



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 21 April 2015

Commencing at the conclusion of the
Corporate & Community Services Committee Meeting

All correspondence to
Be addressed to the
Chief Executive Officer

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**SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

Cr J J Sanders, Chairperson
Cr J C Brent, Mayor
Cr N J Waistell
Cr N O'Carroll
Cr V A West, Deputy Mayor
Cr R J Stanfield
Cr D A McInnes

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES

3.1 30002837.01 Development Application - Planit Consulting Pty Ltd Lot 22 SP148278 - Request to Change a Development Approval for Warehouse/Storage Facility - Industrial Use (Original application was Impact Assessable)

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 30002837.01

Applicable Planning Scheme	<i>Beaudesert Planning Scheme 2007</i>
Applicant	Franor Holdings Pty Ltd, C/- Mortons Urban Solutions
Owner(s)	Mrs S McConachy, Mr R J McConachy, Franor Holdings Pty Ltd,
Site Address	108-114 Main Western Road TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 22 on SP148278
Site Area	8,011m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Cottage Tourist Facility Precinct
Proposal	Request to Change an Existing Development Approval - Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (Maximum 125 self-storage units, storage shed and outdoor storage area)
Assessment Level	Request to Change Conditions of Approval (Original Application was Impact Assessable)
Approval Type	Change to Development Approval
Date Application Received:	14 November 2014

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Request to Change an existing development approval; being a Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (Maximum 125 self-storage units, storage shed and outdoor storage area).

Brief Summary

On 14 November 2014, Council received a request for permissible change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA).

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme), the subject land is located within the Cottage Tourist Facility Precinct of the Tamborine Mountain Zone.

On 2 March 2010, Council issued a Decision Notice approving a Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (100 self-storage units). The original Application was Impact Assessable and hence this report is being put to Council for a resolution. The applicant now seeks to amend conditions of that approval to amend site plans, increase number of storage units to 125, introduce a storage shed, formalise an outdoor storage area and finalise stormwater management systems.

Through collaboration with Council officers, the applicant also seeks to delete Condition 13 in relation to an Infrastructure Agreement for payment of infrastructure charges in accordance with Council's Planning Scheme Policy 5. Instead, a new Infrastructure Charge Notice will be issued in accordance with Council's *Adopted Infrastructure Charge Resolution* (AICR). The new charges notice will incorporate previous approved development as well as the new storage units and storage shed.

Through the subject application, the applicant requests changes to the development description and conditions 1, 4, 5, 7, 11, 13, 14, 19, 20 and 21.

A copy of the subject application was forwarded to the Department of State Development, Infrastructure and Planning (DSDIP) as a Relevant Entity. Correspondence received from DSDIP dated 1 December 2014 has stated that the department had no objection to the proposed changes.

Subsequent to an assessment against the previous approval and against the current Planning Scheme, the proposal does not constitute a *Substantially Different Development* and complies with the applicable provisions of the current Planning Scheme. Based on the information submitted and the detailed assessment given within this report the proposal is recommended to be approved.

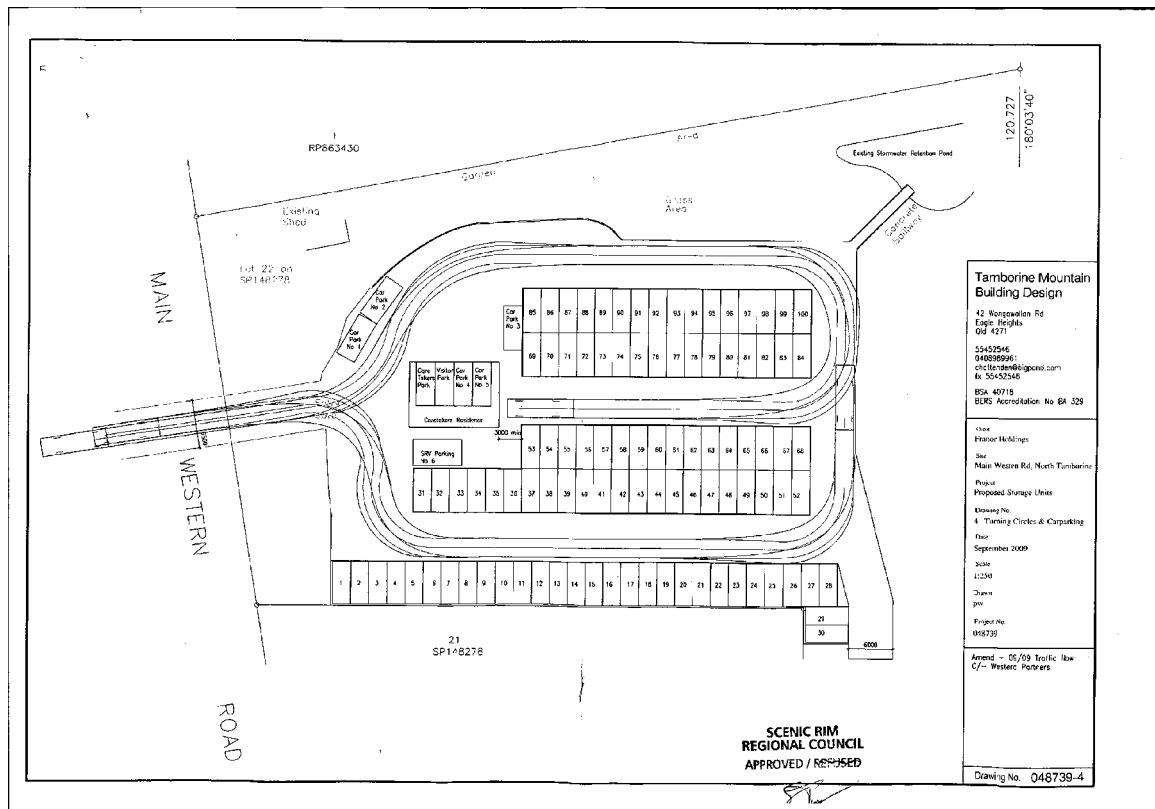
Background

On 17 February 2004, Council issued a Negotiated Decision Notice for a Self-Storage Facility (utilising Shipping Containers), Office and Caretakers Residence (DA 020-030-002079) subject to conditions. A condition of the approval placed a time limitation of the use with the approval lapsing 5 years after commencement.

On 17 June 2008, Council issued an approval to amend the 2004 Negotiated Decision Notice which had the effect of removing the time limitation on the use.

On the 2 March 2010, Council issued a Decision Notice approving a Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (100 self-storage units). A copy of the current approved site plan is shown in Figure 1 below (DA 020-030-0002837).

Figure 1 - Existing approved site plan



Proposal

The applicant has submitted to Council a Request Permissible Change under Section 367 of the *Sustainable Planning Act 2009* (SPA), to amend an existing development approval. The aforementioned approval was issued on 2 March 2010 for a Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (100 self-storage units).

The proposed changes essentially seek to amend conditions that result in amended site plans, increased number of storage units to 125, introduce a storage shed and finalise stormwater management systems. Additionally, the applicant seeks to remove the requirement for an Infrastructure Agreement for payment of infrastructure charges in accordance with Council's Policy 5.

Through the assessment process, the applicant responded to Council's informal Information Request via email dated 19 February 2014 seeking changes to several additional conditions; namely Conditions 7, 11, 13, 19, 20 and 21. The key changes are as follows:

- The number of storage units will increase from 100 to 125.
- The configuration of the storage units will differ slightly with eight storage units located along the northern edge of the driveway and 28 storage units located in a two level configuration toward the eastern end of the site.
- A 11m x 28m storage shed is proposed to the east of the site.

- A hard stand area is proposed in the south east of the site which is proposed for the storage of caravans, boats, vehicles and machinery (maximum 1 heavy vehicle).
- The removal of a requirement for an Infrastructure Agreement for payment of infrastructure charges in accordance with Council's Policy 5.
- To amend conditions to recognise existing landscaping along the northern boundary and Main Western Road frontage; and the removal of further landscaping along the eastern boundary due to the existing fence which screens the hardstand area from the adjoining property.
- A site based stormwater management plan has been submitted to treat and manage stormwater flows on site.

In terms of car parking, ten (10) on-site car parking spaces will be provided consisting of seven (7) visitor spaces, one (1) space for the caretaker's residence, one (1) space for the operator and one (1) SRV space. This represents an additional two (2) spaces to accommodate any increase in demand generated by the proposed changes. There will be no change to the previously required and established landscaping buffers to the sites frontage and northern boundary. Associated with the request will be a requirement to amend the description of the development and the following conditions of the underlying development approval.

Below is a summary of the relevant conditions and the condition description:

Condition number	Condition description
Development description	Approval conditions
Condition 1	Use in accordance with the application - material change of use
Condition 4	Building material used
Condition 5	Operating hours - delivery & removal of storage containers:
Condition 7	Open storage - screening
Condition 11	Landscaping – specific
Condition 13	Infrastructure Agreement
Condition 14	Car parking numbers
Condition 19	Adverse drainage impact - general
Condition 20	Stormwater discharge and disposal
Condition 21	Minimise erosion

A copy of the revised site plan showing the proposed changes is illustrated in Figure 2 below.

Figure 2 - Amended site plan



Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is located at 108-114 Main Western Road, North Tamborine and is described as Lot 22 on SP148278. The site is appropriately landscaped throughout and in particular well established and buffering landscaping along the sites western (front boundary) and eastern boundaries.

The site is currently improved by 50 self-storage units in the form of temporary shipping containers and a caretaker's residence as part of a previous approval granted by Council. The site is irregular in shape and contains a total land area of 8,011m². The site gains a lawful access from Main Western Road via bitumen (AC) sealed access crossover, which was undertaken in accordance with the Department of Main Roads conditions as part of the previous approval granted for the site.

The site consists predominantly of two flat platforms. The portion of the site occupied by the storage facility is positioned toward the front of the site; whereas the undeveloped area along the rear (eastern boundary) of the site is lower. The lower area is also occupied by the stormwater detention basin.

Adjoining the site to the north and east are vacant allotments, whilst the rural fire brigade and ambulance emergency service adjoins the site to the south. The western boundary is bordered by Main Western Road.

Development Assessment

Permissible change – Sustainable Planning Act 2009

Pursuant to the *Sustainable Planning Act 2009* (SPA), a person can request to change a development approval in accordance with section 369. The scope of section 369 is limited and only applies if a person wants to make a permissible change to an existing development approval. Section 367 of SPA defines a ‘Permissible Change’ as follows:

“permissible change, for a development approval, is a change to the approval that would not—

- a) result in a substantially different development; or*
- b) if the application for the approval were remade including the change—*
 - (i) require referral to additional concurrence agencies; or*
 - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or*
- c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity’s opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
- d) cause development to which the approval relates to include any prohibited development.”*

Having regard to the relevant SPA provisions above, the proposed changes are considered to be a permissible change for the following reasons:

- With respect to Section 367(a) of the SPA and determining what constitutes a substantially different form of development, it is appropriate to have regard to the guidelines made by the Chief Executive under Section 760 of the SPA (Statutory Guidelines 06/09), as follows:

“Although it will depend on the individual circumstances of the development, the following list identifies changes that may result in a substantially different development and would, therefore, not be a minor change or permissible change under the SPA. This list is intended as a guide to assist assessment managers and applicants to determine whether a change will result in a substantially different development and is not intended to be exhaustive.”

- An assessment of instances whereby a proposed change may result in a substantially different development is included in the table below.

Assessment of changes against the <i>Sustainable Planning Act 2009</i>	
Substantially different development criteria	Comment
Involves a new use with different or additional impacts.	The development as modified will result in no new use. The development will continue to be used on a commercial basis by the public for self-storage purposes.
Results in the application applying to a new parcel of land.	The use will be confined to Lot 22 SP148278. No additional land parcels will be introduced to the development.

<p>Dramatically changes the built form in terms of scale, bulk and appearance.</p>	<p>The additional 25 storage units are of a similar bulk and scale to the existing storage containers. The proposed shed located at the rear of the property maintains a low level built form that would be considered compatible with existing structures on the site. Due to the presence of fencing and landscaping the development is largely screened from surrounding properties and public places. None of the changes proposed could be considered as dramatic alterations to the appearance of the development.</p>
<p>Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.</p>	<p>The proposed modifications will have no impact on the ability of the self-storage facility to operate as intended. Options available to the public for storage will be improved by the proposed changes to the development.</p>
<p>Removes a component that is integral to the operation of the development.</p>	<p>The proposed modification does not remove any components of the development.</p>
<p>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.</p>	<p>The need for self-storage facilities has arisen primarily because the public require a safe and secure place to store items that they don't need or don't use on a regular basis and they have insufficient room to store on their property. By their nature, such facilities generate very low traffic volumes and it is not anticipated that any minor increase will impact on the safety or efficiency of the local road network. To cater for any increase in car parking demand an additional 2 spaces have been allocated on site. It is noted that vehicles associated with the use are most likely to park to the front of their storage unit if they are loading or unloading.</p>
<p>Introduces new impacts or increases the severity of known impacts.</p>	<p>No new impacts are expected as a result of the proposed modifications. Increases in traffic resulting from the development are discussed in response to the previous point and are considered to be minor.</p>
<p>Removes an incentive or offset component that would have balanced the negative impact of the development.</p>	<p>The proposed modifications do not impact on any buffer or any other aspect of the development that was required to balance a negative impact.</p>
<p>Impacts on infrastructure provision from a location or demand.</p>	<p>There is no increased demand on Council infrastructure resulting from the proposed modifications.</p>

- With respect to Section 367(b)(i) of SPA, the proposed change does not trigger any new concurrence agencies or triggers referral to additional concurrence agencies.
- In respect to Section 367(b)(ii) of SPA, the original development approval was subject to impact assessment, and as such section 367(b)(ii) of the SPA is not relevant.
- With respect to Section 367(c), the original application was an Impact Assessable application. At the time of the original application, one (1) properly made submission was received raising objections in relation to fencing, stormwater and loss of privacy. Since, the applicant has installed a 1.8m high fence along the entire eastern boundary to address privacy concerns. Also, the applicant has submitted a stormwater management plan to treat and manage stormwater. It is noted that there is currently no residential dwelling on the adjoining lot to the east, as well as established vegetation along the eastern boundary that adds to the level of screening. Given the aforementioned facts, the proposal is not considered to cause a person to make a properly made submission against the proposal.
- With respect to Section 367(d), the proposed change does not include any prohibited development.

The proposal has been assessed and is considered to constitute a permissible change in accordance with Section 367 of the *Sustainable Planning Act 2009*. The addition of storage units and storage shed is considered minor in nature and does not impact upon any external parties.

