition, please contact the Assessment Manager.</i></p>	Prior to the commencement of the use
3)	<p>Complete all operational work associated with this development approval, including work required by any of the following conditions. Such operational work is to be carried out generally in accordance with the approved plans, drawing(s), and/or documents or, if requiring a further approval from the Council, in accordance with the relevant approval(s).</p> <p><b>GUIDELINE</b> <i>This condition is imposed to ensure all operational works associated with the use are completed before the use commences. It is not appropriate that the site be used without such work being completed in accordance with any detailed design approvals. Please note that the work referred to in this condition involves operational work and may therefore constitute 'assessable development'. The Council informs you there fore that this condition does not authorise assessable development to occur and a development permit may therefore be necessary. Please refer to the Council's information sheets. For any enquiries about this condition, please contact the Assessment Manager.</i></p>	Prior to the commencement of the use

Address of Property: 28 FERRY RD, WEST END QLD 4101  
Council File Reference: DRS/USE/H05-930691

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Development and Regulatory Services  
Brisbane City Council

<p>4) Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawing(s) and/or documents, and any relevant Council engineering or other approval required by the conditions.</p> <p><b>GUIDELINE</b>  <i>This condition restricts changes that can be made to the approved development. Approved plans and documents are stamped PLANS and DOCUMENTS referred to in the APPROVAL and are dated to reflect the date of determination of the application by the Council's delegate. The extent to which plans can be modified is constrained by the definition of 'minor change' in schedule 10 and the requirements of section 3.5.24 of the "Integrated Planning Act 1997". It will be necessary to make a new application if the change is not a minor change. For any enquires about this condition, please contact the Assessment Manager.</i></p>	To be maintained
<p>5) A legible copy of the approved drawings and documents bearing "Council Approval" and the Development Approval Conditions package is to be available on site at all times during construction and earthworks.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure compliance with the development conditions of approval. The copy of the conditions and plans should be located in any site management office or with the site foreman. Any copies of conditions or plans that are illegible shall be deemed to be non compliance with this condition of approval.</i></p>	As indicated
<p>All aspects of development as outlined within this section, to which the conditions relate in the "Development Approval Package" are to be completed before midnight 29 July 2010.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed pursuant to 3.5.21A(2)(a) of the Integrated Planning Act 1997. The intent of this condition is to specify the particular time assessable development or an aspect of assessable development is to be completed before the development lapses. Any extension of the period stated in the condition is required to be made in accordance with Sections 3.5.22 and 3.5.33 of the Integrated Planning Act.</i></p>	As indicated

7) Prior to Issuing Building Approval submit the following plans and details showing the facade treatments and external materials, colours and finishes to the Delegate of Council:

- (a) A building colour scheme showing parts of the building differentiated in colour in accordance with the materials details shown on the approved plan(s) & drawing(s);
- (b) External colours and finishes in accordance with the complementary properties of chromaticity, reflectivity and heat absorbency predominantly found in the locality of the site;
- (c) Notwithstanding the requirements of part (b) of this condition and the notations on the approved plans and drawings, the materials and finishes to the ground floor that form the building frontage and facade to Ferry Road must be high quality pre-finished materials and included with details required to be submitted by this condition;
- (d) The finishes are to include and incorporate a predominance of wall surface over glass surface with a maximum of 40% glass to the frontage of the building to the Ferry Road elevation and to avoid zincalume or white metal sheeting, mirrored glass and other highly reflective materials; and
- (e) The schedule is to be submitted as a sample board including actual paint swatches of the proposed external paint colours and accompanied by coloured elevations and a written tabulation of how particular parts of the building are to be finished.
- (f) Implement the above detailed design treatments based on the approved colour scheme.

As indicated

Prior to lodging a development permit for building works

**GUIDELINE**

This condition is intended to ensure that the colours and materials used are appropriate for the intended character and image for the area. The requirement for no greater than 40% glass is read to be the appearance of the building inclusive of balustrades. The requirement is intended to avoid a built form and street character that is dominated by glass surfaces, reduces intervisibility between units/public spaces and reduces local affects from reflectivity, glare and heat.

<p>8) Prior to any works commencing on the site and then to be maintained until completion of the development, erect an "Information Sign" as outlined below:</p> <ul style="list-style-type: none"> <li>(a) A brief description of the development proposed;</li> <li>(b) The sign/ is to list the name, postal and/or email address and a contact telephone number for the following parties (where relevant) that are undertaking work on the site: Developer; Project Coordinator; Architect/Building Designer; Builder; Civil Engineer; Civil Contractor/s; and Landscape Architect;</li> <li>(c) The lettering on the sign is to be at least 25 millimetres in height, be of regular weight and in sentence case;</li> <li>(d) The sign is to be a minimum size of 1,200 millimetres by 900 millimetres;</li> <li>(e) The maximum area of the sign is to be 2.0m<sup>2</sup>;</li> <li>(f) The sign must be placed on or within 1.5 metres of, the road frontage for the land and mounted at least 300 millimetres above ground level;</li> <li>(g) If the land has more than 1 road frontage, the information sign must be places on each road frontage for the land;</li> <li>(h) The sign is to contain no commercial or corporate advertising other than the name, logo or slogan of the parties outlined in part (a) of this condition</li> <li>(i) The sign is to be non illuminated;</li> <li>(j) Both the sign and the supporting structure are to be made of weatherproof material and to be properly maintained at all times; and</li> <li>(k) The sign/s are to be located on the subject property and is to comply with the General Requirements for Signage contained within the Local Laws Policy "Control of Outdoor Advertising" specifically with regard to Traffic Safety, Clearances and Structural Systems.</li> <li>(l) Prior to erection of the sign submit a copy of the wording and the dimensions of the proposed sign to Council.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to provide information regarding the development and project team. Where signage is carried out in accordance with Permitted Advertisement provisions contained within the Local Law Policy "Control of Outdoor Advertising" the display of the sign is exempt from the payment of fees, the need for a licence or the making of an application.</i></p>	<p>As indicated</p>
<p>9) Install and maintain secure bicycle parking and associated support facilities consistent with the approved plans and documents, and generally in accordance with the "Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Code".</p> <p><b>GUIDELINE</b>  <i>This condition is imposed because bicycle parking and associated facilities are required to provide convenient facilities for cyclists and safe storage of bicycles to encourage cycling as an alternative for car commuting and also cater for short term requirements such as couriers bicycle facilities.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

<p>10) Install and maintain a suitable system of lighting, to operate from dusk to dawn, at the entrance lobby and the Ferry Road frontage and to operate 24 hours a day in the car park and storage areas.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to provide safe access to the major pedestrian access points and through the car park and storage areas.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>11) Install and maintain all of the items identified in the Sustainability Report attached to the Development Approval Package as Report Summary and Water Efficiency Checklist as amended in red and dated 17.03.2006</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the development when constructed does not exceed the infrastructure capacity available to the site</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

12) Any Community Management Statement for the site is to contain the following requirements:

As indicated

- (a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those described in part (f) of this condition, other conditions of this package requiring sun-shading devices or similar and those consistent with the relevant "Brisbane City Plan 2000 - Residential Code" and clearly depicted on the approved drawings.
- (b) The communal open space areas, swimming pool, pool surrounding, recreation area, internal footpaths/pedestrian circulation routes, buffer landscaping, lobby, clothes drying areas, storage area and bin storage area as shown on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit.
- (c) Provision on site for a total of **9 visitor parking spaces**, including 1 accessible space, in the ground floor and basement parking level. The visitor parking spaces, driveway, basement circulation driveway and car/vehicle turning area indicated on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit and shall be available for use by all bona-fide visitors, guests or invitees of the sites tenants.
- (d) Provision of a maximum of 47 resident/tenants parking spaces.
- (e) Screening for any externally mounted airconditioning or mechanical plant installations in accordance with the following requirements:
  - i) No unscreened installations on the proposed development are to be visible from the surrounding sites; and
  - ii) Any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located.
- (f) External sun control devices to all western facing balconies, such devices shall meet the following requirements:
  - (i) The devices are not to be fixed and are to be fully retractable;
  - (ii) The devices are to be constructed from materials complimentary to those of the building; and
  - (iii) Where it is proposed to alter and or replace these fittings, details are to be submitted to the council delegate for approval.
- (g) Inverter air conditioning and/or mechanical ventilation must be provided and maintained to all sleeping and living areas of residential dwellings affected by road traffic, mechanical plant, amplified entertainment and industrial noise where noise attenuation measures assumes windows and doors to be closed to achieve designed noise levels;
- (h) Use of the pool pump and pool filter are to comply with the following:
  - i) Noise levels for the pool filter and pump are to comply with the Environmental Protection Authority noise levels as stated in Section 6Y(1) of the Environmental Protection Regulation 1998 as amended from time to time.
  - ii) The pool filter and pump are to be used only between the hours of 09:00 to 19:00 hours seven days a week.
  - iii) The use of the pool, and pool surrounds are to be used only between the hours of 06:00 to 22:00 hours seven days a week.
- (i) All sealed traffic areas must be cleaned as necessary to prevent emissions of particulate matter.
- (j) The storage areas indicated on the plans are only to be used for that purpose and not for any other use.
- (k) No temporary or permanent structure(s) for the purposes of shading, storage or the like are to be installed on the roof top where such structures will exceed the maximum height limit of RL 31.10 metres.
- (l) No gates, roller-doors or other barriers are to be installed at the entrance points to the site preventing unfettered access to the designated visitor car parking spaces.
- (m) A directional visitor parking sign at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site;
- (n) Incorporate and maintain the components identified in the Sustainability Report attached to the Development Approval Package as Report Summary and Water efficiency Checklist as amended in Red and dated 17.03.2006.
- (o) Any metal grills, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance;
- (p) Where the Community Management Scheme is intended to be developed progressively, include within the scheme an explanation of the proposed future allocations over the site including the stages in which these allocation are to be made.

**GUIDELINE**

*This condition is imposed to ensure the ongoing operation, appearance and maintenance of the development under a Community Management Statement is in accordance with the development permit and the approved plans and documents. For any enquiries about this condition, please contact the Assessment Manager.*

Address of Property: 28 FERRY RD, WEST END QLD 4101  
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Development and Regulatory Services  
Brisbane City Council



<p><b>13) Demolish all the existing buildings and structures on the site and ensure:</b></p> <ul style="list-style-type: none"> <li>(a) All water supply and sewerage services to the site are capped, as necessary; and</li> <li>(b) Where building work for the erection of the new buildings has not commenced within 30 calendar days of demolition, carry out stabilisation works on the site such as grass seeding or turf, to minimise any dust or silt runoff from the site.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that all structures are removed or relocated appropriately to ensure that no future legacy remains for the ultimate property owners. It should also be noted that the removal of structures includes the removal of all existing concrete slabs and foundations and footings of any removed structures.</i></p>	<p>As indicated</p>
<p><b>14) Provide a written statement from a person who is qualified in using a recognised energy rating system, such as BERS (Brisbane Energy Rating System), NatHERS or other recognised system, that the building(s) comply with the "Brisbane City Plan 2000 - Energy Efficiency Code".</b></p> <p><b>GUIDELINE</b>  <i>This condition is imposed on all building work for offices, hotels and shops with a GFA over 2500m2 and for all new residential buildings except a house.</i></p>	<p>Prior to lodging a development permit for building works</p>
<p><b>15) Submit to the Delegate, Development Assessment documentary evidence that:</b></p> <ul style="list-style-type: none"> <li>(a) The level of light reflectivity from the approved development will not exceed 20 percent; and</li> <li>(b) The level of solar (heat) reflectivity from the approved development will not exceed 20 percent.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to protect the amenity and appearance of the surrounding area from adverse impacts such as heat transmission and light reflectivity arising from the use of excessively reflective glass in building facades.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

16) The overall height of the proposed building(s) is to be in accordance with the following requirements:

- (a) The building certifier is to provide documentation that the building plans and construction drawings are in accordance with the heights identified on the approved plans and in part (b) of this condition;
- (b) Construct the floor levels in accordance with the floor levels on the approved plans noted below and with finished levels complying with the following requirements:
  - i. finished floor level at ground level Entry not to exceed RL 5.90 metres as shown on drwg No DD A02 D and dated 15.03.2006; and
  - ii. overall height of the finished roof level of the building (inclusive of services, plant rooms and any other structure) not to exceed RL 32.10 metres as shown on Drwg No DD A05 Rev D and dated 15.03.2006; and
  - iii. roof shape and form to be in accordance with the approved elevations.
- (c) Prior to further construction and at the time the levels are constructed, submit to the Senior Town Planner, Development Assessment Team certification from a licensed surveyor that the as constructed basement levels and ground level have been constructed in accordance with the heights indicated in part (b) of this condition; and
- (d) Submit certification from a licensed surveyor that the as constructed floor levels are in accordance with part (b) of this condition and that the maximum overall height of the building does not exceed RL 32.10 metres at any point.  
This information is to be submitted to the Delegate, Development Assessment Team.
- (e) At no time are there to be either temporarily or permanently erected or installed, structure(s) for the purposes of shading, storage or the like on the roof top where such structures will exceed the maximum height limit of RL 32.10 metres.

**GUIDELINE**

*This condition is imposed to ensure the floor levels and maximum overall height of the proposed building is in accordance with the development approval. For any enquiries about this condition, please contact the Architect, Development Assessment Team South.*

As indicated

Prior to site works/building works commencing

While site/operational works/building works is occurring

Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner

16  
Floor level  
RL 5.9.  
+  
Submit  
Certification

# MONETARY CONTRIBUTIONS & SECURITIES

	TIMING						
<p>17) Pay to Council a monetary contribution towards the cost of sewerage headworks, as outlined below, <b>at the rate prevailing when the contribution is paid</b>. <i>This payment must be made prior to the permanent sewer connection being made to the site.</i></p> <p>The contribution is calculated on 26.20 ETs (Equivalent Tenement) at the current rate of \$5,448.00 per ET, for Sewerage Scheme Charge Area - S1, HOCK1. A credit for the existing use on the site has been included in this calculation.</p> <p>The amount payable is currently assessed at \$142,738.00 and comprises of the following :</p> <table> <tr> <td>• Treatment Headworks component:</td><td>\$18,209.00</td></tr> <tr> <td>• System Headworks component:</td><td>\$124,529.00</td></tr> <tr> <td>• Total contribution:</td><td>\$142,738.00</td></tr> </table> <p>This headwork charge is the <b>current rate for the 2005/2006 financial year</b>.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to require the payment of a proportional contribution towards a satisfactory sewerage treatment system within the locality of the site. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	• Treatment Headworks component:	\$18,209.00	• System Headworks component:	\$124,529.00	• Total contribution:	\$142,738.00	<p>Prior to the permanent water/sewer connection being made to the site or prior to endorsement of a community management statement, whichever is sooner</p>
• Treatment Headworks component:	\$18,209.00						
• System Headworks component:	\$124,529.00						
• Total contribution:	\$142,738.00						
<p>18) Pay to Council a monetary contribution towards the cost of water supply headworks, as outlined below, <b>at the rate prevailing when the contribution is paid</b>. <i>This payment must be made prior to the permanent water connection being made to the site.</i></p> <p>The contribution is calculated on 23.28 ETs (Equivalent Tenement) at the current rate of \$6,595.00 per ET, for Water System Infrastructure Charges Plan Area - Tarragindi, W12. A credit for the existing use on the site has been included in this calculation.</p> <p>The amount payable is currently assessed at \$153,532.00 and comprises of the following:</p> <table> <tr> <td>• Treatment Headworks component:</td><td>\$20,207.00</td></tr> <tr> <td>• Distribution Head works component:</td><td>\$133,325.00</td></tr> <tr> <td>• Total contribution:</td><td>\$153,532.00</td></tr> </table> <p>This headwork charge is the <b>current rate for the 2005/2006 financial year</b>.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to require the payment of a proportional contribution towards a satisfactory water supply treatment system to the site. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	• Treatment Headworks component:	\$20,207.00	• Distribution Head works component:	\$133,325.00	• Total contribution:	\$153,532.00	<p>Prior to the permanent water/sewer connection being made to the site or prior to endorsement of a community management statement, whichever is sooner</p>
• Treatment Headworks component:	\$20,207.00						
• Distribution Head works component:	\$133,325.00						
• Total contribution:	\$153,532.00						

<p><b>19) Riverside South Infrastructure Charge - Waterways.</b></p> <p>Pay to Council a monetary contribution towards waterways infrastructure at the rate of 1941 infrastructure charge units per dwelling unit. For 36 dwelling units, the total contribution payable is 69,876 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$90,839.00.</p> <p><b>GUIDELINE</b>  <i>The cost of any waterways infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution. If the draft Infrastructure Charges Plan is amended and the applicable charge is reduced prior to payment, the lower charge will be applied.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>
<p><b>20) Riverside South Infrastructure Charge - Transport.</b></p> <p>Pay to Council a monetary contribution towards transport infrastructure at the rate of 3998 infrastructure charge units per dwelling unit. For 36 dwelling units, the total contribution payable is 143,928 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$187,106.</p> <p><b>GUIDELINE</b>  <i>The cost of any transport infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution. If the draft Infrastructure Charges Plan is amended and the applicable charge rate is reduced prior to payment, the lower charge will be applied.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>
<p><b>21) Riverside South Infrastructure Charge - Community Purposes.</b></p> <p>Pay to Council a monetary contribution towards community purposes infrastructure at the rate of 1109 infrastructure charges units per dwelling unit. For 36 dwelling units, the total contribution payable is 39,924 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$51,901.00.</p> <p><b>GUIDELINE</b>  <i>The cost of any community purposes infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>

# ARCHITECTURE

	TIMING
<p>22) Balconies and terraces are to be treated and maintained in accordance with the following requirements:</p> <p>(a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those consistent with the relevant "Brisbane City Plan 2000 - Residential Code" and clearly depicted on the approved drawings.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to minimise bulk and protect the appearance of the development within the area. For any enquiries about this condition, please contact the Assessment Manager, Development Assessment.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>23) Construct external pedestrian circulation walkways from the street frontage entry to each front door of the development in accordance with AS 1428.1, Parts 1 - 4 <i>Australian Standard for Access and Mobility</i> with particular regard to:</p> <ol style="list-style-type: none"> <li>Ramping requirements (including gradients and slip resistance);</li> <li>Handrail requirements;</li> <li>Visual impairment requirements for changes in gradient; and</li> <li>Tactile tiling in a visually contrasting colour to both sides of the driveway crossover.</li> </ol> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure external access areas are appropriately designed and constructed for all users. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>24) Provide materials and finishes to the driveway and external carparking surfaces which soften the visual impact of these areas when viewed from the street. In order to achieve one or a combination of the following is to be used:</p> <ol style="list-style-type: none"> <li>Coloured aggregate with banding and patterns in the surface design; or</li> <li>Cement pavers with banding and patterns in the surface design; and</li> <li>Provide a pedestrian prioritised pathway from the street frontage to the front door of each unit. The pathway is to be differentiated in colour and texture from the driveway surface.</li> </ol> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that driveways and vehicle movement surfaces are appropriately coloured and textured so as not to visually detract from the surrounding residential area, and to ensure appropriate residential address to the rear units when accessed by pedestrians. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

<p><b>25) Provide screening for any externally mounted airconditioning or mechanical plant installations in accordance with the following requirements:</b></p> <ul style="list-style-type: none"> <li>i. No unscreened installations on the proposed development are to be visible from the surrounding sites; and</li> <li>ii. Any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure appropriate visual outcomes in relation to mechanical plant areas. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>26) Provide External sun control devices to all western facing balconies and windows, such devices shall meet the following requirements:</b></p> <ul style="list-style-type: none"> <li>(i) The devices are not to be fixed and are to be fully retractable;</li> <li>(ii) are to have a maximum opening of 30 mm between slats</li> <li>(ii) The devices are to be constructed from materials complimentary to those of the building; and</li> <li>(iv) Where it is proposed to alter and or replace these fittings, details are to be submitted to the council delegate for approval.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure an appropriate level of climatic control to provide a comfortable internal living environment. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

[illegible]

		TIMING
28)	<p>Use of the pool pump and pool filter are to comply with the following:</p> <ul style="list-style-type: none"> <li>i) Noise levels for the pool filter and pump are to comply with the Environmental Protection Authority noise levels as stated in Section 6Y(1) of the Environmental Protection Regulation 1998 as amended from time to time.</li> <li>ii) The pool filter and pump are to be used only between the hours of 09:00 to 19:00 hours seven days a week.</li> <li>iii) The use of the pool, and pool surrounds are to be used only between the hours of 06:00 to 22:00 hours seven days a week.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the operation of the pool pump and filter to not adversely impact on amenity of residents within or adjacent to the development site</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>

29) Air conditioning or mechanical ventilation must be provided to all noise affected rooms as determined in the approved acoustic report.	Prior to the commencement of the use
<p>30) Submit to the Pollution Officer, Development Assessment South, Development and Regulatory Services, certification from an independent and appropriately qualified acoustic consultant which demonstrates that necessary acoustic treatments <b>detailed in the Environmental Noise Level Study prepared by David Moore and Associates Pty Ltd Report No R05166/D1407/Rev.0/ and dated 30.9.2005</b> has been incorporated into the design of the proposed multi-unit dwellings to achieve the relevant maximum recommended design sound level specified in Australian Standard AS2107, "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors".</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed to ensure that the internal acoustic amenity of future residents achieves the requirement of Australian Standard 2107. For further information please refer to Environmental Noise Level Study prepared by David Moore and Associates Pty Ltd Report No R05166/D1407/Rev.0/ and dated 30.9.2005.</i></p>	Prior to the commencement of the use
<p>31) Any metal grills, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that noise vehicle movements do not cause environmental nuisance.</i></p>	Prior to the commencement of the use & then to be maintained
<p>32) Any Acid Sulfate Soils encountered during site works must be stored, handled and treated in accordance with <i>State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils</i> and associated guidelines and technical documents.</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed on the development approval to ensure that during construction any Acid Sulfate Soils encountered are handled and treated appropriately to prevent off-site environmental and on-site structural impacts. For further information please refer to the State Planning Policy 2/02.</i></p>	While site works (eg. operational works, building works) are occurring and until exposed soil areas are permanently stabilised (eg. turfed, concreted)



<p>33) i) All stormwater runoff from carparks, driveways, hardstand areas, loading areas etc from the site must be treated by stormwater quality best management practices before discharge to the stormwater system. Strategies may involve discharge to grass swales, landscaping, infiltration trenches, mini-wetlands or in-ground proprietary stormwater quality improvement devices. These practices must adequately remove key pollutants of concern. The stormwater quality best management practices utilised on the site must provide, as a minimum, for the following:</p> <ul style="list-style-type: none"> <li>• Q 3 month flow;</li> <li>• capture of sediment/suspended solids to meet best practice discharge guidelines (80% of coarse sediment 5mm diameter or less, and 50% of fine sediment 0.1mm diameter or less);</li> <li>• capture of litter; and</li> <li>• no visible discharges of hydrocarbons eg oils, greases.</li> </ul> <p>ii) Submit certification from an appropriately qualified person that stormwater quality best management practices as specified above has been provided on site.</p> <p><b>GUIDELINE</b>  <i>All stormwater runoff from this site as detailed in this condition is to be treated prior to discharge to ensure compliance with Brisbane City Council Water Quality Objectives.</i></p>	<p>Prior to the commencement of the use</p>
<p>Pool water releases including filter backwash, drainage and overflow shall be treated and disposed in accordance with the Brisbane City Council Subdivision and Development Guidelines - Part C Water Quality Management Guidelines.</p> <p><b>GUIDELINE</b>  <i>This conditions is imposed where water quality may be affected as a result of the development.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>35) Construct a car wash bay for the washing of vehicles. The car wash bay shall be provided with a tap, paved with an impervious material, graded and drained to sewer in accordance with a hydraulics plan approved by the Principle Officer Plumbing, Development &amp; Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed to ensure that a facility is provided for car washing which prevents this activity from being conducted in an area where contaminated water runoff can impact on receiving waters.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

36) Minimise on-site erosion and the release of sediment or sediment-laden stormwater from the site at all times through compliance with an approved Erosion and Sediment Control (ESC) Program for the site.

- (a) Submit an Erosion and Sediment Control (ESC) Program which complies with Council's Erosion and Sediment Control Standard (Version 9 or later), and receive approval from the Engineering Delegate, Development Assessment, prior to the commencement of land-disturbing activities;
- (b) Implement and modify as necessary the approved ESC Program to maintain compliance with the Erosion and Sediment Control Standard (Version 9 or later) at all times during the period from when land-disturbing activities begin to when responsibility for the site no longer lies with the applicant.

Prior to site works commencing (ie. any land-disturbing development)

While site works (eg. operational works, building works) are occurring and until exposed soil areas are permanently stabilised (eg. turfed, concreted)

#### GUIDELINE

*This condition is imposed where the land-disturbing development (as defined in the current version of Council's Erosion and Sediment Control Standard) involves site works that could lead to significant erosion and loss of sediment from the site. The ESC Program must be prepared in accordance with Council's Erosion and Sediment Control Standard (Version 9 or later), and may include detailed plans, descriptions of control measures, monitoring programs and maintenance procedures. Please note that the work referred to in this condition involves operational work and therefore requires an operational works application to be submitted. Relevant guidelines to assist in the preparation of ESC Programs include the: "Soil Erosion and Sediment Control - Engineering Guidelines for Queensland Construction Sites" The Institute of Engineers, Australia (Qld), 1996 (or later version); "Sediment Basin Design Guidelines", Brisbane City Council, February 2000 (or later version); and "Best Practice Guidelines for the Control of Stormwater Pollution from Building Sites" and accompanying fact sheets, Brisbane City Council and Gold Coast City Council, 2000 (or later version). NB. The ESC Program may form part of a Site Based Stormwater Management Plan (that addresses short and long-term stormwater management from a quality and quantity perspective) or an Environmental Management Plan (EMP). For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.*



<p><b>38)</b> Submit and receive approval by the Engineering Delegate, Development and Regulatory Services for the following details of the construction phase of the approved development :</p> <ul style="list-style-type: none"> <li>(a) How materials are to be loaded/unloaded;</li> <li>(b) The location of materials, structures, plant and equipment to be stored or placed on the construction site;</li> <li>(c) Anticipated programming; and</li> <li>(d) Hours of construction.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed when the construction activities need to be limited to manage the impact on the surrounding area. This condition is intended to apply throughout the period of site preparation to the completion of the development.</i></p>	<p>Prior to site works commencing</p>
<p><b>39)</b> Grant the following easement(s):</p> <ul style="list-style-type: none"> <li>(a) Easements for underground drainage, overland flow, open cut, and access purposes as may be required, in favour of Brisbane City Council;</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to provide access, maintenance of services and to protect drainage paths if required. Easements in favour of the Brisbane City Council are required to have the necessary easement documentation prepared (free of costs and compensation to Council) by the Brisbane City council. Easements not in favour of the Brisbane City Council are required to have the necessary documentation prepared by the applicant's private solicitors. Easements are to be shown on a Survey Plan and lodged with the Delegate Plan Sealing, Licensing Sealing and Certificates Unit. Enquiries regarding any legal documentation can be directed to Licensing, Sealing and Certificates Unit, Development and Regulatory Services (pH 3403 9050). For any other enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>
<p><b>40)</b> Any retaining walls greater than 1.0 metre in height are required to be structurally certified for design and construction by a Registered Professional Engineer Queensland (RPEQ). The certification is to include the stormwater drainage (surface and seepage water) associated with the wall ensuring that the water is directed to an acceptable lawful and legal point of discharge and does not cause any ponding, nuisance or disturbance to adjacent property owners. All retaining walls are to comply with the City Plan Filling and Excavation Code.</p> <p><b>GUIDELINE</b>  <i>This condition is intended to ensure that retaining walls associated with the development that are higher than 1 metre, are designed and constructed to industry standards and also, to ensure that no adverse impact is created by the structures on the surrounding properties. The retaining wall designer should note that timber retaining walls facing onto Council property (including the road reserve) will not be permitted. Retaining walls facing onto road reserve or parkland are to be contained entirely within the proposed development site, including the retaining wall's footings. Where retaining walls are proposed to be constructed between adjoining properties, it is also suggested that the use of timber sleeper retaining walls be restricted due to their limited life and the potential problems they may cause to future property owners. Where the combined height of the retaining wall and fence exceeds 2.0 metres, a Development Permit for Building Work will need to be granted. For any enquires about this condition please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>

41) Dedicate as road the following requirements:

Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner

- (a) A 5 metre widening along the Ferry Rd frontage of the site;
- (b) The area shown as new road on the approved drawings and documents;

**GUIDELINE**

*This condition is imposed on development sites where new roads are required and/or where safety and capacity of existing and new roads are to be maintained. This requirement will necessitate the preparation of survey plan. A copy of the survey plan together with a written request for the preparation of legal documentation is to be lodged with the Delegate Plan Sealing, Licensing, Sealing and Certificates Unit. Enquiries regarding any legal documentation can be directed to Licensing, Sealing and Certificates Unit, Development and Regulatory Services (pH: 3403 9050). For any other enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.*

