

Our ref: 430797

ATTACHMENT B

Court Order Consent

17
In the Planning and Environment Court
Held at: Townsville

Appeal No. 348 of 2015

Between: **S BOAG & S SANGER**

Appellants

And: **TOWNSVILLE CITY COUNCIL**

Respondent

**TOWNSVILLE CHRISTIAN EDUCATION
ASSOCIATION LTD**

Co-Respondent

PLANNING AND ENVIRONMENT COURT
QUEENSLAND

15 JAN 2016

FILED
TOWNSVILLE

Before: His Honour Judge

Date of Hearing: 13 January 2016

Date of Order: 13 January 2016

ORDER

UPON THE COURT BEING SATISFIED THAT:

1. The changes proposed to the development application the subject of the Appeal comprise a minor change pursuant to Section 350 of the *Sustainable Planning Act 2009*.

IT IS ORDERED BY CONSENT THAT:

1. The Appeal be allowed.
2. The development application for a Material Change of Use – Educational Establishment – Stage 4, in respect of land located at 104-156 Yolanda Drive, Annandale, in the State of Queensland and more particularly described as Lot 2 on RP850718 (the Land) be approved subject to the conditions contained in Annexure A herein.
3. There be no order as to costs.

Filed on: January 2016

Filed by: Moya Steele, MacDonnells Law
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Moya Steele
Acting Registrar

FINAL ORDER

Filed on behalf of the Co-Respondent

PEC-1



Sustainable Planning Act 2009

PJD_152639_2853225

SCANNED
20.1.16

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Version 1

April 2010

Annexure "A"

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE EDUCATIONAL ESTABLISHMENT - STAGE 4

CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

- (a) The development must generally comply with the plan(s) referenced in the table below and attached to these conditions which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Part Site Plan	AR101B	T6	August 2015
Ground Floor Plan	AR200B	T2	August 2015
First Floor Plan	AR201B	T2	August 2015
External Elevations	AR300B	T2	August 2015
External Elevations	AR301B	T2	August 2015

- (b) One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.
- (c) The developer must implement the recommendations outlined in any reports/s required by these conditions prior to the commencement of the use.

Reason

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit, unless otherwise specified by any condition of this approval.

Timing

During the operation and life of the development.

2. Lighting

Condition

- (a) The developer must install and maintain lighting fixtures so that they do not emit glare or light above the levels stated in Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting (or the current applicable standard).
- (b) Subject to any statutory requirements for emergency lighting, no exterior lighting facing 27 Jonquil Crescent is to be located on the northern elevation of the proposed development.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding residential land in Jonquil Crescent, Indigo Crescent and Linaria Court.

Timing

Prior to commencement of the use and maintained for the life of the development.



3. Screening

Condition

All windows:

- (a) on the second storey of the building on the northern elevation; and
- (b) the windows marked W.G09.A and W.G09.B on the ground floor
- (c) facing 27 Jonquil Crescent must be screened with blinds and external screening to the satisfaction of Council.

Reason

To preserve the amenity and privacy of surrounding residential properties.

Timing

Prior to commencement of the use and maintained for the life of the development.

4. Staff and Student Numbers

Condition

The following staff and student numbers are permitted on the subject site at any one time.

- No more than 55 members of full time staff
- No more than 595 students are to be enrolled

Reason

To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of use and maintained for the life of the development.

5. Construction Traffic Management Plan

Condition

- (a) The applicant shall provide a traffic management plan for the entire construction period inclusive of the rectification and maintenance period after construction, access to the site showing
 - How traffic movements, into and out of the site will not impede existing residential traffic movements in Jonquil Crescent.
 - Addressing traffic movement which would coincide with school pick up and set down times on the bend in Jonquil Crescent.
- (b) During the construction phase of the development all contractor's vehicles are to be contained on the school site and must not be parked within the 6 metre setback to the adjoining residential property at 27 Jonquil Crescent.
- (c) All materials and machinery to be used during the construction period inclusive of the rectification and maintenance period after construction are to be wholly stored on the school site unless otherwise agreed in writing by Council.
- (d) At the end of the construction period inclusive of the rectification and maintenance period after construction, any damage to the existing nearby kerb and channel shall be rectified by the applicant. The road surfacing and kerb and channel shall be swept clean at the end of the construction period, and any damage to the nearby kerb and channel, footpath and landscaping shall be rectified at the applicant's expense.



