



**City Planning & Sustainability
Development Services**

Brisbane Square, 266 George Street, Brisbane Qld 4000
GPO Box 1434 Brisbane QLD 4001
T 07 3403 8888
www.brisbane.qld.gov.au

Dedicated to a better Brisbane

23 December 2022
James Crouch, Sophie Crouch
C/- Urban Planners Queensland Pty Ltd
P O Box 5562
Q Supercentre
MERMAID WATERS QLD 4218

ATTENTION: Tracey Charleson

Application Reference: A005985038

Address of Site: 9 EMELINE ST KELVIN GROVE QLD 4059

Dear Tracey

RE: Decision Notice pursuant to section 63 of the *Planning Act 2016*

I am pleased to inform you that your development application has been approved as indicated in the attached decision notice. This approval must be carried out in accordance with the attached development approval package.

In addition to this approval you may also be required to obtain a water approval from the Central SEQ Distributor Retailer trading as Urban Utilities.

Infrastructure charges notices may be issued for the approved development pursuant to the *Brisbane Infrastructure Charges Resolution (No.11) 2022*, as detailed below:

- Brisbane City Council has levied infrastructure charges for the transport, public parks and land for community facilities and stormwater trunk infrastructure networks. The infrastructure charges notice has been attached to the decision notice.

An infrastructure charges notice for the sewerage and water supply trunk infrastructure networks is not attached to this decision notice. Urban Utilities may issue this infrastructure charges notice following this decision notice.

An early referral agency response for amenity and aesthetic impact/ design and siting of the proposed building work (Schedule 9, and Schedule 10 of the *Planning Regulation 2017*) is also attached. This early referral response is to be provided to the Building Certifier issuing the development permit for carrying out building work.

No further referral agency referral amenity and aesthetics/ design and siting is required for the building work development permit.

Included is a table of appeal rights under the *Planning Act 2016* advising you of appeal rights to the Planning and Environment Court or a tribunal.

Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely

Jian-Min Chen
Urban Planner
Planning Services City West
Phone: (07) 3178 0821
Email: jianmin.chen@brisbane.qld.gov.au
Development Services
Brisbane City Council

Decision Notice

(Section 63 (Notice of decision) of the *Planning Act 2016*.)

INTRODUCTION

This is a decision notice pursuant to section 63 of the *Planning Act 2016*. The decision to approve the application on **23 December 2022** was made by the Principal Urban Planner as the delegate appointed by Council to determine the application.

APPLICATION DETAILS

Application Reference Number: A005985038
Application Made Date: 13 April 2022
Properly Made Date: 13 April 2022

DESCRIPTION OF THE DEVELOPMENT

Aspect of Development: DA - PA - Building Work (ref DABW431174822)
Nature Application: Development Permit
Activity: Dwelling House and House in TBC - Partial Demolition
Description of Proposal: Partial demolition to pre1947 Dwelling house in Traditional building character overlay

Aspect of Development: DA - PA - Building Work (ref DABW431470122)
Nature Application: Development Permit
Activity: Dwelling House and Extension
Description of Proposal: Extension to Dwelling house on Small lot

Aspect of Development: DA - PA - Referral Agency for Building Work (ref DAEB431471422)
Nature Application: Referral Response
Activity: Amenity and aesthetics
Description of Proposal: Early referral response for amenity and aesthetics impact

Aspect of Development: DA - PA - Referral Agency for Building Work (ref DAEB431471522)
Nature Application: Referral Response
Activity: Design and siting
Description of Proposal: Early referral response for design and siting

Aspect of Development: DA - PA - Reconfiguring a Lot (ref DARL420971722)
Nature Application: Development Permit
Activity: Subdivision of Land
Description of Proposal: Reconfiguring a Lot (1 into 2)

APPLICANT DETAILS

Name of Applicant: James Crouch

Name of Applicant: Sophie Crouch
Applicant Address: James Crouch, Sophie Crouch
C/- Urban Planners Queensland Pty Ltd
P O Box 5562
Q Supercentre
MERMAID WATERS QLD 4218