<p>42) Construct and delineate or sign (as required) the following requirements as indicated on the approved plan(s) of layout:</p> <ul style="list-style-type: none"> <li>(a) Construct a pavement of minimum Type A standard and surface with an impervious material (including associated drainage) to the area on which motor vehicles will be driven and/or parked. [Construction of such pavement is to be certified by a Registered Professional Engineer of Queensland (RPEQ)];</li> <li>(b) The driveways at grades shown on the approved plans and documents (or if not shown at grades not greater than those set out in <i>"Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Planning Policy"</i>);</li> <li>(c) Manoeuvring on site for a Refuse Collection Vehicle and for the loading and unloading of the vehicle(s);</li> <li>(d) Parking on the site for 47 cars and for the loading and unloading of vehicles within the site;</li> <li>(e) 9 of the above parking spaces are to be provided for visitors;</li> <li>(f) A minimum 2.3 metres height clearance to all undercover car parking areas (Note, The minimum clear height shall be measured to the lowest appurtenance on the ceiling - ie. fire sprinklers, services, lighting fixtures, signs etc.);</li> <li>(g) A height clearance sign located at the entrance(s) to undercover car parking areas;</li> <li>(h) A directional visitor parking sign at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site;</li> <li>(i) An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site;</li> <li>(j) The internal paved areas are to be signed and delineated in accordance with the approved plans, Manual of Uniform Traffic Control Devices and Austroads.</li> <li>(k) No gates, roller-doors or other barriers are to be installed at the entrance points to the site preventing unfettered access to the designated visitor car parking spaces.</li> <li>(l) The storage areas indicated on the plans are only to be used for that purpose and not for any other use.</li> </ul> <p><b>GUIDELINE</b>  <i>The "Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Planning Policy" requires adequate on-site provision of parking, servicing and manoeuvring areas. This condition specifies detailed design requirements as indicated on the approved drawings and documents to which the approval relates.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
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<p>43) Run-off from roof and developed surface areas of the site, and any run-off onto the site from adjacent areas, are to be collected internally and directed to a lawful point of discharge in accordance with Council's "Subdivision and Development Guidelines".</p> <p>(a) Submit drainage plans and engineering calculations (as a part of the development's Site Based Stormwater Quantity Management Plan) in accordance with Council's "Subdivision and Development Guidelines" showing the design of the drainage of the roof and developed surfaces. Obtain approval from the Engineering Delegate, Development Assessment. Such plans are to show adequate survey information on areas adjoining the site with particular attention to any nuisance or annoyance to adjoining property owners. Please note all constructed stormwater outlets that are proposed to discharge directly to a waterway, shall ensure an appropriate waterway setback, reduction in flow outlet velocity and concentration and, include any supplementary planting works that may be required (refer "Stormwater Outlets in Parks and Waterways", BCC July 2000);</p> <p>(b) Complete the works in accordance with the approved engineering plans and other elements of the development's Site Based Stormwater Management Plan; and</p> <p>(c) Submit "As Constructed" plans approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b> The purpose of this condition is to ensure that stormwater run off from the site and adjacent properties will be handled adequately. Disposal by gravity pipeline is required if practical. Use of pumps for disposal of stormwater may be approved only if the applicant can show evidence to Council of having taken all reasonable steps to obtain written permission from adjacent property owners for construction of a gravity pipeline, and of this being unobtainable. The proposal may include water saving and reuse devices such as rain water tanks provided that the proposal satisfies Council that devices will be satisfactorily maintained by the owners of the property. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</p>	<p>Prior to site works/building works commencing</p> <p>While site/operational works/building works is occurring</p> <p>Prior to the commencement of the use</p>
<p>44) Construct external stormwater drainage from the development site, along Ferry Rd to the Brisbane River, as shown on Brisbane City Council Drawing numbers CD-0184351 (W2-2001) Issue A, dated 11/10/2004 and CD-0184351 (W2-2005) Issue A, dated 11/10/2004. These works are to be credited against stormwater infrastructure charges for the application.</p> <p>(a) Submit engineering plans and calculations and obtain approval for the design from the Engineering Delegate, Development Assessment;</p> <p>(b) Complete the works in accordance with the approved engineering plans.</p> <p>(c) Submit "As Constructed" plans including an asset register (if required), approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b> This condition is imposed to ensure that acceptable measures will be incorporated into the development to protect Council's Infrastructure. For any enquiries about this condition please contact Council's Customer Contact Centre on ph. 3403 8888.</p>	<p>Prior to the commencement of the use</p> <p>Prior to lodging a development permit for building works</p> <div data-bbox="1165 1411 1452 1590" style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p>DNge to Bris River</p> </div>

<p>45) Adjoining properties and roads are to be protected from ponding or nuisance from stormwater runoff.</p> <p>(a) Adjoining properties and roads are to be protected from ponding or nuisance from stormwater as a result of the proposed works;</p> <p>(b) Rectify all damage resulting from the ponding of stormwater or nuisance from discharge of stormwater from the site to adjacent properties.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the developer is aware that they are responsible for all remedial works required as a result of any site works and, that they must protect neighbouring properties and roads from ponding and nuisance water from the proposed development. Where this rectification work involved drainage, plans are to be lodged showing the manner in which it is intended to rectify the site drainage. These plans must be approved by the Engineering Delegate. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>While site/operational works/building works is occurring</p>
<p>46) Run off from the site and run off concentrated on the site from local catchments for storms up to the 50 year (ARI) flood event and for a 100 year (ARI) flood event for creek and river flooding, is to be managed in accordance with approved drainage plans and Council's "Subdivision and Development Guidelines" so as not to have any adverse effect on neighbouring properties.</p> <p>(a) Design and construct all buildings to have the appropriate freeboard in accordance with the Council's "Subdivision and Development Guidelines" so as not to be flooded during a 50 year (ARI) local flood event or a 100 year (ARI) creek or river flood event whichever is the higher flood level;</p> <p><b>GUIDELINE</b>  <i>This condition is intended to ensure that the design of the subject development accounts for the stormwater run off and/or if stormwater drainage patterns in the vicinity of the site require improvements. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to lodging a development permit for building works</p>
<p>47) Provide underground electricity services in accordance with an approved electricity reticulation plan and the Council's "Subdivision and Development Guidelines (Public Utilities Section)". Note: Even though the development may be in an area serviced by overhead electricity, UNDERGROUND supply to the development is now required - no additional poles or overhead mains are to be erected.</p> <p>(a) Lodge electricity reticulation plans showing and the proposed electricity services and obtain approval from the City Lighting Unit, Local Asset Services Central District;</p> <p>(b) Enter into an agreement with an electricity supplier to provide underground electricity services in accordance with the above approved electricity reticulation plans; and</p> <p>(c) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when a proposed development would require the provision of electricity services in accordance with Council's "Guidelines for the Provision of Underground Electricity". Please refer to the Council's information sheet on lodging detailed design applications. For any enquiries about this condition, please contact the City Lighting Unit (pH 3403 0307) regarding electricity reticulation plans or Energex (pH: 131 253) regarding electricity supply.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>



<p>48) Provide a public lighting system in accordance with an approved street lighting design plan and Council's "Street Lighting Design Guidelines".</p> <ul style="list-style-type: none"> <li>(a) Lodge street lighting design plans showing the proposed public lighting system and obtain approval from the City Lighting Unit, Local Asset Services Central District;</li> <li>(b) Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the above approved lighting design plans; and</li> <li>(c) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed when a proposed development requires the provision of public lighting facilities in accordance with the "Street Lighting Design Guidelines". Please refer to the Council's information sheet on lodging detailed design applications. For any enquiries about this condition, please contact the City Lighting Unit (pH 3403 0307) regarding electricity reticulation plans or Energex (pH: 131 253) regarding electricity supply.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>
<p>49) Supply and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services or installations required in connection with the approved development. This includes the relocation of any fire hydrants and valves from within the limits of the development's vehicular footway crossings if applicable.</p> <ul style="list-style-type: none"> <li>(a) Complete the works required by this condition;</li> <li>(b) Submit "As Constructed" plans including an asset register (if required), approved by a registered Professional Engineer Queensland (RPEQ) (in accordance with Council's "Subdivision and Development Guidelines" and "Water and Sewerage Reticulation Standards") showing the works required by this condition.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed when additions, alterations or extensions to service conduits, mains and other services are required as a result of the approved development. Applicants should liaise with the appropriate service authorities. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services (regarding advice on traffic signal conduits, stormwater, water supply and sewerage mains etc.) or the relevant public utility authorities (for advice on other services).</i></p>	<p>Prior to the commencement of the use</p>
<p>50) Provide underground telecommunication services to the proposed development.</p> <ul style="list-style-type: none"> <li>(a) Enter into an agreement with a telecommunication company and provide underground telecommunication services within and adjacent to the proposed development; and</li> <li>(b) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the provision of essential communication services are provided to the development. For any enquiries about this condition, please contact relevant service carriers regarding communications or Telstra (pH 132 200).</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>

<p>51) Construct a permanent vehicular crossover(s) to the site.</p> <p>(a) Construct a 5.5 metre wide type B2 permanent vehicular crossover to the frontage of the site in accordance with Council's "Subdivision and Development Guidelines". Such works may include footpath reconstruction, reprofiling and/or relocation of services.</p> <p>(b) Obtain a permit from Council's Delegate, Development and Regulatory Services, to carry out such works within the road reserve;</p> <p><b>GUIDELINE</b>  <i>This condition requires works to be undertaken in the road reserve. The intention of the condition is to ensure that vehicular access to the site is designed and constructed to a standard suited to the demands created by the approved development. It is advantageous for the Developer to obtain the necessary driveway approvals and permit prior to commencing any site works to ensure the proposed internal site levels will suit the necessary permanent levels of the footway areas adjacent to the site. Generally, the vehicular footway crossings for a site are to have a minimum 1 in 40 crossfall to the kerb and channel for the full width of the footway area. Ramping the driveway up or down to the pad level should occur within the subject site only. This will ensure that driveways do not channel stormwater overflow from the roadway into the subject property and additionally maintain safer pedestrian movement. For enquires regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to site works/building works commencing</p>
<p>52) Close all redundant vehicular crossing(s) on the frontage(s) of the site and reinstate the kerb and channel, road pavement, footways and footpaths, in accordance with Council's Standards.</p> <p>(a) Obtain a permit from the Engineering Delegate, Development and Regulatory Services to carry out such works within the road reserve;</p> <p>(b) Construction of such works must be certified by a Registered Professional Engineer-Queensland (RPEQ). A copy of the certification, ensuring the works have been constructed in accordance with Council's Standards, must be forwarded to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when existing crossovers become redundant as a result of the new development. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to site works commencing</p>

<p><b>53)</b> Construct new type E concrete kerb and channel and associated drainage along the Ferry Rd frontage of the site on an approved alignment (taking into account any road widening if required) and Type B road pavement from the lip of the new kerb and channel to the edge of the existing road pavement with any appropriate tapers (the minimum width of road construction/reconstruction is to be 1.2 metres).</p> <p>(a) Submit functional layout plans showing the extent of external roadworks. Obtain approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;</p> <p>(b) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's "Subdivision and Development Guidelines" showing the design of the external roadworks including any external signs, traffic signal facilities and permanent traffic safety signs, markings and devices (if required). Obtain approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services.</p> <p>(c) Construct the works in accordance with the approved engineering plans to a standard that will be satisfactory to be accepted "on" and "off" maintenance" as a Council asset, by the Engineering Delegate, Development and Regulatory Services; and</p> <p>(d) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when works within the road reserve are required by earlier conditions. The condition is imposed so as to ensure that the required works are carried out in accordance with this approval and relevant standards. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p> <p>Prior to undertaking the works</p>
<p><b>54)</b> Construct a paved footpath along the full length of the site frontage(s).</p> <p>(a) Construct a concrete footpath along the full length of the frontage of the site to Ferry Rd in accordance with Council's "Subdivision and Development Guidelines". The design of the footpath works is to include any permanent safety signs, markings and devices (if required).</p> <p>(b) Construct the works to a standard that will be satisfactory to be accepted "on" and "off" maintenance" as a Council asset, by the Engineering Delegate, Development and Regulatory Services; and</p> <p>(c) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b>  <i>This condition requires works to be undertaken in the road reserve. The intention of the condition is to ensure that the adjoining footpaths are designed and constructed to a standard suited to the demands created by the approved development. For advise regarding alignment and levels of the proposed works and any other enquires about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>

<p><b>55)</b> Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drainlines) that may occur during any works carried in association with the approved development.</p> <p><b>GUIDELINE</b>  <i>The intention of this condition is to ensure that any works undertaken as part of the approved development do not damage Council assets or leave Council assets in an unacceptable and unsightly manner. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>
<p><b>56)</b> Be responsible for internal (on-site) collection of refuse and recyclables from the development.</p> <ul style="list-style-type: none"> <li>(a) Enter into an agreement with Council's City Waste Services to provide a bulk bin collection service to the development;</li> <li>(b) The applicant/owner must indemnify Council and its agents in respect of any damage to the pavement and other driving surfaces;</li> <li>(c) The applicant/owner shall notify future owners/body corporate that the development has been approved on the basis that an indemnity is provided for refuse collection vehicles to enter the property;</li> <li>(d) Forward a copy of the written indemnity agreement with City Waste Services to the Engineering Delegate, Development and Regulatory Services;</li> <li>(e) Forward a copy of the written undertaking required to advise future owners/body corporate to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that adequate arrangements are made for the collection of refuse and recyclables from the approved development. For any enquiries about this condition, please contact the Co-Ordinator of City Waste Contract Services, pH: 3403 8612 or 3403 8613).</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to the commencement of the use &amp; then to be maintained</p> <p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>57)</b> Provide a water service with approved Council meter assembly and meter box to the boundary of the development in accordance with Council's "Water and Sewerage Reticulation Standards".</p> <ul style="list-style-type: none"> <li>(a) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's "Water and Sewerage Reticulation Standards" showing service and meter works. (The size of the service shall be determined by the water supply requirement of the proposed development.). Obtain the approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;</li> <li>(b) Pay to Council the cost of live connection to the water main;</li> <li>(c) Such construction is to be to a standard that is satisfactory to be accepted on and off maintenance.</li> <li>(d) If the meters are purchased other than from Council, pay to Council a documentation fee for each water service provided.  If the meters are purchased from Council, forward a copy of the receipt of purchase to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to supply a water service and a meter to a development/Community Title development. The meter should be accessible to BCC employees or agents for the purpose of reading and maintaining the meter. The meter will become and remain property of the BCC. If a water service and meter have been constructed in Stage B, then this condition is not required for Stage A. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to undertaking the works</p> <p>Prior to the commencement of the use</p> <p>Prior to the commencement of the use</p>

- 58) Provide a sewer property connection to serve the development designed and constructed in accordance with approved engineering plans and Council's "Water and Sewerage Reticulation Standards". NB. The size of the connection shall be determined by the total number of fixture units.
- (a) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's "Water and Sewerage Reticulation Standards" showing the design the works. Obtain the approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;
  - (b) Pay to Council the cost of live connection to the sewer main;
  - (c) Construct the works in accordance with the approved engineering plans to a standard that will be satisfactory to be accepted "on" and "off" maintenance as a Council asset, by the Engineering Delegate, Development and Regulatory Services;
  - (d) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer Queensland (RPEQ) (to a standard specified in Council's "Water and Sewerage Reticulation Standards") certifying that the works have been completed in accordance the approved design and any approved modifications.

### Prior to undertaking the works

Prior to the commencement of the use

Prior to the commencement of  
the use

### GUIDELINE

**GUIDELINE**  
This condition is imposed to provide a separate new sewerage connection to the development. If a sewer connection has been constructed for Stage B, then this condition is not required for Stage A. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.

Section to Which These Conditions  
Relate:

## 2. Material Change Of Use (Development Permit)

Section Name:

### Stage B Multi Unit Dwelling ( 57 Units)

#### GENERAL/PLANNING REQUIREMENTS

		TIMING
59)	<p>Provide a copy of the Brisbane City Council approval package including the development approval conditions, approved plans of layout as amended in red and the decision notice to the Building Certifier as supporting information for the subsequent application for a Development Permit for the Carrying out Building Works.</p> <p><b>GUIDELINE</b> <i>This condition is imposed to ensure the development is constructed in accordance with the Development Permit issued by the Brisbane City Council.</i></p>	Prior to lodging a development permit for building works
60)	<p>Carry out the approved development generally in accordance with the approved document (s) and/or drawing(s)</p> <p><b>GUIDELINE</b> <i>This condition refers to the approved plans, drawings and documents to which the approval relates and is the primary means of defining the extent of the approval. Approved plans, drawings and documents are stamped PLANS and DOCUMENTS referred to in the APPROVAL and are dated to reflect the date of approval of the application by Council's Delegate.</i></p>	While development is occurring on site and then to be maintained
61)	<p>Complete all building work associated with this development approval, including work required by any of the following conditions. Such building work is to be carried out generally in accordance with the approved plans, drawing(s) and/or documents and, where the building work is assessable development, in accordance with a current development permit.</p> <p><b>GUIDELINE</b> <i>This condition is imposed to ensure all building work associated with the use are in place before the use commences. It is not appropriate that the site be used without such work being completed. Please note that the work referred to in this condition involves operational work and may therefore constitute 'assessable development'. The Council informs you there fore that this condition does not authorise assessable development to occur and a development permit may therefore be necessary. Please refer to the Council's information sheets. For any enquiries about this condition, please contact the Assessment Manager.</i></p>	Prior to the commencement of the use
62)	<p>Complete all operational work associated with this development approval, including work required by any of the following conditions. Such operational work is to be carried out generally in accordance with the approved plans, drawing(s), and/or documents or, if requiring a further approval from the Council, in accordance with the relevant approval(s).</p> <p><b>GUIDELINE</b> <i>This condition is imposed to ensure all operational works associated with the use are completed before the use commences. It is not appropriate that the site be used without such work being completed in accordance with any detailed design approvals. Please note that the work referred to in this condition involves operational work and may therefore constitute 'assessable development'. The Council informs you there fore that this condition does not authorise assessable development to occur and a development permit may therefore be necessary. Please refer to the Council's information sheets. For any enquiries about this condition, please contact the Assessment Manager.</i></p>	Prior to the commencement of the use

Address of Property: 28 FERRY RD, WEST END QLD 4101

Council File Reference: DRS/USE/H05-930691

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<p><b>63)</b> Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawing(s) and/or documents, and any relevant Council engineering or other approval required by the conditions.</p> <p><b>GUIDELINE</b>  <i>This condition restricts changes that can be made to the approved development. Approved plans and documents are stamped PLANS and DOCUMENTS referred to in the APPROVAL and are dated to reflect the date of determination of the application by the Council's delegate. The extent to which plans can be modified is constrained by the definition of 'minor change' in schedule 10 and the requirements of section 3.5.24 of the "Integrated Planning Act 1997". It will be necessary to make a new application if the change is not a minor change. For any enquires about this condition, please contact the Assessment Manager.</i></p>	<p>To be maintained</p>
<p><b>64)</b> A legible copy of the approved drawings and documents bearing "Council Approval" and the Development Approval Conditions package is to be available on site at all times during construction and earthworks.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure compliance with the development conditions of approval. The copy of the conditions and plans should be located in any site management office or with the site foreman. Any copies of conditions or plans that are illegible shall be deemed to be non compliance with this condition of approval.</i></p>	<p>As indicated</p>
<p>All aspects of development as outlined within this section, to which the conditions relate in the "Development Approval Package" are to be completed before midnight 29 July 2010.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed pursuant to 3.5.21A(2)(a) of the Integrated Planning Act 1997. The intent of this condition is to specify the particular time assessable development or an aspect of assessable development is to be completed before the development lapses. Any extension of the period stated in the condition is required to be made in accordance with Sections 3.5.22 and 3.5.33 of the Integrated Planning Act.</i></p>	<p>As indicated</p>

66) Prior to issuing Building Approval submit the following plans and details showing the facade treatments and external materials, colours and finishes to the Delegate of Council:

- (a) A building colour scheme showing parts of the building differentiated in colour in accordance with the materials details shown on the approved plan(s) & drawing(s);
- (b) External colours and finishes in accordance with the complementary properties of chromaticity, reflectivity and heat absorbency predominantly found in the locality of the site;
- (c) Notwithstanding the requirements of part (b) of this condition and the notations on the approved plans and drawings, the materials and finishes to the ground floor that form the building frontage and facade to Ferry Road must be high quality pre-finished materials and included with details required to be submitted by this condition;
- (d) The finishes are to include and incorporate a predominance of wall surface over glass surface with a maximum of 40% glass to the frontage of the building to the Ferry Road elevation and to avoid zincalume or white metal sheeting, mirrored glass and other highly reflective materials; and
- (e) The schedule is to be submitted as a sample board including actual paint swatches of the proposed external paint colours and accompanied by coloured elevations and a written tabulation of how particular parts of the building are to be finished.
- (f) Implement the above detailed design treatments based on the approved colour scheme.

As indicated

Prior to lodging a development permit for building works

**GUIDELINE**

*This condition is intended to ensure that the colours and materials used are appropriate for the intended character and image for the area. The requirement for no greater than 40% glass is read to be the appearance of the building inclusive of balustrades. The requirement is intended to avoid a built form and street character that is dominated by glass surfaces, reduces intervisibility between units/public spaces and reduces local affects from reflectivity, glare and heat.*



<p>67) Prior to any works commencing on the site and then to be maintained until completion of the development, erect an "Information Sign" as outlined below:</p> <ul style="list-style-type: none"> <li>(a) A brief description of the development proposed;</li> <li>(b) The sign/ is to list the name, postal and/or email address and a contact telephone number for the following parties (where relevant) that are undertaking work on the site: Developer; Project Coordinator; Architect/Building Designer; Builder; Civil Engineer; Civil Contractor/s; and Landscape Architect;</li> <li>(c) The lettering on the sign is to be at least 25 millimetres in height, be of regular weight and in sentence case;</li> <li>(d) The sign is to be a minimum size of 1,200 millimetres by 900 millimetres;</li> <li>(e) The maximum area of the sign is to be 2.0m<sup>2</sup>;</li> <li>(f) The sign must be placed on or within 1.5 metres of, the road frontage for the land and mounted at least 300 millimetres above ground level;</li> <li>(g) If the land has more than 1 road frontage, the information sign must be places on each road frontage for the land;</li> <li>(h) The sign is to contain no commercial or corporate advertising other than the name, logo or slogan of the parties outlined in part (a) of this condition</li> <li>(i) The sign is to be non illuminated;</li> <li>(j) Both the sign and the supporting structure are to be made of weatherproof material and to be properly maintained at all times; and</li> <li>(k) The sign/s are to be located on the subject property and is to comply with the General Requirements for Signage contained within the Local Laws Policy "Control of Outdoor Advertising" specifically with regard to Traffic Safety, Clearances and Structural Systems.</li> <li>(l) Prior to erection of the sign submit a copy of the wording and the dimensions of the proposed sign to Council.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to provide information regarding the development and project team. Where signage is carried out in accordance with Permitted Advertisement provisions contained within the Local Law Policy "Control of Outdoor Advertising" the display of the sign is exempt from the payment of fees, the need for a licence or the making of an application.</i></p>	<p>As indicated</p>
<p>68) Install and maintain secure bicycle parking and associated support facilities consistent with the approved plans and documents, and generally in accordance with the "Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Code".</p> <p><b>GUIDELINE</b>  <i>This condition is imposed because bicycle parking and associated facilities are required to provide convenient facilities for cyclists and safe storage of bicycles to encourage cycling as an alternative for car commuting and also cater for short term requirements such as couriers bicycle facilities.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

<p>69) Install and maintain a suitable system of lighting, to operate from dusk to dawn, at the entrance lobby and the Ferry Road frontage and to operate 24 hours a day in the car park and storage areas.</p> <p><i>GUIDELINE</i>  <i>This condition is imposed to provide safe access to the major pedestrian access points and through the car park and storage areas.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>70) Install and maintain all of the items identified in the Sustainability Report attached to the Development Approval Package as Report Summary and Water Efficiency Checklist as amended in red and dated 17.03.2006</p> <p><i>GUIDELINE</i>  <i>This condition is imposed to ensure that the development when constructed does not exceed the infrastructure capacity available to the site</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

71) Any Community Management Statement for the site is to contain the following requirements:

As indicated

- (a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those described in part (f) of this condition, other conditions of this package requiring sun-shading devices or similar and those consistent with the relevant "Brisbane City Plan 2000 - Residential Code" and clearly depicted on the approved drawings.
- (b) The communal open space areas, swimming pool, pool surrounding, recreation area, internal footpaths/pedestrian circulation routes, buffer landscaping, lobby, clothes drying areas, storage area and bin storage area as shown on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit.
- (c) Provision on site for a total of **9 visitor parking spaces**, including **1 accessible space**, in the ground floor and basement parking level. The visitor parking spaces, driveway, basement circulation driveway and car/vehicle turning area indicated on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit and shall be available for use by all bona-fide visitors, guests or invitees of the sites tenants.
- (d) Provision of a maximum of 47 resident/tenants parking spaces.
- (e) Screening for any externally mounted airconditioning or mechanical plant installations in accordance with the following requirements:
  - i) No unscreened installations on the proposed development are to be visible from the surrounding sites; and
  - ii) Any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located.
- (f) External sun control devices to all western facing balconies, such devices shall meet the following requirements:
  - (i) The devices are not to be fixed and are to be fully retractable;
  - (ii) The devices are to be constructed from materials complimentary to those of the building; and
  - (iii) Where it is proposed to alter and or replace these fittings, details are to be submitted to the council delegate for approval.
- (g) Inverter air conditioning and/or mechanical ventilation must be provided and maintained to all sleeping and living areas of residential dwellings affected by road traffic, mechanical plant, amplified entertainment and industrial noise where noise attenuation measures assumes windows and doors to be closed to achieve designed noise levels;
- (h) Use of the pool pump and pool filter are to comply with the following:
  - i) Noise levels for the pool filter and pump are to comply with the Environmental Protection Authority noise levels as stated in Section 6Y(1) of the Environmental Protection Regulation 1998 as amended from time to time.
  - ii) The pool filter and pump are to be used only between the hours of 09:00 to 19:00 hours seven days a week.
  - iii) The use of the pool, and pool surrounds are to be used only between the hours of 06:00 to 22:00 hours seven days a week.
- (i) All sealed traffic areas must be cleaned as necessary to prevent emissions of particulate matter.
- (j) The storage areas indicated on the plans are only to be used for that purpose and not for any other use.
- (k) No temporary or permanent structure(s) for the purposes of shading, storage or the like are to be installed on the roof top where such structures will exceed the maximum height limit of RL 31.10 metres.
- (l) No gates, roller-doors or other barriers are to be installed at the entrance points to the site preventing unfettered access to the designated visitor car parking spaces.
- (m) A directional visitor parking sign at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site;
- (n) Incorporate and maintain the components identified in the Sustainability Report attached to the Development Approval Package as Report Summary and Water efficiency Checklist as amended in Red and dated 17.03.2006.
- (o) Any metal grills, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance;
- (p) Where the Community Management Scheme is intended to be developed progressively, include within the scheme an explanation of the proposed future allocations over the site including the stages in which these allocation are to be made.