Reason

To ensure that the safety and amenity of the street is protected.

Timing

Submitted as part of Compliance Assessment.

6. Building Materials

Condition

All buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare and be of muted colours (similar to existing school buildings).

Reason

Ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of the use and maintained for the life of the development.

7. Hydraulic Report

Condition

The developer must submit to Council an amended Hydraulic report generally in accordance with the Annandale Christian College Hydraulic Report Rev B prepared by STP dated 29 July 2015, showing the following modifications:

- (a) the location of the proposed building, as identified in Part Site Plan AR101B Rev T6;
- (b) the provision of a swale in the north eastern corner of the site, as identified in Part Site Plan AR101B Rev T6; and
- (c) revised recommendations and works to facilitate the provision of the swale in that location.

The amended report must be accepted by Council prior to works commencing on site.

Reason

To ensure compliance with the Flood Hazard Overlay Code.

Timing

As part of Compliance Assessment.

8. Relocation of Services or facilities

Condition

The developer must be responsible for any relocation and/or alteration to any public service or facility installation required as a result of any works carried out in connection with this development at no cost to Council.

Reason

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.



Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Reason

To ensure the development does not have a detrimental effect on the visual amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

At all times following the commencement of the use.

10. Water Supply

Condition

The developer must undertake a water network analysis demonstrating that there is adequate water supply to service the proposed development. The network analysis must be undertaken in accordance with City Plan Planning Scheme Policy 6.4.

Reason

To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

Timing

Details must be submitted and approved as part of Compliance Assessment for the development.

11. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage has been achieved in accordance with Part 9.4.2 Healthy waters code.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.4.2 Healthy waters code.

Timing

Assessed as part of Compliance Assessment and to be maintained for the life of the development.

12. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be submitted to and be approved by council prior to the issue of a Development Permit for Compliance Assessment. The SQMP must be prepared by a suitably qualified person in accordance with Part 9.4.2 Healthy Waters Code.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

Timing

Assessed as part of Compliance assessment and maintained for the life of the development.



13. Roadworks and Traffic

Condition

- (a) The developer must construct and maintain the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with Part 9.4.6 Transport impact, access and parking code.
- (b) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code.
- (c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with Council's standards.

Reason

To ensure that the premises is appropriately serviced by connection to Council road infrastructure. Construction must be in accordance with relevant code/s and policy direction.

Timing

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

14. Car Parking

Condition

The developer must ensure that all service vehicles can enter and exit the site in a forward gear.

Reason

To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Details of parking and access arrangements to be provided with application for Compliance assessment.

15. Screen Fencing

Condition

- (a) The screen fence abutting 27 Jonquil Crescent must remain in situ.
- (b) Where alterations, repairs or replacement of the boundary fence is proposed, the fence must be of a minimum height 2m and consist of double palings or other suitable material to protect the amenity of the adjoining resident at 27 Jonquil Crescent.

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

Maintained for the life of the development where the fence is altered, repaired or replaced.

16. Screening of Plant and Utilities

Condition

- (a) Unless otherwise approved by Council, the location and screening of the air conditioner condenser units must be located in accordance with the approved plans so as they are



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not significantly visible from the street and reduces audible outputs to surrounding residential properties.

- (b) All other plant and utilities must not be visible from the street.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development

17. Landscaping

Condition

- (a) A landscaping and irrigation design plan is required to be submitted to and be approved by Council. The landscape and irrigation design plans must be prepared in accordance with Part 9.4.3 Landscape code.
- (b) The existing mature vegetation located on the eastern boundary as identified in Part Site Plan AR101B Rev: T6 must be kept to ensure the continual screening to the adjoining residential property. A tree identification survey of all existing mature vegetation is to be provided with the Landscape Plans, noting which vegetation is proposed to be removed and/or retained.

Reason

All works must be completed in accordance with the approved landscaping plan and constructed to a standard in accordance with relevant code/s and policy direction.

Timing

To be submitted and assessed as part of Compliance Assessment for the development. All landscaped areas must be planted prior to the commencement of the use (unless otherwise directed by Council) and maintained thereafter to the satisfaction of Council.