SITE DETAILS

Address of Site: 9 EMELINE ST KELVIN GROVE QLD 4059
Real Property Description: L2 RP.58658
Zone: CHARACTER (INFILL HOUSING) ZONE
Owner: Mr James William Crouch & Mrs Sophie Crouch
Ward: Paddington

TYPE OF APPROVAL

Carry Out Building Work – Development Permit (ref DABW431174822)
Carry Out Building Work – Development Permit (ref DABW431470122)
Local Government as Referral Agency – Referral Response (ref DAEB431471422)
Local Government as Referral Agency – Referral Response (ref DAEB431471522)
Reconfigure a Lot – Development Permit (ref DARL420971722)

CURRENCY PERIOD FOR THE DEVELOPMENT APPROVAL

The currency period for this development approval may be affected by the declaration of an applicable event by the Minister under Part 4B, Chapter 7 of the *Planning Act 2016*.

The currency period for this development approval (inclusive of all of its parts) will end on **24 March 2027**.

This development approval (inclusive of all of its parts) lapses at midnight on the above stated date if:

- for a material change of use, the first change of use does not happen;
- for reconfiguring a lot, the plan of subdivision for the reconfiguration is not given to Council; or
- for any other development (including building work, operational work and any early referral agency response), the development does not substantially start; or
- for any development approval made up of two or more different parts, each part which does not fulfil the measures stated above for material change of use, reconfiguring a lot, or any other development.

The currency period is determined by Council pursuant to section 85 of the *Planning Act 2016*.

FURTHER DEVELOPMENT PERMITS

The following development permit/s are required to carry out the development:

- Carry Out Building Work – Development Permit

ASSESSMENT OF CONDITION COMPLIANCE

Assessment of compliance with conditions that require a document and/or works to be approved by Council must be actioned by the submission of the [Operational Works/Compliance Assessment Application Form](#) (available on [Council's website](#)).

BUILDING WORK ASSESSABLE AGAINST THE *BUILDING ACT 1975*

An early referral agency response under section 57 of the *Planning Act 2016* is attached to this decision notice for assessment of the amenity and aesthetic impact of the proposed building work (*Planning Regulation 2017*, Schedule 9, Part 3, Division 2, Table 1).

An early referral agency response under section 57 of the *Planning Act 2016* is attached to this decision notice for assessment of the design and siting of the proposed building work (*Planning Regulation 2017*, Schedule 9, Part 3, Division 2, Table 3).

BUILDING CLASSIFICATION

Where the approved development involves building work that is building, repairing or altering a building that is assessable against the building assessment provisions, the classification or proposed classification of the building is to be limited to Class 1 and/or Class 10.

REFERRAL AGENCIES

No referral agencies have been identified by for this application.

CONDITIONS

This approval is subject to conditions included in the attached development approval package which includes:

- conditions imposed by Council as assessment manager

SUBMISSIONS

Submissions were received for this application. A list of the name, residential or business address and electronic address of each principal submitter is attached. The appeal period for a submitter of a properly made submission 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 change representations about the conditions of the development approval.

If, within 1 year after a development application (the original application) lapses or is withdrawn, another development application that is not substantially different from the original application (the later application) is made, any properly made submission for the original application is taken to be a properly made submission for the later application.

An eligible submitter for a development application, or a change application, is entitled to appeal this decision or elect to become a co-respondent by election for an appeal in circumstances described in Schedule 1 of the *Planning Act 2016*.

Pursuant to section 71 of the *Planning Act 2016*, this development approval does not take effect until the submitters' appeal period has ended or, if an appeal about the approval is started and subject to the outcome of the appeal – approval starts to have effect when the appeal ends.

APPEAL RIGHTS

In accordance with the *Planning Act 2016*, the rights of appeal must be stated for the applicant and any submitters. Attached is a table of appeal rights under the *Planning Act 2016* that details your appeal rights and the appeal rights of any submitters.

