Southern Downs
REGIONAL COUNCIL

ATTACHMENTS TO MINUTES

ORDINARY COUNCIL MEETING

19 APRIL 2024

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SCHEDULE FOR COUNCIL STATUTORY MEETINGS

May to December 2024

MONTH	ORDINARY COUNCIL MEETING
May	15/5/2024 Warwick
June	19/6/2024 Stanthorpe
July	17/7/2024 Warwick
August	21/8/2024 Stanthorpe
September	18/9/2024 Warwick
October	16/10/2024 Stanthorpe
November	20/11/2024 Warwick
December	18/12/2024 Stanthorpe

Council Statutory Meetings are held in Council Chambers, alternating between Warwick and Stanthorpe
Commencement Time of 9:00am

Attachment 2 – Updated Council Report

Material Change of Use – Holly & Guy Collier C/- Adapt Development Management Pty Ltd: 49 Connor Street, Stanthorpe

Southern Downs REGIONAL COUNCIL	**Report To: Ordinary Council Meeting**	
	Reporting Officer:	**Meeting Date:** 19 April 2024
		File Ref: MCU\02508

APPLICANT:	Holly & Guy Collier C/- Adapt Development Management Pty Ltd
OWNER:	Collimac Pty Ltd
ADDRESS:	49 Connor Street, Stanthorpe
RPD:	Lots 1 & 2 S16814
ZONE:	Low density residential
PROPOSAL:	Dwelling house (within Flood hazard overlay)
LEVEL OF ASSESSMENT:	Code
SUBMITTERS:	Not Applicable
REFERRALS:	Not Applicable

ADDENDUM to Report 13.1

Recommendation Summary

THAT the application for Material Change of Use for the purpose of a Dwelling house (within Flood hazard overlay) on land at 49 Connor Street, Stanthorpe, described as Lots 1 & 2 S16814, be approved subject to conditions.

Background

Council has received a Development application for a Material Change of Use for the purpose of a Dwelling house on the subject land. This application is code assessable and as such could be dealt with under delegated authority. It is presented to Council for consideration as the development is located within the Flood hazard overlay.

The Southern Downs Planning Scheme clearly articulates that no further development should occur within the Flood hazard overlay unless all Acceptable and/or Performance outcomes can be appropriately addressed. This advice has been provided consistently to the applicant. The applicant has sought to seek compliance with the Flood hazard overlay code through a number of variations of the site plan which have been assessed by Council. As compliance with the Code could not be received, previous reports were recommended for refusal.

Following review of the Council report for consideration at the Ordinary Council Meeting scheduled for 19 April 2024, the applicant sought additional advice from Councils Planning Team to seek feedback on an amended site plan. This revised plan was received by Council on Wednesday, 17 April 2024 at 9.47pm which has resulted in a change to the recommendation.

It is important to note that if the application is approved, the applicant will need to provide an amended site plan, including design details to demonstrate that the Dwelling house can be located and designed in line with the proposed conditions which have been imposed.

Report

The subject land consists of two adjoining lots located within the urban area of Stanthorpe. Lot 1 S16814 has an area of 4,426 square metres and has frontage to Connor Street to the north and Talc Street to the east. Both Connor Street and Talc Street are sealed roads with kerb and channel present. Connor Street is a State-controlled road. There is a 150mm sewer main traversing the lot in

an east west direction. At the western end, this sewer main is connected to a combined drain to the west. At this point the sewer line runs in a north south direction. This lot contains an existing Dwelling house and a large shed, both addressing Connor Street. The southern portion of this lot is impacted by the Flood hazard overlay.

Lot 2 S16814 has an area of 4,350 square metres and is wholly within the Flood hazard overlay. The lot has frontage to Talc Street and the southern boundary extends into the waterway known as Quart Pot Creek. The land adjoins Gleeson Park to the south and Quart Pot Creek parklands to the south-west, as illustrated in Figure 1.

Figure 1: Subject land

History

On 25 March 2022, Council issued a Development Permit for Reconfiguring a Lot for the purpose of Subdivision of two (2) lots into four (4) lots (Council ref: RC\01897). The proposed Plan of Subdivision is illustrated in Figure 2. On 19 May 2023, a Negotiated Decision Notice was issued following agreement to change representations regarding the approved plan. The applicant provided the following justification for the change:

> *A minimum lot size of 800m2 is required under the Low Density Residential zone table of assessment to ensure a future development application for a Dual Occupancy remains as code assessable. It is intended to lodge a development application for a Dual Occupancy over Proposed Lot 2 in the future.*
>
> *In addition, the extent of the building envelope has been increased on Proposed Lot 3. The proposed change to the building envelope will ensure all buildings and structures mainly outside of the mapped flood hazard area, whilst still achieving the minimum 17m x 17m building envelope requirement as per the Flood Hazard overlay code.*

Compliance with the conditions of approval has not yet been achieved and therefore, the Plan of Subdivision has not yet been approved by Council.