18. Soil Erosion Minimisation, Sediment Control

Condition

During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management in accordance with Part 9.4.2 Healthy Waters Code.

Note: The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4.3.8.6 *Development manual planning scheme policy*.

Reason

Development ensures that the receiving waters during construction are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

Timing

Assessed as part of Compliance assessment and maintained for the life of the development.

19. Minimum Floor Levels

Condition

The developer must ensure that:

- (a) floor levels of all non-residential buildings are above the defined flood event; and
- (b) floor levels for residential buildings are 300mm above the defined flood event.



The developer must submit documentation signed by an engineer (who must be an RPEQ) to a Building Certifier identifying the required minimum floor height of all habitable rooms to achieve flood immunity.

Reason

For matters of public safety and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to the issuing of a Development Permit for Building Works.

20. Refuse Facilities

Condition

All refuse from this development must be disposed of through the existing refuse facility onsite.

Reason

Ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

Maintained for the life of the development.

21. Noise Management

Condition

An occupier of a building must not use, or permit the use of, the building as an indoor venue on any day –

- (a) before 7a.m., if the use makes an audible noise for the surrounding residents; or
- (b) from 7a.m. to 10p.m, if the use makes a noise of more than 5dB(A) above the background level; or
- (c) from 10p.m. to midnight, if the use makes a noise of more than 3dB(A) above the background level.

Reason

To protect the amenity of surrounding sensitive receptors

Timing

Maintained for the life of the development.

22. Service Vehicle and Delivery Access

Condition

The developer must restrict non-service motor vehicles from accessing the school grounds via the driveway at the eastern end of the Jonquil Crescent road frontage identified on Part Site Plan AR101B Rev: T6.

Reason

To restrict student drop off / pick up parking to designated parking areas, and to protect the safety of pedestrian and bicycle users.

Timing

Maintained for the life of the development.



1. Infrastructure Charges

An infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Specifications and Drawings

Details of Council's specifications and standard drawings can be viewed on Council's website.

3. Environmental considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

4. Dilapidation Report

- (a) It is advisable that the developer undertake a dilapidation report, prior to the commencement of any works on the site to mitigate against any possible future civil action. The report is designed to document evidence of the existing condition of adjoining properties internally and externally prior to any rock breaking or construction work commencing. Hence the report should document and provide photographs that clearly depict any existing damage to neighbouring properties.
- (b) The developer should provide a dilapidation report with photographs of the footpath, kerb and channel in the vicinity of the access(es) to the site, to Council, prior to commencement of the works, and any damage identified by Council inspectors rectified on completion of works. The developer will be responsible for the restoration of all damage identified by the inspectors if this report is not lodged prior to work commencing.

5. Liquid Trade Waste Approval/Agreement

The developer is advised that a Trade Waste Approval/Agreement may be required under the Water Supply (*Safety and Reliability*) Act 2008 and should confirm this with Council's Environmental Health Services.

6. Flammable and Combustible Liquids

Where flammable and combustible liquids are stored or handled on site, advice regarding the requirements for storage and handling of Flammable and Combustible Liquids must be obtained from the relevant administering authority.

7. Further Approvals Required

(a) Compliance Assessment

A Compliance Assessment application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 5 – Construction Traffic Management Plan
Condition 7 – Hydraulic Report
Condition 10 – Water Supply
Condition 11 – Stormwater Drainage
Condition 12 – Stormwater Quality Management
Condition 13 – Roadworks and Traffic
Condition 14 – Car Parking
Condition 17 – Landscaping
Condition 18 – Soil Erosion Minimisation, Sediment Control



All engineering, soil erosion and sediment control and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

(b) Plumbing and Drainage Works

The developer must obtain a Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

(c) Building Works

The developer must obtain a Development Permit for Building Works to carry out building works prior to works commencing on site.

8. Building Work Noise

The hours of audible noise associated with construction and building work on site must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.