Assessment against *Beaudesert Shire Planning Scheme 2007*

The proposal seeks approval for additional storage units and storage shed to an existing storage facility. The changes also seek to approve a stormwater management plan and update conditions to properly correlate with the existing development configuration. The proposal essentially maintains the original approval which was approved in 2010 under the *Beaudesert Shire Planning Scheme 2007*. As such, the proposed changes are considered minor in nature and are generally in accordance with the current Planning Scheme as a whole.

Amendments to conditions of Approved Development

Development description currently reads:

1. *That pursuant to Section 3.5.15 of the Integrated Planning Act 1997, Council resolve to approve with conditions the Development Application for a Warehouse/Storage Facility (100 self-storage units) at 108-114 Main Western Road, North Tamborine on land described as Lot 22 on SP148278 in accordance with the following:*
 - a) *A Development Permit is given for a Warehouse/Storage Facility (100 self-storage units) subject to the following conditions:*

Applicant's justification:

The applicant seeks to amend the subject condition to reflect an increase of number of storage units from 100 to a maximum of 125 units, to formally recognise an outdoor storage area, and to add an additional storage shed. The development description is requested to be amended to read as follows:

1. That pursuant to Section 3.5.15 of the *Integrated Planning Act 1997*, Council resolve to approve with conditions the Development Application for a Warehouse/Storage Facility (Maximum 125 self-storage units, storage shed and outdoor storage area) at 108-114 Main Western Road, North Tamborine on land described as Lot 22 on SP148278 in accordance with the following:
 - a) A Development Permit is given for a Warehouse/Storage Facility (Maximum 125 self-storage units, storage shed and outdoor storage area) subject to the following conditions:

Officer's comments:

The proposed increase in storage units from 100 to 125 and the addition of a storage shed are considered a minor increase in scale of development. It is noted that the open storage area was previously considered in the original approval although not formally recognised in the approval description. The proposed changes are not considered a substantial change and therefore accepted in this instance. As such, the above description shall be amended as per the applicant's request.

Condition 1 currently reads:

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** *Development being undertaken generally in accordance with Plan/s No/s. referenced in the below table and received by Council on 16 June, 2009 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 3.5.24 of the Integrated Planning Act 1997 without the need for a further Development Application for a Material Change of Use.*

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Site Plan (4 Turning Circles & Carparking)	Tamborine Mountain Building Design	048739-4	September 2009
2 Sections & Elevations Plan	Tamborine Mountain Building Design	048739-2	February 2009
4 Elevations Plan	Tamborine Mountain Building Design	048739-4	February 2009

Applicant's justification:

The applicant seeks to amend the above condition to reference proposed changes such as the additional number of storage units, new storage shed, open storage area and revised development layout. The above condition is requested to be amended to read as follows:

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plan/s No/s. referenced in the below table and received by Council on 14 November 2014 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested in accordance with Section 3.5.24 of the *Integrated Planning Act 1997* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Concept Plan	Mortons Urban Solutions	17299-030P01	10 September 2014
Building Layout	Sheds n Homes	JSP1313 10039	19 October 2013

Officer's comments:

The subject condition references the approved site and building plans for the development. The condition has been updated to reflect the proposed changes. As mentioned in the development assessment section of this report, the proposed changes are considered minor in nature and consistent with the current Planning Scheme. As such, the subject condition is recommended to be amended to read as per the applicant's request.

Condition 4 currently reads:

- 4) **BUILDING MATERIAL USED** - *The approved structure shall be constructed of colorbond painted prefabricated material or other similar type approved construction in natural colours, e.g. greens and browns, such that the development does not detract visually from the amenity of the locality.*

Applicant's justification:

The applicant seeks to amend the above condition to make specific reference to the proposed storage shed; thus to read as follows:

- 4) **BUILDING MATERIAL USED** - *The approved shed shall be constructed of colourbond painted prefabricated material or other similar type approved construction in natural colours, e.g. greens and browns, such that the development does not detract from the visual amenity of the locality.*

Officer's comments:

The proposed change is considered minor in nature and maintains the purpose of the condition. As such, the above condition is recommended to be amended as per the applicant's request.

Condition 5 currently reads:

- 5) **OPERATING HOURS** - *The use so approved shall be restricted to the hours of:*
- (i) **ACCESS TO STORAGE CONTAINERS:** *Access to the storage containers shall be restricted to the hours of 7.00 am to 6.00 pm to ensure potential conflicts with nearby residential premises are minimised.*
 - (ii) **DELIVERY & REMOVAL OF STORAGE CONTAINERS:** *The removal of storage containers and delivery of the new prefabricated structures to and from the site during the construction shall be restricted to the hours of 7.00 am to 6.00 pm Monday to Friday to limit the potential for conflict with tourist traffic on the weekends and to protect the importance of Main Western Road as a key tourist route (this is an interim condition).*

Applicant's justification:

Part (ii) of the subject condition does not make mention of the proposed storage shed and construction process. In order ensure the purpose of the condition is maintained, the condition has been amended to ensure the delivery of storage containers or the shed materials do not conflict with tourist traffic on Main Western Road. The proposed condition is to read as follows:

- 5) **OPERATING HOURS** - *The use so approved shall be restricted to the hours of:*
- (i) **ACCESS TO STORAGE CONTAINERS:** *Access to the storage containers shall be restricted to the hours of 7.00 am to 6.00 pm to ensure potential conflicts with nearby residential premises are minimised.*
 - (ii) **DELIVERY OF STORAGE CONTAINERS AND SHED MATERIALS:** *The delivery of storage containers and materials associated with the shed construction shall be restricted to the hours of 7.00 am to 6.00 pm Monday to Friday to limit the potential for conflict with tourist traffic on the weekends and to protect the importance of Main Western Road as a key tourist route (this is an interim condition).*

Officer's comments:

The applicant seeks to amend Part (ii) of the above condition to ensure the delivery of storage containers or shed materials during construction does not conflict with tourist traffic on Main Western Road. The amendment is logical and maintains the purpose of the condition. As such, the proposed change is recommended for approval as per the applicant's request.

Condition 7 currently reads:

- 7) **OPEN STORAGE - SCREENING** - *Open storage area/s containing goods or materials associated with the approved use shall be screened from Main Western Road, the eastern and northern boundaries of the site by way of appropriate landscaping treatments described in conditions relating to Landscaping.*

Applicant's justification:

The existence of a 1.8m high fence along the full length of the eastern boundary has been constructed which provides sufficient screening of the outdoor storage area. Furthermore, well established landscaping exists along the northern and western boundary which provides screening to the adjoining property to the north and Main Western Road to the west. The applicant seeks to amend the condition to read as follows:

- 7) OPEN STORAGE - SCREENING** - *Open storage area/s containing goods or materials associated with the approved use shall be screened from Main Western Road, the eastern and northern boundaries of the site by way of appropriate fencing treatments.*

Officer's comments:

It is noted that at the time of the previous approval there was no fencing along the eastern boundary to screen the open storage area. The owner has since constructed a 1.8m high solid fence to screen the development from the adjoining property to the east. As evident from a site visit on the 15 January 2015, existing landscaping along the northern and western boundaries is well established and provide for effective screening. As such, the subject condition is recommended to be amended as per the applicant's request.

Condition 11 currently reads:

- 11) LANDSCAPING – SPECIFIC** – *The site and in particular the batter adjoining the bitumen sealed development platform located toward the eastern boundary of the site will be required to be re-established to a minimum width of three (3) metres commencing from the top of the batter and for the entire length of the batter. The required landscaping must incorporate plant species native to the locality that are non-deciduous and that will achieve a dense screening buffer from the allotment adjoining the eastern boundary.*

Applicant's justification:

The above condition relates to landscaping along the eastern boundary. The applicant seeks to delete the subject condition given the existence of a 1.8m high fence along the full length of the eastern boundary which provides sufficient screening of the outdoor storage area.

Officer's comments:

The subject condition requires landscaping along the eastern boundary for screening purposes. As mention in previously in Condition 7, a 1.8m high solid colourbond fence has been constructed which is coupled by dense vegetation on the adjoining property addresses the issue of screening. As such, the above landscaping condition is no longer required and therefore recommended to be deleted.

Condition 13 currently reads:

- 13) INFRASTRUCTURE AGREEMENT** - *The Developer shall enter into a single Infrastructure Agreement with Council to provide for the upgrade and / or alterations to the following infrastructure required to service the development, road network and the payment of monetary contributions towards the same:*

- *Payment of a contribution toward the upgrade of the road network*
- *Payment of a contribution to park provision in accordance with Council's Policy as adopted by Council by resolution. The amount of such contribution is to be the value current at the time of approval of the application for Building Works*

The Developer shall enter into the above Infrastructure Agreement with Council at the time of making application for Building and/or Operational Works permits. The value of the contributions payable under this Infrastructure Agreement at time of payment shall be indexed in accordance with the Consumer Price Index (CPI).

The works required by this condition are to be addressed/undertaken/completed prior to the building works application being approved.

Applicant's justification:

Through collaboration with Council officers, the applicant seeks to delete the above condition and accept previous charges to be incorporated into a new Infrastructure Charge Notice in accordance with Council's Adopted Infrastructure Charge Resolution (AICR). The applicant believes that it is logical to remove Condition 13 and that the additional storage containers arising from the 2010 approval should be charged in accordance with the AICR instead of Policy 5.

Officer's justification:

Importantly to note that Council no longer imposes conditions requiring applicants to enter into an Infrastructure Agreements for payment of infrastructure charges. Through collaboration with the applicant, officers have agreed to delete the above condition on the proviso that a new Infrastructure Charge Notice will be issued in accordance with Council's *Adopted Infrastructure Charge Resolution* (AICR), and that the new charges notice will incorporate previous approved development as well as the new storage units and storage shed. As such, the above condition is recommended to be deleted as per the applicant's request.

Condition 14 currently reads:

- 14) CAR PARKING NUMBERS** - *Provision of a minimum eight (8) on-site car parking spaces, including five (5) visitor spaces, one (1) space for the Caretaker's Residence, one (1) space for staff and one (1) space for service vehicle - Medium Rigid Vehicle - MRV.*

Note:

The total number of car parking spaces shall be available prior to the commencement of the approved use.

Applicant's justification:

The applicant seeks to amend the subject condition to update the number of car parking spaces as a result of the increased scale of development. The applicant seeks the above condition to be amended to read as follows:

- 14) CAR PARKING NUMBERS** - *Provision of a minimum ten (10) on-site car parking spaces, including seven (7) visitor spaces, one (1) space for the Caretaker's Residence, one (1) space for staff and one (1) space for service vehicle - Medium Rigid Vehicle - MRV.*

Note:

The total number of car parking spaces shall be available prior to the commencement of the approved use.

Officer's comments:

The proposed changes are logical and comply with the requirements of the current Planning Scheme. As such, the above condition is recommended to be amended as per the applicant's request.

Condition 19 currently reads:

- 19) ADVERSE DRAINAGE IMPACT - GENERAL** - *Drainage from the development is not to adversely impact upon downstream owners. The Developer shall be required to submit details of adequate measures to the satisfaction of Council's Director – Works & Infrastructure Services, to offset said impact (s) if identified.*

Applicant's justification:

The applicant has submitted a stormwater management/drainage works report to address the subject condition. The submitted Site Based Stormwater Management Plan dated February 2015 demonstrates compliance with Conditions 19, 20 and 21 of the original development approval. The applicant seeks to delete Conditions 19 and 20, and amend Condition 21 to reference the submitted stormwater management report.

Officer's comments:

Conditions 19, 20 and 21 make provision for the collection and disposal of stormwater flows on site and to protect adjoining properties. The submitted stormwater report has been assessed and is considered to properly treat and manage stormwater on-site. Therefore, officers recommend the deletion of Conditions 19 and 20, and to amend Condition 21 as per the applicant's request.

Condition 20 currently reads:

- 20) STORMWATER DISCHARGE AND DISPOSAL** - *The Applicant is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge. The form of said collection and discharge will be in accordance with the provisions of Council's Design and Construction Manual, with the completed works undertaken to a standard satisfactory to Council's Director – Works & Infrastructure Services. The recommendations of the "Stormwater Quality Management Report" prepared by Planning Consulting dated February 2009 are to be observed.*

Note:

The works required by this condition are to be completed prior to the commencement of the approved use.

Applicant's justification:

Refer to applicant's comments made in relation to Condition 19.

Officer's comments

Refer to officer's comments made in relation to Condition 19.

Condition 21 currently reads:

- 21) MINIMISE EROSION** – *Provision shall be made for the control of soil erosion to the satisfaction of the Council's Director – Civil Operations. The Applicant is to note that they shall be held responsible for the removal of any soil eroded and transferred from the site to an adjacent properties or drainage systems as a result of the construction of the development.*

Applicant's justification:

Refer to applicant's comments made in relation to Condition 19. Therefore, the subject condition is proposed to be amended to read as follows:

- 21) STORMWATER MANAGEMENT** – *The Applicant is to make provision for the collection and disposal of stormwater drainage flows as outlined in the approved Site Based Stormwater Management Plan, dated 18 February 2015, prepared by DNBS Consulting Engineers*

Officer's comments:

Refer to officer's comments made in relation to Condition 19. As such, the subject condition is recommended to be changed as per the applicant's request.

Assessment of Other Aspects of the Proposal

Adopted Infrastructure Charges Resolution (Version 5) (AICR)

In accordance with the AICR, infrastructure charges have been raised for the additional 25 storage units and storage shed. As mentioned previously, the applicant has agreed to delete Condition 13 on the proviso that the previously approved 50 storage units be incorporated into the new Infrastructure Charge Notice. As such, Infrastructure Charges have been raised over the Gross Floor Area (GFA) for a total of 75 storage units and a single storage shed, in accordance with the *Adopted Infrastructure Charges Resolution (Version No.5)* and with the *2014/2015 Fees and Charges Schedule*.

In accordance with Appendix Two of the fees and charges, the proposed uses are the classes of development to which are as follows:

Planning Scheme Use Types	Classes of Development to which Adopted Infrastructure charges schedule apply
Industry	Warehouse/Storage Facility

It is noted that Queensland Urban Utilities charges are no longer issued by Council as of 1 July 2014. Council infrastructure charges for the proposed development are as follows:

Proposed Demand

Land use	Proposed GFA (m²)	Charge rate per m²	Charge amount
Warehouse/Storage Facility (Storage Units x 75)	14.4m ² x 75 = 1,080m ²	\$20.00	\$21,600.00
Warehouse/Storage Facility (Storage Shed x 1)	11m x 28m = 308m ²	\$20.00	\$6,160.00
Total			\$27,760.00

Internal Referrals

Health, Building and Environment – Building

The subject application was referred to Council's Building section for comment who have responded having no concerns with the proposed changes and advising that a future building approval is required.

Health, Building and Environment – Environmental Health

The subject application was referred to Council's Environmental Health section for comment. This section responded having no concerns with the proposed changes.