Figure 2: Proposed plan of Subdivision

It is relevant to note that the assessment for this Development Permit (Council Ref: RC\01897) considered the Flood hazard overlay as follows:

> *The lots are sited to ensure that a building can be constructed on a flood free area at least 17 metres by 17 metres on each lot. All proposed lots are able to obtain lawful, flood free access from constructed roads. It is noted that the developer proposes a building envelope, however given the substantial area available on the lot outside of the Flood hazard overlay it is recommended that this building envelope not be enforceable by a covenant and is rather utilised as a method of demonstrating that the lot is able to effectively accommodate construction of a Dwelling house outside of the Flood hazard overlay area. The development complies with the code.*

A decision was made on 5 October 2023 by Delegated Authority to approve a Minor change application, amending the conditions of this approval relating to street trees.

The proposal

An application has been received seeking approval to construct a five (5) bedroom, three (3) bathroom Dwelling house partially within the Flood hazard overlay. The applicant has described the development as follows:

> *The Ground Level includes two car parking spaces, a laundry, mudroom, a master bedroom with an ensuite and walk-in-robe, four bedrooms, two bathrooms, a rumpus room, office, water closet, living, kitchen with a walk-in-pantry, and dining room. Private open space is provided in the form of an alfresco area, pool, spa, and turfed areas. New landscaping can be provided to soften the built form.*
>
> *As detailed on the elevation plans, a variety of building materials and finishes are proposed including metal sheet roofing, feature stone wall cladding, vertical cladding, rendered blockwork and timber screening battens. The proposal results in a high quality finish to the streetscape that is reflective of the character of the existing locality.*

The floor plan is illustrated in Figure 3. An amended floor plan may be required to meet the conditions applied to any approval. The applicant has confirmed the intent is to retain the existing Dwelling house on the site whilst the new dwelling is being constructed. Once the new dwelling is completed, the existing Dwelling house on the lot will be demolished, prior to the final building certificate being issued for the proposed Dwelling house. The existing crossover to Connor Street will not change. The floor plan shows a large alfresco area and swimming pool at the rear. It is important to note that the proposed pool area does not form part of this application, as illustrated below.

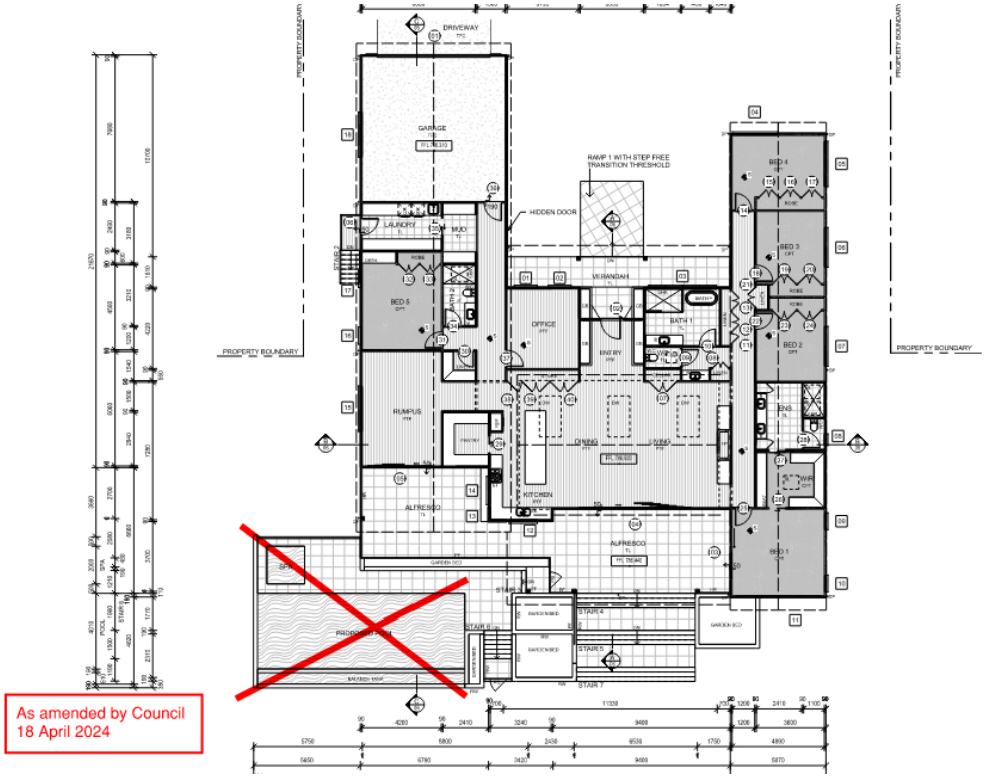


Figure 3: Proposed floor plan

The new proposed site plan is illustrated in Figure 4 and the on-site changes from the previous versions are summarised below:

- Removal of the proposed pool and spa area and the associated solid block work to support these elements.
- The Dwelling house is moved closer to the Connor Street frontage.
- The general layout remains the same, however, due to site constraints (granite boulders), a reduction in the width of the Dwelling house may be required.
- The Dwelling house is now wholly located over the Council's reticulated sewer main.