**GUIDELINE**

*This condition is imposed to ensure the ongoing operation, appearance and maintenance of the development under a Community Management Statement is in accordance with the development permit and the approved plans and documents. For any enquiries about this condition, please contact the Assessment Manager.*

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<p><b>72)</b> Demolish all the existing buildings and structures on the site and ensure:</p> <ul style="list-style-type: none"> <li>(a) All water supply and sewerage services to the site are capped, as necessary; and</li> <li>(b) Where building work for the erection of the new buildings has not commenced within 30 calendar days of demolition, carry out stabilisation works on the site such as grass seeding or turf, to minimise any dust or silt runoff from the site.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that all structures are removed or relocated appropriately to ensure that no future legacy remains for the ultimate property owners. It should also be noted that the removal of structures includes the removal of all existing concrete slabs and foundations and footings of any removed structures.</i></p>	<p>As indicated</p>
<p><b>73)</b> Provide a written statement from a person who is qualified in using a recognised energy rating system, such as BERS (Brisbane Energy Rating System), NatHERS or other recognised system, that the building(s) comply with the "Brisbane City Plan 2000 - Energy Efficiency Code".</p> <p><b>GUIDELINE</b>  <i>This condition is imposed on all building work for offices, hotels and shops with a GFA over 2500m<sup>2</sup> and for all new residential buildings except a house.</i></p>	<p>Prior to lodging a development permit for building works</p>
<p><b>74)</b> Submit to the Delegate, Development Assessment documentary evidence that:</p> <ul style="list-style-type: none"> <li>(a) The level of light reflectivity from the approved development will not exceed 20 percent; and</li> <li>(b) The level of solar (heat) reflectivity from the approved development will not exceed 20 percent.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to protect the amenity and appearance of the surrounding area from adverse impacts such as heat transmission and light reflectivity arising from the use of excessively reflective glass in building facades.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

<p>75) The overall height of the proposed building(s) is to be in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(a) The building certifier is to provide documentation that the building plans and construction drawings are in accordance with the heights identified on the approved plans and in part (b) of this condition;</li> <li>(b) Construct the floor levels in accordance with the floor levels on the approved plans noted below and with finished levels complying with the following requirements: <ul style="list-style-type: none"> <li>i. finished floor level at ground level Entry not to exceed RL 5.90 metres as shown on drwg No DD A02 D and dated 15.03.2006; and</li> <li>ii. overall height of the finished roof level of the buildings (inclusive of services, plant rooms and any other structure) not to exceed RL 32.10 metres and RL31.00 metres as shown on Drwg No DD A05 Rev D and dated 15.03.2006; and</li> <li>iii. roof shape and form to be in accordance with the approved elevations.</li> </ul> </li> <li>(c) Prior to further construction and at the time the levels are constructed, submit to the Senior Town Planner, Development Assessment Team certification from a licensed surveyor that the as constructed basement levels and ground level have been constructed in accordance with the heights indicated in part (b) of this condition; and</li> <li>(d) Submit certification from a licensed surveyor that the as constructed floor levels are in accordance with part (b) of this condition and that the maximum overall height of the buildings do not exceed RL 32.10 metres and RL 31.00 metres at any point. This information is to be submitted to the Senior Town Planner, Development Assessment Team.</li> <li>(e) At no time are there to be either temporarily or permanently erected or installed, structure(s) for the purposes of shading, storage or the like on the roof top where such structures will exceed the maximum height limit of RL 32.10 metres.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure the floor levels and maximum overall height of the proposed building is in accordance with the development approval. For any enquiries about this condition, please contact the Architect, Development Assessment Team South.</i></p>	<p>As indicated</p> <p>Prior to site works/building works commencing</p> <p>While site/operational works/building works is occurring</p> <p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>
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# **MONETARY CONTRIBUTIONS & SECURITIES**

	TIMING						
<p>76) Pay to Council a monetary contribution towards the cost of sewerage headworks, as outlined below, <b>at the rate prevailing when the contribution is paid</b>. <i>This payment must be made prior to the permanent sewer connection being made to the site.</i></p> <p>The contribution is calculated on 43.40 ETs (Equivalent Tenement) at the current rate of \$5,448.00 per ET, for Sewerage Scheme Charge Area - S1, HOCK1. A credit for the existing use on the site has been included in this calculation.</p> <p>The amount payable is currently assessed at \$236,443.00 and comprises of the following :</p> <table border="1"> <tr> <td>• Treatment Headworks component:</td><td>\$30,163.00</td></tr> <tr> <td>• System Headworks component:</td><td>\$206,280.00</td></tr> <tr> <td>• Total contribution:</td><td>\$236,443.00</td></tr> </table> <p>This headwork charge is the <b>current rate for the 2005/2006 financial year</b>.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to require the payment of a proportional contribution towards a satisfactory sewerage treatment system within the locality of the site. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	• Treatment Headworks component:	\$30,163.00	• System Headworks component:	\$206,280.00	• Total contribution:	\$236,443.00	<p>Prior to the permanent water/sewer connection being made to the site or prior to endorsement of a community management statement, whichever is sooner</p>
• Treatment Headworks component:	\$30,163.00						
• System Headworks component:	\$206,280.00						
• Total contribution:	\$236,443.00						
<p>77) Pay to Council a monetary contribution towards the cost of water supply headworks, as outlined below, <b>at the rate prevailing when the contribution is paid</b>. <i>This payment must be made prior to the permanent water connection being made to the site.</i></p> <p>The contribution is calculated on 38.66 ETs (Equivalent Tenement) at the current rate of \$6,595.00 per ET, for Water System Infrastructure Charges Plan Area - Tarragindi, W12. A credit for the existing use on the site has been included in this calculation.</p> <p>The amount payable is currently assessed at \$254,963.00 and comprises of the following:</p> <table border="1"> <tr> <td>• Treatment Headworks component:</td><td>\$33,557.00</td></tr> <tr> <td>• Distribution Head works component:</td><td>\$221,406.00</td></tr> <tr> <td>• Total contribution:</td><td>\$254,963.00</td></tr> </table> <p>This headwork charge is the <b>current rate for the 2005/2006 financial year</b>.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to require the payment of a proportional contribution towards a satisfactory water supply treatment system to the site. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	• Treatment Headworks component:	\$33,557.00	• Distribution Head works component:	\$221,406.00	• Total contribution:	\$254,963.00	<p>Prior to the permanent water/sewer connection being made to the site or prior to endorsement of a community management statement, whichever is sooner</p>
• Treatment Headworks component:	\$33,557.00						
• Distribution Head works component:	\$221,406.00						
• Total contribution:	\$254,963.00						

<p><b>78) Riverside South Infrastructure Charge - Waterways.</b></p> <p>Pay to Council a monetary contribution towards waterways infrastructure at the rate of 1941 infrastructure charge units per dwelling unit. For 57 dwelling units, the total contribution payable is 110,637 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$143,828.00.</p> <p><b>GUIDELINE</b>  <i>The cost of any waterways infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution. If the draft Infrastructure Charges Plan is amended and the applicable charge is reduced prior to payment, the lower charge will be applied.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>
<p><b>79) Riverside South Infrastructure Charge - Transport.</b></p> <p>Pay to Council a monetary contribution towards transport infrastructure at the rate of 3998 infrastructure charge units per dwelling unit. For 57 dwelling units, the total contribution payable is 227,886 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$296,252.00.</p> <p><b>GUIDELINE</b>  <i>The cost of any transport infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution. If the draft Infrastructure Charges Plan is amended and the applicable charge rate is reduced prior to payment, the lower charge will be applied.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>
<p><b>80) Riverside South Infrastructure Charge - Community Purposes.</b></p> <p>Pay to Council a monetary contribution towards community purposes infrastructure at the rate of 1,109 infrastructure charges units per dwelling unit. For 57 dwelling units, the total contribution payable is 63,213 infrastructure charge units, multiplied by the conversion rate applicable at the time of payment.</p> <p>In the 2005/2006 financial year, an infrastructure charge unit is valued at \$1.30. Therefore, the charge payable in this financial year is \$82,177.00.</p> <p><b>GUIDELINE</b>  <i>The cost of any community purposes infrastructure included in the total value of infrastructure in the draft West End Riverside Infrastructure Charges Plan and constructed as part of this approval, may be offset against this contribution.</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>



# ARCHITECTURE

	TIMING
<p><b>81)</b> Balconies and terraces are to be treated and maintained in accordance with the following requirements:</p> <p>(a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those consistent with the relevant <i>"Brisbane City Plan 2000 - Residential Code"</i> and clearly depicted on the approved drawings.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to minimise bulk and protect the appearance of the development within the area. For any enquiries about this condition, please contact the Assessment Manager, Development Assessment.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>82)</b> Construct external pedestrian circulation walkways from the street frontage entry to each front door of the development in accordance with AS 1428.1, Parts 1 - 4 <i>Australian Standard for Access and Mobility</i> with particular regard to:</p> <ul style="list-style-type: none"> <li>i. Ramping requirements (including gradients and slip resistance);</li> <li>ii. Handrail requirements;</li> <li>iii. Visual impairment requirements for changes in gradient; and</li> <li>iv. Tactile tiling in a visually contrasting colour to both sides of the driveway crossover.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure external access areas are appropriately designed and constructed for all users. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>83)</b> Provide materials and finishes to the driveway and external carparking surfaces which soften the visual impact of these areas when viewed from the street. In order to achieve one or a combination of the following is to be used:</p> <ul style="list-style-type: none"> <li>i. Coloured aggregate with banding and patterns in the surface design; or</li> <li>ii. Cement pavers with banding and patterns in the surface design; and</li> <li>iii. Provide a pedestrian prioritised pathway from the street frontage to the front door of each unit. The pathway is to be differentiated in colour and texture from the driveway surface.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that driveways and vehicle movement surfaces are appropriately coloured and textured so as not to visually detract from the surrounding residential area, and to ensure appropriate residential address to the rear units when accessed by pedestrians. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

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<p><b>84) Provide screening for any externally mounted airconditioning or mechanical plant installations in accordance with the following requirements:</b></p> <ul style="list-style-type: none"> <li>i. No unscreened installations on the proposed development are to be visible from the surrounding sites; and</li> <li>ii. Any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure appropriate visual outcomes in relation to mechanical plant areas. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>85) Provide External sun control devices to all western facing balconies and windows, such devices shall meet the following requirements:</b></p> <ul style="list-style-type: none"> <li>(i) The devices are not to be fixed and are to be fully retractable;</li> <li>(ii) are to have a maximum opening of 30 mm between slats</li> <li>(ii) The devices are to be constructed from materials complimentary to those of the building; and</li> <li>(iv) Where it is proposed to alter and or replace these fittings, details are to be submitted to the council delegate for approval.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure an appropriate level of climatic control to provide a comfortable internal living environment. For any enquiries about this condition, please contact the Development Assessment Team Architect.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

LANDSCAPE & OPEN SPACE	<b>TIMING</b>
<p><b>86) Construct landscaping in accordance with the approved plans, relevant City Plan Codes and best trade practice.</b></p> <p>(a) Construct landscaping in accordance with the approved Operational Works Landscape Plan and Planting Plan; the relevant City Plan Codes; and best trade practice and the following conditions of approval:</p> <ul style="list-style-type: none"> <li>● Provide rootbarrier to manufacturer's recommendations to all garden beds bordering hardpave or adjacent to neighbouring properties where Bamboo sp. is proposed;</li> <li>● replace the trees as noted on the amended plans with WATERHOUSIA floribunda sp. or as agreed with Landscape Architect Development Assessment South;</li> <li>● All tree planting is to be situated a minimum 1m from adjacent property boundaries;</li> <li>● Provide recreational facilities, such as BBQ's, seating and shelter, to the Ground Level deep planting area at rear;</li> <li>● Provision of at least one hosecock to each garden area, and a reticulated irrigation system to all common landscape areas. Podium planters to be supplied with reticulated irrigation system, and drainage is to be connected to stormwater system.</li> </ul> <p>On completion provide written certification from:</p> <ul style="list-style-type: none"> <li>● A qualified and experienced Landscape Architect/Designer that the landscaping complies with the design requirements of the Codes; and</li> <li>● A licensed and experienced Landscape Contractor that the completed landscaping complies with the design specifications, Council Standards, conditions of approval and best trade practice.</li> </ul> <p>(b) Submit to the Landscape Architect, Development Assessment, a copy of any changes to the design drawings together with the completed Compliance Certificate-Landscaping.</p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>  <p>Prior to the commencement of the use</p>
<p><b>GUIDELINE</b> This condition is imposed when a detailed Landscape Plan has been approved as part of the High Level approval package. Changes to the approved drawings may arise as a result of more detailed building or engineering design, or changes implemented by Council as a result of Operational Works applications for other aspects of the development. Compliance Certificate (Form # CC2057) is available from any of the Regional Business Centres or the Brisbane Administration Centre, or contact the Landscape Architect, Development Assessment.</p>	

		TIMING
87)	<p>Use of the pool pump and pool filter are to comply with the following:</p> <p>i) Noise levels for the pool filter and pump are to comply with the Environmental Protection Authority noise levels as stated in Section 6Y(1) of the Environmental Protection Regulation 1998 as amended from time to time.</p> <p>ii) The pool filter and pump are to be used only between the hours of 09:00 to 19:00 hours seven days a week.</p> <p>iii) The use of the pool, and pool surrounds are to be used only between the hours of 06:00 to 22:00 hours seven days a week.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the operation of the pool pump and filter to not adversely impact on amenity of residents within or adjacent to the development site</i></p>	<p>Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner</p>

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<p>88) Air conditioning or mechanical ventilation must be provided to all noise affected rooms as determined in the approved acoustic report.</p>	<p>Prior to the commencement of the use</p>
<p>89) Submit to the Pollution Officer, Development Assessment South, Development and Regulatory Services, certification from an independent and appropriately qualified acoustic consultant which demonstrates that necessary acoustic treatments <b>detailed in the Environmental Noise Level Study prepared by David Moore and Associates Pty Ltd Report No R05166/D1407/Rev.0/ and dated 30.9.2005</b> has been incorporated into the design of the proposed multi-unit dwellings to achieve the relevant maximum recommended design sound level specified in Australian Standard AS2107, "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors".</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed to ensure that the internal acoustic amenity of future residents achieves the requirement of Australian Standard 2107. For further information please refer to Environmental Noise Level Study prepared by David Moore and Associates Pty Ltd Report No R05166/D1407/Rev.0/ and dated 30.9.2005.</i></p>	<p>Prior to the commencement of the use</p>
<p>90) Any Acid Sulfate Soils encountered during site works must be stored, handled and treated in accordance with <i>State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils</i> and associated guidelines and technical documents.</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed on the development approval to ensure that during construction any Acid Sulfate Soils encountered are handled and treated appropriately to prevent off-site environmental and on-site structural impacts. For further information please refer to the State Planning Policy 2/02.</i></p>	<p>While site works (eg. operational works, building works) are occurring and until exposed soil areas are permanently stabilised (eg. turfed, concreted)</p>
<p>91) i) All stormwater runoff from carparks, driveways, hardstand areas, loading areas etc from the site must be treated by stormwater quality best management practices before discharge to the stormwater system. Strategies may involve discharge to grass swales, landscaping, infiltration trenches, mini-wetlands or in-ground proprietary stormwater quality improvement devices. These practices must adequately remove key pollutants of concern. The stormwater quality best management practices utilised on the site must provide, as a minimum, for the following:</p> <ul style="list-style-type: none"> <li>• Q 3 month flow;</li> <li>• capture of sediment/suspended solids to meet best practice discharge guidelines (80% of coarse sediment 5mm diameter or less, and 50% of fine sediment 0.1mm diameter or less);</li> <li>• capture of litter; and</li> <li>• no visible discharges of hydrocarbons eg oils, greases.</li> </ul> <p>ii) Submit certification from an appropriately qualified person that stormwater quality best management practices as specified above has been provided on site.</p> <p><b>GUIDELINE</b>  <i>All stormwater runoff from this site as detailed in this condition is to be treated prior to discharge to ensure compliance with Brisbane City Council Water Quality Objectives.</i></p>	<p>Prior to the commencement of the use</p>

<p>92) Pool water releases including filter backwash, drainage and overflow shall be treated and disposed in accordance with the Brisbane City Council Subdivision and Development Guidelines - Part C Water Quality Management Guidelines.</p> <p><b>GUIDELINE</b>  <i>This conditions is imposed where water quality may be affected as a result of the development.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
<p>93) Construct a car wash bay for the washing of vehicles. The car wash bay shall be provided with a tap, paved with an impervious material, graded and drained to sewer in accordance with a hydraulics plan approved by the Principle Officer Plumbing, Development &amp; Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition has been imposed to ensure that a facility is provided for car washing which prevents this activity from being conducted in an area where contaminated water runoff can impact on receiving waters.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>

## ENGINEERING

	TIMING
<p>94) Minimise on-site erosion and the release of sediment or sediment-laden stormwater from the site at all times through compliance with an approved Erosion and Sediment Control (ESC) Program for the site.</p> <ul style="list-style-type: none"> <li>(a) Submit an Erosion and Sediment Control (ESC) Program which complies with Council's Erosion and Sediment Control Standard (Version 9 or later), and receive approval from the Engineering Delegate, Development Assessment, prior to the commencement of land-disturbing activities;</li> <li>(b) Implement and modify as necessary the approved ESC Program to maintain compliance with the Erosion and Sediment Control Standard (Version 9 or later) at all times during the period from when land-disturbing activities begin to when responsibility for the site no longer lies with the applicant.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed where the land-disturbing development (as defined in the current version of Council's Erosion and Sediment Control Standard) involves site works that could lead to significant erosion and loss of sediment from the site. The ESC Program must be prepared in accordance with Council's Erosion and Sediment Control Standard (Version 9 or later), and may include detailed plans, descriptions of control measures, monitoring programs and maintenance procedures. Please note that the work referred to in this condition involves operational work and therefore requires an operational works application to be submitted. Relevant guidelines to assist in the preparation of ESC Programs include the: "Soil Erosion and Sediment Control - Engineering Guidelines for Queensland Construction Sites" The Institute of Engineers, Australia (Qld), 1996 (or later version); "Sediment Basin Design Guidelines", Brisbane City Council, February 2000 (or later version); and "Best Practice Guidelines for the Control of Stormwater Pollution from Building Sites" and accompanying fact sheets, Brisbane City Council and Gold Coast City Council, 2000 (or later version). NB. The ESC Program may form part of a Site Based Stormwater Management Plan (that addresses short and long-term stormwater management from a quality and quantity perspective) or an Environmental Management Plan (EMP). For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to site works commencing (ie. any land-disturbing development)</p> <p>While site works (eg. operational works, building works) are occurring and until exposed soil areas are permanently stabilised (eg. turfed, concreted)</p>



<p>96) Submit and receive approval by the Engineering Delegate, Development and Regulatory Services for the following details of the construction phase of the approved development :</p> <ul style="list-style-type: none"> <li>(a) How materials are to be loaded/unloaded;</li> <li>(b) The location of materials, structures, plant and equipment to be stored or placed on the construction site;</li> <li>(c) Anticipated programming; and</li> <li>(d) Hours of construction.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed when the construction activities need to be limited to manage the impact on the surrounding area. This condition is intended to apply throughout the period of site preparation to the completion of the development.</i></p>	<p>Prior to site works commencing</p>
<p>97) Grant the following easement(s):</p> <ul style="list-style-type: none"> <li>(a) Easements for underground drainage, overland flow, open cut, and access purposes as may be required, in favour of Brisbane City Council;</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to provide access, maintenance of services and to protect drainage paths if required. Easements in favour of the Brisbane City Council are required to have the necessary easement documentation prepared (free of costs and compensation to Council) by the Brisbane City council. Easements not in favour of the Brisbane City Council are required to have the necessary documentation prepared by the applicant's private solicitors. Easements are to be shown on a Survey Plan and lodged with the Delegate Plan Sealing, Licensing Sealing and Certificates Unit. Enquiries regarding any legal documentation can be directed to Licensing, Sealing and Certificates Unit, Development and Regulatory Services (pH 3403 9050). For any other enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>
<p>98) Any retaining walls greater than 1.0 metre in height are required to be structurally certified for design and construction by a Registered Professional Engineer Queensland (RPEQ). The certification is to include the stormwater drainage (surface and seepage water) associated with the wall ensuring that the water is directed to an acceptable lawful and legal point of discharge and does not cause any ponding, nuisance or disturbance to adjacent property owners. All retaining walls are to comply with the City Plan Filling and Excavation Code.</p> <p><b>GUIDELINE</b>  <i>This condition is intended to ensure that retaining walls associated with the development that are higher than 1 metre, are designed and constructed to industry standards and also, to ensure that no adverse impact is created by the structures on the surrounding properties. The retaining wall designer should note that timber retaining walls facing onto Council property (including the road reserve) will not be permitted. Retaining walls facing onto road reserve or parkland are to be contained entirely within the proposed development site, including the retaining wall's footings. Where retaining walls are proposed to be constructed between adjoining properties, it is also suggested that the use of timber sleeper retaining walls be restricted due to their limited life and the potential problems they may cause to future property owners. Where the combined height of the retaining wall and fence exceeds 2.0 metres, a Development Permit for Building Work will need to be granted. For any enquires about this condition please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>

99) Dedicate as road the following requirements:

- (a) A 5 metre widening along the Ferry Rd frontage of the site;
- (b) The area shown as new road on the approved drawings and documents;

**GUIDELINE**

*This condition is imposed on development sites where new roads are required and/or where safety and capacity of existing and new roads are to be maintained. This requirement will necessitate the preparation of survey plan. A copy of the survey plan together with a written request for the preparation of legal documentation is to be lodged with the Delegate Plan Sealing, Licensing, Sealing and Certificates Unit. Enquiries regarding any legal documentation can be directed to Licensing, Sealing and Certificates Unit, Development and Regulatory Services (pH: 3403 9050). For any other enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.*

Prior to the commencement of the use or prior to endorsement of a community management statement, whichever is sooner



<p><b>100) Construct and delineate or sign (as required) the following requirements as indicated on the approved plan(s) of layout:</b></p> <ul style="list-style-type: none"> <li>(a) Construct a pavement of minimum Type A standard and surface with an impervious material (including associated drainage) to the area on which motor vehicles will be driven and/or parked. [Construction of such pavement is to be certified by a Registered Professional Engineer of Queensland (RPEQ)];</li> <li>(b) The driveways at grades shown on the approved plans and documents (or if not shown at grades not greater than those set out in <i>"Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Planning Policy"</i>);</li> <li>(c) Manoeuvring on site for a Refuse Collection Vehicle and for the loading and unloading of the vehicle(s);</li> <li>(d) Parking on the site for 90 cars and for the loading and unloading of vehicles within the site;</li> <li>(e) 15 of the above parking spaces are to be provided for visitors;</li> <li>(f) A minimum 2.3 metres height clearance to all undercover car parking areas (Note, The minimum clear height shall be measured to the lowest appurtenance on the ceiling - ie. fire sprinklers, services, lighting fixtures, signs etc.);</li> <li>(g) A height clearance sign located at the entrance(s) to undercover car parking areas;</li> <li>(h) A directional visitor parking sign at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site;</li> <li>(i) An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site;</li> <li>(j) The internal paved areas are to be signed and delineated in accordance with the approved plans, Manual of Uniform Traffic Control Devices and Austroads.</li> <li>(k) No gates, roller-doors or other barriers are to be installed at the entrance points to the site preventing unfettered access to the designated visitor car parking spaces.</li> <li>(l) The storage areas indicated on the plans are only to be used for that purpose and not for any other use.</li> </ul> <p><b>GUIDELINE</b>  <i>The "Brisbane City Plan 2000 - Transport, Access, Parking and Servicing Planning Policy" requires adequate on-site provision of parking, servicing and manoeuvring areas. This condition specifies detailed design requirements as indicated on the approved drawings and documents to which the approval relates.</i></p>	<p>Prior to the commencement of the use &amp; then to be maintained</p>
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<p><b>101)</b> Run-off from roof and developed surface areas of the site, and any run-off onto the site from adjacent areas, are to be collected internally and directed to a lawful point of discharge in accordance with Council's "Subdivision and Development Guidelines".</p> <p>(a) Submit drainage plans and engineering calculations (as a part of the development's Site Based Stormwater Quantity Management Plan) in accordance with Council's "Subdivision and Development Guidelines" showing the design of the drainage of the roof and developed surfaces. Obtain approval from the Engineering Delegate, Development Assessment. Such plans are to show adequate survey information on areas adjoining the site with particular attention to any nuisance or annoyance to adjoining property owners. Please note all constructed stormwater outlets that are proposed to discharge directly to a waterway, shall ensure an appropriate waterway setback, reduction in flow outlet velocity and concentration and, include any supplementary planting works that may be required (refer "Stormwater Outlets in Parks and Waterways", BCC July 2000);</p> <p>(b) Complete the works in accordance with the approved engineering plans and other elements of the development's Site Based Stormwater Management Plan; and</p> <p>(c) Submit "As Constructed" plans approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b> The purpose of this condition is to ensure that stormwater run off from the site and adjacent properties will be handled adequately. Disposal by gravity pipeline is required if practical. Use of pumps for disposal of stormwater may be approved only if the applicant can show evidence to Council of having taken all reasonable steps to obtain written permission from adjacent property owners for construction of a gravity pipeline, and of this being unobtainable. The proposal may include water saving and reuse devices such as rain water tanks provided that the proposal satisfies Council that devices will be satisfactorily maintained by the owners of the property. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</p>	<p>Prior to site works/building works commencing</p> <p>While site/operational works/building works is occurring</p> <p>Prior to the commencement of the use</p>
<p><b>102)</b> Construct external stormwater drainage from the development site, along Ferry Rd to the Brisbane River, as shown on Brisbane City Council Drawing numbers CD-0184351 (W2-2001) Issue A, dated 11/10/2004 and CD-0184351 (W2-2005) Issue A, dated 11/10/2004. These works are to be credited against stormwater infrastructure charges for the application.</p> <p>(a) Submit engineering plans and calculations and obtain approval for the design from the Engineering Delegate, Development Assessment;</p> <p>(b) Complete the works in accordance with the approved engineering plans.</p> <p>(c) Submit "As Constructed" plans including an asset register (if required), approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b> This condition is imposed to ensure that acceptable measures will be incorporated into the development to protect Council's Infrastructure. For any enquiries about this condition please contact Council's Customer Contact Centre on ph. 3403 8888.</p>	<p>Prior to the commencement of the use</p> <p>Prior to lodging a development permit for building works</p>

<p><b>103)</b> Adjoining properties and roads are to be protected from ponding or nuisance from stormwater runoff.</p> <p>(a) Adjoining properties and roads are to be protected from ponding or nuisance from stormwater as a result of the proposed works;</p> <p>(b) Rectify all damage resulting from the ponding of stormwater or nuisance from discharge of stormwater from the site to adjacent properties.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the developer is aware that they are responsible for all remedial works required as a result of any site works and, that they must protect neighbouring properties and roads from ponding and nuisance water from the proposed development. Where this rectification work involved drainage, plans are to be lodged showing the manner in which it is intended to rectify the site drainage. These plans must be approved by the Engineering Delegate. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>While site/operational works/building works is occurring</p>
<p><b>104)</b> Run off from the site and run off concentrated on the site from local catchments for storms up to the 50 year (ARI) flood event and for a 100 year (ARI) flood event for creek and river flooding, is to be managed in accordance with approved drainage plans and Council's "Subdivision and Development Guidelines" so as not to have any adverse effect on neighbouring properties.</p> <p>(a) Design and construct all buildings to have the appropriate freeboard in accordance with the Council's "Subdivision and Development Guidelines" so as not to be flooded during a 50 year (ARI) local flood event or a 100 year (ARI) creek or river flood event whichever is the higher flood level;</p> <p><b>GUIDELINE</b>  <i>This condition is intended to ensure that the design of the subject development accounts for the stormwater run off and/or if stormwater drainage patterns in the vicinity of the site require improvements. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to lodging a development permit for building works</p>
<p><b>105)</b> Provide underground electricity services in accordance with an approved electricity reticulation plan and the Council's "Subdivision and Development Guidelines (Public Utilities Section)". Note: Even though the development may be in an area serviced by overhead electricity, UNDERGROUND supply to the development is now required - no additional poles or overhead mains are to be erected.</p> <p>(a) Lodge electricity reticulation plans showing and the proposed electricity services and obtain approval from the City Lighting Unit, Local Asset Services Central District;</p> <p>(b) Enter into an agreement with an electricity supplier to provide underground electricity services in accordance with the above approved electricity reticulation plans; and</p> <p>(c) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when a proposed development would require the provision of electricity services in accordance with Council's "Guidelines for the Provision of Underground Electricity". Please refer to the Council's information sheet on lodging detailed design applications. For any enquiries about this condition, please contact the City Lighting Unit (pH 3403 0307) regarding electricity reticulation plans or Energex (pH: 131 253) regarding electricity supply.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>

<p><b>106)</b> Provide a public lighting system in accordance with an approved street lighting design plan and Council's "Street Lighting Design Guidelines".</p> <p>(a) Lodge street lighting design plans showing the proposed public lighting system and obtain approval from the City Lighting Unit, Local Asset Services Central District;</p> <p>(b) Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the above approved lighting design plans; and</p> <p>(c) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when a proposed development requires the provision of public lighting facilities in accordance with the "Street Lighting Design Guidelines". Please refer to the Council's information sheet on lodging detailed design applications. For any enquiries about this condition, please contact the City Lighting Unit (pH 3403 0307) regarding electricity reticulation plans or Energex (pH: 131 253) regarding electricity supply.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>
<p><b>107)</b> Supply and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services or installations required in connection with the approved development. This includes the relocation of any fire hydrants and valves from within the limits of the development's vehicular footway crossings if applicable.</p> <p>(a) Complete the works required by this condition;</p> <p>(b) Submit "As Constructed" plans including an asset register (if required), approved by a registered Professional Engineer Queensland (RPEQ) (in accordance with Council's "Subdivision and Development Guidelines" and "Water and Sewerage Reticulation Standards") showing the works required by this condition.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when additions, alterations or extensions to service conduits, mains and other services are required as a result of the approved development. Applicants should liaise with the appropriate service authorities. For any enquiries about this condition, please contact the Engineering Delegate, Development and Regulatory Services (regarding advise on traffic signal conduits, stormwater, water supply and sewerage mains etc.) or the relevant public utility authorities (for advice on other services).</i></p>	<p>Prior to the commencement of the use</p>
<p><b>108)</b> Provide underground telecommunication services to the proposed development.</p> <p>(a) Enter into an agreement with a telecommunication company and provide underground telecommunication services within and adjacent to the proposed development; and</p> <p>(b) Forward a copy of the agreement to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that the provision of essential communication services are provided to the development. For any enquiries about this condition, please contact relevant service carriers regarding communications or Telstra (pH 132 200).</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p>