Development Assessment (Engineering)

The subject application was referred to Council's Development Assessment (Engineering) section for comment. This section responded having no objection to the proposed changes.

External Referrals

Through the State Assessment Referral Agency (SARA), the applicant sent a copy of the application to SARA as a Relevant Entity under SPA. Correspondence received from SARA on 1 December 2014 advised Council that the department had no objections to the changes being made.

Conclusion

On 14 November 2014, Council received a request for Permissible Change in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA).

The application essentially seeks to amend site plans, increase number of storage units to 125, introduce a storage shed, formalise an outdoor storage area, finalise stormwater management systems and remove the requirement for an Infrastructure Agreement for infrastructure charges. The proposed changes affect conditions 1, 4, 5, 7, 11, 13, 14, 19, 20 and 21.

Subsequent to an assessment against the previous approval and against the current Planning Scheme; the proposal is not considered to constitute a substantial change and is in general compliance with the SPA and the Planning Scheme. Based on the information submitted and the detailed assessment given within this report the proposal is recommended to be approved.

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

Real Property Description:	Lot 22 on SP148278
Address of property:	108-114 Main Western Road TAMBORINE MOUNTAIN QLD 4272
Site area:	8,011m ²
Proposal:	Request to Change an Existing Development Approval - Development Permit for Material Change of Use to establish a Warehouse/Storage Facility (Maximum 125 self-storage units, storage shed and outdoor storage area)

Further development permits required:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.

2. The changes to relevant conditions are as follows:

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plan/s No/s. referenced in the below table and received by Council on 14 November 2014 and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested in accordance with Section 3.5.24 of the *Integrated Planning Act 1997* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Concept Plan	Mortons Urban Solutions	17299-030P01	10 September 2014
Building Layout	Sheds n Homes	JSP1313 10039	19 October 2013

- 4) **BUILDING MATERIALS USED -** The approved shed shall be constructed of colourbond painted prefabricated material or other similar type approved construction in natural colours, e.g. greens and browns, such that the development does not detract from the visual amenity of the locality.
- 5) **OPERATING HOURS -** The use so approved shall be restricted to the hours of:
 - (i) **ACCESS TO STORAGE CONTAINERS:** Access to the storage containers shall be restricted to the hours of 7.00 am to 6.00 pm to ensure potential conflicts with nearby residential premises are minimised.
 - (ii) **DELIVERY OF STORAGE CONTAINERS AND SHED MATERIALS:** The delivery of storage containers and materials associated with the shed construction shall be restricted to the hours of 7.00 am to 6.00 pm Monday to Friday to limit the potential for conflict with tourist traffic on the weekends and to protect the importance of Main Western Road as a key tourist route (this is an interim condition).
- 7) **OPEN STORAGE - SCREENING -** *Open storage area/s containing goods or materials associated with the approved use shall be screened from Main Western Road, the eastern and northern boundaries of the site by way of appropriate fencing treatments.*
- 11) **DELETED**
- 13) **DELETED**
- 14) **CAR PARKING NUMBERS -** Provision of a minimum ten (10) on-site car parking spaces, including seven (7) visitor spaces, one (1) space for the Caretaker's Residence, one (1) space for staff and one (1) space for service vehicle - Medium Rigid Vehicle - MRV.

Note:

The total number of car parking spaces shall be available prior to the commencement of the approved use.

- 19) **DELETED**

20) DELETED

- 21) STORMWATER MANAGEMENT** – The Applicant is to make provision for the collection and disposal of stormwater drainage flows as outlined in the approved *Site Based Stormwater Management Plan*, dated 18 February 2015, prepared by DNBS Consulting Engineers

3. Approval Conditions (Referral Agency):

Department of Transport and Main Roads (DTMR) Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381.

4. That the Applicant be further advised of the following:

- a) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner/s, the owner's successors in title and any occupier of the land pursuant to Section 3.5.28 of the Integrated Planning Act 1997.
- b) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 3.5.19 (a) of the Integrated Planning Act 1997, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 3.5.22 of the Integrated Planning Act 1997. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 3.5.22 of the *Integrated Planning Act 1997*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

- e) **ADVERTISING SIGNS** - The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.
- f) **CPTED PRINCIPLES** – The Applicant is encouraged to incorporate Crime Prevention Through Environmental Design (CPTED) Principles into the development and in particular any/all landscape design elements proposed for the development site.
- g) **PREVIOUS APPROVALS** – The Applicant is advised that nothing in the above approval alleviates the need for the development to comply with the balance of the conditions that have not been superseded by this approval (or already complied with) and incorporated within the original Development Approval (DA 400478), which was approved by Council at its Ordinary Meeting of the 17 February, 2004 and the change to an existing approval request (DA 020-030-002079) approved by Council at its Ordinary Meeting of 17 June, 2008.

5. Further approvals are required for:

- a. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.

6. Administrative Action:

That Decision Notices be issued in accordance with Section 335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

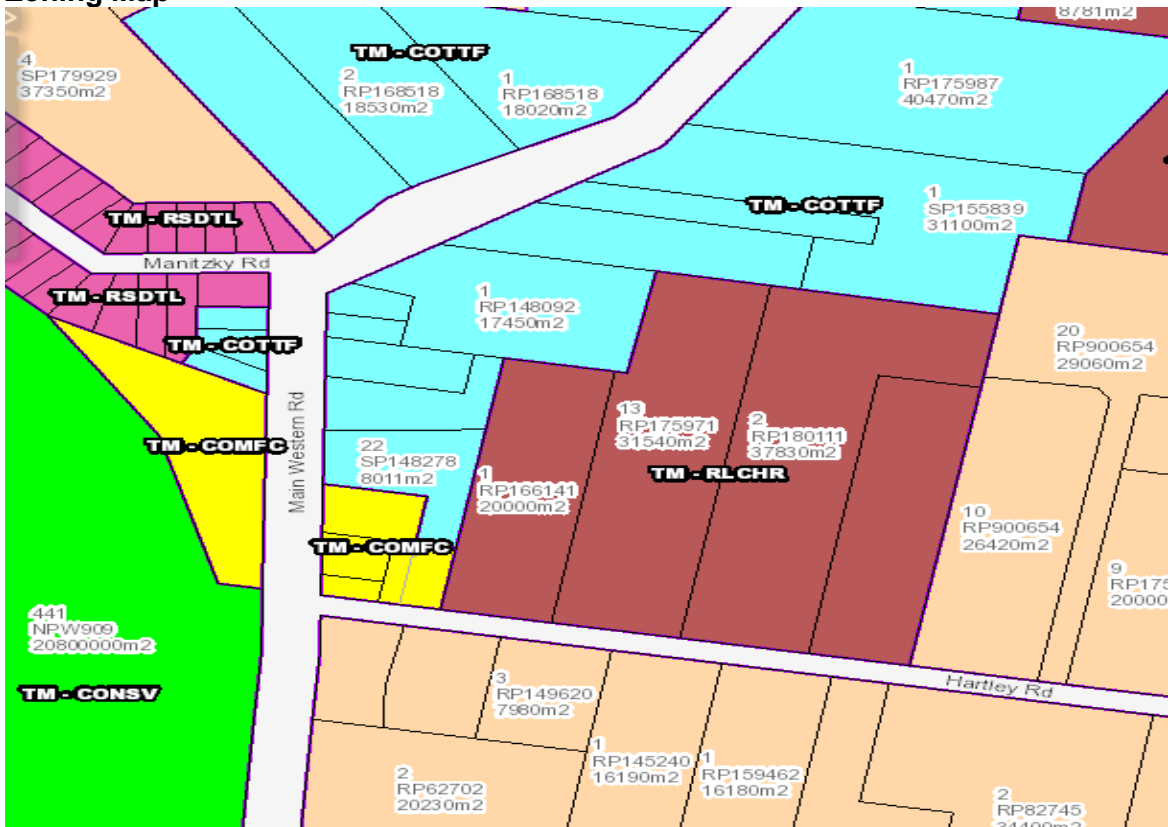
Attachments

- 1. Dekho Mapping of subject site.
- 2. Amended site plan.
- 3. SARA Referral Agency Response dated 1 December 2014.
- 4. Original Department of Transport and Main Roads Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381.

Attachment 1 - Dekho Mapping of subject site

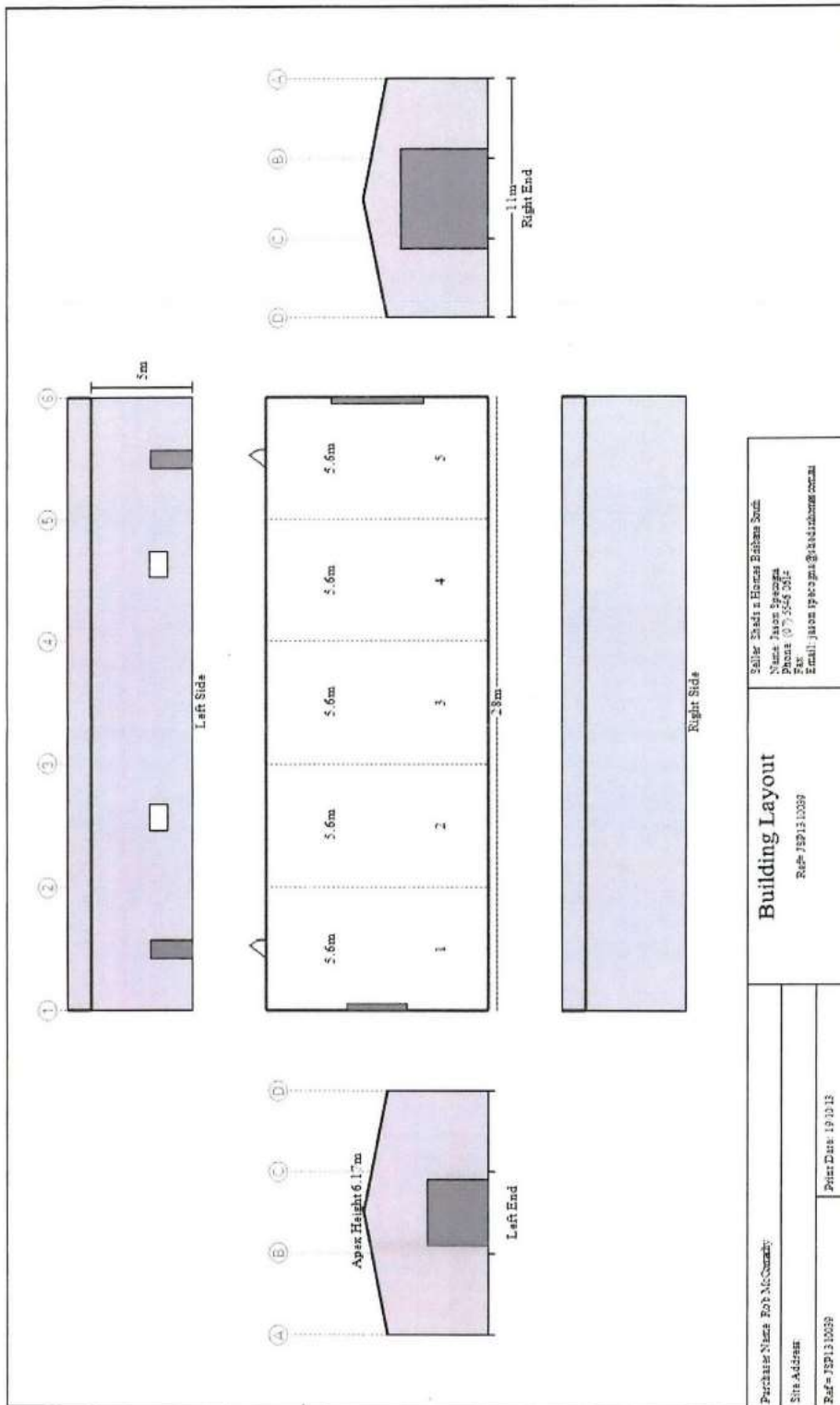


Zoning Map



Attachment 2 - Amended site plan





Purchaser Name: Esp. McConomy Site Address: Ref: JSP13/0039		Seller: Shadi & Honan Builders South Name: Jason Spangola Phone: (07) 5554 261 Fax: Email: jason.spangola@shadibuilders.com.au	
Ref: JSP13/0039		Print Date: 19/03/15	

Supplying premium quality 100% Australian steel buildings locally and throughout the world.

Attachment 3 - SARA Referral Agency Response dated 1 December 2014



Department of
State Development,
Infrastructure and Planning

Our reference: SPD-1114-012909
Council reference: 020-030-00002873

Date: 1 December 2014

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
mail@scenicrim.qld.gov.au

Attn: John Creagan

Dear Mr Creagan

Notice about request for permissible change—relevant entity

108-114 Main Western Drive, Tamborine Mountain
(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 20 November 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- The number of storage units will increase from 100 units to 125 units
- The configuration of storage units will be amended, with 2 level storage units configured towards the eastern end of the site
- A 11 m x 28 m storage shed is proposed to the east of the site
- A hardstand area is proposed in the south east of the site for the storage of caravans, boats, vehicular and machinery.

The department has considered the proposed changes to the development approval and advises that it has **no objection** to the change being made.

If you require any further information, please contact Angela Cleary, Senior Planning Officer, on (07) 3432 2410, or via email lpswichSARA@dsdip.qld.gov.au who will be able to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au
Mortons Urban Solutions, gavinj@urbansolutions.net.au

From: [IpswichSARA](#)
To: [Scenic Rim Regional Council Mail](#)
Cc: [South Coast IDAS](#); gavinj@urbansolutions.net.au
Subject: SPD-1114-012909 - SARA response - 108-114 Main Western Drive, Tamborine Mountain
Date: Monday, 1 December 2014 1:00:38 PM
Attachments: [SPD-1114-012909 - Permissible Change - 108-114 Main Western Drive Tamborine Mtn.pdf](#)

Dear Council,

Please see attached the SARA relevant entity response to the above application.

Kind regards,

Angela Cleary
Senior Planner
Regional Services | SEQ West | Ipswich
(Ipswich, Lockyer, Scenic Rim & Somerset LGAs)
Department of State Development, Infrastructure and Planning
Queensland Government
phone: 3432 2410
post PO Box 129 Ipswich QLD 4305
visit Level 4, Icon Tower, 117 Brisbane St, Ipswich

ipswichSARA@dssdip.qld.gov.au | www.dssdip.qld.gov.au

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Attachment 4 - Original Department of Transport and Main Roads Concurrence Agency Response dated 30 July 2009 reference no. 207/205/22SP148278.DA1 cjs-cjs.381



30 July 2009

Chief Executive Officer
 Scenic Rim Regional Council
 PO Box 25
 Beaudesert Qld 4285

Attention: Mr David Mak

SCENIC RIM REGIONAL COUNCIL	
File No:	020-030-002837
-3 AUG 2009	
Doc. Set No:	PLANT
Resp. Officer:	DA Admin
2.....	3.....

xvef

Dear Sir

REFERRAL AGENCY'S RESPONSE

Scenic Rim Regional Council: Tamborine Mountain Road
Proposed Material Change of Use Application: Warehouse/Storage Facility under the Beaudesert Shire Planning Scheme 2007
 Application No. 020-030-002837
 Lot 22 on SP148278
 Situated at 108 - 114 Main Western Road, North Tamborine

We refer to an application received by this department on 22 June 2009 from Planit Consulting for the above proposal.