Decision Notice – Infrastructure Charges

(Section 121(3) of the *Planning Act 2016*)

INTRODUCTION

This is a decision notice given pursuant to section 121(3) of the *Planning Act 2016*. The decision to give an infrastructure charges notice on **23 December 2022** was made by the Principal Urban Planner as the delegate appointed by Council to determine the application.

APPLICATION DETAILS

Application Reference Number: A005985038
Application Made Date: 13 April 2022
Properly Made Date: 13 April 2022

APPLICANT DETAILS

Name of Applicant: James Crouch
Name of Applicant: Sophie Crouch
Applicant Address: James Crouch, Sophie Crouch
C/- Urban Planners Queensland Pty Ltd
P O Box 5562
Q Supercentre
MERMAID WATERS QLD 4218

SITE DETAILS

Address of Site: 9 EMELINE ST KELVIN GROVE QLD 4059
Real Property Description: L2 RP.58658
City Plan Area Classification: CP-CR,QPP-CR2
Owner: Mr James William Crouch & Mrs Sophie Crouch
Ward: Paddington

APPEAL RIGHTS

In accordance with the *Planning Act 2016*, the rights of appeal must be stated for the applicant and any submitters. Attached is a table of appeal rights under the *Planning Act 2016* that details your appeal rights and the appeal rights of any submitters.



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ATTENTION: Tracey Charleson

Application Reference: A005985038
Address of Site: 9 EMELINE ST KELVIN GROVE QLD 4059

Dear Tracey

RE: Early concurrence agency response under section 57 of the *Planning Act 2016*

This is an early referral agency response for amenity and aesthetic impact of particular building work (Schedule 9, Part 3, Division 2, Table 1 of the *Planning Regulation 2017*). This advice is to be provided to the Building Certifier issuing the development permit for carrying out building work.

This advice has been triggered due to non-compliance with acceptable outcome/s of codes identified in Table 1.7.4 of the *Brisbane City Plan 2014*.

It has been determined that the proposed building will **not**:

- (i) have an extremely adverse effect on the amenity or likely amenity of the locality; or
- (ii) be in extreme conflict with the character of the locality.

where the proposed building work complies with the requirements set out in the decision notice for Council development approved A005985038 (this includes the approved drawings, conditions and accepted development subject to compliance with identified requirements).

Advisory Notes

This response does not constitute an approval to start building work. A development permit to begin construction of the proposed building work must be obtained from an appropriately licensed Building Certifier.

No further referral agency response (amenity and aesthetics) is required for the building work development permit.

Any variation to the proposal will require a new request for a referral agency response and the applicable fees to be submitted for assessment by Council.

Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely

Jian-Min Chen
Urban Planner
Planning Services City West
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ATTENTION: Tracey Charleson

Application Reference: A005985038

Address of Site: 9 EMELINE ST KELVIN GROVE QLD 4059

Dear Tracey

RE: Early concurrence agency response under section 57 of the *Planning Act 2016*

This is an early referral agency response for design and siting of particular building work (Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*). This advice is to be provided to the Building Certifier issuing the development permit for carrying out building work.

This advice has been triggered due to non-compliance with acceptable outcome/s of codes identified in Tables 1.6.1/1.6.2 of the *Brisbane City Plan 2014*.

It has been determined that the proposed building or structure complies with:

- (i) the relevant performance criteria (outcomes) stated in the *Brisbane City Plan 2014*
- (ii) the relevant qualitative statements in the *Brisbane City Plan 2014*.

where the proposed building work complies with the requirements set out in the decision notice for Council development approved A005985038 (this includes the approved drawings, conditions and accepted development subject to compliance with identified requirements).

Advisory Notes

This response does not constitute an approval to start building work. A development permit to begin construction of the proposed building work must be obtained from an appropriately licensed Building Certifier.

No further referral agency response (design and siting) is required for the building work development permit.

Any variation to the proposal will require a new request for a referral agency response and the applicable fees to be submitted for assessment by Council.

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