<p><b>109) Construct a permanent vehicular crossover(s) to the site.</b></p> <p>(a) Construct a 5.5 metre wide type B2 permanent vehicular crossover to the frontage of the site in accordance with Council's "Subdivision and Development Guidelines". Such works may include footpath reconstruction, reprofiling and/or relocation of services.</p> <p>(b) Obtain a permit from Council's Delegate, Development and Regulatory Services, to carry out such works within the road reserve;</p> <p><b>GUIDELINE</b>  <i>This condition requires works to be undertaken in the road reserve. The intention of the condition is to ensure that vehicular access to the site is designed and constructed to a standard suited to the demands created by the approved development. It is advantageous for the Developer to obtain the necessary driveway approvals and permit prior to commencing any site works to ensure the proposed internal site levels will suit the necessary permanent levels of the footway areas adjacent to the site. Generally, the vehicular footway crossings for a site are to have a minimum 1 in 40 crossfall to the kerb and channel for the full width of the footway area. Ramping the driveway up or down to the pad level should occur within the subject site only. This will ensure that driveways do not channel stormwater overflow from the roadway into the subject property and additionally maintain safer pedestrian movement. For enquires regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to site works/building works commencing</p>
<p>) Close all redundant vehicular crossing(s) on the frontage(s) of the site and reinstate the kerb and channel, road pavement, footways and footpaths, in accordance with Council's Standards.</p> <p>(a) Obtain a permit from the Engineering Delegate, Development and Regulatory Services to carry out such works within the road reserve;</p> <p>(b) Construction of such works must be certified by a Registered Professional Engineer-Queensland (RPEQ). A copy of the certification, ensuring the works have been constructed in accordance with Council's Standards, must be forwarded to the Engineering Delegate, Development and Regulatory Services.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when existing crossovers become redundant as a result of the new development. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to site works commencing</p>

<p><b>111) Construct new type E concrete kerb and channel and associated drainage along the Ferry Rd frontage of the site on an approved alignment (taking into account any road widening if required) and Type B road pavement from the lip of the new kerb and channel to the edge of the existing road pavement with any appropriate tapers (the minimum width of road construction/reconstruction is to be 1.2 metres).</b></p> <p>(a) Submit functional layout plans showing the extent of external roadworks. Obtain approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;</p> <p>(b) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's "Subdivision and Development Guidelines" showing the design of the external roadworks including any external signs, traffic signal facilities and permanent traffic safety signs, markings and devices (if required). Obtain approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services.</p> <p>(c) Construct the works in accordance with the approved engineering plans to a standard that will be satisfactory to be accepted "on" and "off" maintenance" as a Council asset, by the Engineering Delegate, Development and Regulatory Services; and</p> <p>(d) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b>  <i>This condition is imposed when works within the road reserve are required by earlier conditions. The condition is imposed so as to ensure that the required works are carried out in accordance with this approval and relevant standards. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to undertaking the works</p> <p>Prior to undertaking the works</p>
<p><b>112) Construct a paved footpath along the full length of the site frontage(s).</b></p> <p>(a) Construct a concrete footpath along the full length of the frontage of the site to Ferry Rd in accordance with Council's "Subdivision and Development Guidelines". The design of the footpath works is to include any permanent safety signs, markings and devices (if required).</p> <p>(b) Construct the works to a standard that will be satisfactory to be accepted "on" and "off" maintenance" as a Council asset, by the Engineering Delegate, Development and Regulatory Services; and</p> <p>(c) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer of Queensland (RPEQ) (to a standard specified in Council's "Subdivision and Development Guidelines") certifying that the works have been completed in accordance with the approved design and any approved modifications.</p> <p><b>GUIDELINE</b>  <i>This condition requires works to be undertaken in the road reserve. The intention of the condition is to ensure that the adjoining footpaths are designed and constructed to a standard suited to the demands created by the approved development. For advise regarding alignment and levels of the proposed works and any other enquires about this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>

<p><b>113)</b> Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drainlines) that may occur during any works carried in association with the approved development.</p> <p><b>GUIDELINE</b>  <i>The intention of this condition is to ensure that any works undertaken as part of the approved development do not damage Council assets or leave Council assets in an unacceptable and unsightly manner. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to the commencement of the use</p>
<p><b>114)</b> Be responsible for internal (on-site) collection of refuse and recyclables from the development.</p> <ul style="list-style-type: none"> <li>(a) Enter into an agreement with Council's City Waste Services to provide a bulk bin collection service to the development;</li> <li>(b) The applicant/owner must indemnify Council and its agents in respect of any damage to the pavement and other driving surfaces;</li> <li>(c) The applicant/owner shall notify future owners/body corporate that the development has been approved on the basis that an indemnity is provided for refuse collection vehicles to enter the property;</li> <li>(d) Forward a copy of the written indemnity agreement with City Waste Services to the Engineering Delegate, Development and Regulatory Services;</li> <li>(e) Forward a copy of the written undertaking required to advise future owners/body corporate to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to ensure that adequate arrangements are made for the collection of refuse and recyclables from the approved development. For any enquiries about this condition, please contact the Co-Ordinator of City Waste Contract Services, pH: 3403 8612 or 3403 8613).</i></p>	<p>Prior to the commencement of the use</p> <p>Prior to the commencement of the use &amp; then to be maintained</p> <p>Prior to the commencement of the use &amp; then to be maintained</p>
<p><b>115)</b> Provide a water service with approved Council meter assembly and meter box to the boundary of the development in accordance with Council's "Water and Sewerage Reticulation Standards".</p> <ul style="list-style-type: none"> <li>(a) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's "Water and Sewerage Reticulation Standards" showing service and meter works. (The size of the service shall be determined by the water supply requirement of the proposed development.). Obtain the approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;</li> <li>(b) Pay to Council the cost of live connection to the water main;</li> <li>(c) Such construction is to be to a standard that is satisfactory to be accepted on and off maintenance.</li> <li>(d) If the meters are purchased other than from Council, pay to Council a documentation fee for each water service provided.          If the meters are purchased from Council, forward a copy of the receipt of purchase to the Engineering Delegate, Development and Regulatory Services.</li> </ul> <p><b>GUIDELINE</b>  <i>This condition is imposed to supply a water service and a meter to a development/Community Title development. The meter should be accessible to BCC employees or agents for the purpose of reading and maintaining the meter. The meter will become and remain property of the BCC. If a water service and meter have been constructed in Stage A, then this condition is not required for Stage B. For enquiries regarding this condition, please contact the Engineering Delegate, Development and Regulatory Services.</i></p>	<p>Prior to undertaking the works</p> <p>Prior to the commencement of the use</p> <p>Prior to the commencement of the use</p>

- 116) Provide a sewer property connection to serve the development designed and constructed in accordance with approved engineering plans and Council's "Water and Sewerage Reticulation Standards". NB. The size of the connection shall be determined by the total number of fixture units.

- (a) Submit engineering plans prepared by a Registered Professional Engineer Queensland (RPEQ), and in accordance with Council's *"Water and Sewerage Reticulation Standards"* showing the design the works. Obtain the approval from the Engineering Delegate, Development Assessment, Development and Regulatory Services;
- (b) Pay to Council the cost of live connection to the sewer main;
- (c) Construct the works in accordance with the approved engineering plans to a standard that will be satisfactory to be accepted "on" and "off" maintenance as a Council asset, by the Engineering Delegate, Development and Regulatory Services;
- (d) Submit "As Constructed" plans including an asset register, approved by a Registered Professional Engineer Queensland (RPEQ) (to a standard specified in Council's *"Water and Sewerage Reticulation Standards"*) certifying that the works have been completed in accordance the approved design and any approved modifications.

Prior to the commencement of  
the use

## GUIDELINE



Section to Which These Conditions  
Relate:

**3. Concurrence Agency (Development Permit)  
Environmental Protection Agency**

Section Name:

**STANDARD ADVICE**

		TIMING
117) Brisbane City Council advise that the Environmental Protection Agency as concurrence agency has imposed the conditions contained in the letter dated 26 May 2006 and these are attached to this approval package.		As indicated



Section to Which These Conditions  
Relate:

#### 4. Standard Advice (Non Development Advice)

Section Name:

#### Advice to the developer

#### GENERAL/PLANNING REQUIREMENTS

	TIMING
118) Disposal, handling, removal and restoration of any building materials containing asbestos to be in accordance with the Workplace Health and Safety Regulations 1989. This advice is given to ensure that potentially harmful and/ or hazardous materials are handled appropriately.	As indicated

#### STANDARD ADVICE

	TIMING
119) All development involving the emission of noise and dust from building/construction activities requires that the emission be in accordance with the requirements of the Environmental Protection Regulation 1998 Part 2A - Environmental Nuisance.  Pursuant to the Environmental Protection Regulation 1998 Part 2A - Environmental Nuisance- <b>6W.</b> A builder or building contractor must not carry out building work on a building site in a way that makes or causes audible noise to be made from the building work- (a) on a Sunday or public holiday, at any time; or (b) on a Saturday or business day, before 6.30 a.m. or after 6.30 p.m.  <b>Please note: The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.</b>	As indicated
120) Ensure that there is equitable access for disabled persons to and within the site in accordance with the Queensland Anti-Discrimination Act 1991, the Federal Disability Discrimination Act 1992 and Australian Standard AS1428 Parts 1-4 Australian Standard for Access and Mobility. You are notified of your responsibility to ensure that access is appropriately designed and constructed for all users as required by relevant legislation and standards. This development approval does not indicate that the proposal complies with these requirements. Determination of compliance with these requirements is the sole responsibility of the owner/builder/developer of the proposal. <b>Please note: The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.</b>	As indicated
121) Brisbane City Council advises that in terms of Brisbane City Plan 2000, the development of a display dwelling for no more than two years, is exempt development. No access to any display dwelling will be permitted from Riverside drive.	As indicated

**122)** The discharge of waste liquids to the sewerage system must be conducted in accordance with the conditions of a Trade Waste Approval.

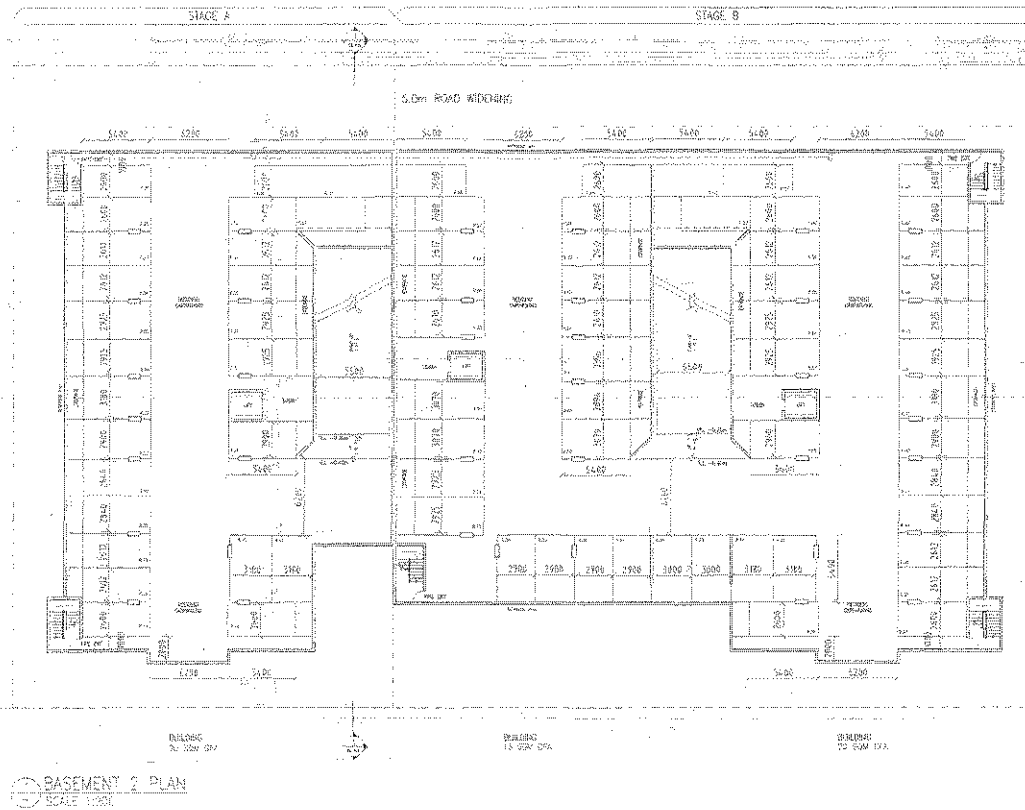
As indicated

Permits can be obtained from Brisbane City Council's Trade Waste Section. For further information on permits please contact the call centre on 3403 8888.

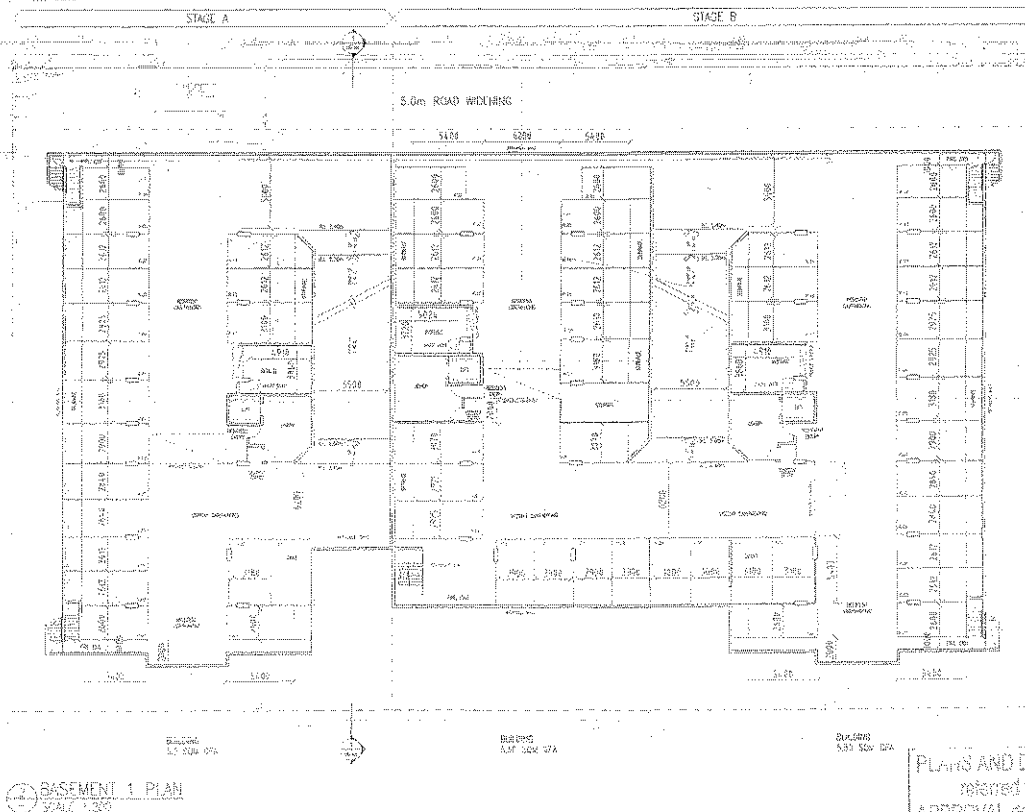
**Please note:** The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.

**\*\* End of Package \*\***

# FERRY ROAD

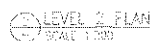


# FERRY ROAD

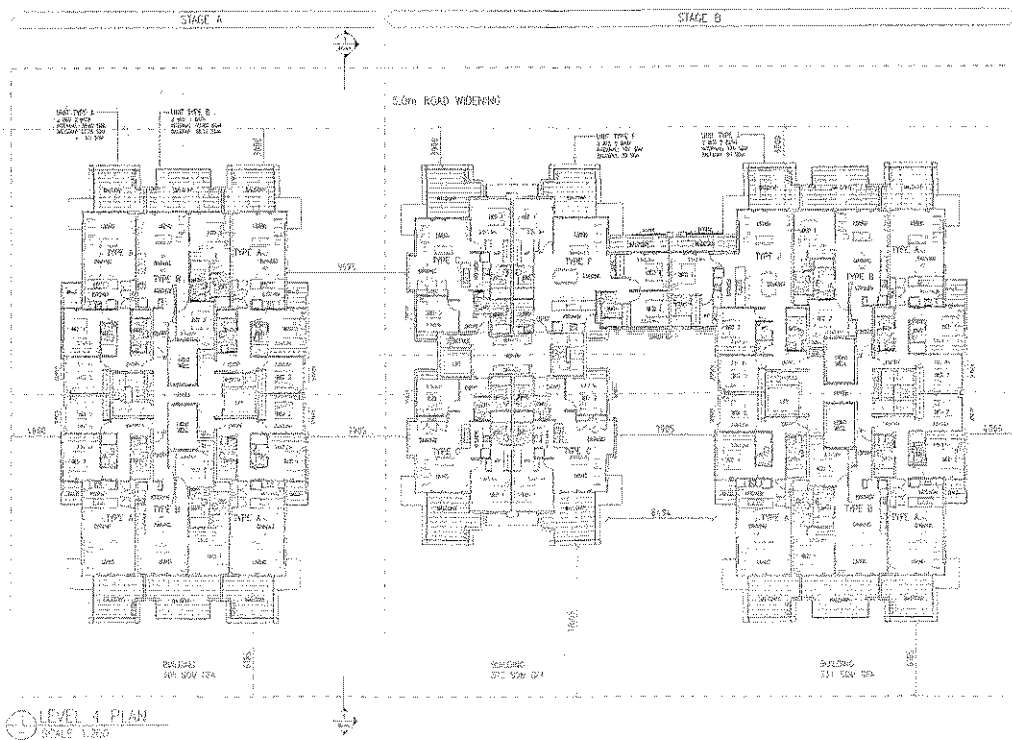
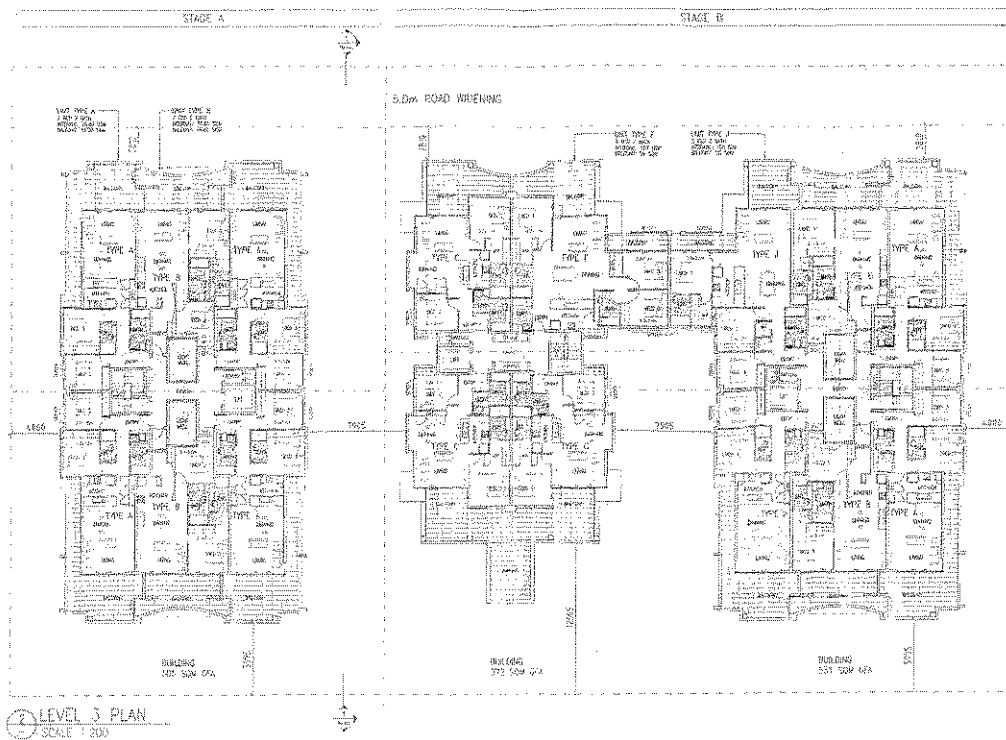


PLANS AND DOCUMENTS  
referred to in the  
APPROVAL dated 7 Apr 2020

Proposed RESIDENTIAL DEVELOPMENT <b>'FERRY ROAD'</b> 25-45 FERRY RD, WEST END		Client: KOZMIC PTY LTD		Drawing No: D.A. SUBMISSION BASEMENT 1&2		Date: SEP '20 Time: 1:00 PM AEST Drawn: DM Check: DM-AD Scale: C		THESE DRAWINGS & DESIGNS ARE COPYRIGHTED AND MUST NOT BE REPRODUCED OR COPIED IN ANY FORM WITHOUT THE PERMISSION OF THE DESIGNER. ANY REPRODUCTION OR COPIING WITHOUT PERMISSION WILL BE A BREACH OF THE COPYRIGHT ACT 1969.			
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Date: SEP 08		Rev: 1	Project: Proposed MAGNETIC DEVELOPMENT 'FERRY ROAD'	Client: KOZMIC PTY LTD	Drawing Title: D.A. SUBMISSION	Date: SEP 08	Scale: 1:200 @ A1	Sheet No: 056	Total Sheets: 07	Author: J.M.	Checker: J.M.	Engineer: J.M.	Approved: [Signature]	Notes: SEEKING THESE DRAWINGS & DETAILS ARE LIAISONED AND MUST NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF TONYE WALKER ENGINEERING INC. ANY USE OF THIS DOCUMENT MAY RESULT IN LEGAL ACTION BEING TAKEN
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PLANS AND DOCUMENTS  
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 APPROVAL PROCESS - 7 JUL 2006

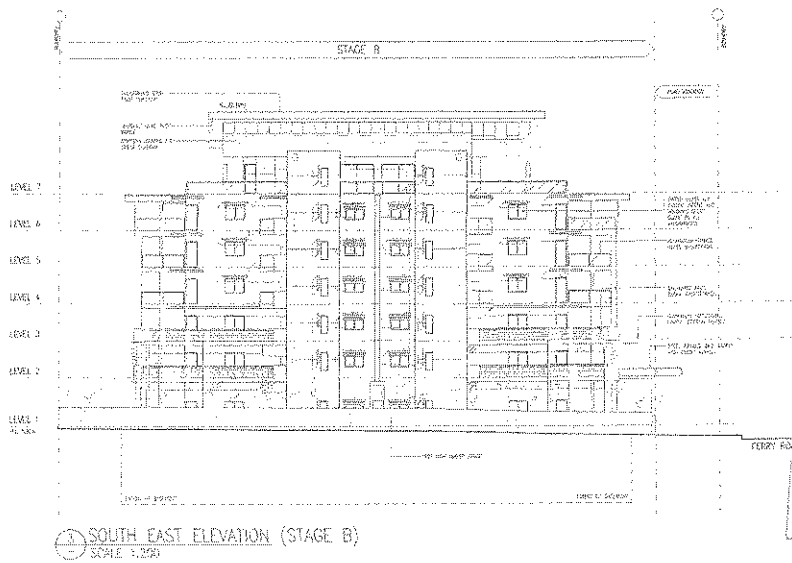
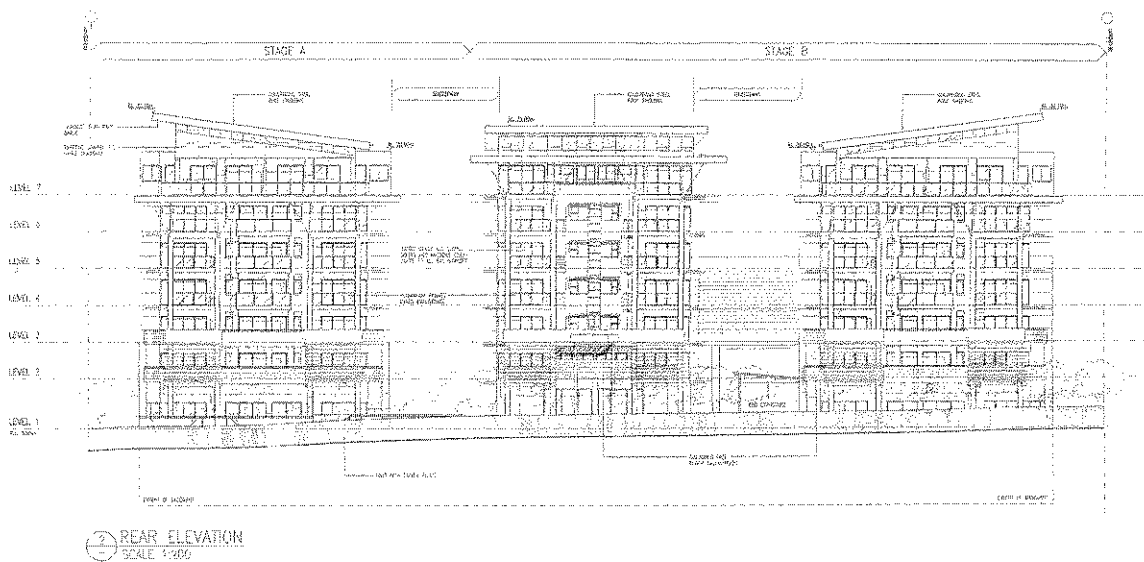
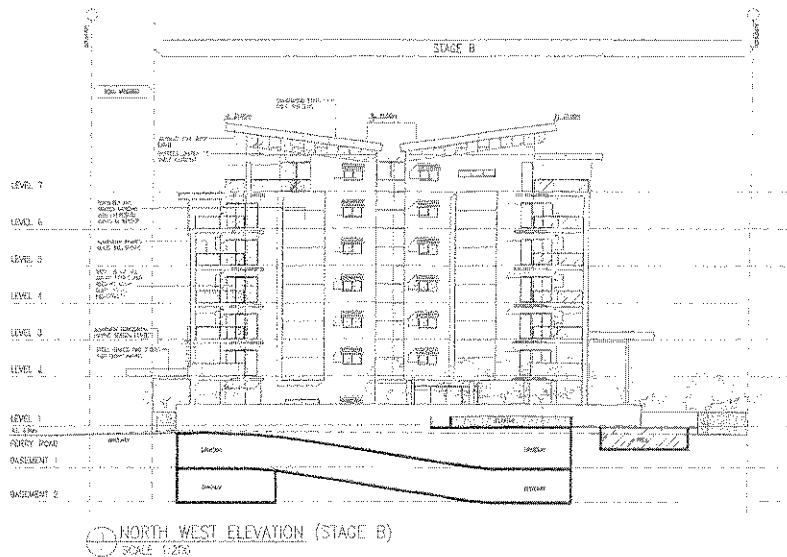
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PLANS AND DOCUMENTS  
referred to in the  
APPROVAL dated -7/JUL 2006

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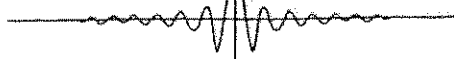
PLANS AND DOCUMENTS  
found in the  
APC  
7 JUL 2008

<p>PROPOSED RESIDENTIAL DEVELOPMENT <b>'FERRY ROAD'</b></p>	<p>70-64 FERRY RD, WEST END</p>	<p>COZMIC PTY LTD</p>	<p>D.A. SUBMISSION ELEVATIONS</p>	<p>SEP 108 1:250 @ A1 GMA</p>	<p>NO. 080-1 THESE DRAWINGS &amp; RECORDS ARE CONFIDENTIAL AND NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE PERMISSION OF COZMIC PTY LTD. PENALTY FOR BREACH OF CONFIDENTIALITY WILL BE \$10,000 PER PAGE.</p>	<p>DATE: 20 JUL 2008</p>	<p>SCALE: 1:250 DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 20 JUL 2008</p>
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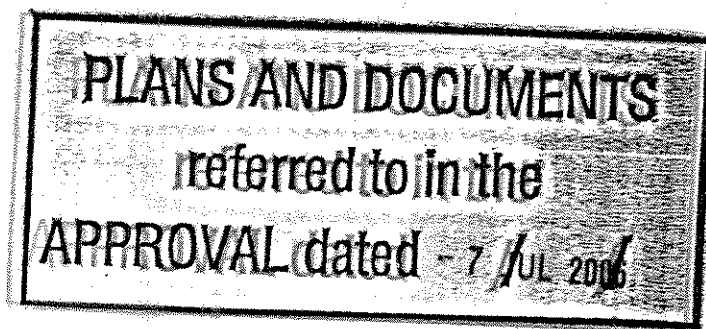
Principal Consultant: David Moore, MAAS  
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ABN 25 775 758 241

**Environmental Noise Level Study for Proposed Residential Development,  
28-42 Ferry Road, West End**

conducted for

**Kozmic Developments No 3**

Report No: R05166/D1407/Rev.0/30.09.2005



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Contact:

Mr [REDACTED]

Authorised by:

Mr [REDACTED]

Dates of assessment:

Tuesday 30 to Wednesday 31 August 2005  
Sunday 11 to Monday 12 September 2005

Consultants:

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Our reference:

R05166/D1407/Rev.0/30.09.2005

## INTRODUCTION

It is proposed to remove all of the existing structures from 24-48 Ferry Road, West End and redevelop the site with multi-unit dwellings, in three stages. Based on the consultant's site inspection potential sources of noise impacting the subject site are with respect to the industrial premises on the opposite side of Ferry Road to the subject site – Fibre Containers Queensland Pty Ltd. Noise sources associated with Fibre Containers Queensland Pty Ltd include:

- forklift activity;
- plant and machinery inside the factory building;
- External scrap collection system;
- truck movements on site;
- truck loading and unloading.