Document Reference	Revision	Title	Date	Author
Drawing No: 048739-3	-	Proposed Storage Units	February 2009	Tamborine Mountain Building Design

The Department of Transport and Main Roads, as a Concurrence Agency has carried out an assessment of the application and is satisfied that the proposed development will not have a significant impact on the State-controlled road network. Accordingly, the Department of Transport and Main Roads has no requirements in regards to the proposal.

The department requires a copy of Council's decision notice for this application within five (5) business days after the decision is made.

A copy of this letter has been sent to the applicant.

Yours sincerely

for Andrew Cramp
 Regional Director (South Coast Region)

Roads Business Group/Regions
 South Coast Region/Gold Coast District Office
 PO Box 442
 Nerang Qld 4211
 ABN 57 836 727 711

Our ref: 207/205/22SP148278.DA1 cjs-cjs.381 9896
 Your ref: 020-030-002837
 Enquiries: Carly Stebbing
 Telephone +61 7 5596 9500
 Facsimile +61 7 5596 9511
 Website www.mainroads.qld.gov.au

3.2 COMBd14/004 TJ Kelly Surveys Pty Ltd Development Permit for Material Change of Use and Reconfiguring a Lot to establish a Community Title Subdivision and a Tourist Cabin, 135-139 Eagle Heights Road, Tamborine Mountain Lot 2 WD1730

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: COMBd14/004

Applicable Planning Scheme	Beaudesert Planning Scheme 2007
Applicant	TJ Kelly Surveys Pty Ltd
Owner(s)	Sanders Close Pty Ltd
Site Address	135-139 Eagle Heights Road TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 2 on WD1730
Site Area	9.202 hectares
Relevant Zone and Precinct	Tamborine Mountain - Park Living Precinct
Proposal	Development Permit for Reconfiguring of a Lot 1 into 4 Lots via a Community Title Subdivision and a Material Change of Use to establish a Tourist Cabin.
Assessment Level	Impact Assessment
Approval Type	Development Permit
Public Notification:	13 March 2015
Submissions Received	Nil
Is a Notation to the Planning Scheme required?	N/A
Date Application Received:	19 December 2014

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Development Permit for Reconfiguring of a Lot 1 into 4 Lots via a Community Title Subdivision and a Material Change of Use to establish a Tourist Cabin.

Brief Summary

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 2 on WD 1730 situated at 135-139 Eagle Heights Road, Tamborine Mountain. The development intends to create four (4) residential allotments and to establish a Community Title Subdivision and a Tourist Cabin. The proposed development is considered to be consistent with the intent of the Park Living Precinct of the Tamborine Mountain Zone and the planned land use for the area.

The proposed development has been assessed against the *Planning Scheme*, the *South East Queensland Regional Plan 2009-2031*, and the Council's various engineering requirements that are considered relevant. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions outlined in the recommendation section of this report.

Background

The site is the subject of a Planning and Environment Court Order granted on 17 November 2000 for the establishment of a large scale, high intensity tourist facility incorporating a conference facility and tourist accommodation. The site has not been developed for this purpose to date. Also on this site a Development Permit was granted in 2010 for a Dwelling House, a Tourist Cabin and an ancillary Class 10 structure (shed), under development application No 30003008.

Proposal

This development application comprises two components namely Reconfiguring of a Lot and Material Change of Use outlined as follows:

Reconfiguring of a Lot – 1 into 4 lots Community Title Subdivision

The purpose of the Reconfiguring a Lot approval is to enable the subdivision of the land by establishing a Community Title Subdivision. In total, four (4) standard format lots and a common property will be established. The lots will achieve an average area of two (2) hectares. The existing crossover and bitumen seal driveway, which has a formed width of approximately 3.4 metres will be utilised as the internal private road servicing all lots and will form the common property. This will be managed and maintained collectively by the land owners under a Body Corporate arrangement. The reader is referred to the applicant's proposal plan attached to this report (**Attachment 1**).

The proposed lot sizes are as follows:

- Lot 1 - 2.0 hectares
- Lot 2 - 3.1 hectares
- Lot 3 - 1.8 hectares; and
- Lot 4 - 2.0 hectares

Building envelopes have been proposed upon these lots. Lot 1 will contain the existing cottage. A new building envelope immediately north of the cottage will be established to enable the construction of a new house. The existing house and ancillary buildings and infrastructure to the rear of the site will be contained wholly within proposed Lot 4.

Service easements are expected to be established as part of the Community Title Subdivision to protect the electricity infrastructure traversing the lots.

Material Change of Use – Tourist Cabin

A new house is incorporated in the design of Lot 1 of the Community Title Subdivision. The purpose of the Material Change of Use approval is to enable the existing cottage to be retained and used as a Tourist Cabin following the construction of a dwelling on Lot 1. The cottage is approved for use as a Tourist Cabin. It has a floor area of approximately 104.5m², excluding the verandah. It is situated approximately 180 metres from the road frontage.

The cottage is a small two (2) bedroom house incorporating "colonial" style architecture. It is considered to be of a scale typically associated with a secondary dwelling or dual occupancy. It is serviced by its own on-site domestic wastewater treatment and disposal system and water supply. The reader is referred to **Attachments 2 and 3** to this report.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is located at 135-139 Eagle Heights Road, Tamborine Mountain. It is situated approximately 400 metres southeast of the Gallery Walk, which is the major tourist node on the mountain. The site consists of a single allotment of an irregular configuration. It has an area of 9.202 hectares and is best described as Lot 2 on WD1730.

The site currently contains a dwelling (and ancillary structures) and a small cottage. The cottage, which is situated towards the front of the land, has a development approval enabling its use as a Tourist Cabin. It is of a relatively small size with an area of 105m² excluding the deck. Servicing this cottage is a detached garage and sheds.

The topography of the site is best described as gently sloping land, with a shallow gully or drainage line traversing the central part of the site. The elevation across the site varies by about 24 metres. The high point of the site is in vicinity of the existing house, whilst the low point is within the intermittent watercourse in proximity to the site's eastern boundary.

The site is comprised of two (2) distinct landscapes. At the front and rear of the site are large open, cleared grassed areas containing only dispersed trees. The central part of the site is characterised by a higher concentration of vegetation. The heavily vegetated area is mapped as containing Remnant Vegetation protected under the *Vegetation Management Act 1999*. Dense remnant vegetation is also established along the south-eastern boundary of the site.

Electricity and telephone services are currently provided to the site. The site is not burdened by any easement and the subject site is not listed on the contaminated land register or the environmental management register. Access to the site is achieved from Eagle Heights Road which is a Council controlled road.

The Eagle Heights Road locality is characterised by a mix of Precincts and land uses. Adjacent to the site's western boundary are large acreage style allotments which are also included in the Park Living Precinct. These lots are used predominantly for rural residential purposes. Directly opposite the site to the north and adjacent to the site's north-eastern boundary is land included in the Village Residential Precinct. These lots are typically of a smaller size and are used for residential purposes.

A dominant natural feature of this locality is the Palm Grove National Park, which lies adjacent to the south-eastern boundary of the site.

The reader is referred to the locality map attached to this report (**Attachment 4**).

Advertising

The applicant submitted a written notice of compliance dated 13 March 2015 stating that public notification of the proposal has been undertaken in accordance with the requirements of the *Sustainable Planning Act 2009*.

The actions by the Applicant were carried out generally in accordance with the following:

- A Notice was published in the Beaudesert Times on 18 February 2015;
- A Notice in the prescribed form was erected on the adjoining road frontages of the site on 17 February 2015 and was maintained for 15 business days up to and including 13 March 2015; and
- A notice in the prescribed form was sent to the adjoining land owners on 17 February 2015; and
- All of the required actions were undertaken within five business days from the date of the first action being taken.

During the statutory notification period, Council did not receive any properly made submissions.

Submissions

Nil.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Tamborine Mountain - Park Living Precinct	Nature Conservation Development Constraints	Reconfiguring a Lot Code Tourist Cabin Code

Relationship to the Zone Code

Level of Assessment

Pursuant to Table 3.7.5, Assessment Table for Development Not For a Material Change of Use contained in Part 7, Chapter 3 of the Planning Scheme, Reconfiguring a lot involving the subdivision of land is identified as being Impact Assessable in the Park Living Precinct.

Pursuant to Table 3.7.4, Assessment Table for Development For a Material Change of Use contained in Part 7, Chapter 3 of the Planning Scheme, a Tourist Cabin is Code Assessable for this particular site.

Compliance with the Specific Assessment Criteria for the Park Living Precinct

The subject site is located in the Park Living Precinct. It is to be noted that a house and a Tourist Cabin are both consistent development in this Precinct. Pursuant to the Planning Scheme, the intent of this precinct is as follows (Overall Outcome OO48 of the Tamborine Mountain Zone Code):

Development within the **Park Living Precinct** is typified by smaller rural allotments accommodating a mix of traditional rural uses and rural residential type activity.

In this respect, it is considered that the proposed development complies with the abovementioned intent.

Compliance with the Precinct Code

The proposal complies with the Specific Assessment Criteria for the Park Living Precinct of the Tamborine Mountain Zone.

It is held that the proposed development achieves the intent of the Tamborine Mountain Zone and is consistent with the Specific Outcomes for this Zone.

Compliance with the Nature Conservation Overlay Code

It is to be noted that the proposed development generally complies with the applicable Acceptable Solutions and Specific Outcomes of the Nature Conservation Overlay Code.

Compliance with the Development Constraints Overlay Code

It is to be noted that the proposed development generally complies with the applicable Acceptable Solutions and Specific Outcomes of the Development Constraints Overlay Code.

Compliance with the Reconfiguring a Lot Code

The proposal generally complies or can be suitably conditioned to comply with all of the Reconfiguring a Lot Code's Specific Outcomes and Probable Solutions.

Compliance with the Tourist Cabin Code

The proposal generally complies or can be suitably conditioned to comply with all of the Tourist Cabin Code's Specific Outcomes and Probable Solutions.

Relationship to State Planning Policies and Regulations

South East Queensland Regional Plan 2009-2031

The subject site is included in the Rural Living Area for the purposes of the South East Queensland Regional Plan 2009-2031. The Rural Living Area comprises locations currently designated for rural residential development in local government planning schemes, and where further rural residential development through infill and consolidation is permitted under the SEQ Regional Plan. In accordance with the Regulatory Provisions of this Plan, subdivision of the scale proposed and a tourist cabin do not require assessment by the Department of State Development, Infrastructure and Planning.

State Planning Policy

The State interest identified for the subject land relate to issues of biodiversity and water quality protection. Protection of the natural attributes of the site is addressed in detail in the Ecological Assessment Report forming part of the application material. It is considered that the proposed development accords with the intent and purposed of the State Planning Policy

Referrals**Internal****Infrastructure Services**

Council's Infrastructure Services section has no objection to the approval of the proposed development subject to the imposition of reasonable conditions.

Health, Building and Environment – Building & Plumbing

Council's Building & Plumbing Section has assessed the application and has advised as follows:

Building applications are required for any new building works. All existing structures are to be located within the proposed Building Envelopes for each new created lot. Plumbing applications are required for all new plumbing work. All existing plumbing and drainage works to be located within the proposed Building Envelopes for each new proposed lot.

External

Nil.

Infrastructure Charges

Effective as of 1 July 2011, all development approvals granted within 'Priority Infrastructure Areas' are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Infrastructure Charges).

In accordance with Council's Adopted Infrastructure Charges for 2014/2015 for developments including Reconfiguration of a Lot and Material Change of Use, the tables below summarise the Infrastructure Charges payable to Council. Full details of the charges will be provided in a separate notice under Infrastructure Charges Notice (ICN) to be issued to the applicant with the Decision Notice Approval.

These contribution amounts are not required to be included within the Director's Recommendation as a condition of approval, but rather as an Attachment to the Decision Notice. A breakdown of the applicable infrastructure charges for each component of the development is presented below.

Reconfiguring a Lot Component

Proposed demand

Infrastructure Charges Split	No. of Lots	\$/Lot (3 bedroom)	Total Charges
Council	4	\$14,000.00	\$56,000.00
			\$56,000.00

Credit for existing use

Infrastructure Charges Split	No. of Lots	\$/Lot (3 bedroom)	Total Charges
Council	1	\$14,000.00	\$14,000.00
			\$14,000.00

Total Council Charge = Proposed Demand - Existing Credit
 = \$56,000 - \$14,000
 = \$42,000 (ROL Component)

Material Change of Use Component

Proposed demand

Use	No. of Units	Unit Measure of	Charge Rate	Amount	Total Charges
Accommodation (short term)					
Council	1	1 or 2 bedrooms	\$5,000.00	\$5,000.00	\$5,000.00
Total					\$5,000.00

Credit for existing use

Road contribution for previous Tourist Cabin approved was paid (amount paid \$4,204.00 paid on 8 October 2010, Receipt No. 1126727). A full credit for the Tourist Cabin previously approved is acknowledged and this offsets the proposed demand triggered. Therefore no contribution will be raised for the Tourist Cabin for the present application.

Conclusion

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 2 on WD1730 situated at 135-139 Eagle Heights Road, Tamborine Mountain to reconfigure the aforementioned allotment by subdivision, creating four (4) residential allotments via a Community Title Subdivision and to establish a Tourist Cabin. The assessment included in this report demonstrates that the proposed development is consistent with the *Beaudesert Shire Planning Scheme 2007*, the *South East Queensland Regional Plan 2009-2031* and the State Planning Policy. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions.

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

RPD:	Lot 2 on WD1730
Address of property:	135-139 Eagle Heights Road TAMBORINE MOUNTAIN QLD 4272
Site area:	9.202 hectares
Proposal:	Development Permit for Reconfiguring of a Lot and Material Change of Use – <i>Beaudesert Shire Planning Scheme 2007</i> – Impact Assessable to establish a Community Title Subdivision 1 into 4 Lots and a Tourist Cabin.