During conversations with Council's Manager Planning and Development and Director Planning and Environmental Services, the applicant has confirmed that the amended site design would reflect the following design elements:

- The finished floor levels will be at least 500 millimetres above the one in one hundred year flood level, based on current mapping.
- No part of the dwelling would be within the Flood hazard overlay area which has a potential water depth of 0.5 metres or more.
- Construction of the Dwelling house would not require the use of solid blocks and that any screening would be constructed in a manner whereby flood water can flow unimpeded. Resulting in no filling construction in the Flood hazard overlay.

In addition, Council received verbal advice from the applicant that the proposed development could be insured.

The proposed new location of the Dwelling house in relation to the potential flood depths is illustrated in Figure 4, in pink.

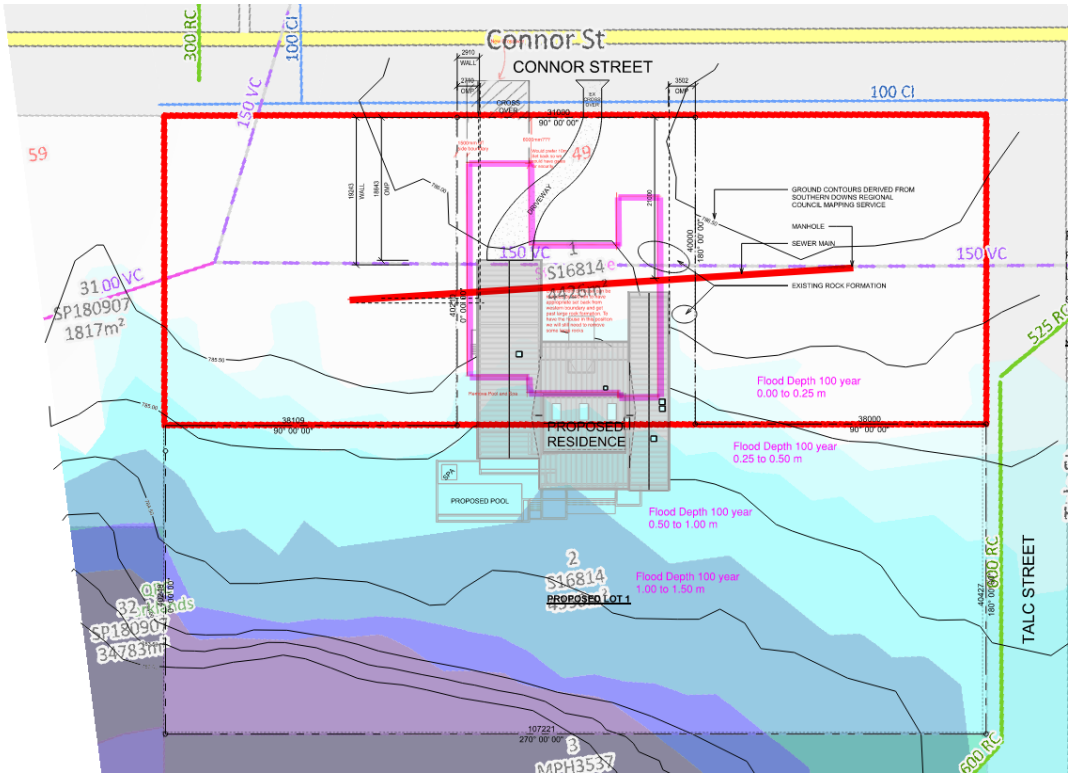
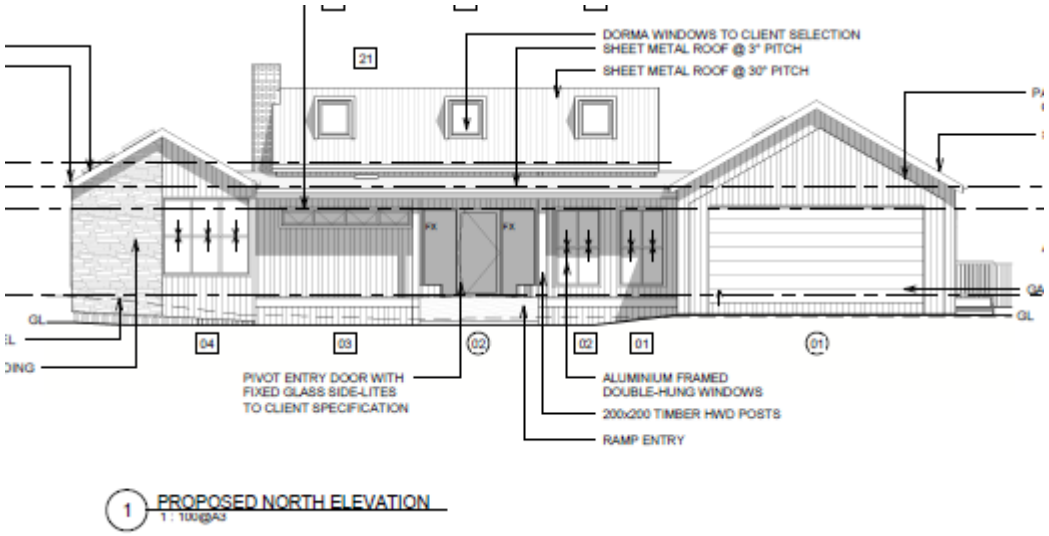