It should be noted that whilst these noise sources are relevant to the subject site now, by the time the residential buildings are scheduled to be constructed it is most likely that Fibre Containers Queensland Pty Ltd will have ceased operations on their current site. Removing Fibre Containers Queensland Pty Ltd from this area would result in no potential noise impact upon the proposed residential development.

To assist in determining appropriate noise limits for the proposed residential development an ambient noise level study was conducted from the subject site, from the Ferry Road boundary, in front of the existing building on the subject site (24 Ferry Road), for two 24-hour periods, one during the week and the other over the weekend.

This report details the results of the ambient noise level study, noise limits, source noise levels calculated to the closest residences, state of compliance with noise limits and any required noise control measures.

In preparing this report, the following drawings prepared by Ferro Muller Partnership, Job No 0509, were referenced:

- DD-A01, A Basement 1 and 2 Plans;
- DD-A02, A Level 1 and Levels 2 & 3 Floor Plans;
- DD-A03, A Levels 4 to 6 and Level 7 Floor Plans;
- DD-A04, A Site Plan and Elevations;
- DD-A05, A Elevations.

Refer Figure 1 for general locality plan and Figure 2 for site plan and monitoring location A.

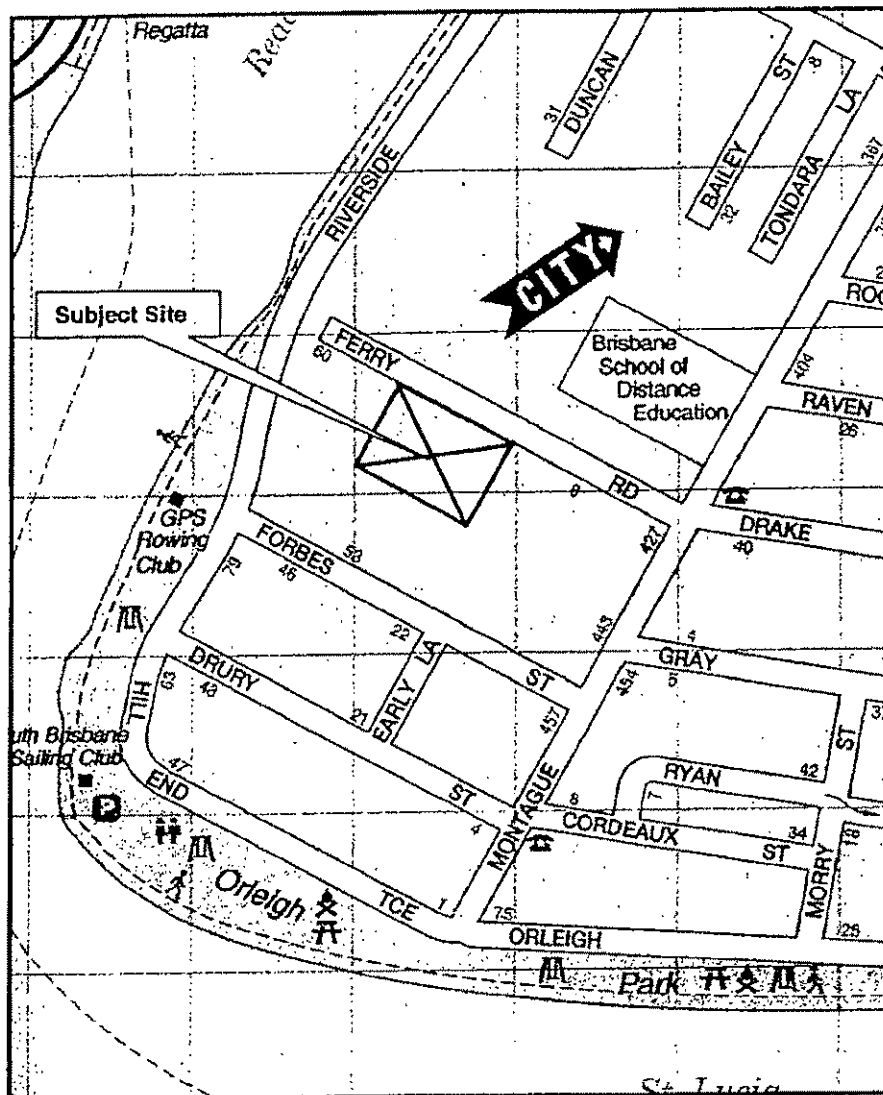
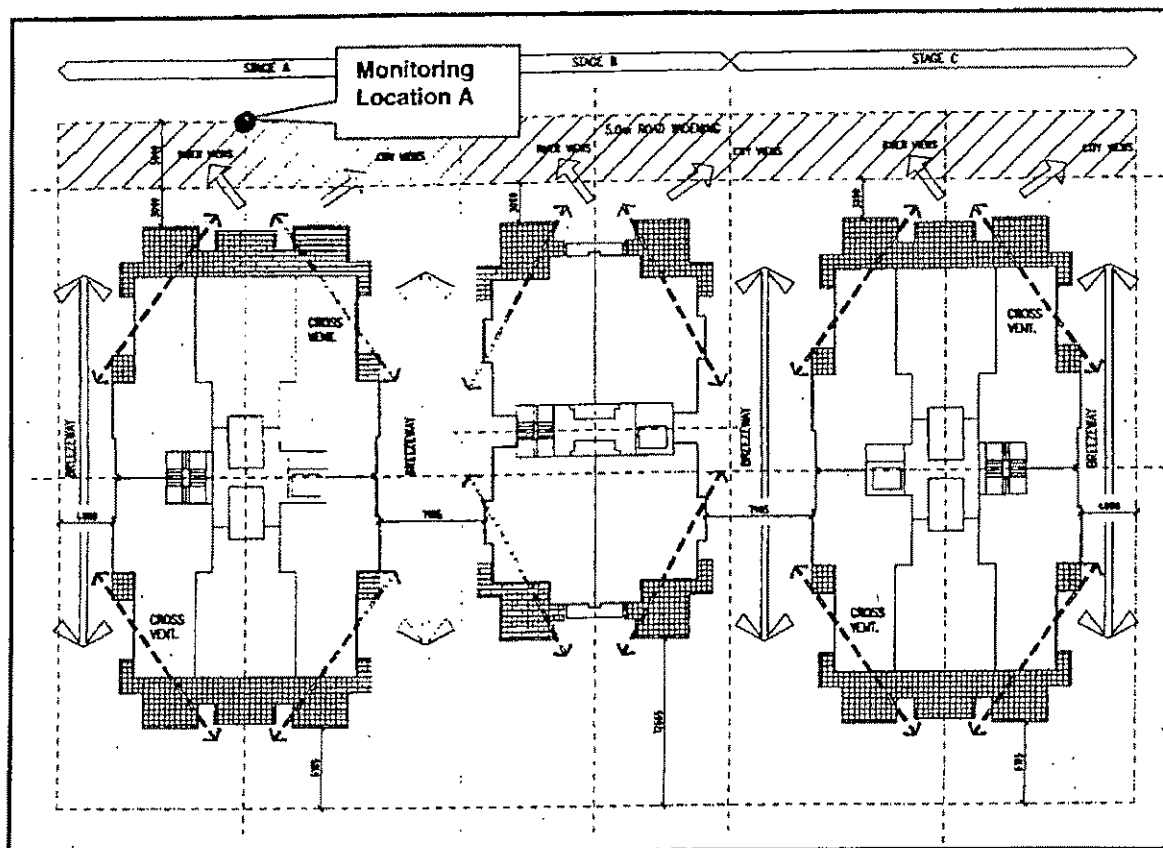


Figure 1  
Locality Plan and Monitoring Location A





**Figure 2**  
**Site Plan and Monitoring Location A**

### CITY PLAN 2000

In accordance with City Plan 2000, the following should be noted:

Subject Site:	28-42 Ferry Road, West End
City Plan Area:	Light Industry
City Plan Use:	Multi-unit dwelling
Codes:	Industrial Design Code Industrial Amenity and Performance Code
Performance Criteria:	Industrial Design Code: P2 Noise emissions and vibrations from the site must not cause an environmental nuisance. P2 Emissions of contaminants including air pollutants, noise, ... must not cause environmental harm or nuisance.
Acceptable Solutions:	Industrial Design Code: A2.1 Major openings in buildings and all areas where work may be conducted outside the building are located away from the nearest sensitive receiving environment. A2.2 Where the site has a common boundary with a sensitive receiving environment: <ul style="list-style-type: none"> <li>No openings occur in walls facing a common boundary;</li> <li>Effective acoustic screening is provided to all areas where work could be conducted outside the building, including refuse collection, so that off-site noise</li> </ul>

	<p>emissions are not unreasonable;</p> <ul style="list-style-type: none"><li>Noise emitting services such as air conditioning equipment, pumps and ventilation fans are located as far away as practical from residential areas.</li></ul> <p>Industrial Amenity and Design Code:</p> <p>A2 No significant emissions of contaminants occur beyond the boundary of the site.</p>
--	---

## CRITERIA

### Measurements and Calculations

All noise level measurements were conducted in accordance with the following:

- general requirements of the Queensland environmental protection legislation;
- Environmental Protection (Noise) Policy 1997;
- Brisbane City Council City Plan 2000;
- Noise Measurement Manual*, Queensland Government – Environmental Protection Agency, 3<sup>rd</sup> Edition, March 2000; and
- Australian Standard AS 1055.1-1997, *Acoustics – Description and Measurement of Environmental Noise*, Part 1, *General Procedures*.

### Noise Limits

The Brisbane City Council City Plan 2000, *Noise Impact Assessment Planning Scheme Policy*, states that for the constant continuous noise of plant, the noise limit criteria is that contained in Australian/New Zealand Standard AS/NZS 2107:2000, *Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*. This Standard requires that the internal noise level, during the daytime and evening, in living areas, does not exceed 45 dB(A)  $L_{Aeq,T}$  and that the night-time noise level does not exceed 40 dB(A)  $L_{Aeq,T}$  in bedrooms, for residential developments adjacent major roads. As this development is within an industrial area these are the noise limits that have been applied, as they better account for the existing ambient noise levels.

Truck and forklift noise potentially impacting upon the proposed residential development is time-varying. For this type of noise source, the following extract from the Noise Impact Assessment Planning Scheme Policy should be noted:

*"... Comparison of like parameters will mostly be applicable to assessment of noise emissions, in which case, an acceptable environmental outcome using this methodology is achieved when the chosen parameter assessing the impact of the development does not exceed the same parameter describing the ambient noise by more than 3 dB(A). ..."*

This criteria applies to time-varying noise, with the following qualifications:

- applies during the daytime and evening;
- requires the source noise to be adjusted for tonality and impulsiveness, as appropriate;
- applies as a measured level, not a component level;
- applies at a distance of at least 3.5 metres from sensitive receptors.

For time varying noise during the night-time (10 pm to 7 am), a different noise limit is applicable. In accordance with the Noise Impact Assessment Planning Scheme Policy:

*"... Research adopted by the World Health Organisation (WHO), concludes that for short duration variable noise sources the onset of sleep disturbance commences at internal  $L_{max}$  noise levels of between 45 dB(A) and 50 dB(A).*

Accordingly, for these noise sources measured internal average maximum noise levels in area categories:

- R1-R3 must not regularly exceed 45 dB(A) &
- R4-R6 must not regularly exceed 50 dB(A). ..."

Due to the location of this proposed development within an industrial area, the adopted noise limit is 50 dB(A)  $L_{Amax}$ .

### MEASURED AMBIENT NOISE LEVELS

Table 1 details the results of the ambient noise level measurements conducted from Monitoring Location A. For details of measurement equipment, equipment settings, calibration, monitoring location and atmospheric conditions, refer Appendix A. Appendix B contains a graphical presentation of the key measurement parameters of the ambient noise:  $L_{Aeq}$ ,  $L_{A10}$  and  $L_{A90}$ . Figures 3 and 4 are graphical presentations of the ambient noise levels for the primary parameters.

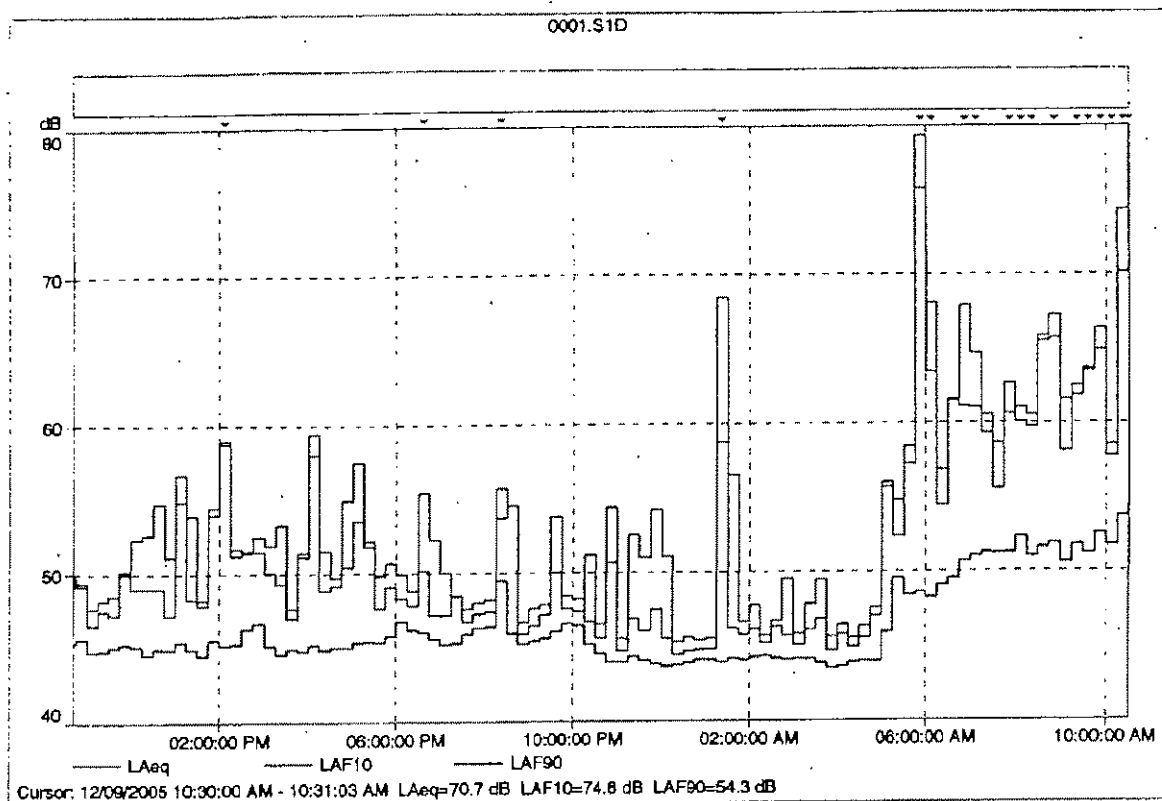
Table 1 Results of Ambient Noise Level Measurements, Monitoring Location A Thursday 19 to Thursday 26 May 2005								
Day	Date	Time Period	Ambient Noise Level, dB(A)					
			L <sub>Aeq</sub>		L <sub>A10</sub>		L <sub>A90</sub>	
			Range	Average	Range	Average	Range	Average
SUNDAY 11 TO MONDAY 12 SEPTEMBER 2005								
Sunday	11.09.05	Daytime 1045-1800	46.6-59.0	53.2	47.3-59.4	52.1	44.6-46.7	45.3
Sunday	11.09.05	evening	46.0-55.4	50.9	46.7-55.7	50.0	45.2-49.5	46.3
Sunday/ Monday	11/12.09.05	night-time	44.5-75.9	62.5	45.4-79.4	64.2	43.6-50.7	45.8
Monday	12.09.05	Daytime 0700-1045	57.8-70.7	65.1	55.6-74.6	67.2	50.6-54.3	52.0
TUESDAY 30 TO WEDNESDAY 31 AUGUST 2005								
Tuesday	30.08.05	Daytime 1430-1800	56.7-66.0	61.6	58.8-68.2	63.5	51.9-53.7	52.5
Tuesday	30.08.05	evening	51.8-58.3	55.3	50.8-60.3	56.1	49.4-52.5	51.2
Tuesday/ Wednesday	30/31.08.05	night-time	48.1-63.2	55.7	48.8-61.5	55.2	47.1-51.2	48.0
Wednesday	31.08.05	Daytime 0700-1430	56.7-67.0	62.3	57.6-70.1	63.0	49.8-53.9	51.6

From Table 1, the following average ambient noise levels should be noted for Sunday 11 to Monday 12 September 2005:

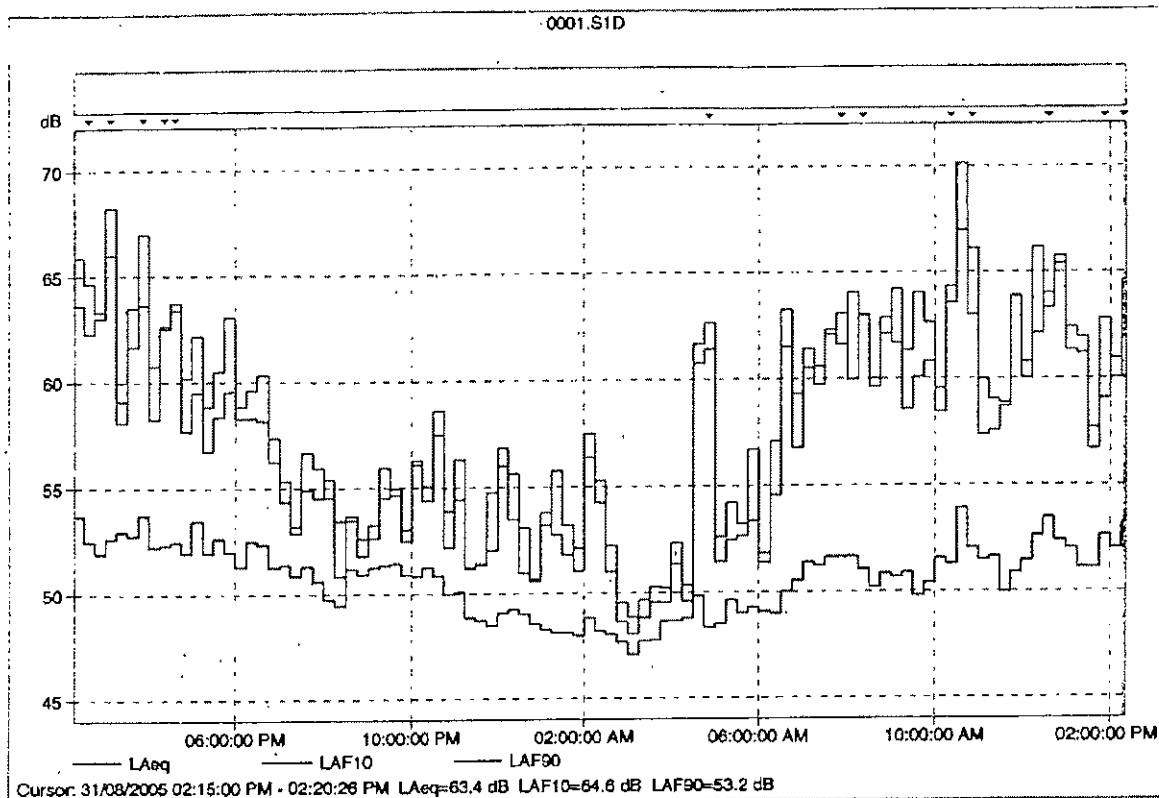
- average  $L_{Aeq}$ 
  - daytime: 53.2, 65.1      Average = 59.2 dB(A)
  - evening: 50.9      Average = 50.9 dB(A)
  - night-time: 62.5      Average = 62.5 dB(A)
- average  $L_{A10}$ 
  - daytime: 52.1, 67.2      Average = 58.6 dB(A)
  - evening: 50.0      Average = 50.0 dB(A)
  - night-time: 64.2      Average = 64.2 dB(A)
- average  $L_{A90}$ 
  - daytime: 45.3, 52.0      Average = 56.3 dB(A)
  - evening: 46.3      Average = 46.3 dB(A)
  - night-time: 45.8      Average = 45.8 dB(A)

From Table 1, the following average ambient noise levels should be noted for Tuesday 30 to Wednesday 31 August 2005:

- average  $L_{Aeq}$ 
  - daytime: 61.6, 62.3      Average = 62.0 dB(A)
  - evening: 55.3      Average = 55.3 dB(A)
  - night-time: 55.7      Average = 55.7 dB(A)
- average  $L_{A10}$ 
  - daytime: 63.5, 63.0      Average = 63.3 dB(A)
  - evening: 56.1      Average = 56.1 dB(A)
  - night-time: 55.2      Average = 55.2 dB(A)
- average  $L_{A90}$ 
  - daytime: 52.5, 51.6      Average = 52.05 dB(A)
  - evening: 51.2      Average = 51.2 dB(A)
  - night-time: 48.0      Average = 48.0 dB(A)



**Figure 3**  
**Graphical Presentation of Ambient Noise Levels, Monitoring Location A, Sunday 11 to Monday 12**  
**September 2005**



**Figure 4**  
**Graphical Presentation of Ambient Noise Levels, Monitoring Location A, Tuesday 30 to Wednesday 31 August 2005**

## SOURCE NOISE LEVELS

### Steady State Noise

The noise level of the scrap recycling fan on the roof of Fibre Containers Queensland Pty Ltd has been previously measured at 45 dB(A)  $L_{Aeq}$  at a separation distance of 220 metres and elevation of 13 metres. These noise level measurements were conducted during the night-time from a "cherry picker", 12 metres from the boundaries of Duncan Street and Kurilpa Streets (land which now has the Regatta Apartments on it).

Noise from the machinery inside Fibre Containers Queensland Pty Ltd was measured from the Ferry Road boundary of the subject site during the night-time of Wednesday 28 September 2005. The noise of this machinery and associated fans and motors was 55 dB(A)  $L_{Aeq,T}$  at a separation distance of 85 metres.

At the front of the adjoining building to the west of the subject site there is a compressor located in an enclosure. the noise level of this compressor was 80 dB(A)  $L_{Aeq,T}$  @ 1 metre.

### Time Varying Noise

Based on previous source noise level measurements conducted by the consultant applicable source noise levels are:

- Semi-trailer driving in yard:  $L_{A10} = 71 \text{ dB(A)} + 2 \text{ (impulsiveness)} = 73 \text{ dB(A)}$   $L_{A10,adj,T}$  @ 18 m  
 $L_{Amax} = 76 \text{ dB(A)}$  @ 18 m

- Semi-trailer airbrakes:  $L_{A10} = 81 \text{ dB(A)} + 2 \text{ (tonality)} = 83 \text{ dB(A)}$   $L_{A10,adj,T} @ 15 \text{ m}$   
 $L_{Amax} = 86 \text{ dB(A)} @ 15 \text{ m}$
- Forklift driving in yard:  $L_{A10} = 80 \text{ dB(A)} + 2 \text{ (tonality)} = 82 \text{ dB(A)}$   $L_{A10,adj,T} @ 2 \text{ m}$   
 $L_{Amax} = 85 \text{ dB(A)} @ 2 \text{ m}$

## NOISE LEVEL IMPACT

### Steady State Noise

The noise limits for steady state noise apply inside the residential units. For the closest proposed residential units to the nominated noise sources the noise level inside the units, with external openings open, would be:

- Fibre Containers Queensland Pty Ltd scrap recycling fan:  $45 \text{ dB(A)}$   $L_{Aeq} @ 220 \text{ m} + 8 \text{ (reduced separation distance)} - 5 \text{ (outside to inside via open windows/doors)} = 48 \text{ dB(A)}$ , which exceeds the high-time noise limit of  $40 \text{ dB(A)}$  by  $8 \text{ dB(A)}$ ;
- Fibre Containers Queensland Pty Ltd machinery inside the factory:  $55 \text{ dB(A)}$   $L_{Aeq,T} @ 85 \text{ m} - 1 \text{ (increased separation distance)} - 5 \text{ (outside to inside via open windows/doors)} = 49 \text{ dB(A)}$ , which exceeds the high-time noise limit of  $40 \text{ dB(A)}$  by  $9 \text{ dB(A)}$ ;
- Fibre Containers Queensland Pty Ltd combination of both noise sources:  $48 + 49 = 52 \text{ dB(A)}$ , which exceeds the night-time noise limit by  $12 \text{ dB(A)}$ ;
- compressor at the adjoining building to the west:  $80 \text{ dB(A)}$   $L_{Aeq,T} @ 1 \text{ m} - 24 \text{ (increased separation distance)} - 5 \text{ (outside to inside via open windows/doors)} - 12 \text{ (intervening building)} = 39 \text{ dB(A)}$ , which complies with all of the noise limits.

Whilst the noise of the compressor to the west of the subject site complies with the noise limits the noise from Fibre Containers Queensland Pty Ltd exceeds the night-time noise limit by up to  $12 \text{ dB(A)}$ , with external openings of the closest proposed units open. If these openings were closed then the night-time noise level would reduce by a further  $15 \text{ dB(A)}$ , resulting in compliance with the noise limits for the complete 24-hour day. This magnitude of noise level reduction would be achieved with standard glazing.

### Time Varying Noise Sources

The daytime and evening noise limits for time varying noise sources apply to external living areas whilst the noise limit for the night-time applies inside the bedrooms of the proposed residential development.

The noise limit for the time-varying noise sources is that the adjusted source noise and ambient noise combined should not exceed the ambient noise level alone, for the same parameter, by more than  $3 \text{ dB(A)}$ . This is equivalent to the adjusted source noise alone not exceeding the ambient noise level, for the same parameter. Therefore, based on the measured ambient noise levels, the noise limits are, for weekdays:

- daytime:  $63 \text{ dB(A)}$   $L_{A10,T}$
- evening:  $56 \text{ dB(A)}$   $L_{A10,T}$

and, for the weekend:

- daytime:  $52 \text{ dB(A)}$   $L_{A10,T}$
- evening:  $50 \text{ dB(A)}$   $L_{A10,T}$

It has been assumed that truck activities occur both during the week as well as on weekends, during the daytime and evening, and only during the daytime and evening during the week.

Time varying noise sources at the closest proposed residential units would be:

- Semi-trailer driving in yard:  $L_{A10,adj,T} = 73 \text{ dB(A)}$   $L_{A10,adj,T} @ 18 \text{ m} - 6$  (increased separation distance) =  $67 \text{ dB(A)}$ .  
 $L_{Amax} = 76 \text{ dB(A)} @ 18 \text{ m} - 6$  (increased separation distance) - 5 (outside to inside via open windows/doors) =  $65 \text{ dB(A)}$ .
- Semi-trailer airbrakes:  $L_{A10,adj,T} = 83 \text{ dB(A)}$   $L_{A10,adj,T} @ 15 \text{ m} - 8$  (increased separation distance) =  $75 \text{ dB(A)}$ .  
 $L_{Amax} = 86 \text{ dB(A)} @ 15 \text{ m} - 8$  (increased separation distance) - 5 (outside to inside via open windows or doors) =  $73 \text{ dB(A)}$
- Forklift driving in yard:  $L_{A10,adj,T} = 82 \text{ dB(A)}$   $L_{A10,adj,T} @ 2 \text{ m} - 25$  (increased separation distance) =  $57 \text{ dB(A)}$ .  
 $L_{Amax} = 85 \text{ dB(A)} @ 2 \text{ m} - 25$  (increased separation distance) - 5 (outside to inside via open windows/doors) =  $55 \text{ dB(A)}$ .

All of the above time varying noise sources exceed the noise limits during the daytime and evening in the closest external living areas, and the internal bedroom night-time noise limits.

At the communal external living areas the above  $L_{A10,adj,T}$  noise levels would be reduced by a further 6 dB(A) due to increased separation distance and 10 dB(A) due to reduced angle of view, giving source noise levels of:

- semi-trailer driving in yard:  $67 - 6 - 10 = 51 \text{ dB(A)}$ , which complies with all of the daytime and evening noise limits (to within 1 dB(A));
- semi-trailer airbrakes:  $75 - 6 - 10 = 59 \text{ dB(A)}$ , which complies with the weekday noise limit only;
- forklift driving in yard:  $57 - 6 - 10 = 41 \text{ dB(A)}$ , which complies with all of the daytime and evening noise limits.

To comply with the night-time noise limits, if the external bedroom glazing was closed then the noise level of the highest noise source – semi-trailer airbrakes – would be:

- Semi-trailer airbrakes:  $L_{A10,adj,T} = 83 \text{ dB(A)}$   $L_{A10,adj,T} @ 15 \text{ m} - 8$  (increased separation distance) - 25 (outside to inside via closed glazing with a minimum Rw 30) =  $50 \text{ dB(A)}$ .