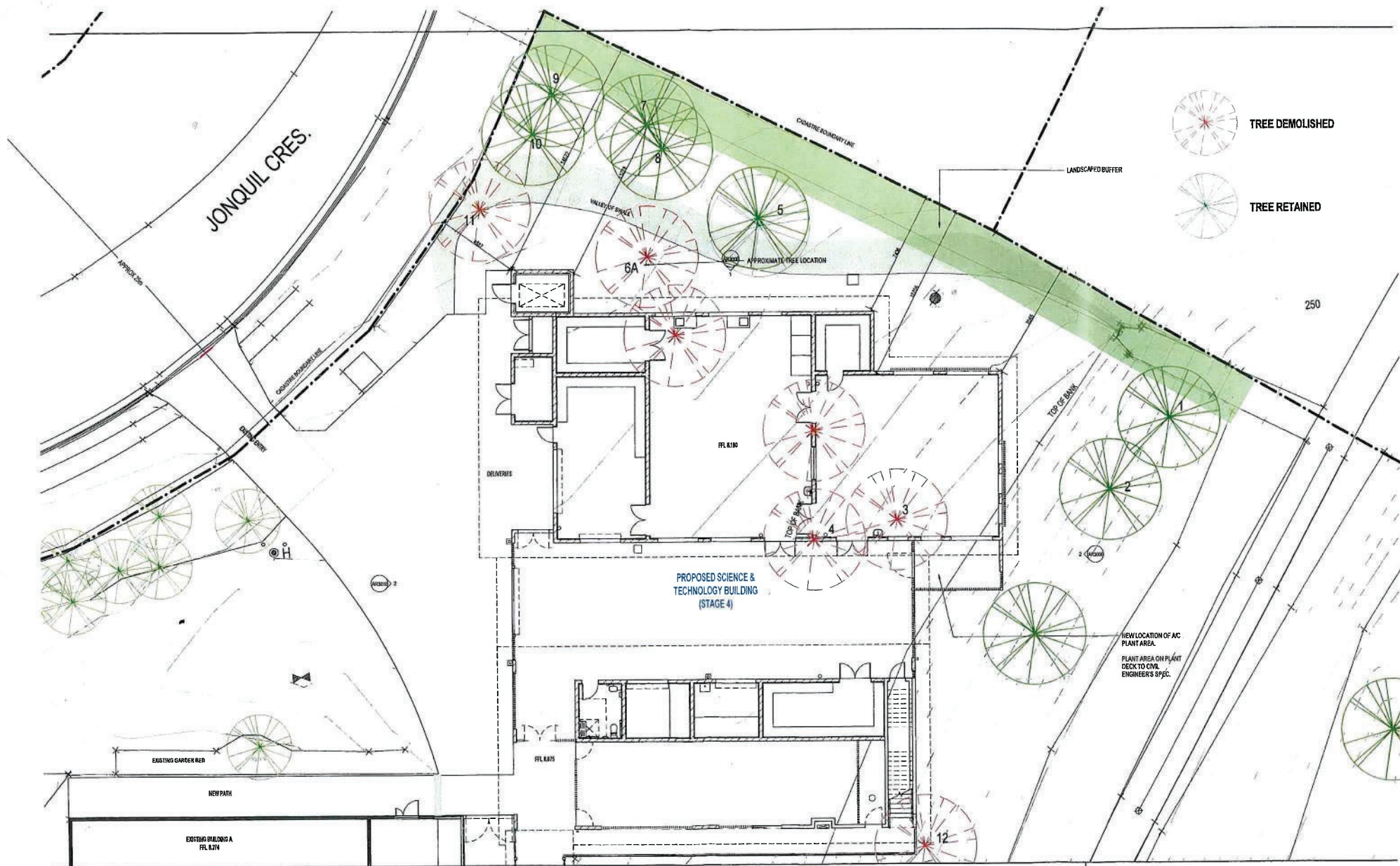
9. Roadworks Approval

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- i. Completed Roadworks permit application form;
- ii. Prescribed fee;
- iii. Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.