Figure 4: Site plan with proposed location of Dwelling house and Flood hazard overlay

Figure 4 was submitted to Council on 17 April 2024 and locates the garage 6.0 metres from the Connor Street frontage. Subsequent conversations with the applicant has confirmed that the preferred location will result in the garage being setback 10 metres from the front boundary.

Elevations and perspectives are shown in Figures 5 and 6. The elevations confirm the use of timber vertical battens to screen the area below the floor level of the Dwelling house. As noted earlier, if the application is approved, amended plans will need to be provided and approved. This can be achieved by delegated authority if they comply with the approved conditions.

It is relevant to note that the amended design is likely to require a larger area of slab on ground due to the new location of the Dwelling house. The elevations, as shown in Figures 5 and 6, have been retained in the report, to provide indicative views from the street and assist in understanding how different design elements will be incorporated to mitigate against the impact of flood water.



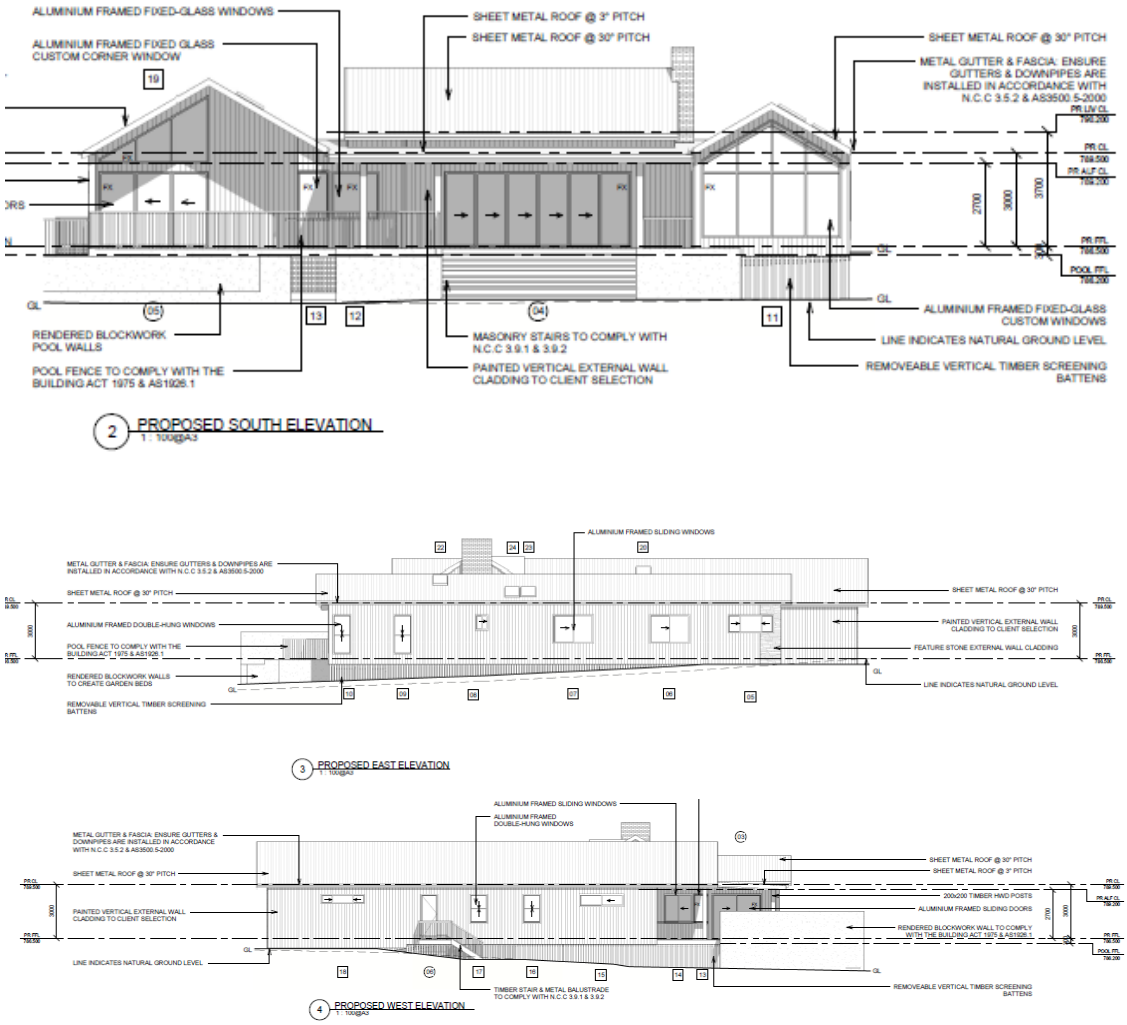


Figure 5: Elevations

Figure 6: Perspectives

The existing Dwelling house has a gross floor area of approximately 171 square metres and is sited completely outside the Flood hazard overlay. The proposed Dwelling house will have a gross floor area of approximately 369 square metres which is significantly larger than the existing building footprint. Note this may be slightly reduced to accommodate site constraints.

The location of the proposed Dwelling house will require building over Council sewer infrastructure, a sewer main. During the Decision period, specific advice was sought from Council's Water Department who agreed, in this instance, that building over the infrastructure would be acceptable if the sewer main was replaced by ductile iron and cased in concrete.

Assessment against the Planning Scheme is required as the proposal is seeking to replace an existing Dwelling house located outside the Flood hazard overlay with a new Dwelling house, located within the Flood hazard overlay.

Assessment against the Planning Scheme

Benchmarks applying to the development
The following codes of the Southern Downs Planning Scheme are benchmarks applying to the development: – 8.2.5 Flood hazard overlay code

Section 45(3) of the *Planning Act 2016* provides guidance for code assessable applications, outlining the following:

> *(3) A **code assessment** is an assessment that must be carried out only –*
> *(a) against the assessment benchmarks in a categorising instrument for the development; and*