Therefore, for the complete 24-hour day time varying noise source would comply with the noise limits inside the closest proposed residential units if the glazing was closed and this glazing had a minimum Rw 30.

## CONCLUSIONS

It is proposed to remove all of the existing structures from 24-48 Ferry Road, West End and redevelop the site with multi-unit dwellings, in three stages. Based on the consultant's site inspection potential sources of noise impacting the subject site are with respect to the industrial premises on the opposite side of Ferry Road to the subject site – Fibre Containers Queensland Pty Ltd. Noise sources associated with Fibre Containers Queensland Pty Ltd include:



- forklift activity;
- plant and machinery inside the factory building;
- External scrap collection system;
- truck movements on site;
- truck loading and unloading.

It should be noted that whilst these noise sources are relevant to the subject site now, by the time the residential buildings are scheduled to be constructed it is most likely that Fibre Containers Queensland Pty Ltd will have ceased operations on their current site. Removing Fibre Containers Queensland Pty Ltd from this area would result in no potential noise impact upon the proposed residential development.

To assist in determining appropriate noise limits for the proposed residential development an ambient noise level study was conducted from the subject site, from the Ferry Road boundary, in front of the existing building on the subject site (24 Ferry Road), for two 24-hour periods, one during the week and the other over the weekend.

For steady state noise sources the noise limit is inside the proposed residential units. The primary noise sources are from Fibre Containers Queensland Pty Ltd and these can be controlled to the noise limits for the complete 24-hour day by closing all of the external openings. For the steady state noise sources only standard glazing would be required.

Time varying noise sources exceed the daytime and evening noise limits in the closest external living areas to Ferry Road, for the daytime and evening, as well as during the night-time with glazing open. To comply with the noise limits for the complete 24-hour day the noise limits would have to be relative to the interior of the closest residential units with all external openings closed and the glazing with a minimum Rw 30.

Time varying noise sources, except semi-trailer air brakes, comply with the daytime and evening noise limits in the communal recreation area.

## RECOMMENDATION

It is recommended that, from an environmental noise perspective, the proposed multi-unit dwellings be approved for development, provided the noise control measures detailed in this report are incorporated into the development.

## APPENDIX A: AMBIENT NOISE LEVEL MEASUREMENTS

### Measurement Equipment

The following equipment was used to conduct the ambient noise level study at Monitoring Location A:

- Bruel and Kjaer Type 22601 Modular Precision Sound Analyzer – Observer – Serial No. 2409371, with Type BZ 7220 Software and Prepolarised free-field ½" microphone, Type 4189, Serial No. 2395445;
- Bruel and Kjaer Type 3592 outdoor microphone kit, including Type UA1404 outdoor microphone;
- Bruel and Kjaer Type AO 0442 ten metre microphone extension cable; and
- Bruel and Kjaer Type 4231 Sound Level Calibrator, Serial No. 2292746.

All of the above equipment is Type 1 in accordance with the requirements of Australian Standard AS 1259-1990, *Acoustics – Sound Level Meters*, as required by Australian Standard AS 1055.1-1997.

### Measurement Equipment Settings

The above equipment was used with the following settings:

- Detector: RMS
- Time Weighting: FAST
- Frequency Weighting: A
- Sound Incidence: FRONTAL
- Microphone sensitivity: -26.9 dB
- Range: 10-90 dB.

### Calibration

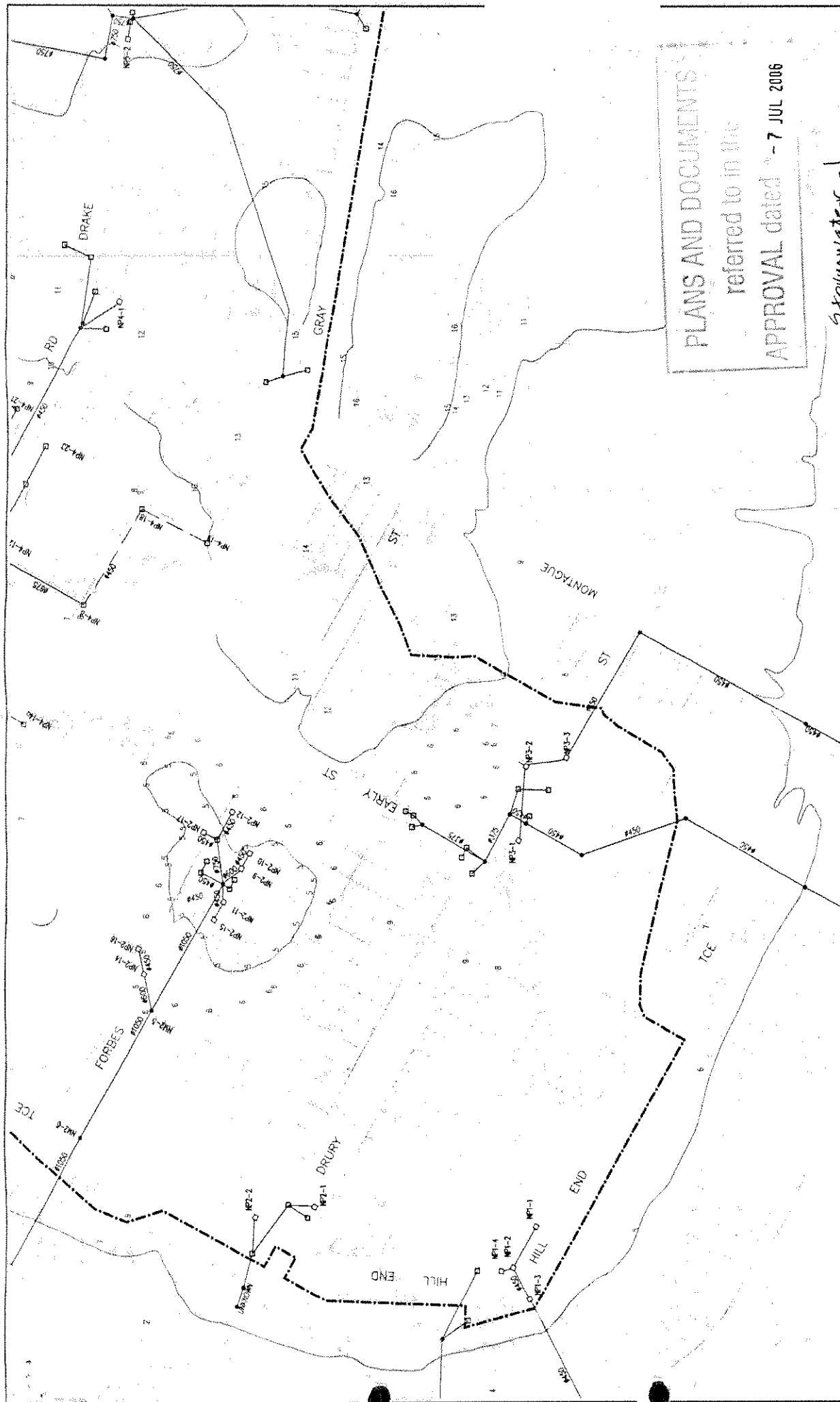
The sound level meter was calibrated to the required value of 93.8 dB at 1000 Hz immediately before and after the noise level measurements were conducted. At no time was an adjustment of more than ±0.5 dB required. This complies with the requirements of the Australian Standard.

### Monitoring Location

Monitoring location A was at 42 Ferry Road, West End, on the Ferry Road boundary of the subject site. The microphone was elevated 1.6 metres above ground level.

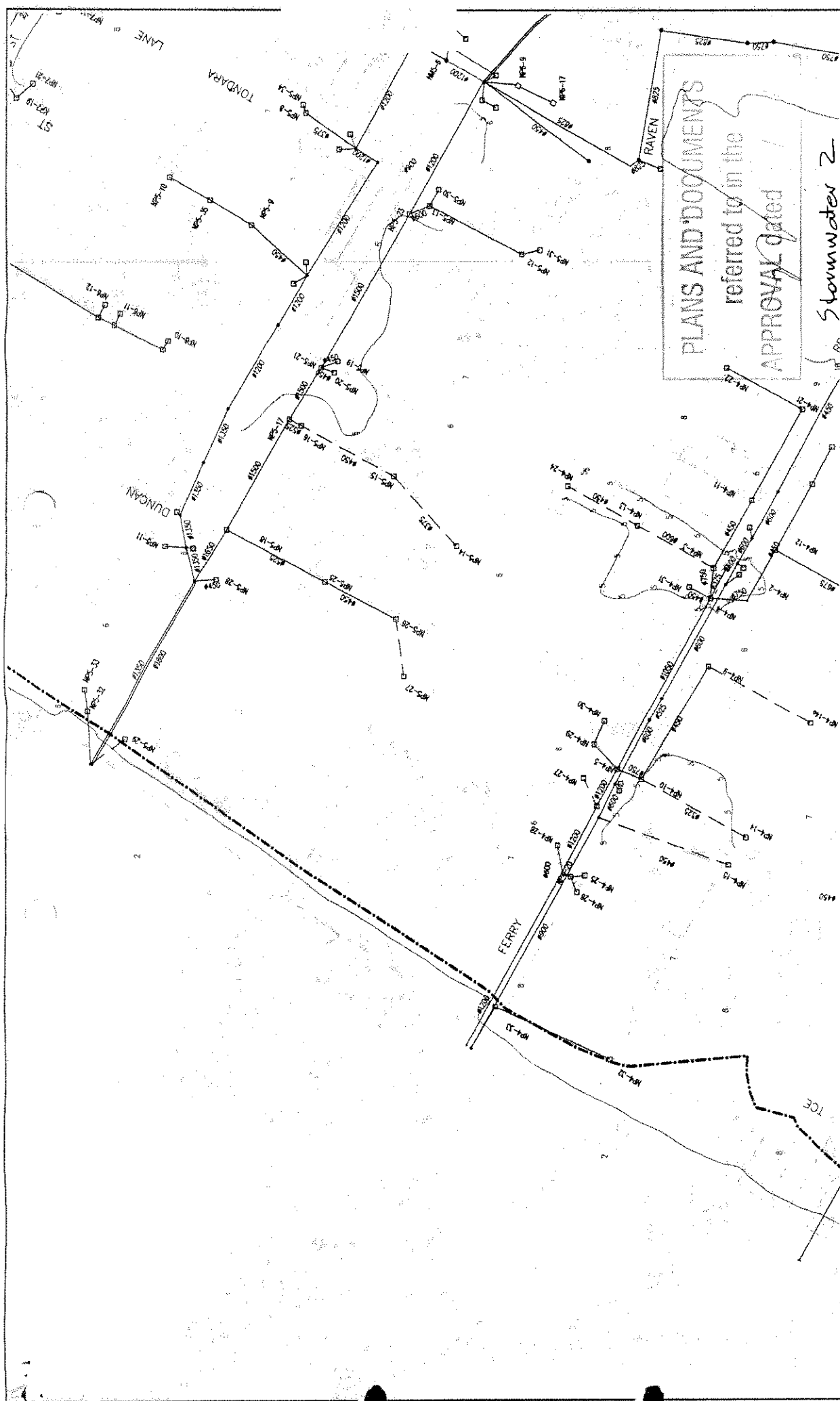
### Atmospheric Conditions


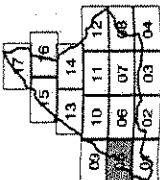
Throughout the ambient noise level studies, atmospheric conditions complied with the requirements of the Australian Standard.

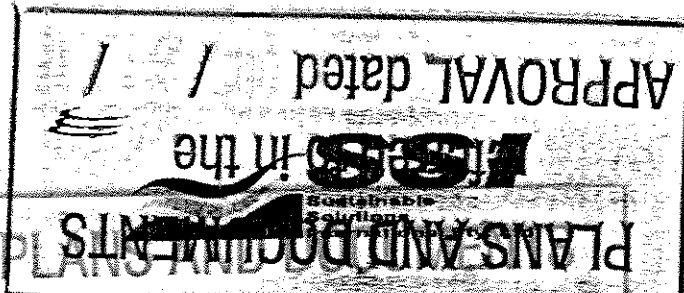


stormwater - 1

		<b>City Design</b> Brisbane City Council		Issue: A Description: REPORT ISSUE Date: 10/04 Dwn: JAO/REG Auth:		Reference: W11906 		Drawing Title: WEST END - LSMP PROPOSED RELIEF DRAINAGE SYSTEM STRUCTURE ID SHEET 1 OF 17	
Scale: 1 : 1500 (Before Reduction)		Issue: A Description: REPORT ISSUE Date: 10/04 Dwn: JAO/REG Auth:		Checked: May 02 Drawn: May 02 Design: May 02		Drawing no.: CD-0184351 Sheet: W2-2001 Issue: A		BCC:059:1644	



 <p>City Design Brisbane City Council</p> <p>Level 3 TC Berne Centre 315 Brunswick St Mail, Fortitude Valley, Q 4006 Telephone : (07) 3403 3649 Facsimile : (07) 3403 0417 Email : citydesign@brisbane.qld.gov.au</p>		<p>Issue Description</p> <p>A REPORT ISSUE</p>		<p>Date Dwn</p> <p>10/04 A.O.R.G.</p>		<p>Auth.</p>		<p>Sheet Key</p> 		<p>Reference: W11906</p>		<p>Checked: May '02</p> <p>Drawn: May '02</p> <p>Design: May '02</p>		<p>Drawing no.</p> <p>CD-0184351</p>		<p>Sheet</p> <p>W2-2005</p>		<p>Issue</p> <p>A</p>	
<p>SCALE 1 : 1500 (Before Reduction)</p>																			



Sustainable Solutions International Pty Ltd  
 ABN: 78 094 501 185  
 Level 1, 19 Hope Street  
 P.O. Box 3064 South Brisbane  
 Queensland 4101 Australia

18

# Report Summary and Water Efficiency Checklist for BCC DA Submission Kosmic Developments Ferry Road Appartments

The proposed development site is located on 42 Ferry Road in West End. The development is designed to have a GFA of 8,400 m<sup>2</sup> covering a total land area of 4,205 m<sup>2</sup>, with a plot ratio of 1.99. The development will consist of two stages of development (A & B) to contain a mix of 93 units, one, two or three bedrooms in size.

The development will incorporate an integrated Water Demand Management Plan which will aim to reduce its overall environmental impact and reduce the pressures on Council infrastructure. The focus of the Plan is to reduce water demand, wastewater discharge, and improve the quality of stormwater runoff at the site through the implementation of the sustainable water management strategies of *Reduce, Reuse and Recycle*. This exercise results in a plot ratio less than 1.1 for water demand and wastewater discharge.

The proposed minimum water efficiency standards for the development are shown below in Table 2 on the following page.

With the implementation of the measures contained in Table 2, the development is expected to require 17.0 kL of Towns water per day, compared to 35.9 kL for a standard development, as shown in Table 1. This represents a water reduction of 53%. Wastewater discharge to the Council sewer system will reduce to 15.6 kL/day compared to 30.3 kL/day, representing a reduction of 49%.

Additionally, annual stormwater runoff for the site will reduce by about 35-40% compared to current site conditions due to a reduction in impervious area and the implementation of WSUD stormwater controls such as rainwater tanks.

**Table 1: Predicted water demand, wastewater production and stormwater runoff from the Ferry Road Appartments compared to a standard like development.**

		Standard Development	Ferry Road Appartments
Water	Mains Demand (L/d)	35,925	16,993
	Rainwater Used (L/d)	-	2,643
	Reduction	-	52.7%
	Plot Ratio	2.0	1.0
Wastewater	Discharge (L/d)	30,275	15,570
	Reduction	-	48.6%
	Plot Ratio	2.0	1.1
Stormwater	Fraction Impervious	90%	80%
	WSUD Reduction	-	25 - 30%
	Annual Runoff (kL)	4,600 kL	2,900 kL

**AMENDED IN RED**  
 - 7 JUL 2006

Table 2: Water Efficiency Checklist for proposed Ferry Road Apartment Development.

Development Zone	Fixture	Minimum Water Efficiency Standards for Kozmic Developments' Ferry Road Apartments
Individual Privately Owned Units	Toilets	4-Star rated dual flush toilet
	Showers	3-Star rated showerhead
	Clothes washer	4-Star rated laundry washing machine
	Dishwasher	4-Star rated dishwasher
	Basin & Sink Taps	4-Star rated tapware or flow regulating device installed in pipe work upstream of all basin and sink taps
Body Corporate Managed Areas	Pressure limiting devices on domestic water service lines	Pressure reducing valves set to a maximum of 300 kPa. Valves installed to serve clusters of units with a minimum of 1 valve per floor level.
	Irrigation System	Subsurface drip irrigation
		Programmable irrigation controller with rain sensor
		Sub water metres on irrigation supply line
	Outdoor Taps	Trigger nozzles on all outdoor hoses
		3-Star rated flow regulating device installed in the pipework upstream of all outdoor taps
	Rainwater Tank	100 kL rainwater storage tank (installed in 2 stages)
		Rainwater tank plumbed into irrigation system
		Rainwater tank plumbed into pool topup
		Rainwater tank plumbed into car/bin washing area

The relative Plot Ratio (GFA/Total Area) drops below 1.1 for all aspects of water management compared to a standard development of the same size which would be 2.0.

The above provides a good example of how sustainable water management principles can be incorporated into the design of inner city high density residential developments.

Brad Irwin B.E. (Env)

Environmental Engineer  
Sustainable Solutions International Pty Ltd

- \* No insinkerators to be installed
- \* Pool covers provided to swimming pools
- \* Irrigation via sub-surface or micro-jet spray/dripper system & is controlled using soil moisture sensors

# FERRY ROAD

STAGE A

## LANDSCAPE NOTES

1. All planting shall be in accordance with the Australian Standard AS 4069-2004.

2. All planting shall be in accordance with the Australian Standard AS 4069-2004.

3. All planting shall be in accordance with the Australian Standard AS 4069-2004.

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29. All planting shall be in accordance with the Australian Standard AS 4069-2004.

30. All planting shall be in accordance with the Australian Standard AS 4069-2004.

## LEGEND

1. All planting shall be in accordance with the Australian Standard AS 4069-2004.

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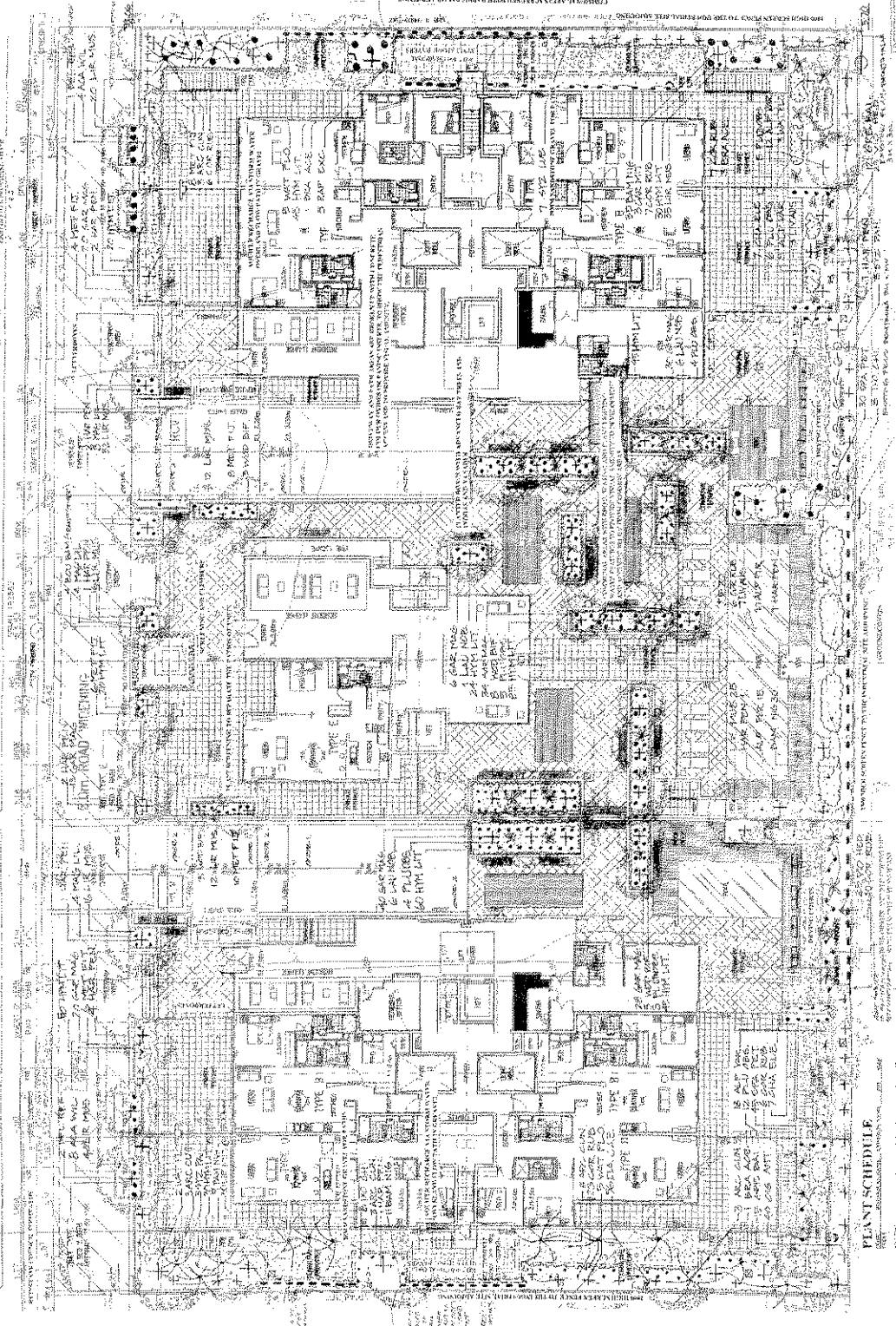
16. All planting shall be in accordance with the Australian Standard AS 4069-2004.

17. All planting shall be in accordance with the Australian Standard AS 4069-2004.

18. All planting shall be in accordance with the Australian Standard AS 4069-2004.

19. All planting shall be in accordance with the Australian Standard AS 4069-2004.

20. All planting shall be in accordance with the Australian Standard AS 4069-2004.



### PLANT SCHEDULE

NO.	PLANT NAME	QUANTITY	REMARKS
1	Acacia dealbata	10	For screening
2	Callistemon citrinus	5	For screening
3	Leptospermum laevis	15	For screening
4	Myoporum laetifolium	10	For screening
5	Prostanthera ovata	5	For screening
6	Scaevola taccada	10	For screening
7	Stylidium lineare	5	For screening
8	Thymus serpyllifolius	10	For screening
9	Wickstroemia coccinea	5	For screening
10	Xanthorrhoea preinensis	10	For screening

### LEVEL PLAN

### PLANS AND DOCUMENTS

LANDSCAPE PLAN AND PLANTING PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT 'FERRY ROAD' BRISBANE CITY COUNCIL

DRS/USE/H05-930694 AMENDED IN RED

DATE: 15/09/2010

BY: [Signature]

FOR: [Signature]

### PROPOSAL SUMMARY

The proposal is for a residential development consisting of 10 units, located on a site bounded by Ferry Road to the north, Cliff Road to the east, and [unlabeled] to the south and west. The development includes a mix of unit types, including 1, 2, and 3 bedrooms, and a total floor area of approximately 1,500 sqm. The site is currently vacant and the development is proposed to be constructed in two stages. Stage A includes the construction of the first 5 units, and Stage B includes the construction of the remaining 5 units. The development is proposed to be constructed in accordance with the Australian Standard AS 4069-2004.

# DTM Scoping Sheet (V2.1)

File No: 930691

Address:

28 Ferry Rd West End

Lodgement Date: 5.10.2005

Property Made on: 21.10.05

DCM Date: 25.10.05

Internal Referrals (within Team)

Officer Code

Tick = yes/Cross = no

Advice attached

Architect

Ecologist

Engineer

Landscape

Pollution

☒

☒

☒

☒ NETS

☒ PODA2

External Referrals (outside Team)

City Planning

Brisbane Water

Technical Support

Urban Management

Other

Concurrence

Advice

3rd Party/Other

EPA - Cont. Ind.

NRM - Ass

- URB. REV.

Ref. Coord

Application (circle applicable aspect)

Material Change of Use

Carrying Out Building Work

Reconfiguration

Operational Works

1 Prelodgement

4 Major Project

DP

PA

DP

PA

DP

PA

DP

PA

2 Acceptable

5 Non Compliant

3 Performance

6 Modification

Code

Notifiable Code

Impact

Neg. Decision

Prelodgement

Modification

Extend Currency Period

Other

City Plan Purpose

Multi Unit Dwelling

Description of Proposal

MUD (3 STAGES) (94 UNITS)

DTM Minute Issues (maximum of 5 issues)

Flooding, Road Widening, Local Plan.

Issues

? Water Resources.

Road Widening?

Local Plan + DRAFT.

Flooding

Adj. DR. 887902 - SW - FORBES ST.

ICP Charges (tick)

History File/s Requested (tick)

IDAS Timeframes

Referrals

Committees

Prelodgement

Acknowledgement

4/11/05

Info Request

18/11/05

Decision Notice

Internal

16/11/05

External

Co ord Panel

DAC

P&Guidance

Ack. Date

Mtg. Date

Turnaround time frame

Councillor Copy

External Referrals

Tasks Sent

Yes No

Delegate

Assessment Manager

21.04.06

RORY





## Development and Regulatory Services

Minute of the daily team meeting for the Development Assessment Team South  
held on 25 October 2005

<b>SITE:</b> Address of Site: <b>28 Ferry Rd, West End Qld 4101</b> Real Property Description: <b>Lots 18-19 on RP197695 and Lots 3,14-17 on RP218570, Parish of Sth Brisbane</b> Area of Site: <b>4202</b> Area Classification: <b>Light Industry Area Li</b> Name of Owner: Name of Ward: <b>Dutton Park</b> Councillor: <b>Helen Abrahams</b>	<b>APPLICATION:</b> Aspects of Development: <b>Material Change of Use - Development Permit</b> Description/Purpose of Proposal: <b>3 Stages - 94 Units</b> Applicant: <b>Kozmic Developments Pty Ltd</b> <b>C/- Humphreys Reynolds Perkins</b> Application No.: <b>DRS/USE/H05-930691</b> Project No.: <b>DRS/PRO/P05-110817</b> Lodgement Date: <b>5 October 2005</b>
---	---

The Development Assessment Team South reviewed the above application.

After considering the proposal, the Development Assessment Team made the following recommendation.

### RECOMMENDATION OF DEVELOPMENT ASSESSMENT TEAM

(Sample Tick) ✓

Assessment Process (code, notifiable code, impact or modification):	Impact			
** Please note: animated fields shown above may require amendment in BIDS if incorrect				
Category of Application:	1. Pre-lodgement		4. Major Project	✓
	2. Acceptable solution		5. Non-compliance	
	3. Alternate solution		6. Modification	
Councillor Helen Abrahams Comment Required	Yes	✓	No	
Application Properly Made:	Yes	✓	No	
Has the applicant requested consideration under a superseded planning scheme (this includes amendments to City Plan)?	Yes		No	✓
Assessment Manager:	[Redacted] Urban Planner Telephone: (07) 340 [Redacted] Facsimile: (07) 340 35384			

# **TEAM REFERRALS AND TIMEFRAMES**

Name	Discipline	Advice required by (date):	No referral required condition/s set by (date):
Paul Hills	Architect Engineering Officer Principal Ecologist Pollution Officer	16 November 2005	
<b>Internal Strategic Advice</b>			
Brisbane City Council-Urban Management			
Brisbane City Council-Other			
Acknowledgment Letter due date:	4 November 2005		
<b>Advice/Concurrence Agencies</b>			<b>Third Party Advice Agencies</b>
The Council did not refer this application to any entity for its comment			Department of State Development
Due date of reply -	Concurrence Agency	Advice Agency	Department of Housing
Department of Emergency Services-CHEM Unit			Queensland Transport
Department of Natural Resources & Mines			
Environmental Protection Agency - Contaminated Land Unit			
Environmental Protection Agency - Licensing			
Environmental Protection Agency - Waste & Technical Services			
Environmental Protection Agency - Queensland Heritage Council			
Queensland Rail			
Department of Primary Industries			
Department of Communications, Information, Local Government & Planning			
Department of Main Roads			
Department of Families			
Department of Tourism, Racing & Fair Trading			
Education Queensland			
Division of Workplace Health & Safety			
Queensland Fire and Rescue Authority			
Brisbane City Council			
Referral Coordination required			
..			
<b>Other Agencies</b>			
Application requires assessment against Local Plan			
History relevant to application: •			

Identified Issues:	<ul style="list-style-type: none"> <li>• Flooding, Road Widening, Local Plan</li> <li>• Water Resources</li> <li>• Local Plan + Draft</li> <li>• Adj. DA 88902-SW-Forbes Street</li> </ul>
Delegate:	Rory Kelly Principal Planner
Chairperson	
Contact:	<div style="background-color: black; width: 150px; height: 1.2em; margin-bottom: 5px;"></div> Team Support Officer
	<div style="display: flex; justify-content: space-between;"> <span>(Signature)</span> <span>(Date)</span> </div>



## Property Details

### Other Links

Property Type	Parcel
Lot Plan	L3/RP.218570
UPRN	001/0028-4 ^03686
Description	L3 RP.218570 PAR STH BRISBANE
Creation Date	16-AUG-1988
Retirement Date	
Area	1,054
Ward	75 DUTTON PARK
Subdivision Number	<u>5952</u>
Subdivision Number (retiring)	
Title Reference Number	
Lot Type Description	Standard
Tenure Type Description	FREEHOLD
Easement	<input type="checkbox"/>
Balance	<input type="checkbox"/>
Orthophoto Map	N13
Four Chain Map	117
Redundant Property Description	
Comments	L3 RP.218570 PAR STH BRISBANE
Reserve Number	
Reserve Creation Date	
CMS Number	
Entitlement	
Contribution	

### UBD MAP REFERENCES

Map Col Row  
159 D18

### PLAN DETAILS

Plan	RP218570	Creation Date	16-AUG-1988
Registration Date	16-AUG-1988	Retirement Date	
Common Property Area		Subdivision	

### LINKED PROPERTIES

Type	UPRN	Description	Lot Plan	Ineffective Date
2 Holding	005/0042-4 ^03686	L.18/19 RP.197695 & L.3&14/17 RP.218570 PAR STH BRISBANE		

### FRONTAGES

Description	Address	Width
Uprn (Official Location)	28 FERRY RD WEST END QLD 4101	20.2
Postal	28 FERRY RD WEST END QLD 4101	20.2
Valuation	28 FERRY RD WEST END QLD 4101	20.2

### LEASES

No leases were found.