NORTH

REV	DATE	DETAILS	INITIALS
1	15/10/15	ISSUE TO TOWN PLANNER	CM
2	15/10/15	ISSUE TO TOWN PLANNER	CM
3	08/12/15	ISSUE TO TOWN PLANNER	CM
4	08/12/15	ISSUE TO TOWN PLANNER	CM
5	08/12/15	ISSUE TO TOWN PLANNER	CM
6	08/12/15	ISSUE TO TOWN PLANNER	CM
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10	08/12/15	ISSUE TO TOWN PLANNER	CM
11	08/12/15	ISSUE TO TOWN PLANNER	CM
12	08/12/15	ISSUE TO TOWN PLANNER	CM

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CLIENT:
 ANNANDALE CHRISTIAN
 COLLEGE

PROJECT:
 STAGE 4- SCIENCE &
 TECHNOLOGY BUILDING

DRAWING TITLE:
 PART SITE PLAN

DATE:
 AUGUST 2015

DRAWN:
 AUB

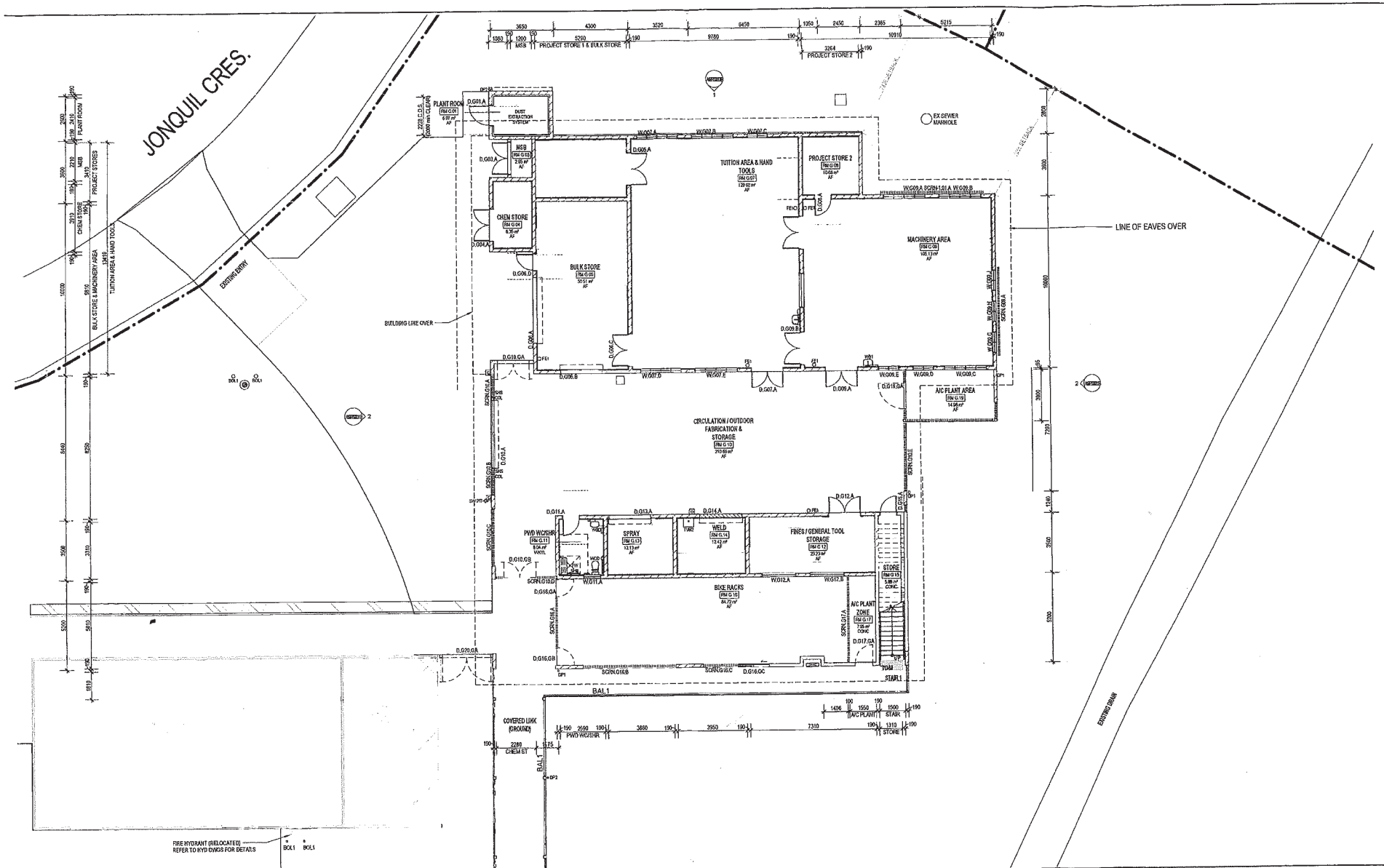
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PROJ. ARCH:
 CHART