> *(b) having regard to any matters prescribed by regulation for this paragraph.*

As the development is subject to code assessment, assessment is limited to the provisions of the assessment benchmarks and matters prescribed by regulation. A local categorising instrument (in this instance, the Southern Downs Planning Scheme) is prohibited from stating that a Dwelling house in a Low density residential zone is assessable development. It is only when the land is located in the overlay that assessment is triggered. An assessment benchmark is a code, a standard, or an expression of the intent for a zone or precinct and as the development is for Material Change of Use for the purpose of a Dwelling house within the Flood hazard overlay, the applicable provisions are only those contained within the Flood hazard overlay code.

Flood hazard overlay code

The purpose of the Flood hazard overlay code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.

The purpose of the Code will be achieved through the following Overall outcomes:

a) Development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.
b) Development does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain.
c) Land that is identified as subject to flood hazard is conserved for sustainable rural use or sport, recreation and open space purposes and when located adjacent to the Warwick urban area contributes where possible to the Warwick greenbelt.

AO1

(a) With the exception of farm sheds and outbuildings associated with an existing dwelling, new buildings are not located within the overlay area; or

(b) New buildings are located within the overlay area only where the local government has confirmed in writing that the following criteria are met:

(i) There is no part of the lot that is outside of the Flood hazard overlay area;
(ii) New buildings are located on the highest part of the lot to minimise entrance of floodwaters;
(iii) New buildings are located in areas of low flood hazard only as follows:
- *Maximum flood depth is 0.3 m; and*
- *Maximum flood velocity is 0.4 m/s.*

(iv) Direct access is available to low hazard evacuation routes as follows:
- *Maximum flood depth is 0.3 m;*
- *Maximum flood velocity is 0.4 m/s; and*
- *Evacuation distance is less than 200 m.*

Note: An extension to an existing dwelling, and the replacement of an existing dwelling house with a new dwelling house, are not considered to be a material change in use of the premises (unless the increase in floor area of the dwelling house is substantial) and therefore does not require assessment against the planning scheme.