---

**TRANSFERS**

Possession Date	Dealing Number	Exemption	Transfer Price	Dealing Type
30-SEP-2002	706690067		\$2,347,232.00	Transfer
Vendor: Samdoor Pty Ltd				
Purchaser: Mayne Health Pathology Pty Ltd				
Comments: PART SALE,Commercial,TRANSFER [Normal]				

Possession Date	Dealing Number	Exemption	Transfer Price	Dealing Type
11-APR-1995			\$499,500.00	
Vendor:				
Purchaser:				
Comments: DELACROIX P/L TO SAMDOOR P/L - DWG INC L.16/17				

---

**CITY PLAN FLAGS****CP-LI LIGHT INDUSTRY AREA LI**

Summary - The Light Industry Area accommodates a range of light industries and warehouses that are of low environmental impact. These light industries are to have a clean and attractive image, and pose no significant risk to people and property in surrounding areas, or to the environment. High standards are required in design, building layout and landscaping to ensure high levels of amenity. For details see Chapter 3, Section 6.

---

**TOWN PLAN FLAGS / ZONINGS (1987)**

10	<b>CHARAC BLDG AREA</b> 1987 Town Plan - PROPERTY IN A RESIDENTIAL ZONE, INSIDE THE HERITAGE AND CHARACTER BUILDING AREA Superseded by Brisbane City Plan 2000
75	<b>CITY FRAME AREA</b> 1987 Town Plan - CITY FRAME AREA Superseded by Brisbane City Plan 2000
WT	Warehouse and Transport

---

**FLOODREPORT****FS-BN55 FLOOD CELL ID**

This property is partly/wholly within a flood cell/s used in generating a Flood Report. To obtain a Flood Report for this property, an enquiry should be made at a Regional Business Centre or Customer Service Centre in person.

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**WASTE BIN COLLECTION**

WASTE-THU	<b>WASTE BIN COLLECTION - THURSDAY</b>
	Waste Bin Collection Thursday

---

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Application: *Properties on the Web*  
Module: *bccpdsly,*  
*display\_property\_details*  
Package Body Revision: 1.64  
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# BIDS Applications / Site History

L3/RP.218570 L3 RP.218570 PAR STH BRISBANE

No Child Properties 6 Parent properties

## FRONTAGES

Description	Address	Width
Uprn (Official Location)	28 FERRY RD WEST END QLD 4101	20.2
Postal	28 FERRY RD WEST END QLD 4101	20.2
Valuation	28 FERRY RD WEST END QLD 4101	20.2

## BIDS APPLICATIONS

Application Number	Application Type	Approved Date	Status Date	Status	Old Application Number	Purpose
250779	BCGHIST	19-DEC-1994	23-FEB-1995	Commenced	B10951/94	DEMOLITION DWG
820050	SEARCH	06-JUN-2002	06-JUN-2002	A/P Completed		
110817	DEVAPP		05-OCT-2005	Project Activated		
930691	HIGH LEVEL		05-OCT-2005	Scoping		MULTI-UNIT DWELLING

**NB:** The application types shown below no longer display current information, as they are now recorded in **DART** from the listed migration date. Please refer to **DART** for current information about these applications.

Appln Type	Description	Migration Date
BACKFLOW	BACKFLOW PREVENTION DEVICE	18-MAR-2005
ODSTS	ON-SITE DOMESTIC SEWAGE SYSTEM	18-MAR-2005
PLUMB COM	PLUMBING COMMERCIAL APP.	18-MAR-2005
PLUMB RES	PLUMBING RESIDENTIAL APP.	18-MAR-2005
SIGN	ADVERTISING SIGNS	03-JUL-2005
SNHC	SEWERAGE NETWORK HOUSE CONNECT	18-MAR-2005
TEMPSIGN	TEMPORARY SIGN APPLICATION	03-JUL-2005

## BUILDING CARDS (MICROFILMED)

No Building Cards were found.

## DRAINAGE PLANS

No microfilmed drainage plans were found.

## PROPERTY NOTICES

Created Date	Created By	Assess Date	Assess By	Effective Date	Expiration Date	Notice Type	Ordi
	CONVERSION					MICROFILM SITE HISTORY CARDS	
Comments	M024-033-035(001)						

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Application: Properties on the Web  
Module: z11pdsly.  
display\_site\_history\_details  
Package Body Revision: 1.48  
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Dedicated to a better Brisbane

# MEMORANDUM

## Brisbane City Council

### Development & Regulatory Services Customer & Community Services

Development Assessment Team South  
69 Ann Street  
GPO Box 1434  
Brisbane Qld 4001

Phone: [REDACTED]  
Facsimile: (07) 3403 5379  
Email: [REDACTED]  
Internet: [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)

To: [REDACTED] Date: 16 November 2005  
Attn: [REDACTED]  
CC:  
From: Paul Hills  
Engineering Officer  
Development Assessment Team South  
Re: Development Application over land at 28 FERRY RD, WEST  
END QLD 4101

Application No DRS/USE/H05-930691  
Project No DRS/PRO/P05-110817



The following issues are to be resolved prior to approval of this application.

- A traffic report is to be submitted demonstrating that the existing road layout is able to sustain the increase in vehicular traffic in the short term, alternatively detailing any upgrading work required.
- A 2 metre indentation is required at the end of parking aisles in accordance with figure n in the Transport, Access, Parking and Servicing Planning Scheme Policy (TAPS).
- In accordance with the TAPS Policy, areas for service vehicles to load and unload on site are required. The service vehicle type as specified in Table 1 Section 2, is regular access for a van and occasional access for a Large Rigid Vehicle.
- The proposed ramp gradient of 1 in 5 does not comply with the TAPS Policy.
- The West End Local Stormwater Management Plan has identified that the site is subject to partial inundation by floodwaters during flood events. The development will be conditioned to construct relief drainage as detailed in the Draft West End Riverside ICP, which includes drainage along the frontage of the site continuing along Ferry Rd to the Brisbane River. The costs of these works can be credited against ICP charges. The developer will be required to enter into an infrastructure agreement with Brisbane City Council.
- The application has been forwarded to Brisbane Water for advice on water and sewerage requirements.

Paul Hills  
Engineering Officer  
Development Assessment Team South  
Development and Regulatory Services  
Customer and Community Services



# FLOOD REPORT

ABN: 72002765795

Time & Date of Issue: 17/11/2005 9:08:55AM

Report Reference: 124944

## 1. General Information

- 1.1 The flood information supplied does not represent the highest probable flood level that could occur on this property. A flood more severe than a Defined Flood can / will occur, although, such events are rare.
- 1.2 Where a property may be affected by flooding from two or more sources (ie: Brisbane River, creek or local waterway flooding) the higher Defined Flood Level is given.
- 1.3 If a property may be affected by flooding, it may also be affected by a Waterway Corridor. The Waterway Corridor indicates where development is controlled to preserve the capacity of the land to meet the waterway objectives. For further information on this contact the Development Assessment Customer Liaison Officer on phone 3403 8888.
- 1.4 The property may also be affected by localised Overland Flow. For works in localised overland flow paths, the applicant must lodge an application for Building Over/Near Stormwater Facilities to Council for assessment. The location of stormwater pipes can be obtained from Council's Customer Service Centres. The applicant must engage a suitably qualified and experienced Registered Professional Engineer in Queensland (RPEQ) to undertake the appropriate assessments.
- 1.5 Any proposed filling of land must be undertaken in accordance with the requirements specified in the Brisbane City Plan 2000. Habitable Floor Levels are to be in accordance with the Brisbane City Plan 2000.
- 1.6 Defined Flood Levels shown on this form have been determined from the information available to Council at the date of issue. The Defined Flood Level for a particular property may change if more detailed information becomes available, or changes are made in the method of calculating flood levels. Changes in the condition of local creeks and waterways may further alter the effects of flooding.
- 1.7 The Flood Report is a guide only and should not be used or relied upon for development purposes. For development purposes, it is recommended that a registered surveyor or engineer be engaged to undertake the appropriate assessments.
- 1.8 For the reasons set out above, Council makes no warranty or representation regarding the accuracy or completeness of a Flood Report and Council disclaims any responsibility or liability in relation to the use or reliance by any person of a Flood Report.

## 2. Property Details

Property Address (property address for which flood report is being provided):
28 FERRY RD WEST END QLD 4101
Real Property Description:
L3/RP.218570



### 3. Flood Level Information

The following flood level data is based on available information.

1. Defined Flood Level*	5.4 m (AHD)*	Highest Flooding From: BRISBANE RIVER
		Flooding also from: Not Available
2. Minimum Ground Level*		4.9 m (AHD)*
3. Maximum Ground Level*		5.8 m (AHD)*

*If you require further information specific to your property you should seek advice from a Registered Professional Engineer in Queensland (for example to determine if an overland flow path affects the property).*

### 4. Further Information (this section refers only to River and Creek/Waterway flooding)

If you are building a new dwelling, extending an existing dwelling, planning a subdivision, and other similar such development, the following information may also apply:

1. 50 Year ARI* Flood Level	4.4 m (AHD)*	Flooding from: BRISBANE RIVER
2. 20 Year ARI* Flood Level	3.0 m (AHD)*	Flooding from: BRISBANE RIVER
3. 5 Year ARI* Flood Level	Not Available m (AHD)*	Flooding from: Not Available

**THE ABSENCE OF FLOOD RECORDS DOES NOT IMPLY THAT THE ABOVE PROPERTY IS NOT SUBJECT TO FLOODING, SIMPLY THAT COUNCIL HAS NO RECORDS.**

\* Refer to Glossary of Terms for definitions

## **5. Glossary of Terms**

### **5.1 Defined Flood Level:**

- is the level used for planning purposes for example the habitable floor level of a building is the Defined Flood Level + 500mm. For creeks it is generally based on the anticipated 100year ARI flood event. For more information, please refer to the Housing Code in City Plan 2000 and to Council's Subdivision and Development Guidelines.
- Generally, the Defined Flood Levels have been produced using historic information and computer modelling. Where no computer models are available, the Defined Flood Level is estimated on the basis of the highest recorded flood level. A Defined Flood Level does not take into account localised Overland Flow unless expressly stated in the Flood Report.

### **5.2 Highest Recorded Flood Level:**

- the maximum level of flood waters from a historic event for which Council has records.

### **5.3 Waterway Corridor:**

- the riparian corridor along a waterway (being a river, creek or tributary of a creek) which protects and enhances the water flow, water quality and biodiversity, and restricts development, especially where at risk of flooding.

### **5.4 Registered Professional Engineer in Queensland (RPEQ):**

- is a Professional Engineer registered with the Board of Professional Engineers, Queensland. A list of these is available from the Yellow Pages under Engineers – Consulting.

### **5.5 Brisbane City Plan 2000:**

- was produced in 2000 and is a comprehensive statement of Council's intentions for future development in Brisbane.

### **5.6 Habitable Floor Level:**

- is the minimum level at which habitable areas of development (generally including bedrooms, living rooms, kitchen, study, family and rumpus rooms) must be constructed.

### **5.7 AHD - Australian Height Datum:**

- is the survey height datum adopted by the National Mapping Council of Australia as the reference point for defining reduced levels. The level 0.0 m AHD is approximately mean sea level.

### **5.8 Minimum Ground Level:**

- is the lowest natural ground level on the applicant's property. Check with a registered Surveyor for further information on ground levels.

### **5.9 Maximum Ground Level:**

- is the highest natural ground level on the applicant's property. Check with a registered Surveyor for further information on ground levels.

### **5.10 Overland Flow:**

- run off which exceeds the capacity of the underground drainage system (if present) and which concentrates in surface depressions and gullies as it flows down a catchment.

### **5.11 ARI – Average Recurrence Interval:**

- a statistical estimate of the average period in years between the occurrence of a flood of a given size or larger (eg. the 100-year ARI flood event will occur on average once every 100 years), however the ARI of a flood event **gives** no indication of when a flood of that size will occur next.

# Flooding Awareness and Stormwater Drainage

Brisbane enjoys a sub-tropical climate with a summer rainy season occurring mostly from November to March during which time rain generally falls as thunderstorms or heavy downpours. The intensity and frequency of these events can put a lot of pressure on Council's stormwater drainage system.

As our city grows and housing styles change, we are increasingly building hard surfaces which create more stormwater run-off. In a typical urban area, surface run off and roof water from properties are discharged onto roads, into gutters and conveyed via *underground* piped drainage systems to our waterways. Stormwater also flows *overland*, along roads and footpaths, and through properties and parklands into our waterways. The stormwater discharged into the local creeks in turn flows to the rivers and Moreton Bay.

Residents and local businesses should familiarise themselves with where their local waterway is, the location of the *overland flow paths* (depressions and gullies in which the surface run-off concentrates as it flows down the catchment) and the potential impact of flood events in the vicinity.

## TYPES OF FLOODING

Brisbane experiences different types and frequencies of floods including:

**River flooding** occurs when run off from rain across the Brisbane River Catchment exceeds the river's channel capacity. For this to occur there must be widespread heavy rain (eg. cyclonic or low-pressure meteorological system) throughout the catchment area over many days. River flooding can take several days to peak depending on the amount of rain fallen and where it has occurred within the catchment. The Brisbane River Catchment runs from the peak of the Great Dividing Range, through the city centre and into Moreton Bay, the whole Brisbane River Catchment covers around 13,500km<sup>2</sup>.

**Creek or waterway flooding** occurs when run off from within the creek catchment exceeds the creek/waterway channel capacity. When this occurs, water flows as part of the natural process over land. This could result from a severe thunderstorm or periods of prolonged rain.

**Local Flooding** occurs when the capacity of the underground stormwater drainage system, pipes and gully inlets, become overloaded with too much water, blocked with sediment, litter or debris and/or when a building or landscaping obstructs an *overland flow path* (the lowest path water can find). This can be the result of a severe thunderstorm.

**Storm Surge** impacts on the coastal areas and occurs when a cyclonic event causes extremely low air pressure and coincides with high tides. As a result sea levels rise increasing the height of flood events. During the cyclonic event, flood levels may also increase from the effect of wind on waves.

## ADVICE TO RESIDENTS AND LOCAL BUSINESSES

Help reduce flooding by:

- ensuring the stormwater drainage system operates to its full capacity:
  - preventing sediment from entering the stormwater system
  - clearing soil and sand out of gutters and avoiding stockpiling of dirt, sand and mulch where it could be washed into a drain
  - ensuring builders and landscapers on your property install erosion and sediment control measures during construction to prevent sediment from entering the stormwater system
  - removing garden clippings, leaves and litter from gutters and drains near your property
  - not disposing of garden clippings, leaves or other litter into gutters, drains or creek banks. Garden waste should preferably be composted (phone Council on 3403 8888 for composting information or talk to your local nursery).
- regularly clearing leaves and other debris from roof gutters
- removing building materials and other objects from your yard which could block the flow of water through your property.

Property owners can be liable for damages if the building and/or filling on your property increases flood levels or the frequency of flooding to your neighbour's property.

Because water flows downhill, structures built below the level of the adjoining land are prone to flooding from surface run off and overflow of stormwater drains. It is the responsibility of the residents and local businesses to ensure that the overland flow path is kept free from any obstructions including buildings and landscaping.

***Flooding resulting from blockages of private drains carrying water from roof downpipes***

Property owners should be aware of the location of roof and stormwater drains on their property, for example where the pipes start and end, where the pipes are laid and through which properties they run. To prevent blockages of private stormwater drains, avoid damaging drainage pipes, planting trees close to pipes, and ensure pipes are kept in good condition.

In the event of a blockage on a neighbouring property causing a problem, property owners are encouraged to negotiate with neighbours to have the blockage cleared.

It is not Council's policy or responsibility to repair private drainage systems nor will Council become involved in neighbourhood disputes of this nature. It is the responsibility of property owners to maintain pipes on privately owned land by ensuring the prevention of blockages.

***Flooding resulting from upstream property owner(s) diverting or concentrating overland flow***

A building approval is required for any building works planned in an overland flow path.

Council does not encourage the diversion or concentration of stormwater run off, and any dispute between neighbours is a civil matter in which Council has no jurisdiction.

Property owners can be liable for damages if the building and/or filling on their property causes an increase in flood levels or frequency of flooding to the neighbouring properties.

***MAJOR FLOOD MITIGATION SCHEMES & FLOODPLAIN MANAGEMENT***

Through flood mitigation schemes and works, Council has endeavoured to improve the function, quality, amenity and accessibility of Brisbane's waterways in partnership with the community through the planning and implementation of a program of works.

Since 1974 several major flood mitigation schemes have been implemented by Council to reduce flooding problems. While these schemes, and the construction of Wivenhoe Dam, have reduced river and creek flooding, flooding can never be eliminated.

Other floodplain management practices implemented by Council include:

- **Minimising the risk of flooding** by setting minimum habitable floor levels in areas prone to creek or river flooding during major storm events.
- **Minimising the impact of flooding on existing developments** by restricting development within the defined Waterway Corridor on critical areas of the floodplain.

Contact Council for flood level information when purchasing a property or moving into rental accommodation to establish the indicative type and levels of flooding that could occur on that property.

***INFORMATION AND ADVICE DURING RIVER AND /OR CREEK FLOODING***

The Bureau of Meteorology provides weather and flood warnings over the radio and television alerting the community to a flood emergency. When a flood emergency occurs, services you can access for further information include:

- *Brisbane City Council* on 3403 8888 for predicted flood levels during a major RIVER flood event.
- *The Brisbane City State Emergency Services (SES)* on 3403 8888 for emergency rescue, property protection and clean-up after a flood event
- *The Royal Automotive Club of Queensland (RACQ)* on 3219 0900 for information on road conditions and road closures

For more information on anything contained in this fact sheet please contact the Brisbane City Council Call Centre on 3403 8888.

7

Application No: DRS/USE/H05-930691  
Project No: DRS/PRO/P05-110817  
Contact: [REDACTED]  
Telephone: (07) 340 [REDACTED]

To Sandy 1/02/06

22 November 2005

Kozmic Developments Pty Ltd  
C/- Humphreys Reynolds Perkins  
Level 20, 344 Queen Street  
BRISBANE QUEENSLAND 4000

Attention: [REDACTED]

Dear [REDACTED]

**Information Request under section 3.3.6 of the *Integrated Planning Act 1997*:  
Application for 3 Stages - 94 Units on land at 28 Ferry Rd, West End Qld 4101  
and described as Lots 18-19 on RP197695 and Lots 3,14-17 on RP218570, Parish  
of Sth Brisbane.**

The Council has carried out an initial review of the above application. However, before it can fully assess the proposal the Council requires that you submit the following information:

**West End Woolloongabba District Local Plan (Draft)**

The WEWDLP provides for an acceptable solution of 7 storeys and a plot ratio of 1.5. The development application proposes a performance solution ie. "Development does not exceed the infrastructure capacity available on each site" The reports provided have not adequately demonstrated that the proposed development meets this criteria. Demonstrate that the development does not exceed the infrastructure capacity on the site. Refer to the section on sustainable development for specifics

**High Density Code**

- Provide further details about the front fence to Ferry Road. It appears that the 1.5 metre fence to Ferry Road is solid. ✓
- Provide details regarding the provision of communal open space. The Code requires a minimum of 25% of open space. Provide calculations of the amount and type of open space (private and communal) for the development
- Provide details of the location of clothes drying areas for each of the stages and note these on the plans ✓
- Please provide further detail on the colours textures and materials and note these on all elevations. ✓

? traffic report  
after advertising

### Engineering

- ✓ Provide a traffic report demonstrating that the existing road layout is able to sustain the increase in vehicular traffic in the short term, alternatively detailing any upgrading work required.
- ✓ Demonstrate compliance with the Transport, Access, Parking and Servicing Planning Scheme Policy (TAPS) with respect to indentations at the end of parking aisles in accordance with figure n in TAPS. A 2 metre indentation is required.
- ✓ Demonstrate provision of areas for service vehicles to load and unload on site. The service vehicle type as specified in Table 1 Section 2, is regular access for a van and occasional access for a Large Rigid Vehicle.
- ✓ Demonstrate compliance with the Transport, Access, Parking and Servicing Planning Scheme Policy (TAPS) with respect to the ramp gradient. At 1 in 5 this does not comply with the TAPS Policy.
- ✓ The West End Local Stormwater Management Plan has identified that the site is subject to partial inundation by floodwaters during flood events. The development will be conditioned to construct relief drainage as detailed in the Draft West End Riverside ICP, which includes drainage along the frontage of the site continuing along Ferry Rd to the Brisbane River. The costs of these works can be credited against ICP charges. An infrastructure agreement will be required to enter into an with Brisbane City Council.
- The application has been forwarded to Brisbane Water for advice on water and sewerage requirements.

### Architecture

This is a formula based design, also driven by a clear 'staging' of construction process. This does little to capture the site in an exercise of 'place making'. In this regard the major siting strategy works with 'building form' only and uses the leftover areas of the site as open space. In this strategy the development registers as 3 detached buildings surrounded by sky. The proposal could develop the opportunity to capture the 'whole of an 'urban design' intention, providing for a street presence connection and orientation. In this regard demonstrate compliance with the DEOs for the High Density Code with regard to the relationship between the buildings and the open space setting.

Demonstrate compliance with Performance Criteria P17 with regard to the orientation of the units to the rear of the site. In the current proposal most of the units not fronting Ferry Road will require airconditioning. This is not a sustainable outcome.

### Landscape Architecture

In order to demonstrate compliance with the Landscaping Code please provide the following additional information :

- Provide an appropriately-sized drying court area with minimum dimension of 4m, screened from recreation areas

- Provide details regarding the screening for the transformer and the front fence
- Provide sections of podium planters
- Clearly indicate on the Landscape plans the location of bio-retention basins as discussed in the sustainability report

Submit a Landscape Concept Plan which includes at least the following:

- **Existing site condition:** existing contours, built structures and vegetation on site and on adjoining properties (including the footpath) which impact onto the site. Vegetation is to be identified by botanical name with specification of current height, spread, trunk diameter and condition. Any earthworks proposed within the vicinity of such vegetation are to be documented. Clusters of lesser vegetation can be identified generically in terms of plant species composition, height, spread and condition
- **Proposed site condition:** proposed surface treatments and indicative spot levels, including but not limited to buildings, driveways, car parking areas, pathways, courtyards, paved areas, field gullies, services (above and below ground level), retaining walls, podium planters, mail boxes, bin storage areas, clothes drying areas etc as applicable.
- **Extent, function and character of areas to be landscaped:** proposed plant massing to address buffer planting between incompatible land uses and/or at critical interface points, shade tree planting, amenity planting in recreation areas etc as applicable and at an appropriate scale (1:100 to 1:250 depending on size of site)
- **Proposed resolution of earthworks:** location, height and type of retaining walls, stabilisation of steep areas, interface with adjoining land uses and the footpath etc
- **Typical construction details** for critical issues including sections showing depth of topsoil, mulch and drainage medium for proposed podium planters and/or retaining walls within landscaped areas. (Drainage of all planters to be connected to the stormwater system or to specifically designed infiltration pits.)
- **Specification notes:** standard specification notes including but not limited to soil preparation, methods for the protection of vegetation to be retained during construction activity on site, maintenance establishment, irrigation and level of workmanship generally
- **Proposed planting palette:** indicative tree, shrub, ground cover and accent plant species, together with intended size at time of planting.

## Sustainability

To demonstrate a greater commitment to sustainability the developer/applicant should demonstrate the following:

- Provide a clear written commitment to sustainability with quantifiable reductions and the means of achieving them;
- Assess the design against the Brisbane City Council, *Sustainable Home Checklist for Units and Apartments* and achieve a minimum of 70-90 points against its criteria. Provide a Report demonstrating a clear, sustainable outcome is achieved. This will include for example the provision of landscaping that includes integrated deep planting, attention to use of solar/gas hot water, low-energy inverter type airconditioners, energy efficient appliances and low VOC internal finishes;
- Subtropical Design is a key design driver of the Brisbane City Council and the State Government Regional Plan. Ensure all the development incorporates subtropical design principles, including orientation, siting and passive climate control.
- Demonstrate that appropriate water sensitive urban design measures minimise the developments impact on the water cycle through the preparation of an Integrated Water Management Plan for the development.

Report to come.

*[Signature]*

Under the provisions of the *Integrated Planning Act 1997* you may respond by either:

1. providing all the information requested;
2. providing part of the information requested together with a notice asking the Council to proceed with the assessment of the application; or
3. providing a notice stating that the applicant does not intend to supply any of the information requested and asking that the Council proceed with the assessment of the application.

Your response should be mailed or delivered to the Development and Regulatory Services Area, Floor 1, Brisbane Administration Centre. Please note that if you are submitting plans we require that you provide the same number of copies as originally submitted with the application. Your prompt attention in this matter will enable the Council to more quickly decide your application.

Should you want to discuss the matter, please do not hesitate to contact me on telephone number (07) 340 [REDACTED]

Yours faithfully,

[REDACTED]  
Acting Senior Urban Planner  
Development Assessment Team South  
**Development and Regulatory Services**  
**Customer and Community Services**



14.

MCD AUSTRALIA

analyse  
manage  
deliver

6 February 2006

Our Reference: B0579.L03.001  
Council Reference: DRS/USE/H05-930691

Brisbane City Council  
Development Assessment Team South  
Brisbane City Council  
Level 10, 69 Ann Street  
BRISBANE QLD 4001

DRS/USE/H05-930691(P1)	
X.REF.....	
08 FEB 2006	
INFORMATION MANAGEMENT	
ATTACH No.	A 06 118681

ATTENTION:

Dear

**RE: RESPONSE TO INFORMATION REQUEST -  
DEVELOPMENT APPLICATION OVER LAND AT 28-42 FERRY  
ROAD, WEST END. BCC FILE DRS/USE/H05-930691**

In accordance with Section 3.3.8(1) of the *Integrated Planning Act 1997* (IPA), please find attached our response to Council's request for further information dated 22 November 2005.

#### 1. West End Woolloongabba District Local Plan (Draft)

The WEWDLP provides for an acceptable solution of 7 storeys and a plot ratio of 1.5. The development application proposes a performance solution in so far that gross floor area exceeds 1.5. However, the SSI report clearly demonstrates that the proposal does not exceed the infrastructure capacity available on each site. This would be achieved through the implementation of the recommended water conservation strategies and energy effect design features. As agreed at our meeting, Council will carry out a detailed review of the submitted SSI report.

#### 2. High Density Code

- Fencing Details are as shown
- Open space provision far exceeds the minimum 25 % requirements. Communal spaces have been redesigned generally in line with Council's suggestion.
- A clothes drying srea has been provided to each stage.
- Materials are as noted on plan. Final colour scheme has not been finalised. We envisaged that council will impose the standard condition requiring a colour palette to be submitted at BA stage.

Level 11  
167 Eagle Street  
Brisbane Qld 4000

www.mcdaustralia.com.au

MCD (Aust) Pty Ltd  
ABN 27 811 795 799

property advisors  
development managers  
project managers  
cost managers  
town planners

**3. Engineering**

- A traffic report from Bob Holland, addressing the issues raised in your letter, is attached for your assessment.
- We noted that relief drainage may be required and will form part of any conditions of approval.

**4. Architecture**

- The plans have been redesigned to improve communal open space, enhance façade treatment, provide better connectivity with the two buildings in stage B and provision of additional facilities for each stage (eg clothes drying and recreation areas etc) for the two stages.

**5. Landscape Architecture**

- A full landscaping plan is attached for your assessment.

**6. Sustainability.**

- Please refer to item 1 of this letter. We envisaged that Council will condition for the recommended measures/strategies listed in the SSI report.