PROJ. NO.:
 968

DRAWING:
 AR101B T6

REVISION:
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CLIENT:
ANNANDALE CHRISTIAN COLLEGE

PROJECT:
STAGE 4-SCIENCE & TECHNOLOGY BUILDING

DRAWING TITLE:
GROUND FLOOR PLAN

DATE: AUGUST 2015 **DRAWN:** Author **SCALE:** 1:1000

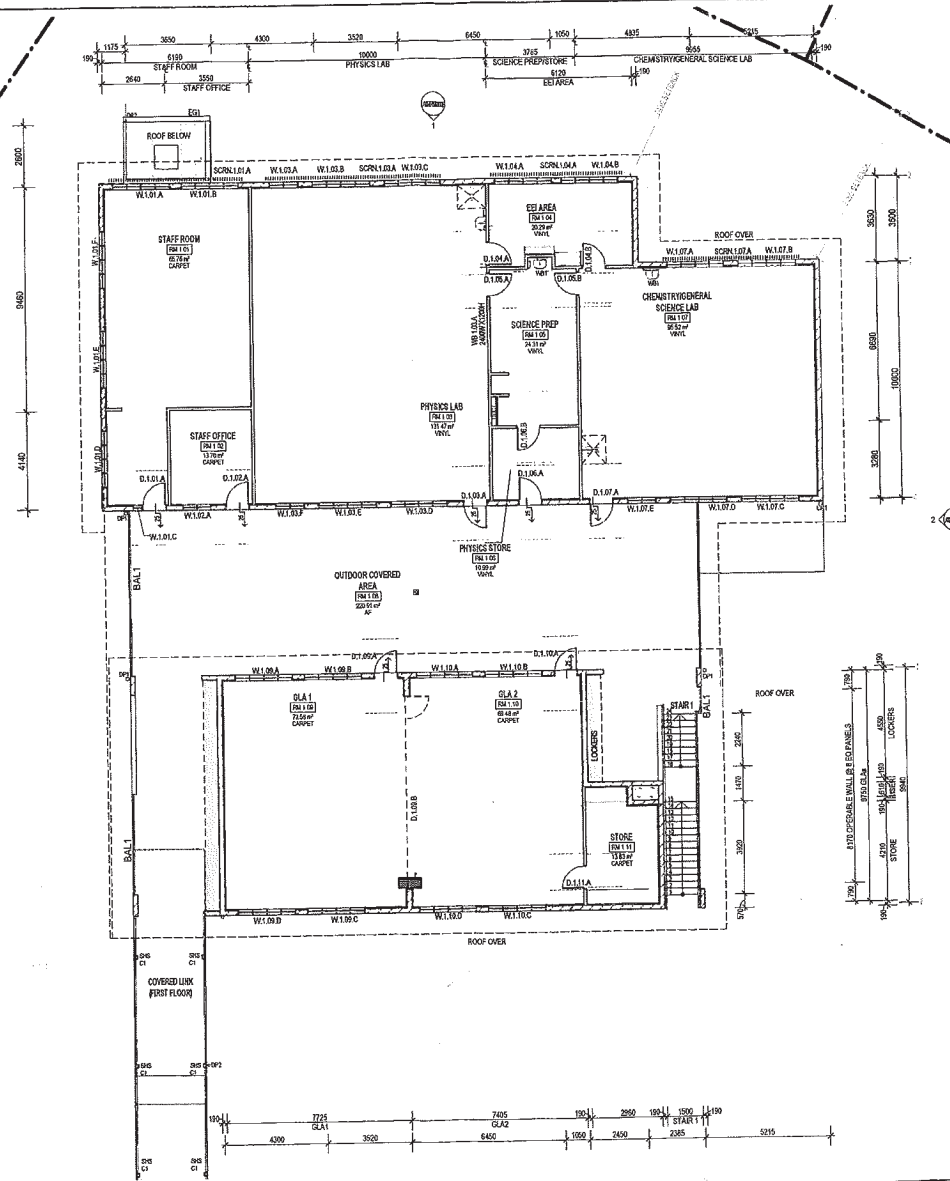
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PLOT: 988 **DRAWING:** REVISION: 72