***PO1** Development siting and layout responds to flooding potential and maintains personal safety at all times.*

There is a portion of the lot located outside the Flood hazard overlay which has an area in excess of 17 metres by 17 metres. The proposed development is substantially different in size to the existing Dwelling house and will be located within the Flood hazard overlay. As such, compliance with the Acceptable outcome cannot be achieved. The applicant states:

> *Although located within the mapped flood hazard area, the proposal responds to flood constraints by incorporating a mix of engineered posts/footings, and flood resilient building design elements such as permeable vertical timber battens, and rendered concrete block walls, particularly along the southern elevation. …. The new Dwelling House incorporates a raised storey built form, …. The proposed driveway is located outside of the mapped areas. The proposed measures are considered to assist in providing appropriate flood mitigation measures.*

The proposed plans indicate that the majority of the Dwelling house will be primarily located between 785.5 metres AHD and 786 metres AHD. A portion of the dwelling will be located below the 785.5 metre AHD contour and this includes part of the main bedroom, the majority of the alfresco area and part of the living area. It is noted that Council's current flood mapping was completed 10 years ago in 2014. Whilst there has been considerable development in the catchment since this time, new mapping has not yet been completed and evaluation of the proposal is based on the existing mapped flood levels which indicate that in a one in one hundred year flood event, the following flood depths would apply:

- At 785 metres AHD, flood depth is estimated to be between 0.50 to 1.0 metres in height.
- At 785.5 metres AHD, flood depth is estimated to be up to 0.25 to 0.50 metres in height.
- At 786 metres AHD, flood depth is estimated to be between 0.00 to 0.25 metres in height.

The applicant has indicated that the proposed finished floor level will be 500 millimetres above the highest flood level of impact as indicated by the Flood hazard mapping, that is where the identified flood depth is up to 0.25 metres in height, the finished floor level at this point will be 750 millimetres above the potential flood height during a one in one hundred year flood event. As such, this stipulation will be reflected in the conditions to ensure that the construction will result in the finished floor level to be outside of the Flood hazard overlay.

Access to and from the Dwelling house is not within the overlay area. The proposed development appears to be designed in a way which responds to flooding potential, on this particular site, in a one in one hundred year flood event, achieved by the installation of vertical timber battens to screen the void under the house, spaced in a way to enable the flow through of flood water. As access to and from the Dwelling house is not impacted by the overlay, it is considered that persons residing within the Dwelling house could evacuate the site during a flood event of this size.

The design of the Dwelling house will generally maintain personal safety for occupants, however, it is clear that there is sufficient area on the lot that is not within the Flood hazard overlay on which a Dwelling house could be located. Conditions will be imposed requiring the finished floor level of the Dwelling house is to be located 500 millimetres above the proposed flood depth identified by the Flood hazard overlay. The proposed siting and flood mitigation design elements are considered to respond to flooding potential on the site. With these conditions imposed, it is considered that the development can comply with the Performance outcome.

***AO2.1** Residential buildings:*
(a) are not constructed as single storey slab on ground;
(b) do not involve the filling of land to achieve flood immunity;
(c) use screening to ensure that the understorey is not substantially visible from the street;

(d) are not excessively high or out of character with the area;
(e) orient to the street by ensuring that the stairs to the dwelling and at least one habitable room overlook the street;
(f) have ground floors that allow for the flow through of flood water; and
(g) electrical meter boxes, switchboards, power points and switches are located above the Defined Flood Event (DFE) flood level.

Note: The Building Regulation 2006 and associated Queensland Development Code address the floor levels of habitable rooms in relation to flood levels. The definition of habitable rooms is in the Building Code of Australia.
Note: The highset "Queenslander" style house is a resilient low-density housing solution in floodplain areas. Higher density development should ensure only non-habitable rooms (e.g. garages laundries) are located on the ground floor.

***PO2** Development is resilient to flood events by ensuring that design and construction account for the potential risks of flooding.*

A portion of the residential development will be constructed as a single storey slab on ground and therefore the design does not comply with the Acceptable outcome. The rear of the building will include an alfresco area constructed on piers which will allow for flood waters to move through the site, relatively unimpeded.

Suitable conditions have been imposed to manage any potential impacts.

The applicant states:

> *The proposal incorporates a mix of slab on ground and raising the rear portion of the dwelling through the use of engineered posts/footings. Vertical batten screening is proposed to screen the understorey from adjoining dwellings. The proposal is not considered to be excessively high or out of character with the area. Stairs to the front entry, one bedroom and an office is oriented towards the street, resulting in opportunities for casual surveillance. Electrical meter boxes, switchboards, power points and switches can be located above the Defined Flood Event (DFE) flood level.*

A flood impact assessment was provided in response to Councils information request as the majority of the proposed Dwelling house was, at that time, wholly located with the Flood hazard overlay, and the design included concrete block work within the overlay which would inhibit the free flow of floodwater.