Further development permits required:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
 - b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
2. **Conditions of Approval:**

Stage 1 - Reconfiguring a Lot Component (1 into 4 Lot - Community Title Subdivision)**General**

- 1) **FINAL PLAN OF SURVEY-** Subdivision of the site occurs generally in accordance with the proposal plan prepared by TJ Kelly Surveys Pty Ltd with reference No. 3196-02 Revision A dated 3 February 2015. The Developer shall submit a final plan of survey that conforms to this approved plan and showing any service easements arising from the approved reconfiguration.

Car parking and Access

- 2) **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for its lifetime.
- 3) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.

- 4) **ACCESS DRIVEWAY SEALED - COMMON PROPERTY** – An access driveway no less than three (3) metres wide and the manoeuvring areas as shown in the approved plans shall be designed and constructed to a sealed standard or approved equivalent standard to the satisfaction of Council's Director – Infrastructure Services, or equivalent, acting reasonably. The driveway must be maintained in good condition for the lifetime of the approved use. A vehicle turnaround area is to be provided at the end of the access road within the common property, that is suitable for a large truck to be able to turn.

Stormwater Drainage

- 5) **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development is not to adversely impact upon downstream owners. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 6) **STORMWATER DRAINAGE** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual* (QUDM).

On-Site Water Storage

- 7) **ON-SITE WATER STORAGE** - The applicant is to make provision of a minimum 45,000 litres of on-site water storage for domestic purposes on each lot forming part of the subdivision. The provision of suitable on-site water storage on the lots is to occur at the time of the construction of a dwelling house on the vacant allotments. However, this requirement has to be in place on the lots containing habitable buildings (either permanent or temporary accommodation) prior to the survey plan being endorsed by Council. Sales literature is to contain details of these requirements, indicative costs of installation and maintenance.

Wastewater Disposal

- 8) **ON-SITE SEWAGE FACILITY** - The treatment and disposal of wastewater is to be designed and constructed in accordance with *the "Queensland Plumbing & Wastewater Code"*, QPW and AS/NZS 1547:2012. Detailed design of any upgrading / new system must be undertaken by a suitably qualified person and is to be submitted as part of a Development Application for Plumbing and Drainage Works. Sales literature is to contain details of these requirements, indicative costs of installation and maintenance.

Earthworks Design and Management

- 9) **EARTHWORKS AND ALLOTMENT FILLING** – All earthworks and allotment filling are to be undertaken in accordance with Section 3.4 of Council's *Design and Construction Manual*, to Council's satisfaction.

Electrical Works

- 10) **ELECTRICITY** - The Developer shall be responsible for the provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to all proposed lots within the development. The developer must submit to Council, prior to the endorsement of survey plans, a written evidence in the form of a Certificate of Supply from Energex indicating that satisfactory arrangements had been made for the supply of electricity to all the proposed lots. Consumer power lines not contained wholly within the proposed allotment serviced by the line are to be either relocated accordingly or incorporated within a service easement to be registered on the final plan of survey for the reconfiguration.

Miscellaneous

- 11) **COMMUNITY TITLES SCHEME** – The development shall contain a Community Management Statement that incorporates all the recommendations of any specialist report prepared in support of the approved development.
- 12) **SURVEYOR TO CERTIFY** - The surveyor is to certify that all lots retaining habitable buildings have provision of a minimum 45,000 litres of on-site water storage for domestic purposes. The surveyor is also to certify that the existing structures do not straddle new boundaries and comply with current statutory setbacks.
- 13) **BUILDING ENVELOPES** – A suitable building envelope is to be identified on each individual approved lot generally in accordance with the approved plans. All buildings, services and other improvements shall be located entirely within the designated building envelope, except for access driveways and reticulated services. All building envelopes are to be pegged prior to plan sealing.
- 14) **BUILDING ENVELOPES - PLAN OF SURVEY** – The developer is to provide a copy of the Final Plan(s) of Survey, on which the designated building envelopes have been drawn to scale with dimensioned ties to the property boundaries sufficient for use by a third party.
- 15) **EASEMENT ARRANGEMENTS** – The applicant will facilitate all necessary documentation for the implementation or amendments to the proposed easements arising from this reconfiguration at his expense.

Administrative Provisions

- 16) **PAYMENT RATES AND CHARGES** - Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the *Local Government Act 2009*, the *Sustainable Planning Act 2009* (in particular Section 815) or any other relevant Act.

Stage 2 - Material Change of Use Component (Tourist Cabin) Approved Plans

- 17) USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with Plans referenced in the table below and received by Council with the application material on 19 December 2014 and on 17 February 2014 in response to Council's Information Request and except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with Section 350 of the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposal plan	TJ Kelly Surveys Pty Ltd	3196-02 Rev.A	03/02/15
Existing Cottage Floor plan	Hamilton Hayes Henderson Architects	da-07	05/10
Existing Cottage Floor plan elevations	Hamilton Hayes Henderson Architects	da-08	05/10

General

- 18) DEFINITION COMPLIANCE AND EXCLUSIONS -** The approved use and associated ancillary activities shall at all times comply with the definition of a Tourist Cabin as defined under Schedule 1 – Defined Uses and Chapter 5, Part 2, Section 5.2.35 of the *Beaudesert Shire Planning Scheme 2007*.
- 19) COMMENCEMENT OF USE -** Prior to the use commencing, the Applicant shall advise the Planning Department – Development Assessment Section in writing, of the proposed commencement date.
- 20) LICENSING -** The Applicant must make the necessary arrangements with Council's Health, Building and Environment Section to obtain the relevant Licensing in accordance with Council's Local Laws.
- 21) SITE MAINTENANCE -** The site shall be maintained in a clean and orderly state at all times.
- 22) SIGNS - FORMAT AND OPERATION -** Signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be illuminated, flashing, moving or rotating.
- 23) ADVERTISING DEVICES -** The development shall erect no more than two (2) freestanding advertising devices and in accordance with the relevant provisions of the Advertising Devices Code of the *Beaudesert Shire Planning Scheme 2007*.

Landscaping

- 24) LANDSCAPING - GENERAL** - The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of Council's Town Planning Scheme. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Any landscaping required to be removed as a result of construction shall also be replaced with suitable plantings approved prior to its removal.
- 25) LANDSCAPING – SPECIFIC** – The land adjoining the cabins facing towards road frontage shall be landscaped with suitable trees. The landscaping should aim to soften the visual impact of the proposed development. All site landscaping is to comply with the requirements of Planning Scheme Policy No 6 Landscape Species. The works required by this condition are to be completed prior to the commencement of the approved use.

Car parking and Access

- 26) CAR PARKING NUMBERS** - The Applicant(s) is / are to ensure provision exists for the establishment of two (2) visitor car parking spaces in association with the approved tourist cabin. These car parking provisions are exclusive of any car parking requirement for any other uses undertaken upon the land. The car parking spaces must be available prior to the commencement of the use. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 27) CAR PARKING ON-SITE** – All vehicles under the control of the occupier are to be parked wholly within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.
- 28) VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. Service vehicles are to operate outside business hours. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Health & Environment Conditions

- 29) AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
- 30) LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 31) NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.

- 32) NOISE EMISSION LIMITS-** If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 33) EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 34) RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 35) WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 36) WASTE STORAGE** - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.
- 37) WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 38) PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 39) POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

3. That the Applicant be further advised of the following:

- a) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- d) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) FINAL PLAN OF SURVEY** – All conditions are to be complied with before or at the time the Applicant lodging an application for the signing of the Final Plan of Survey unless otherwise stated herein.
- f) BUILDING/PLUMBING LIMITATION** – A new building must not be erected on any of the approved lots prior to the registration of the final plan of survey. Similarly, plumbing works to service the new dwellings are not to commence prior to the registration of the final plan of survey.
- g) FOOD LICENSING** – If food is prepared and served at the premises, the food preparation facilities are required to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment section on 07 5540 5111.

4. Further approvals are required for:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

5. Administrative Action:

That a Decision Notice be issued in accordance with Section 334 of the *Sustainable Planning Act 2009* to the applicant.

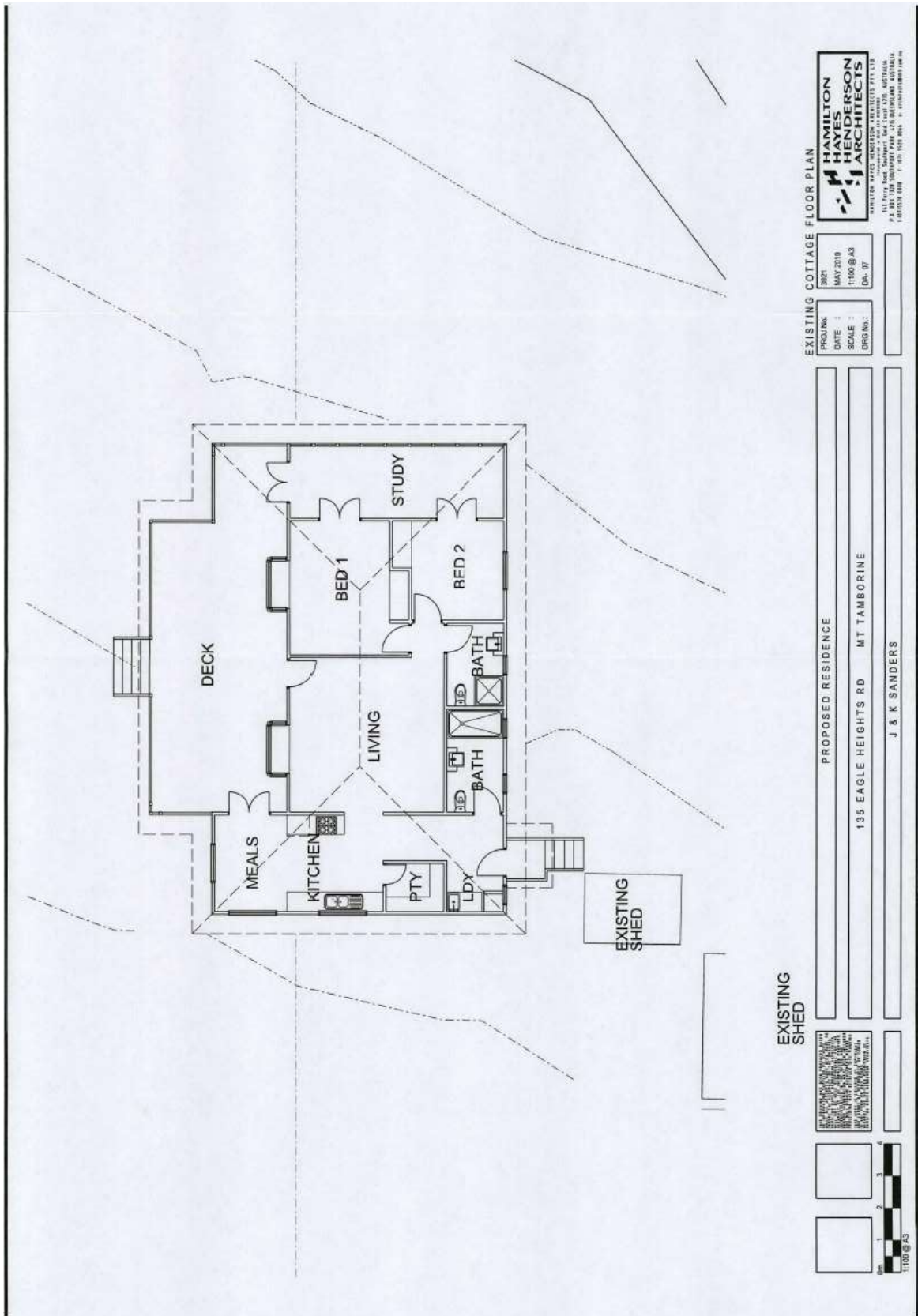
Attachments

- 1. Proposal Plan (undetermined scale).
- 2. Floor Plan (undetermined scale).
- 3. Elevations (undetermined scale).
- 4. Locality Map (undetermined scale).

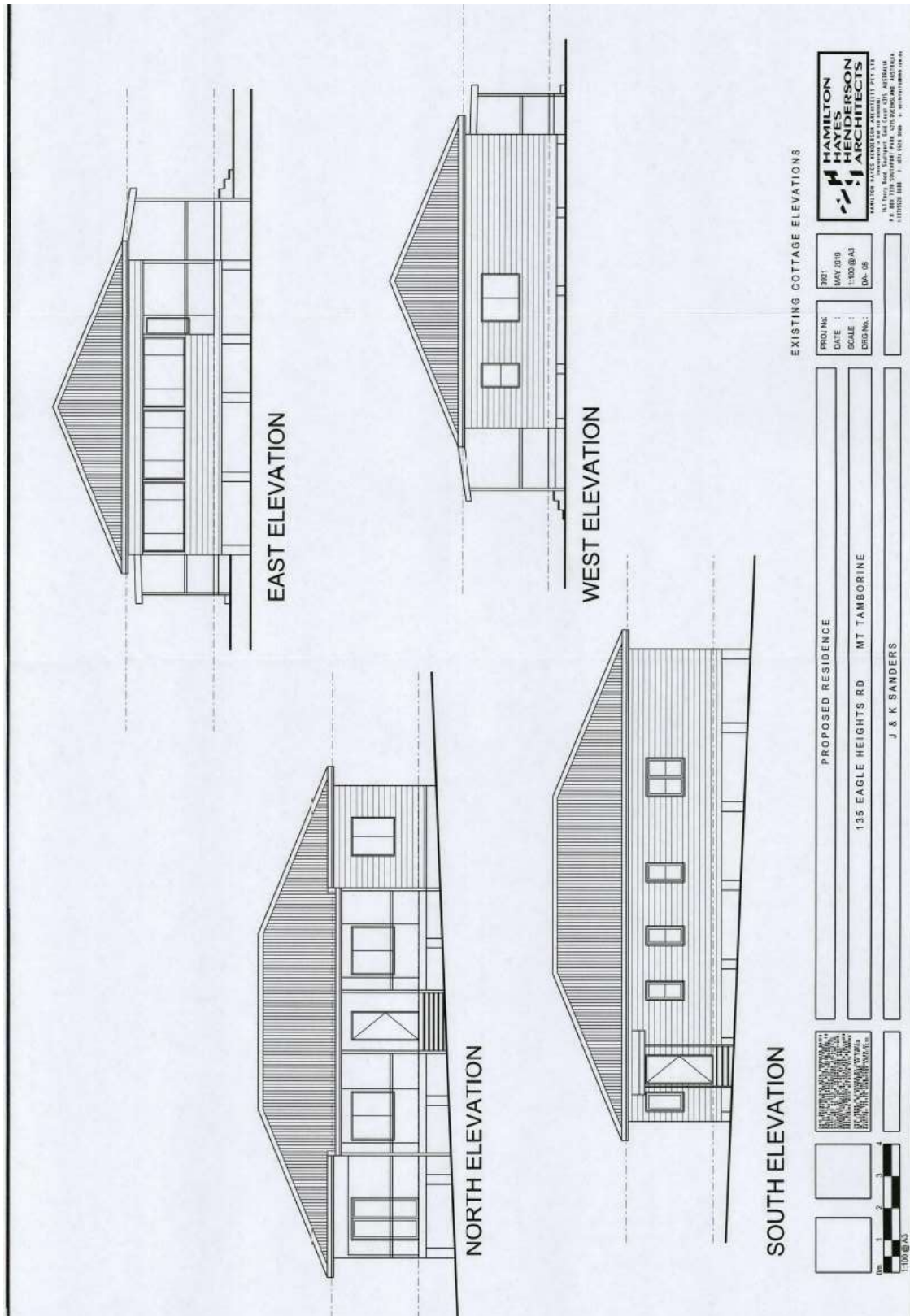
Attachment 1 - Proposal Plan (undetermined scale)



Attachment 2 - Floor Plan (undetermined scale)



Attachment 3 - Elevations (undetermined scale)



Attachment 4 - Locality Map (undetermined scale)



3.3 MCBd15/015 Request for a permissible change pursuant to s.369 Sustainable Planning Act 2009 Industry (Low Impact Service Industry) (Milk Processing Facility) & ERA 26 (Milk Processing) Scenic Rim 4 Real Milk Pty Ltd c/- TJ Kelly Surveys Lot 1 RP67444

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd15/015

Applicable Planning Scheme	<i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Scenic Rim 4 Real Milk Pty Ltd C/- TJ Kelly Surveys
Owner(s)	Mr R J F Dennis, Mr D T Dennis
Site Address	Tamrook 9023 Mt Lindesay Highway TAMROOKUM
Real Property Description	Lot 1 RP67444
Site Area	52.09 Ha
Relevant Zone and Precinct	Rural Zone- Countryside Precinct
Proposal	Request to Change Conditions of an Existing Approval
Assessment Level	Impact Assessment
Approval Type	Changed Development Approval
Date Application Received:	6 March 2015

Purpose of Report

This report has been compiled outlining the facts and circumstances for an application seeking a Request to Change an Existing Development Approval being for a Material Change of Use for Industry - Low Impact/service (Industrial Use) (Milk Processing Facility).