Please note that this completes the application information response period. Public notification will commence shortly. If you have any further queries please contact Tam Dang at the office on (07) 3221 5999.

Yours faithfully,

  
  
**MCD (Aust) Pty Ltd**

**DECISION OF THE BRISBANE CITY COUNCIL**

8797/06

**COUNCIL'S  
DELEGATE**

DECISION ARRIVED AT BY THE ESTABLISHMENT AND CO-ORDINATION COMMITTEE AS DELEGATE OF THE COUNCIL DURING THE WINTER RECESS 2006 ON A MATTER USUALLY COMING UNDER THE JURISDICTION OF URBAN PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

To be Presented to Council for Information Purposes: 8 August 2006

**B     DEVELOPMENT APPLICATION - PROPOSED MULTI UNIT DWELLING ON  
LAND AT 28 TO 42 FERRY ROAD, WEST END - KOZMIC DEVELOPMENTS  
PTY LTD C/- MCD  
DRS/USE/H04-887902**

9. A Development Application has been submitted by MCD Group on behalf of Kozmic Developments Pty Ltd, described as follows:

Development Aspects	Making a Material Change of Use (Development Permit)
General Description	Multi Unit Dwelling (93 units)
Land Ownership	Kozmic Developments Pty Ltd
Address of the Site	28 to 42 Ferry Road West End
Described as	Lot 18 and 19 on RP 197695, Lots 3 and 14 to 17 on RP 218570 Parish of South Brisbane
Containing an area of	4202 square metres

10. The proposal involves the erection of a Multi Unit Dwelling (93 units) and 8399 square metres of Gross Floor Area (GFA), the proposed buildings with a height of seven storeys and car parking of 137 spaces.
11. The Urban Planner advises that the application was lodged as an Impact assessable application under Brisbane City Plan 2000 and as such public notification was required. Thirteen submissions were received and the concerns of the submitters have been considered. The submissions and representations are summarised as follows:

Issues	Response
1. The proposed 7-storey height will be visually dominating and needs to be reduced to 3-5 storeys.	The 7-storey height meets the Acceptable Solution in the West End Woolloongabba Draft Local Plan
2. The site density of 1.99 exceeds the maximum site density of the West End Woolloongabba Local Area Plan (LAP) by 33 percent, which will adversely impact on local infrastructure.	The applicant has demonstrated to the satisfaction of Brisbane Water and the Development Assessment Team that the increased Plot Ratio sought can be ameliorated through sustainable elements that reduce water consumption and load on the sewer to a degree where the Plot Ratio equals 1.5. This Report has been included as a condition of the development
3. The Community problems inherited from the large high-density development will negate Council's intentions for more sustainable living.	The proposal is in accordance with the strategic vision of the Urban Renewal Task Force, and their intent for the West End - Woolloongabba Local Area Plan that has identified this Precinct for high density residential use.
4. There is insufficient public green space to	The approval has been conditioned to

match the increase in population	provide Infrastructure contributions for Community Purposes. Part of this contribution is distributed to parkland areas in the locality
5. West End already has traffic problems; thus the car-parking ratio is too high and needs to be decreased to encourage alternative modes of transport.	A traffic report with regard to the movement of vehicles in and around the proposed development has been submitted and is acceptable. The numbers of car parks is in accordance with the provisions in the Transport Access Parking and Servicing Code of the City Plan
6. Ferry Rd is a narrow street that cannot easily accommodate additional vehicular traffic	Applicant is to provide a road widening of 5 metres along the whole frontage of the site.
7. Submitter suggests the developer wants to trade sustainable building design for increased density, and argues that sustainable development should be mandatory not negotiable for higher densities.	The applicant has demonstrated to the satisfaction of Brisbane Water and the DA Team that the increased Plot Ratio sought can be ameliorated through sustainable building elements that reduce water consumption and load on the sewer to a degree where the Plot Ratio equals 1.5. This Report has been included as a condition of the development
8. The proposal has focused on GFA maximisation rather than the provisions of a high quality residential product. The proposal does not comply with the Development Principle 2.5 of the West End Woolloongabba LAP because:  The building layout significantly limits the ability for the majority of units to incorporate passive climate design to reduce loads on energy consumption. The developer intends to manage stormwater reuse through a rainwater tank, but this has not been incorporated within the proposal The hard landscaping on the ground level such as pools and barbecue areas reduce the ability for adequate landscape buffering to the side and rear boundaries	Building layout allows the maximum number of units to be orientated to the north and a limited number to the west.  Rainwater tanks (100 kilolitres are provided to the development.  A Landscape Plan is provided which identifies an area to the side and rear boundaries for landscape buffering.
9. The developer needs to ensure that housing is affordable and not reserved for investor buying only.	The application has been assessed on its merits as a Multi Unit Dwelling. The eventual cost of the units is not a criteria for assessment
10. The building does not fit in with West End housing and contributes nothing to West End culture, diversity and character.	The proposal is in accordance with the strategic vision of the Urban Renewal Task Force, and their intent for the West End – Woolloongabba Local Area Plan.
11. Submitter states all new developments in West End should combine residential and commercial use, to enable people to live and work in close proximity to reduce the impacts on traffic	The West End Woolloongabba District Local Plan (WEWDLP) provides for Residential use only in the Riverside South Precinct

12. Continuing, the Urban Planner advises that the subject application required referral to the Environmental Protection Agency's Contaminated Land Unit as Concurrence Agency and the Department of Natural Resources and Mines as an Advice Agency.
13. The Urban Planner recommends that the application be approved subject to reasonable and relevant conditions. The Committee agreed at its meeting held on 7 July 2006
14. **RECOMMENDATION:**

(i) That it be and is hereby resolved that whereas:

- (a) A development application was properly made on the 21 October 2005 pursuant to Section 3.2.1 of the *Integrated Planning Act 1997*, described as follows:

Development Aspects	Making a Material Change of Use (Development Permit)
General Description	Multi Unit Dwelling (93 units)
Land Ownership	Kozmic Developments Pty Ltd
Address of the Site	28 to 42 Ferry Road West End
Described as	Lot 18 and 19 on RP 197695, Lots 3 and 14 to 17 on RP 218570 Parish of South Brisbane
Containing an area of	4202 square metres

- (b) Pursuant to Section 3.5.4 of the *Integrated Planning Act 1997*, the proposal has been assessed against the applicable codes, Chapter 3 Section 2.5.2 Impact Assessment and the May 2005 version of the Draft West End Woolloongabba Local Plan.

The Council –

- (A) Upon consideration of the application, the relevant codes under Brisbane City Plan 2000 and those matters set forth in Section 3.5.4 (2) of the *Integrated Planning Act 1997* relevant to the application, considers that:

- (1) The subject site is suitable for the proposed use;
- (2) The proposal would not detrimentally affect the amenity of the neighbourhood;
- (3) The amenity of the future residents on the site can be achieved to an acceptable standard;
- (4) The proposal will not have a detrimental impact on the surrounding road network;
- (5) The proposal is consistent with the intent of the Riverside South Precinct of the Draft West End Woolloongabba Local Plan (May 2005 version) and with Urban Renewal Brisbane's concept plan objectives for the precinct.

- (B) Accordingly considers that were the following reasonable and relevant conditions imposed on the development, it would be appropriate that the proposed development be carried out on the subject land:

- Noise quality requirements for all residential units;
- Landscaping to improve the appearance of the development, in particular the recreational area and the street frontages;
- Building bulk and appearance are not modified by enclosure of any deck or balcony areas;
- On-site car parking and safe ingress and egress;
- Infrastructure Charges for Waterways, Transport and Community Purposes;
- The applicant signing an Infrastructure Charges Agreement;

- External building materials and finishes are of a high standard; and
- Headworks contributions for water and sewerage infrastructure.

(ii) Whereas the Council determines as in (i). hereof, **THE COUNCIL APPROVES THE DEVELOPMENT APPLICATION** referred to above, subject to the conditions in the attached Development Approval Package submitted at attachment "B" and the applicant signing an Infrastructure Charges Agreement and accordingly;

- (a) Notify the applicant of the decision;
- (b) Notify the Dutton Park Ward Councillor of this decision;
- (c) That the Environmental Protection Agency, as a concurrence agency, be advised of the decision at the expiration of the applicants negotiated decision period;
- (d) That the Department of Natural Resources and Mines, as an Advice Agency, be advised of the decision at the expiration of the applicants negotiated decision period;
- (e) That the Manager of City Planning and Urban Renewal Brisbane be advised of the decision; and
- (f) That the submitters be advised of the decision at the expiration of the applicants negotiated decision period.

**Infrastructure Agreement  
28-42 Ferry Road, West End**

**KOZMIC DEVELOPMENTS NO.3 PTY LTD**  
ACN 106 141 093

and  
*Symbion Pathology Pty Ltd (formerly known as*  
**MAYNE HEALTH PATHOLOGY PTY LTD)**  
ACN 007 190 043

and

**BRISBANE CITY COUNCIL**

Brisbane City Legal Practice  
69 Ann Street, Brisbane Queensland 4001  
Telephone: [REDACTED] Facsimile (07) 3403 5379  
Reference: BL BCL/1-PRP/262003  
OP: 262003  
Author: [REDACTED]

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## This Infrastructure Agreement

is made the                      day of                      2006 between the following parties:

- 1      **KOZMIC DEVELOPMENTS NO.3 PTY LTD** ACN 106 141 093 of  
c/- George Crokidas Accountants, Unit F3, 12 Browning Street,  
West End, Queensland;  
(Developer)  
and  
*Symbion Pathology Pty Ltd (formerly known as)*
- 2      **MAYNE HEALTH PATHOLOGY PTY LTD** ACN 007 190 043 of  
GPO Box 1671N, Melbourne Victoria;  
(Owner)  
and
- 3      **BRISBANE CITY COUNCIL** of 69 Ann Street, Brisbane  
Queensland.  
(Council)

### Recitals

- A.      The Developer lodged the Development Application with Council, with the consent of the Owner of the Land.
- B.      The Developer and Owner accept that the Development Approval to be granted by Council will be subject to conditions requiring the Developer to make payments for waterway, transport and community purposes infrastructure.
- C.      The parties have reached agreement with respect to the calculation, amount and timing of the infrastructure contributions to be made.
- D.      The Developer and Owner have agreed among themselves that the Developer will accept responsibility for the payment of the infrastructure contributions to Council, in accordance with the terms of this Agreement.

### The parties agree

that in consideration of, among other things, the mutual promises contained in this Agreement:

## 1 Definitions and Interpretation

### 1.1 Definitions

In this Agreement:

**Agreement** means this agreement and includes any annexure, exhibit and schedule to this agreement;

**Business Day** means a day on which banks are open for business in Brisbane excluding a Saturday, Sunday or public holiday;

**Conditions of Approval** means the conditions of the Development Approval;

**Developer** includes the Developer's successors and permitted assigns;

**Development** means the 'development', as defined in IPA, for which the Development Application has been lodged;

**Development Application** means the application by the Developer for Material Change of Use (multi-unit dwelling) to which Council has assigned the reference number DRS/USE-HO5-930691;

**Development Approval** means the development approval proposed to be granted by Council with respect to the Development Application;

**Development Obligations** means those obligations referred to in clause 3.2;

**Dwelling Unit** means a new residential dwelling unit in the Development;

**ICU** means an infrastructure charge unit, the value of which is determined by Council for each financial year;

**ICP** means the infrastructure charges plan which is applicable to the Land;

**Infrastructure Item** means waterway, transport and community purposes infrastructure, which are listed as infrastructure items in the table at Schedule 2.

**IPA** means the Integrated Planning Act 1997;

**Land** means Lots 3, 14, 15, 16 and 17 on RP 218570 and Lots 18 and 19 on RP 197695, County of Stanley, Parish of South Brisbane, located at 28-42 Ferry Road, West End and includes any subsequent reconfiguration of the lots; and

**Residential Lot** means an individual lot forming part of the Land designed for use as a single residential dwelling (and includes a lot in a community titles scheme); and

**Special Conditions** means the special conditions in Schedule 1.

## 1.2 Interpretation

In this Agreement, headings and bold type are for convenience only and do not affect the interpretation of this Agreement and, unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing a gender include any gender;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Agreement have a corresponding meaning;
- (d) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate and any Government Agency;

- (e) a reference to any thing (including any right) includes a part of that thing but nothing in this clause 1.2(e) implies that performance of part of an obligation constitutes performance of the obligation;
- (f) a reference to a clause, party, annexure, exhibit or schedule is a reference to a clause of, and a party, annexure, exhibit and schedule to, this Agreement;
- (g) a reference to a statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws amending, consolidating or replacing it, whether passed by the same or another Government Agency with legal power to do so, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;
- (h) a reference to a document (including reference to the Development Approval) includes all amendments or supplements to, or replacements or novations of, that document;
- (i) a reference to a party to a document includes that party's successors and permitted assigns;
- (j) a reference to an agreement other than this Agreement includes an undertaking, deed, agreement or legally enforceable arrangement in writing;
- (k) a reference to a document includes any agreement in writing, or any decision notice, other notice, certificate, instrument or other document of any kind;
- (l) all references to "\$" and "dollars" are to the lawful currency of Australia;
- (m) all references to dates and times are to Brisbane time; and
- (m) no provision of this Agreement will be construed adversely to a party solely on the ground that the party was responsible for the preparation of this Agreement or that provision.

### 1.3 Inclusive expressions

Specifying anything in this Agreement after the words "includes" or "for example" or similar expressions does not limit what else is included unless there is express wording to the contrary.

### 1.4 Business Day

Where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next Business Day.

## 2 Infrastructure Agreement

### 2.1 Application of Act

This document is intended to constitute an infrastructure agreement pursuant to s.5.2 of IPA. It is also an agreement about conditions pursuant to s.3.5.34 of IPA

to the extent it is an agreement about conditions for the payment for, or the supply of, infrastructure.

## **2.2 Agreement binding**

The Developer and the Owner consent to the Development Obligations contained in this Agreement attaching to the Land so as to bind, under s.5.2.5 of IPA, the Owner and the Owner's successors in title.

## **2.3 Sale of the Land**

Neither the Owner nor the Developer will sell the Land prior to the performance of the Development Obligations contained in this Agreement, unless the buyer has first entered into a Deed of Variation of this Agreement with Council, whereby the buyer becomes contractually bound to Council to perform and fulfil the provisions of this Agreement or such of them as remain unperformed by the Developer at the time of the sale. This clause 2.3 does not apply in respect of the sale of:

- (a) the Land by the Owner to the Developer; or
- (b) Residential Lots.

## **2.4 Infrastructure Conditions**

- (a) The Development Approval is proposed to contain conditions relating to the Infrastructure Items, which conditions are referred to in Schedule 1.
- (b) The Developer accepts that the conditions in Schedule 1 are appropriate to assist the Council in providing the Infrastructure Items in the vicinity of the Land and, should the Development Approval take effect in accordance with the provisions of s.3.5.19 of IPA the Developer will pay to the Council at the times referred to in this Agreement the contributions calculated in accordance with the Agreement.

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# **3 Obligations of parties**

## **3.1 Council's obligations**

- (a) Council will at its own cost, comply with its obligations set out in the Special Conditions and the terms of this document specified as applying to the Council.

## **3.2 The Developer's obligations**

- (a) The Developer will at its own cost, comply with its obligations set out in the Special Conditions and the terms of this document specified as applying to the Developer.
- (b) The Developer will pay for the cost of all stamp duty and registration fees payable in respect of the documents required for the purpose of complying with its obligations under the Special Conditions, as well as the costs of their preparation.

### 3.3 Time for compliance

All payments or contributions, which the Developer is required to pay or make pursuant to clause 3.2 (the Developer's obligations), will be paid within the time provided in the Special Conditions.

## 4 General

### 4.1 Severance

If any clause or provision of this Agreement is void, illegal or unenforceable for any reason, that clause or provision will be severed from this Agreement and the remaining clauses and provisions will continue in full force and effect.

### 4.2 Stamp duty and costs

- (a) Each party will bear its own legal costs of and incidental to the preparation and execution of this Agreement.
- (b) The Developer will pay all stamp duty payable on this Agreement.

### 4.3 Notices

- (a) Any notice or other communication including any request, demand, consent or approval, to or by a party to this Agreement:

- (1) must be in legible writing and in English addressed to:

- (A) if to the Developer or the Owner:

Attention:

Address:

Telephone No:

Facsimile No:

- (B) if to Brisbane City Council:

Attention:

Manager, City Planning

Address:

Level 16

69 Ann Street

Brisbane Qld 4000

Telephone No:

Facsimile No: (07) 3403 5379

- (2) must be signed by an authorised officer of the sender or the solicitors for the sender;
  - (3) is regarded as being given by the sender and received by the addressee:
      - (A) in the case of delivery by hand, on the day of delivery if delivered by 5pm on a Business Day, or otherwise on the next Business Day;

- (B) in the case of delivery by post, on the day when, by the ordinary course of post, it would have been delivered;
- (C) in the case of a facsimile, whether or not legibly received, on the day shown on the facsimile transmission report produced by the machine from which the facsimile was sent which indicates that the facsimile was sent in its entirety to the facsimile number of the addressee notified for the purpose of this clause, but if the time of transmission is after 5pm on the Business Day that the facsimile is taken to have been received, on the following Business Day; and
- (4) can be relied upon by the addressee and the addressee is not liable to any other person for any consequence of that reliance if the addressee believes it to be genuine, correct and authorised by the sender.
- (b) A facsimile transmission is regarded as legible unless the addressee telephones the sender within 2 hours after transmission is received or regarded as received under clause 4.3(a)(3)(C) and informs the sender that is not legible.
- (c) In this clause 4.4, a reference to an addressee includes a reference to an addressee's officers, agents or employees.

#### 4.4 Jurisdiction

- (a) This Agreement is governed by the laws of Queensland.
- (b) Each of the parties irrevocably submits to the exclusive jurisdiction of the Courts of Queensland.

#### 4.5 Waivers

- (a) Waiver of any right arising from a breach of this Agreement or of any right, power, authority, discretion or remedy arising upon default under this Agreement must be in writing and signed by the party granting the waiver.
- (b) A failure or delay in exercise, or partial exercise, of:
  - (1) a right arising from a breach of this Agreement; or
  - (2) a right, power, authority, discretion or remedy created or arising upon default under this Agreement,
 does not result in a waiver of that right, power, authority, discretion or remedy.
- (c) A party is not entitled to rely on a delay in the exercise or non-exercise of a right, power, authority, discretion or remedy arising from a breach of this Agreement or on a default under this Agreement as constituting a waiver of that right, power, authority, discretion or remedy.
- (d) A party may not rely on any conduct of another party as a defence to exercise of a right, power, authority, discretion or remedy by that other party.
- (e) This clause may not itself be waived except by writing.

**4.6 Variation**

A variation of any term of this Agreement must be in writing and signed by the parties.

**4.7 Cumulative rights**

The rights, powers, authorities, discretions and remedies arising out of or under this Agreement are cumulative and do not exclude any other right, power, authority, discretion or remedy of a party.

**4.8 Further assurances**

Each party must do all things and execute all further documents necessary to give full effect to this Agreement.

**4.9 Entire agreement**

This Agreement supersedes all previous agreements in respect of its subject matter and embodies the entire agreement between the parties in respect of its subject matter, except in the case of fraud by another party to this Agreement.

**4.10 Time of the essence**

Time is of the essence of this Agreement.

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## Schedule 1 – Special Conditions

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### 1 Contributions

#### 1.1 Payment of contributions

The Developer will pay infrastructure contributions to Council in accordance with these Special Conditions.

#### 1.2 Purpose of condition

The purpose of Special Condition 1.1 is to ensure the Developer financially assists Council to provide for the Infrastructure Items in the vicinity of the Land and the Developer and Council acknowledge that the amounts to be paid by the Developer pursuant to these Special Conditions are sufficient for the purpose of providing some financial assistance to Council for the Infrastructure Items in the vicinity of the Land.

#### 1.3 Amount of contribution

- (a) In respect of each Infrastructure Item, contributions are calculated for the Current Financial Year in accordance with the following formula:

$$(\text{Number of Dwelling Units} \times \text{Charge per Dwelling Unit}) \times \text{ICU Value}$$

- (b) For the purpose of Special Condition 1.3(a):

- (1) the Infrastructure Items are specified in Schedule 2;
- (2) the Charge per Dwelling Unit for each Infrastructure Item is specified in Schedule 2; and
- (3) the ICU value for each Infrastructure Item is specified in Schedule 2.

If all of the contributions for the Infrastructure Items are not paid in the Current Financial Year then the amount of the outstanding contributions shall be calculated in accordance with the formula specified in paragraph 1.3(a) but the ICU Value will be that value determined by the Council to be applicable at the time of payment.

#### 1.4 Timing of payment

- (a) All of the contributions for the infrastructure charges must be paid at the time specified by section 5.1.9 of IPA.
- (b) Notwithstanding the provisions of Special Condition 1.4(a) the Developer may elect, in its own discretion to pay the contributions by instalments which must:
- (1) be for a stage of the Development approved by the Council;



- (2) be calculated by reference to the number of Dwelling Units in the particular stage for which payment is being made;
- (3) be paid to the Council at the time specified by section 5.1.9 of IPA; and
- (4) be paid at the ICU rate applicable at the time of payment.

### 1.5 Offsets for Developer's Contributions

- (a) As Council has calculated the total value of the capital costs for the Infrastructure Items in order to determine the Charges per Dwelling Unit appearing at Schedule 2, if the Developer provides infrastructure identified in the ICP as trunk infrastructure that reduces the total value of the capital costs calculated by Council, then the amount by which the total value of the capital costs has been reduced, may be deducted from the amount of contributions required to be paid for that Infrastructure Item.
- (b) The value of trunk infrastructure in 1.5(a) shall be deducted from the infrastructure charge when the infrastructure is dedicated to Council. If the trunk infrastructure in 1.5(a) includes land for widening of Ferry Road the total value of the infrastructure shall be 429 infrastructure charge units per square metre and the value of road construction (including footpath, kerb and channel) shall be 243 infrastructure charge units per square metre.
- (c) If the Developer provides infrastructure that reduces the total value of the capital cost of an Infrastructure Item by an amount in excess of the contributions payable for that Infrastructure Item then the Council may reimburse the Developer the amount of that excess on the following terms and conditions:
  - (1) Reimbursement to the Developer will be paid from the nett of all contributions received by the Council in respect of all other developments within Charge Area 2 shown on the drawing in Schedule 3.
  - (2) Unless otherwise agreed to in writing by the Council, the Council shall only make reimbursement to the Developer when the Council receives contributions for the Infrastructure Item in respect of other developments within Charge Area 2. The amount of the reimbursement cannot exceed the contributions received for the Infrastructure Item.
  - (3) The amount to be reimbursed to the Developer shall not exceed the amount by which the total capital cost for that Infrastructure Item has been reduced.
  - (4) No interest is payable by the Council on the amount of any reimbursement to the Developer.
  - (5) The Developer is only entitled to reimbursement for infrastructure works approved by Council.
  - (6) The reduction in the value of the capital cost of the Infrastructure Item because of the provision of infrastructure by the Developer shall be as certified by the Council's Manager City Planning.

- (d) Both parties acknowledge that the Council is under no obligation to enter into an agreement to reimburse the Developer as described in (a) and (b) above, until Council adopts an Infrastructure Charges Plan (the "ICP") for the Service Catchment Area. Upon adopting the ICP, the application of the provisions of s.5.1.24 of the *Integrated Planning Act* will apply.

## Schedule 2 – Contributions

### Stage A

Infrastructure Item	A Number of Dwelling Units	B Charge per Dwelling Unit	C Number of ICUs payable (A x B)
Waterways	36	1941	69,876
Transport	36	3998	143,928
Community Purposes	36	1109	39,924

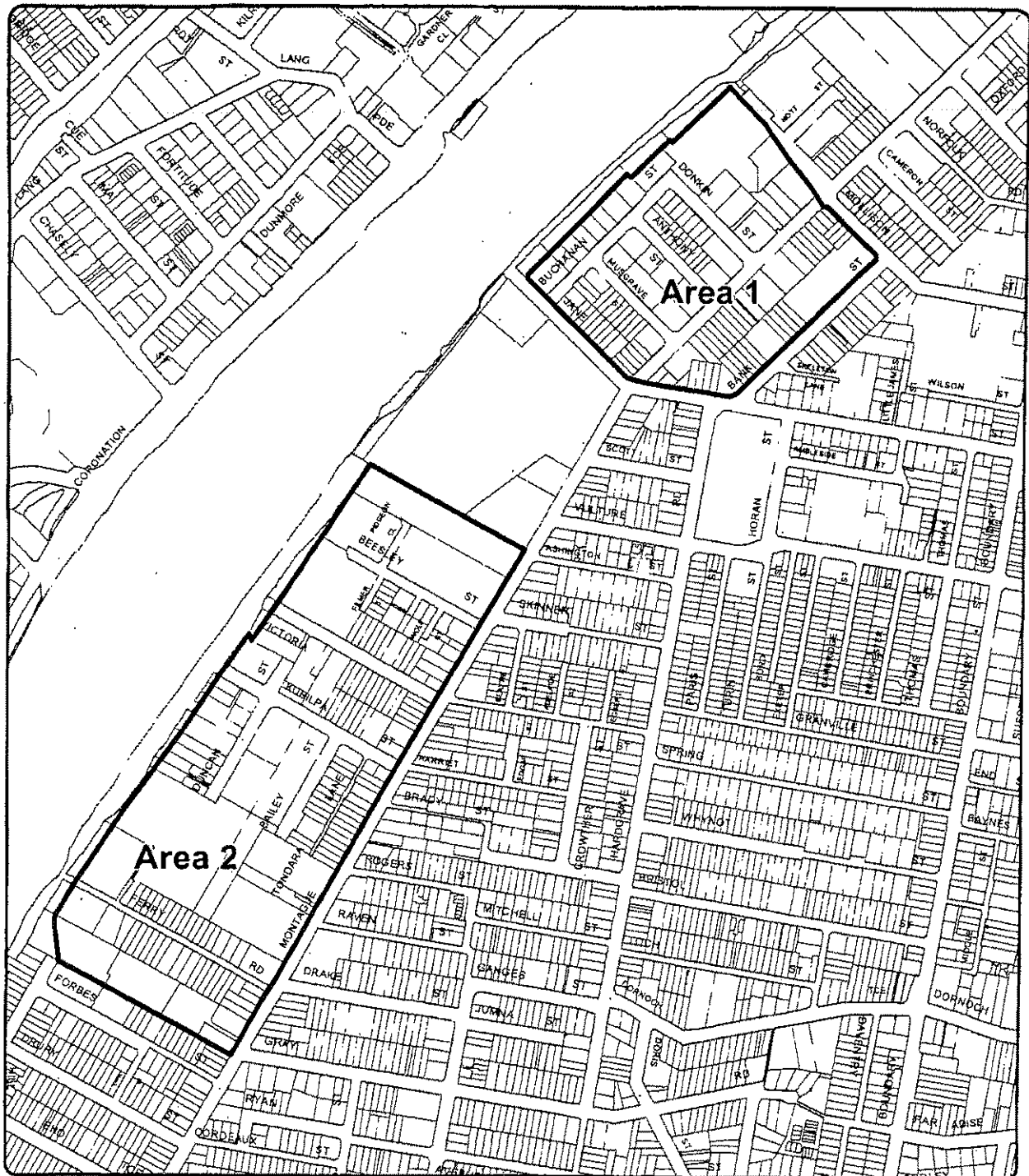
### Stage B

Infrastructure Item	A Number of Dwelling Units	B Charge per Dwelling Unit	C Number of ICUs payable (A x B)
Waterways	57	1941	110,637
Transport	57	3998	227,886
Community Purposes	57	1109	63,213

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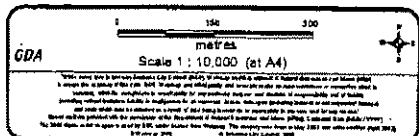
### Schedule 3 – Plan of Charge Area 2

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# LEGEND

 Charge Area



**Bimap**  
GIS SUPPORT SERVICES

Division  
Delivery Branch  
**West End Riverside  
Charge Areas**

Job Number: 2005457  
Date: 31 Jul 2005  
Project: 2005457

Prepared by: J. Thompson  
Checked by: J. Thompson  
Approved by: J. Thompson

Produced under a Quality  
Controlled system as a  
Quality Standard Company  
to the ISO 9001:2000 standard

Executed as an agreement:


Signed for  
KOZMIC DEVELOPMENTS NO.3 PTY LTD

ACN 105 111 002

Signed for *Symbion Pathology Pty Ltd (formerly known as*  
MAYNE HEALTH PATHOLOGY PTY LTD ) *The Common Seal of Symbion*  
ACN 007 190 043: *Pathology Pty Ltd ACN 007 190 043*  
*was hereto affixed to this document*

Name (please print)

Name (please print)

The Seal of  
Brisbane City Council  
was hereunto affixed this *26th*  
day of *October* 2006  
by me   
I being the proper officer to affix such seal )

In the presence of

J.P. (Qualified) 79491