> *The results of our calculations show limited impact from the construction of the residence. Specifically, the calculated difference between the existing and developed state was less than a 1% increase in depth of flow and/or a 1.5% variation in flow rate.*

The consultant engineer confirmed that the inclusion of design elements such as battening could be incorporated whereby the battens fold down or lift up when water reaches a certain depth to maximise the ability of flood waters to flow freely beneath the Dwelling house.

> *In order to further mitigate any effects of the proposed development it is recommended that any subfloor treatment (such as battening or screening between posts) be constructed to maximise passage of flood water. This could be achieved by the provision of a hinge joint with a release pin on any screening …*

As the habitable rooms within the proposed Dwelling house can be constructed above the inundation level for a one in one hundred year event and design elements such as battening (applicable to the area beneath the floor level of the dwelling) can be applied to maximise the passage of flood water, it is considered that the development as designed, can be resilient to flood events of this scale and compliance can be achieved with the Performance outcome when considering the Flood hazard overlay map.

***AO5.1** Works in urban areas associated with the proposed development do not involve:*
(a) Any physical alteration to a watercourse or floodway including vegetation clearing; or
(b) A net increase in filling.
Note: Berms are considered to be an undesirable built form outcome and are not supported.

PO5 *Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or on other properties.*

The proposed development will not result in any filling within the Flood hazard overlay, however there will be piers constructed within the overlay to support the construction of the Dwelling house.

Whilst there is adequate room to construct a Dwelling house on the lot outside the Flood hazard overlay, the applicant confirmed that this was not the preferred location as they wish to live in the existing Dwelling house (which is in this location) whilst construction of the new dwelling is underway. Council acknowledges that a number of flood mitigation measures have been included in the proposed design. The amended design has removed the use of concrete block walls at the rear of the site, generally allowing for the free flow of water during a flood event.

It is relevant to note that ancillary structures can be constructed on the area within the Flood hazard overlay regardless of whether or not the proposed development proceeds and therefore consideration of the consequences of potential cumulative impacts is pertinent. In this instance, consideration of potential flood damage, either on site or on other properties, is only applied to the proposed dwelling. However, if the development is approved, minor extensions to the dwelling may occur without requiring planning review, and the building footprint of the structure can also be increased.

Councils Development Engineer reviewed the flood impact assessment data and provided the following response:

> *The revised report clarifies the interpretation of the base case and the scenario's being compared.*
>
> *The report [received in February 2024] finds that a theoretical flood afflux of 60mm may be caused by the development during the defined flood event. This number is consistent with my hand-calculations which indicated that for a complete blockage of the house and pool area, an afflux of 55mm could be expected.*
>
> *Update 2 April 2024: The most recent version of the flood report has moved the development further from the central channel and re-calculated the impact of the development to an afflux of between zero and 24 millimetres. Given the previous review of the RPEQ's work showed that the calculations were realistic, confidence is placed in the RPEQ that the new number is also correct.*
>
> *The report identifies a series of factors that would reduce this calculated flood afflux but does not quantify the reduction, presumably because this would require computer modelling that is beyond the scope of the report. The factors are nonetheless plausible and I don't contest that they are mitigating factors.*
>
> *These calculations have been made against the defined flood event (Q100) flood level. In a more severe flood event, the development may be within a relatively more sensitive part of the flow path and so may have a higher relative impact. In lesser flood events, the development may be out of the flow path and have nil impact on flood levels.*

The Performance outcome requires consideration of how the proposed development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and whether or not the development increases the potential for flood damage either on-site or on other properties.

In this instance, it is relevant to consider the potential cumulative impacts of on-going development within the Flood hazard overlay. The location of the development within the overlay has potential to alter the level of inundation to Dwelling houses upstream, particularly during larger scale flooding events.

The most recent information stated in the flood impact assessment report notes that '*the calculated difference between the alternative proposals was less than a 1% increase in depth of flow and/or a 1.5% variation in flow rate'.* Whilst the percentage change increase may appear to be low, the question really relates to what is an accepted range of risk, particularly when considering a location within an urban area.

As noted earlier, it is important to acknowledge that the current flood mapping was completed in June 2014. It is likely that modification of creek corridors, historical land clearance and the construction of infrastructure has changed the distribution and movement of water and therefore flood water behaviour is also likely to be different. Historical instream works in proximity to the site may or may not

have been completed and their relevance to flood levels of today are unknown. Recognition of these factors has resulted in Council commissioning new Flood Study's for the region, including Quart Pot Creek, which will provide Council with an up-to-date flood profile for this catchment area. This data is likely to be available by in coming months.

Based on the information currently available, and acknowledging that the Dwelling house location has been changed and the concrete solid blocks are no longer located within the Flood hazard overlay, it is considered unlikely that the proposed development will significantly increase the depth of flow and the flow rate. The design elements incorporated into the Dwelling house allow for the free flow of flood waters and a condition will be required to ensure there is no filling of the site. With conditions imposed, it is considered that the development will not increase the potential for flood damage on other properties and the potential impacts on the site can be managed by the owner. Therefore, it is considered that the Performance outcome can be achieved.