Brief Summary

On 6 March 2015, Council received a request for a permissible change application in accordance with section 369 of the *Sustainable Planning Act 2009* (SPA) to remove conditions relating to employee/staff numbers and restriction on external processing of milk or dairy products.

Pursuant to the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme), the subject land is located within Countryside Precinct of the Rural Zone.

The request to change the approval was forwarded to the State Assessment Referral Agency (SARA) on 6 March 2015 for Concurrence agency referral assessment. Correspondence from SARA was issued on 31 March 2015 and indicated that the department has no objection to the changes being made.

Subsequent to an assessment against the previous approval and against the *Beaudesert Shire Planning Scheme 2007*, the request does not constitute a *Substantially Different Development* to the original development and is in compliance with the applicable provisions of the current Planning Scheme.

Based on the information submitted and detailed assessment given within this report, it is recommended that Conditions 7 and 8 of the original approval not to be deleted as per the applicant's request, but be amended as per the Director's recommendation.

Background

On 30 April 2013, Council issued an approval for a Development Permit for a Material Change of Use for an Industry - Low Impact/service (Industrial Use) (Milk Processing Facility). Council's reference number being Reference MC.Bd212/00075.

At the time, the applicant was seeking approval for the construction of a staged milk processing facility to supplement the operations of an existing dairy farm that has been operating since the 1930's and was renovated at the time to include a robotic dairy system. The development was to be constructed over two (2) stages. Stage one (1) being the milk processing facility and Stage two (2) propose to include an ancillary farm tourism component comprising of guided tours for school groups, social groups and dairy enthusiasts.

On 24 February 2015, a meeting was held at Council with the directors of Scenic Rim 4 Real Milk Pty Ltd regarding the reasoning for the requested changes to the conditions. Council advised that any substantive changes to the intensity of the current approved milk processing operations would trigger a higher level industry use which would require a new planning application to Council. Council suggested that a Change to Conditions application be lodged to amend Conditions 7 and 8. Though in order for Council to consider the request and support the change of allowing external processing, the external processing of milk is to be subsidiary to the existing farming operations. The applicant was also advised that the application would have to be referred to State Assessment Referral Agency (SARA).

Proposal

Following on from the pre-lodgement meeting with Council, the applicant lodged a Change to an Existing Approval application to delete two (2) conditions from the original development approval. The conditions are as follows:

Condition 7 - Employees/Staff

Condition 8 - External Processing

Characteristics of Site & Surrounding Environment

As per above, the subject site is located within the Countryside Precinct of the Rural Zone. The subject site is surrounded by large blocks consisting of single residential dwellings and shed like structures. The surrounded properties are of agricultural nature.

Figure 1 shows an aerial view of the subject property.

Figure 1: *Aerial view of Subject Site*



Development Assessment

Permissible change – Sustainable Planning Act 2009

Pursuant to the *Sustainable Planning Act (SPA) 2009*, a person can request to change a development approval in accordance with section 369 of the SPA. The scope of section 369 is limited and only applies if a person wants to make a permissible change to the development approval. Section 367 of the *Sustainable Planning Act 2009* defines a 'Permissible change' as follows:

“permissible change, for a development approval, is a change to the approval that would not—

- a) result in a substantially different development; or*
- b) if the application for the approval were remade including the change—*
 - (i) require referral to additional concurrence agencies; or*
 - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or*
- c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity’s opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
- d) cause development to which the approval relates to include any prohibited development.”*

Having regard to the relevant SPA provisions above, the proposed changes are considered to be a permissible change for the following reasons:

- An assessment was undertaken utilising the guidelines made by the Chief Executive under Section 760 of the *Sustainable Planning Act (Statutory Guideline 06/09)* to determine whether the proposed changes constitutes a sustainably different form of development to that which was originally applied for. Please refer to guidelines and assessment below:

Assessment of changes against the Sustainable Planning Act 2009	
Substantially different development criteria	Assessment/Comment
Involves a new use with different or additional impacts.	The request does not propose a new use or any significant additional impacts.
Results in the application applying to a new parcel of land.	The request does not involve the application applying for a new parcel of land.
Dramatically changes the built form in terms of scale, bulk and appearance.	The request does not propose to change the existing built form, in terms to scale, bulk and appearance.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	The request does not propose to make changes to the ability of the development to operate as intended.
Removes a component that is integral to the operation of the development.	No integral components to the operation of the development are being removed.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	No significant impacts on traffic flow are perceived.
Introduces new impacts or increases the severity of known impacts.	The request does not introduce new impacts or increases the severity of known impacts.
Removes an incentive or offset component that would have balanced the negative impact of the development.	The proposed changes will not remove any approved offsets or incentives.
Impacts on infrastructure provision from a location or demand.	There are no impacts on infrastructure provisions perceived.

- With respect to Section 367(b)(i) of the SPA, the proposed change does not trigger any new concurrence agencies/triggers referral to additional concurrence agencies.
- With respect to Section 367(b)(ii) of the SPA, the original approval was subject to impact assessment hence the proposed changes will not change the level of assessment.
- With respect to Section 367(c) of the SPA, the proposed changes are not considered to cause a person to make a properly made submission objecting to the proposed change. It is noted that no submissions was received as part of the original development approval.

- With respect to Section 367(d), the proposed change does not include any prohibited development.

The proposal has been assessed and is considered to constitute a *permissible change* in accordance with Section 367 of the *Sustainable Planning Act (SPA) 2009*. The increase in staff working on site and having milk or dairy products being externally sourced is not seen to conflict with the above tests of Section 367 of SPA.

Assessment against Beaudesert Shire Planning Scheme 2007

The proposal seeks approval to change conditions in relation to increase staff numbers on site at any one time and sourcing milk or dairy products externally. The proposed changes are considered minor in nature and are generally in accordance with the current Planning Scheme as a whole.

Amendments to conditions of Approved Development

It is to be noted that Council is in support of amending conditions 7 & 8 but not deleting them as per the request of the applicant.

Condition 7 currently reads:

- 7) **EMPLOYEES/STAFF** – *The approved use shall have no more than five (5) employees/staff working from the site at any one time without the prior approval of Council.*

Applicant's justification:

The milk processing facility has been operating successfully for around two years and has exceeded the expectations of our Client. To ensure efficiency and sustainability of the business they have more than five staff. This condition is a burden on the business and threatens its viability. It is therefore requested that Council delete the condition.

It is understood that the intent behind the condition was to ensure the scale of the business reflected the scope of the development approval. Whilst the business exceeds the stipulated staff numbers the scope of the approval has not been exceeded. The milk processing facility is operating within the parameters of its approval in regards to the volume of milk processed and the extent of development on the site. The condition as it stands has no real flexibility and does not make any distinction between resident employees (of which there are a few), part time employees and casual employees. Seeking Council approval on each occasion prior to a new employee being appointed is impractical and unreasonable.

Employment of locals is necessary for the business and should be encouraged. An increase in staff numbers beyond five will have a negligible adverse impact on the area and is considered a permissible change as the capacity of the processing facility is not increased as a result of the additional staff. The purpose of the increase in employees is to ensure efficiencies in the conduct of the business.

Assessment Officers' comment/recommendation:

Council acknowledges the potential growth of the existing operations due to expansion of client demand but do not agree that this condition is a burden on the business and threatens its viability. It is to be noted that the current condition of no more than five (5) employees/staff was imposed based on the information provided by the applicant (based on the staff numbers they thought were required), at the time of the application.

Since the approval, further discussions between the applicant and Council officers have occurred. It was further advised by the applicant that the increase staff/employee numbers is to cater for the actual bottling and delivery staff required for the operation and the growth of the farm tourism component of the development and approved café (Council Ref: MCBd14/011) once it is operating. Hence, the applicant has requested that staff numbers be increased to fifteen (15). Given that the applicant is not proposing to significantly intensify the existing approved uses, the increase staff/employee numbers is supported. As such, Condition 7 will not be deleted and is proposed to be amended as follows:

- 7) **EMPLOYEES/STAFF** - The approved use shall have no more than fifteen (15) employees/staff working from the site at any one time without the prior approval of Council.

Condition 8 currently reads:

- 8) **EXTERNAL PROCESSING** – *No milk or dairy products sourced externally from the dairy farm is to be processed in the approved milk processing facility without prior consent of Council.*

Applicant's justification:

In regards to Condition 8, our Client seeks the deletion of same on similar grounds to the above. It is considered unreasonable as the capacity of the facility is operating within the scope of the approval defined by the Council approved Plan of Development and conditions of the ERA approval. Sourcing the milk from an alternative farm will not result in any adverse impact on the locality as the volume of milk imported is expected to be around 20,000 litres per week, with processing to continue five days per week. The primary source of milk processed in the facility will be that generated from the subject farm.

Assessment Officers' comment/recommendation:

In the meeting held at Council on 24 February 2015 with the directors of Scenic Rim 4 Real Milk Pty Ltd, Council officers advised that it is prepared to support and allow milk or dairy products to be sourced external subject it being subsidiary to the existing dairy farm operations and that the quantity of milk processed on site that is sourced both internally and externally is limited to an average of 10,000 litres per day. Given that the applicant is not intensifying the approved milk or dairy processing operations, external processing is supported. As such, Condition 8 will not be deleted and is proposed to be amended as follows:

- 8) **EXTERNAL PROCESSING** - Milk or dairy products sourced externally from the dairy farm must be subsidiary to the existing dairy farm operations, and is to be processed in the approved milk processing facility. The combined total amount of milk processed on site from milk sourced internally and externally shall be limited to an average of 10,000 litres per day.

Internal Referral

Nil

External Referral

The following entities were triggered as referrals as part of the original approval:

- The Department of Transport and Main Roads (Concurrence) Agency;
- The Department of Environment and Heritage Protection (Concurrence) Agency;
- South East Queensland Water (Third Party Advice) Agency.

The State Assessment Referral Agency (SARA) was triggered as a referral for this permissible change request. The applicant referred the request to SARA on 6 March 2015 for assessment. SARA issued a 'notice about a request for permissible change' on 31 March 2015 advising that the Department has considered the proposed changes to the development approval and advises that it has no objection to the changes being made.

For the SARA response, please refer to **Attachment 1**.

Conclusion

Council is in receipt of a request for a permissible change pursuant to Section 369 of SPA to delete Conditions 7 and 8 of the Decision Notice dated 30 April 2013.

As mentioned above, Council is in support of amending the above conditions but not removing them as per the applicant's request. The proposed changes are considered minor in nature and satisfy the relevant provision of *Sustainable Planning Act 2009*. Furthermore, the changes do not conflict with the Planning Scheme and will facilitate the approved development.

As such, the proposed changes are considered to be acceptable and are recommended to be approved.

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

Real Property Description:	Lot 1 on RP 67444
Address of property:	Tamrook 9023 Mt Lindesay Highway TAMROOKUM
Site area:	52.09 Ha
Proposal:	Request to Change a condition of an existing approval pursuant to s369 of the <i>Sustainable Planning Act 2009</i>
Planning Scheme:	<i>Beaudesert Shire Planning Scheme 2007</i>

2. The changes to relevant conditions are as follows:

- 7) **EMPLOYEES/STAFF** The approved use shall have no more than fifteen (15) employees/staff working from the site at any one time without the prior approval of Council.
- 8) **EXTERNAL PROCESSING** - Milk or dairy products sourced externally from the dairy farm must be subsidiary to the existing dairy farm operations, and is to be processed in the approved milk processing facility. The combined total amount of milk processed on site from milk sourced internally and externally shall be limited to an average of 10,000 litres per day.

Attachments

1. SARA Response.

Attachment 1 - SARA response



Our reference: SPD-0315-015854
Your reference: MC.Bd15/015

31 March 2015

The Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
mail@scenicrim.qld.gov.au

Attn: Ms Judy Sandmann

Dear Ms Sandmann

Notice about request for permissible change—relevant entity

9023 Mount Lindesay Highway, Tamrookum

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 6 March 2015 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes to the assessment manager's conditions are as follows:

- Deletion of condition 7 regulating employee and staff numbers;
- Deletion of condition 8 restricting the processing of external milk and dairy products.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

If you require any further information, please contact Kieran Hanna, Principal Planning Officer, on (07) 3432 2404, or via email lpswichSARA@dspdip.qld.gov.au who will be able to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Scenic Rim 4 Real Milk Pty Ltd c/- TJ Kelly Surveys, admin@kellynet.com.au
Department of Environment and Heritage Protection, sara@ehp.qld.gov.au
Department of Transport and Main Roads, scrland@tmr.qld.gov.au

3.4 MCBd15/010 Development Permit for a Material Change of Use - Request to Change an Existing Approval Winery/Distillery (Tourist Use) Latitude Town Planning Services Pty Ltd Lot 1 SP210103

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd15/010

Applicable Planning Scheme	MCU –Beaudesert Planning Scheme 2007
Applicant	Latitude Town Planning Services Pty Ltd
Owner(s)	Mr J N Penglis, Ms B F Penglis
Site Address	89-123 Hartley Road TAMBORINE MOUNTAIN
Real Property Description	Lot 1 SP 210103
Site Area	7.191 Ha
Relevant Zone and Precinct	Tamborine Mountain Zone Countryside Precinct
Proposal	Development Permit for a Material Change of Use – Request to Change Approval
Assessment Level	Impact Assessment
Approval Type	Development Permit
Date Application Received:	18 February 2015

Brief Summary

The application before Council is for a “Request to Change an Existing Approval” pursuant to Section 369 of the *Sustainable Planning Act 2009*.