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CLIENT:
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PROJECT:
STAGE 4- SCIENCE &
TECHNOLOGY BUILDING

DRAWING TITLE:
FIRST FLOOR PLAN

DATE:
AUGUST 2015

DESIGNER:
Author

SCALE:
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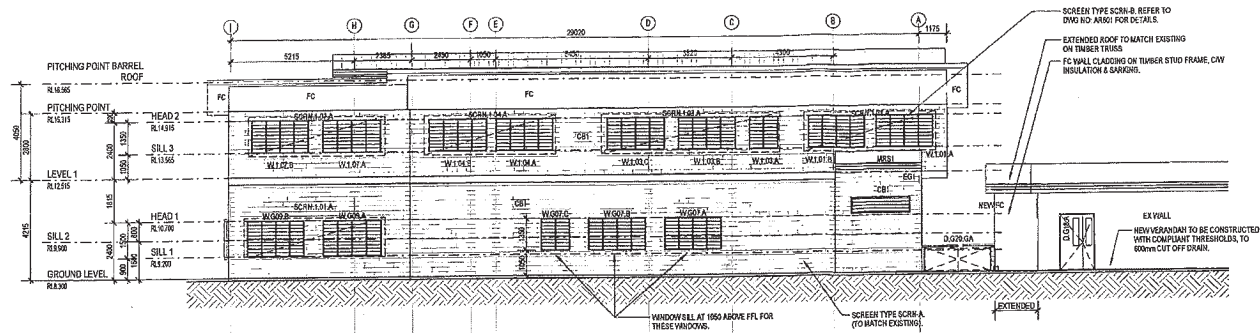
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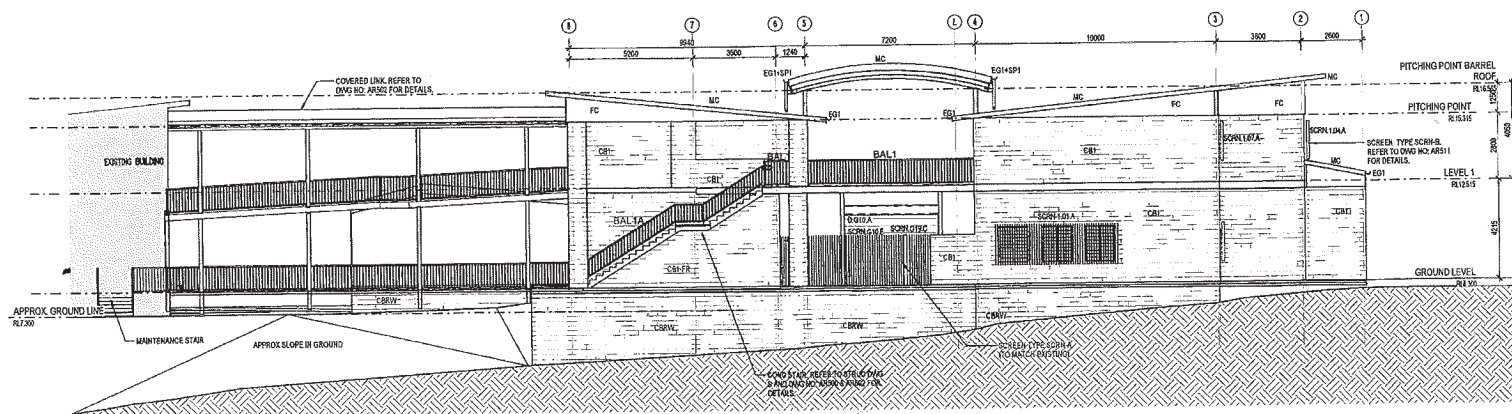
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1 NORTH ELEVATION
1: 100



2 EAST ELEVATION
1: 100

27 JONQUIL CRES.



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CLIENT:
ANNANDALE CHRISTIAN
COLLEGE

PROJECT:
STAGE 4- SCIENCE &
TECHNOLOGY BUILDING

DRAWING TITLE:
EXTERNAL ELEVATIONS

DATE: AUGUST 2015
FILE:
DRAWN: Author
SCALE: 1: 100 @ A1
PROJECT ARCH: Claret
DRAWING: REVISION:
968 AR3008 T2