Infrastructure Charges

Charges Resolution (No. 4.2) 2023 commenced 13 December 2023.

As the existing Dwelling house will be removed, prior to the Final Inspection Certificate being issued it is considered that no infrastructure charges are applicable as the net result will be one Dwelling house on the lot.

Officer's Check List (Internal use only & not to be included in the Infrastructure Charges Notice)		
Officer	**IC Calculations Checked**	**Date**
Assessing Officer	✓	18 April 2024
Coordinator		
Manager	✓	18 April 2024

Recommendation

THAT the application for Material Change of Use for the purpose of a Dwelling house (within the Flood hazard overlay) on land at 49 Connor Street, Stanthorpe, described as Lots 1 & 2 S16814, be approved with the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Drawing No.	Date
Proposed site plan – Revision B	BA-03	16 August 2023, received by Council on 17 April 2024
Proposed floor plan – Revision A, as amended by Council	BA- 04	1 June 2023, amended by Council on 17 April 2024

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

3. An amended site plan, floor plan and building elevations **are to be submitted to and approved by Council's Planning Services team prior to the issue of a Development Permit for Building Work.** Construction of the Dwelling house is to be provided and maintained in accordance with the approved details.

Land Use and Planning Controls

4. This approval allows for the use of the site for the following uses only:
    - Dwelling house (within the Flood hazard overlay)

Building and Site Design

5. The existing Dwelling house on Lot 1 S16814 is to be demolished before a Form 21 (Final Inspection Certificate) is issued for the proposed Dwelling house.
6. The floor level of the proposed Dwelling house must have a finished floor level with at least 500 millimetres freeboard above the Defined Flood Event (Q100 Level), and any part of the building that falls below that level must allow for the free flow-through of water.
7. The use of solid blocks as a foundation for a structure or for screening is prohibited within the Flood hazard overlay.
8. All structures are to be outside of the Flood hazard overlay, flood depth of 0.50 metres.
9. Written confirmation is to be provided to Council's Planning Services team, prior to the issue of a Development Permit for Building Work, confirming that no filling associated with the Dwelling house has occurred within the Flood hazard overlay. The written confirmation is to be provided by a suitably licensed land surveyor in Queensland.
10. Written confirmation is to be provided to Council's Planning Services team, prior to the issue of a Development Permit for Building Work, confirming that the new siting of the Dwelling house does not increase the risk outlined within the flood impact assessment report, prepared by Crecer Consulting Engineers, received in March 2024 by Council, for the site.
11. Battening must be provided to the area underneath the building. At least 50% of the battening area must be open to allow the flow through of water in a flood event.
12. The area underneath the building is not to be used for storage.
13. Any fencing associated with the development must be at least 50% open to allow for the flow through of water during a flood event.
14. The building setback from the Connor Street frontage may be in line with the existing shed structure immediately to the west of the proposed site.
15. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
16. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)
17. No expansion of the Dwelling house area or structures extending the Dwelling house footprint, are to occur within the Flood hazard overlay without prior approval of Southern Downs Regional Council.

Amenity and Environmental Controls

18. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste management facility.
19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
20. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

Fencing, Landscaping and Buffers

21. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
22. All earthworks, including batters and filling, must be fully contained within the site and not be located in the Flood hazard overlay.

23. The street trees within the road reserve of Connor Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.

Roadworks

24. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.

Stormwater Drainage

25. The proposed development must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual* (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the commencement of the use.

    For any proposed use where it cannot be satisfactorily demonstrated that storm-water associated with the use can be directed to the frontage kerb or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

    Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

26. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.

27. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.

28. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works.

Electricity, Street Lighting and Telecommunications

29. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.

Advisory Notes

(i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.

(ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.

(iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.

(iv) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005.*

(v) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

(vi) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.

(vii) **Building Approval is to be obtained** for a Class 1a in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**

(viii) From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.2 will be applicable for any new class 1 buildings. Rainwater tanks with a minimum capacity of 5,000 litres are required for all new dwellings in water reticulated areas. Tanks are to be plumbed to service toilets, washing machines and an outdoor tap in accordance with the *Plumbing and Drainage Act 2018*. Appropriate area on the subject lot will be required to ensure compliance with these mandatory provisions.

(ix) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.

(x) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

(xi) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.

(xii) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

(xiii) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design.

A detailed inspection and as constructed record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

Telecommunications in New Developments

(xiv) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit www.infrastructure.gov.au\tind

Aboriginal Cultural Heritage

(xv) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au