On 22 October 2014, Council approved an application for a Development Permit for a Material Change of Use (impact assessable) to establish Winery on land located at Hartley Road TAMBORINE MOUNTAIN, described as Lot 1 on SP210103.

The applicant now requests Council to consider minor changes to **Condition 10 - Access to Council Road**, which stipulates a need for "a rural basic right and rural basic left turn treatments in accordance with the *Austroads Guide to Road Design - Part 4A: Unsignalised and Signalised Intersection*, to cater for the largest anticipated vehicle".

The Applicant’s request has been assessed against Council’s requirements.

Statutory Considerations:

Sustainable Planning Act 2009

Pursuant to Section 369 of the *Sustainable Planning Act 2009*, a person may, by written notice to the entity that decided the condition or required the condition to be imposed on or attached to the approval, ask the entity to change or cancel the condition.

If the Assessment Manager agrees with the representations, the Assessment Manager must give a new Decision Notice (Amended Decision Notice). However, before the Assessment Manager agrees to a change under this section, the Assessment Manager “*must assess and decide the request having regard to (a) the matters the entity would have regard to if the request were a development application...*”

Background

Council approved an application for a Development Permit for a Material Change of Use (Impact assessable) to establish Winery on land located at Hartley Road TAMBORINE MOUNTAIN, described as Lot 1 on SP210103 on 22 October 2014, under the Application Number: MCBd14/047.

On 18 November 2014, the applicant lodged an application for a Permit for Construction or Interfering with a Road or its Operation application to Council to undertake road construction works.

Consequently, Council's Infrastructure Services requested an Informal Information Request dated 18 December 2014, advising the applicant to amend the drawings to comply with Condition 10 of the Development Permit Number: MCBd14/047 or alternatively, make an application to Council's Development Assessment Section for a Change of Condition with supporting documentation that includes a Traffic Study Assessment Report. The traffic study is required in order to demonstrate that the proposed changes meet the requirements of the development and the impacts the said development has on the road and safety of its users.

Proposal

Subsequent to Council's information request, the applicant had advised that at the detailed design stage for this development it had become apparent that this vehicle access requirement was not possible, however, an alternative and more appropriate outcome was achievable (Refer to Attachment 3). The applicant advised that this alternative layout which was sought for approval through this request to change a condition has been designed to generally in accordance with the relevant design requirements and standards for vehicular access to a Council road. The design has been prepared in accordance with the below relevant section of the Austroads Guide to Road design:

- *4.1 General*
- *4.2 Intersection Type - un-channelised and unflared*
- *4.3 Type of Turn Treatment - basic turn treatments*
- *4.5.1 Rural Basic (BA) turn treatments*
- *Figure 4.1 Intersection for minor road*
- *7.5 Basic Right - Turn treatments (BAR)*
- *Figure 7.5*
- *8.2 Rural Left - Turn treatments*
- *Figure 8.2"*

The applicant further advised that this design should efficiently cater to the expected traffic to this site and also the largest anticipated vehicle (HRV) as demonstrated on the attached plans, which include manoeuvring areas.

Consequently, the applicant further advised that, although this alternative design does not fully comply with the requirement in Condition 10 it does present a suitable outcome which is more than capable of accommodating the anticipated traffic movements to this site. The applicant further stated that this outcome provides a vehicular access which is considered more appropriate than older vehicle access points which are currently constructed and utilized along Hartley Road and in the surrounding local area.

The applicant also advised that with regards to safety it is noted that Hartley Road maintains a 60km/h speed limit and there is clear visibility, and largely unobstructed sightlines, for all traffic (vehicles and pedestrians). Further access to this site is located close to the Long Road intersection which suggests safer vehicle movements than what could potentially occur in other locations away from intersections requiring vehicles to slow down.

The applicant stated that *"we appreciate Council's consideration of this request to change **Condition 10 - Access to Council Road** of MCBd14/047 where the overall outcomes of the proposed development are not changing. Subsequently it is believed that this proposed alternative access to a Council road (Hartley Road) should be viewed and accepted by Scenic Rim Regional Council as adequate and fit for its purpose as a vehicular access point to this winery site"*.

The Applicant is now requesting Council to consider the amended *HRV Access and CROSS-OVER proposal plan* for approval as shown in **Attachment 3**.

Nature of Changes

The following condition will require amendment.

Condition 10 - ACCESS TO COUNCIL ROAD

Condition 10 currently read as:-

- 10. ACCESS TO COUNCIL ROAD** - The developer is required to construct the vehicular access to incorporate a rural basic right and rural basic left turn treatment in accordance with Austroads' Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections, to cater for the largest anticipated vehicle.

The vehicular access is to be designed and constructed in accordance with Scenic Rim Regional Council's Standard Drawing R-07 Access (Single & Dual) Piped where it does not conflict with Austroads' Guide to Road Design - Part 4A: Unsignalised & Signalised Intersections. The design shall include pavement depths, to be designed by an RPEQ; the surface is to be sealed with asphalt or concrete to gate setback, and gate setback to cater for largest anticipated vehicle. The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Constructing or Interfering with a Road or its Construction.

Officer's Comment

This request to change the condition was assessed by Council's Infrastructure Services Directorate and advice received from the officers was that the changes are not supported as no "traffic study" was submitted with this request to further support the application.

Council's Engineers have recommended that the change of condition should not be approved as the applicant had not provided the required supporting traffic assessment report by a qualified and suitably experienced traffic engineer. Therefore, it was not ascertainable on the proposed number and types of vehicle movements in and out of the site. Furthermore, the applicant's proposal also does not allow for two way movements without impeding the through traffic which was the basis for the original condition.

This view was also supported by Council's other technical and engineering officers that a traffic report must be submitted in support of any departure from the standard conditions provided.

The report would have to demonstrate why the turning treatments required by Condition 10 were not possible to meet as they claimed. The proposed access arrangement is on a left-in /left-out basis which was not conditioned as such.

It was not clear as to which route the HRV will be using under this modified proposal. The trucks coming up the mountain will potentially use Eagle Heights Road to reach to the site. Therefore, they are most likely to use Main Western Road and then Hartley Road. The Traffic Impact Assessment should model this scenario from the existing/projected traffic movements in the surrounding network to support their claim.

Furthermore, the turning template (access) seems to suggest that the turning vehicle will encroach onto the opposite lane thus adversely impacting the movements of the through traffic.

On the basis of the above, amendments to Conditions 10 are not supported and remain unchanged as originally conditioned.

Conclusion

Council is currently in receipt of a Request for Change of an Existing Approval pursuant to Section 369 of the *Sustainable Planning Act 2009* in respect of Development Application Number: MCBd14/047.

The Applicant is requesting to change the condition of the stated approval and in particular, **Condition 10** that relate to vehicular access to Council road.

This application has been assessed and is considered not acceptable as it generally departs from the original intent of the conditions of the Development Approval dated 22 October 2014.

It is therefore recommended that the application for a permissible change be refused and the **Condition 10** remains unchanged as discussed in the body of this report.

All other conditions of the original approval under Application Number: MCBd14/047 remains unchanged and is current.

Director's Recommendation

1. That, pursuant to the Sustainable Planning Act 2009, Council resolve to refuse the request to amend **CONDITION 10. ACCESS TO COUNCIL ROAD** for the development application for Material Change of Use.

2. The Reasons for Refusal

- a) No "traffic study" was submitted from a qualified and suitably experienced traffic engineer with this request in support of the original application or the current request for the change of Condition 10. The vehicular access was to be designed in accordance with Scenic Rim Regional Council's Standard Drawing R-07 Access (Single & Dual) Piped where it does not conflict with Austroads' Guide to Road Design - Part 4A: Unsignalised & Signalised Intersections.
- b) The proposed access arrangement is on a left-in /left-out basis which was not the intent of the original conditions of approval. The developer was required to construct the vehicular access to incorporate a rural basic right and rural basic left turn treatment in accordance with Austroads' Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections, to cater for the largest anticipated vehicle.
- c) The turning template (access) indicates that the turning vehicle will encroach onto the opposite lane thus adversely impacting the movements of the through traffic. This is contrary to the requirements of the Austroads' Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections.

3. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitters and referral agencies.

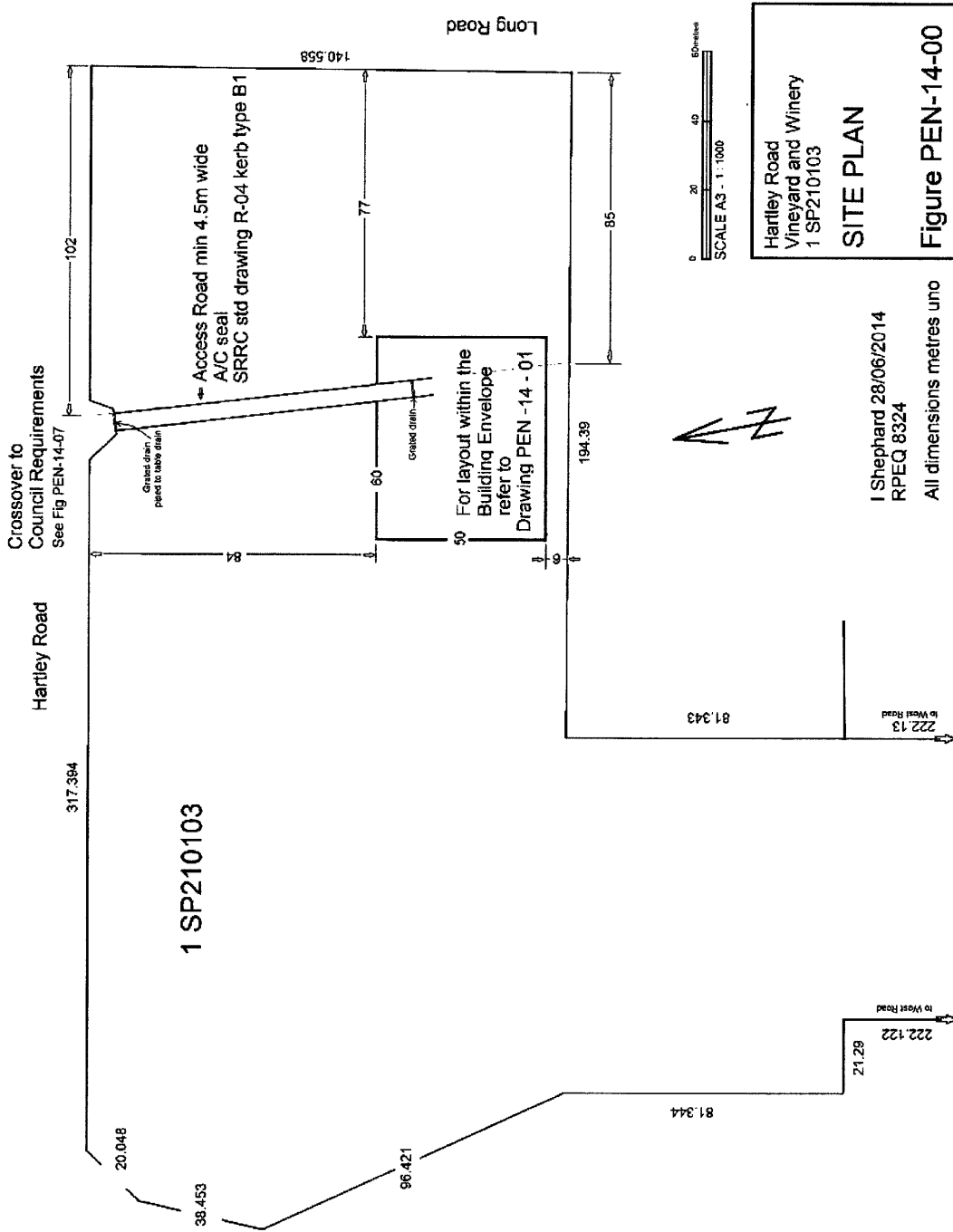
Attachments

1. Dekho Map/Aerial Photo.
2. Site Plan.
3. Proposed HRV Access and CROSS-OVER.

Attachment 1 - Dekho Map/Aerial Photo



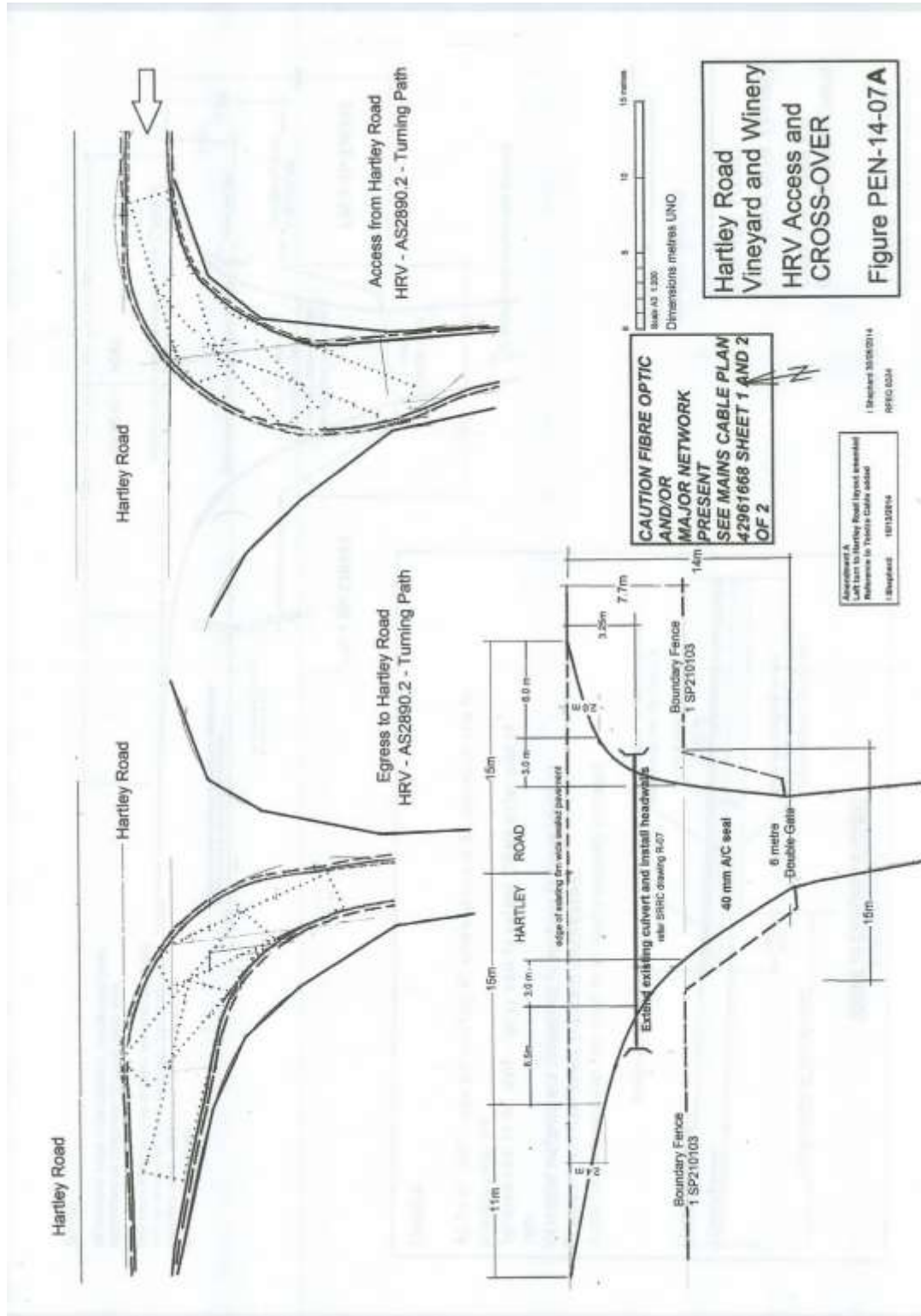
Attachment 2 - Site Plan

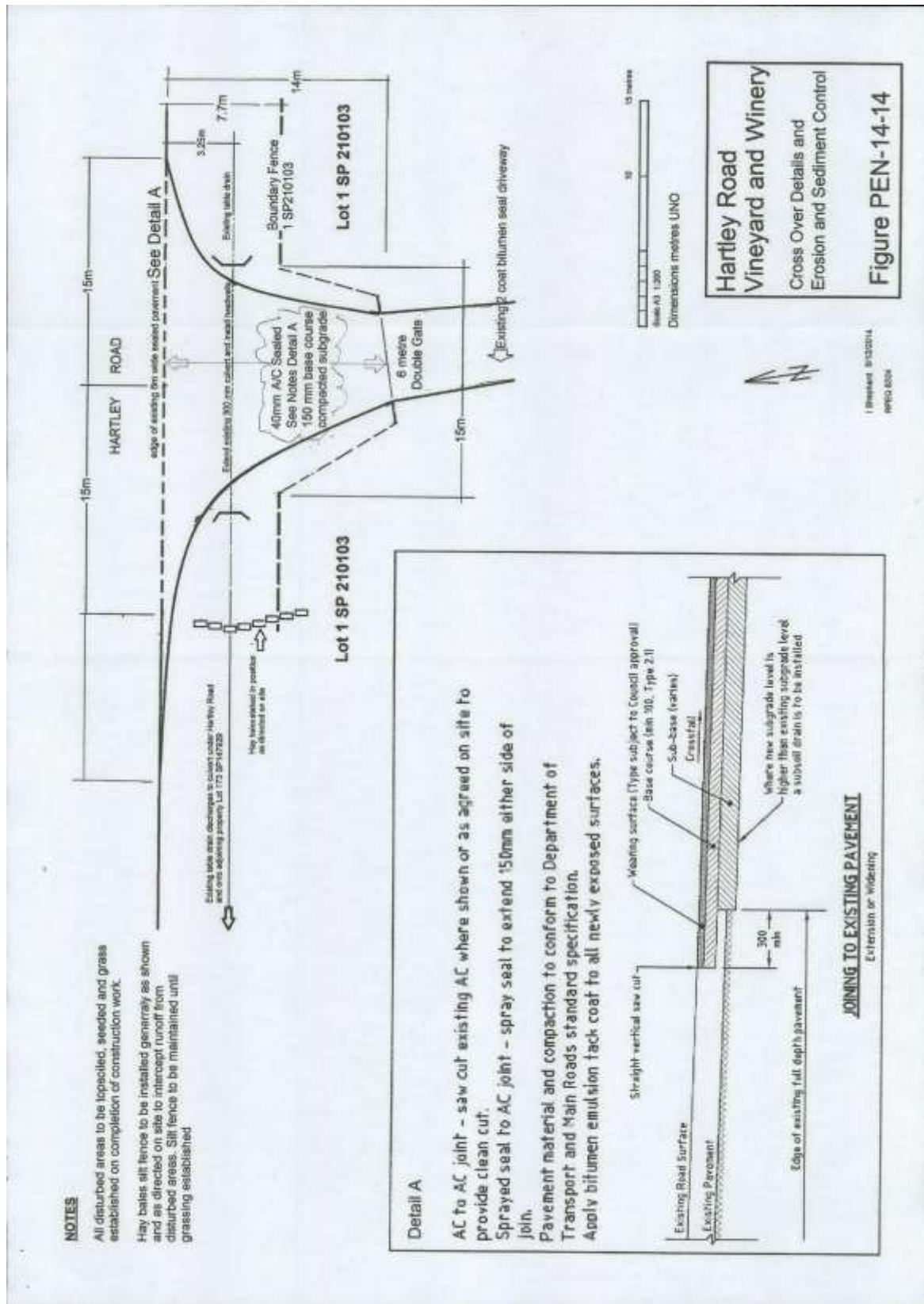


Hartley Road
Vineyard and Winery
1 SP210103
SITE PLAN
Figure PEN-14-00

1 Shephard 28/06/2014
RPEQ 8324
All dimensions metres uno

Attachment 3 - Proposed HRV Access and CROSS-OVER





3.5 MCBd14/093 Development Permit for a Material Change of Use for a House and Undefined Land Use (Function Facility and Short-Term Accommodation) in three stages, Donna Lee Leigh-Smith Lot 23 SP210103

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd14/093

Applicable Planning Scheme	<i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Mr G R Leigh-Smith, Ms D L Leigh-Smith C/- Latitude Town Planning Services Pty Ltd
Owner(s)	Donna Lee Leigh-Smith
Site Address	379-385 Long Road TAMBORINE MOUNTAIN Qld 4272
Real Property Description	Lot 23 on SP 210103
Site Area	15,810m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Countryside Precinct
Proposal	Material Change of Use - Tourist Facility and House (House, Function Facility and Short-Term Accommodation) - Three Stages
Assessment Level	Impact (Inconsistent) Assessment
Public Notification:	23 January 2015 - 20 February 2015
Submissions Received	Two (2) - (Both submissions have since been withdrawn)
Date Application Received:	28 October 2014

Purpose of Report

The purpose of this report is to provide facts and circumstances for a proposed development seeking an approval for Material Change of Use for a House and Undefined Land Use for a Function Facility and Short-Term Accommodation in three stages on land located at 379 Long Road, Tamborine Mountain Qld 4272 and more formally described as Lot 23 on SP210103.

Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use for a House, Function facility and Short-term Accommodation in three stages on land described as Lot 23 on SP210103. Included as part of this application, the applicant is also requesting for an existing building envelope to be removed.

The proposed Function Facility and Short-term Accommodation uses are undefined under the *Beaudesert Shire Planning Scheme 2007* (Planning Scheme) hence requiring Impact (Inconsistent) Assessment. The applicant has adopted the proposed uses as defined under the *Queensland Planning Provisions* (QPP) for a 'function facility' and 'short-term accommodation'.

There were no external referrals applicable for this application. The application was publicly notified for a period of no less than 15 business days in accordance with the requirements under the *Sustainable Planning Act 2009* (SPA 2009). During the public advertising period, two (2) properly made submissions were received by Council but both have since been withdrawn.

The proposed development has demonstrated general compliance with the relevant desired environmental outcomes (DEO's) and codes of the Planning Scheme through the material submitted as part of this application. Furthermore, the applicant has provided sufficient grounds to justify the proposed development despite it being an undefined use under the *Beaudesert Shire Planning Scheme 2007*. Pursuant to section 326 of SPA 2009, there are sufficient grounds to justify the decision to approve the development despite the conflict with the relevant instrument, being the Beaudesert Shire Planning Scheme.

Given the above, it is recommended that Council resolves to approve the proposed Tourist Facility and Residential Use (House, Function Facility and Short-Term Accommodation) subject to relevant and reasonable condition.

Background

A pre-lodgement meeting with the applicant was held at Council on 27 June 2014. The applicant presented at the time of the meeting a proposal to establish a House, Guest Accommodation (12 Rooms), Shed, Function Room/Restaurant for guests only on the subject property.

Proposal

The applicant proposes a development comprising a residential dwelling, a shed, a function facility and guest accommodation, to be completed over three (3) separate stages. Also, as part of the application, the applicant also seeks approval to remove an existing building envelope on the subject property (see Figure 1). Given that the site has generally been cleared and there is no evidence of bushfire or landslip hazard, removal of the building envelope is generally supported.

Figure 1 - Building Envelope



Stage One (1) - Residential Dwelling and Shed

Stage One (1) proposes a single storey dwelling and shed located near the north-east corner of the subject site. The proposed dwelling consists of four (4) bedrooms, family room, dining area, a media room and alfresco area and having a total living area of approximately 224.7m². The proposed shed is approximately 120m² in size and located one and a half (1.5) metres off the northern boundary of the site.

Stage Two (2) - Function Facility and Short-Term Accommodation (8 rooms)

Stage Two (2) comprises of a single storey function facility located approximately half way to the rear of the subject site. The function facility has been setback from Long Road so it does not dominate the street frontage. The facility consists of a kitchen, bar, alfresco area, conference room, an office, storeroom, a fireplace and a common area to be utilised by paying guests only. The proposed building area is approximately 294m² in size.

Also as part of this stage are two (2) sets of short-term accommodation dwellings comprising a total of eight (8) individual rooms. The two (2) dwellings are located on the north and south side of the proposed function facility. Each guest room contains a bedroom, kitchenette and a bathroom. The living areas of each guest room range between 28.1m² and 31.3m² in size.

Stage three (3) - Short - Term Accommodation (6 cottages)

The proposed cottages are to be located west of the function facility and consist of a mix of one (1) and two (2) bedrooms. Each cottage contains a living area, kitchen, bathroom and an alfresco area. The living area range from 49.1m² and 57.6m² in size respectively.

Access, car parking and landscape

Access to the proposed development will be from a single shared driveway via Long Road and located towards the south-east boundary of the site. Twenty (20) car parking spaces have been provided for paying guests and parking for people with a disability will be in accordance to the relevant standards and Council requirements. The applicant proposes extensive landscaping which incorporates the use of vegetation which complements the existing rainforest species in the local area.

Landscaping has been proposed along parts of the northern, southern boundaries of the site and along Long Road allowing some buffer between the proposed development and the properties immediately adjoining.

On-site wastewater disposal

As part of Stage One (1) and Stage two (2), the applicant proposes to install on site a centralised aerobic sewerage plant (STP) consisting two (2) ten (10) EP TAYLEX tanks and pump station to service the wastewater generated. Recycled water will be irrigated via a fixed point sprinkler system into a designated land application area being 1,489m² in size. Prior to the construction of Stage Three (3) the applicant will apply for a licence to conduct an environmental relevant activity (ERA) sixty-three (63) from the Department of Environmental and Heritage Protection (EHP). The STP will then be upgraded to comply with the ERA licence.

Proposal Plans

Plan/Drawing	Plan/Drawing No.	Date	Prepared By
Notes	1457270 Sheet 1 of 14	24/6/14	ReziCAD Design and Drafting
Safety Notes	1457270 Sheet 2 of 14	24/6/14	ReziCAD Design and Drafting
Site Plan 1:750	1457270 Sheet 3 of 14	24/6/14	ReziCAD Design and Drafting
Site Plan 1:500	1457270 Sheet 4 of 14	24/6/14	ReziCAD Design and Drafting
House Floor Plan	1457270 Sheet 5 of 14	24/6/14	ReziCAD Design and Drafting
House Elevations	1457270 Sheet 6 of 14	24/6/14	ReziCAD Design and Drafting
Room Floor Plan	1457270 Sheet 7 of 14	24/6/14	ReziCAD Design and Drafting
Room Elevations	1457270 Sheet 8 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Floor Plan 1 Bed	1457270 Sheet 9 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 1 Bed	1457270 Sheet 10 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Floor Plan 2 Bed	1457270 Sheet 11 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 2 Bed	1457270 Sheet 12 of 14	24/6/14	ReziCAD Design and Drafting
Common Building Floor Plan	1457270 Sheet 13 of 14	24/6/14	ReziCAD Design and Drafting
Common Building Elevations	1457270 Sheet 14 of 14	24/6/14	ReziCAD Design and Drafting
Proposed Development Landscape Intent	Issue A	September 2014	Byrns Lardnar Landscape Architect & Environmental
Staging Plan	-	-	Byrns Lardnar Landscape Architect & Environmental

Please refer to Attachment 1 for proposal plans.

Supporting Reports

To support the application, the following report was submitted which forms part of this development application.

Title	Prepared by	Date
On-site Sewerage Management Report - Development Stages 1 & 2	Precise Environmental Consulting Environmental Scientists	March 2015

The report was reviewed and assessed by Council staff and found to address the relevant concerns. The effluent system proposed will be subject to future plumbing and drainage application.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is 15,810m² in size and is rectangular in shape (see Figure 2). The site is currently vacant and slopes away from Long Road in a westerly direction towards the rear of the block. There is minimal vegetation on site. The site is surrounded by a Council owned block to the east, a large vacant block to the north and west which is privately owned and forms part of an established vineyard (Note: Council recently approved a vineyard and winery on this site) and a large vacant site and house block to the south which is also privately owned.

Figure 2: *Aerial*



Advertising

Being undefined under the Planning Scheme, the proposed development triggers impact assessment. Accordingly, the application is required to be publicly notified pursuant to section 297 of the *Sustainable Planning Act 2009* (the "Act").

On 23 January 2015, a Notice of Commencement was received via email from Real Property Signs public notification specialist. The notice stated that required actions were undertaken as per the Act and stated advertising commenced on 23 January 2015 and to be concluded on 13 February 2015. Due to an error relating to the subject property details on Council's Acknowledgement Notice and advertising sign, letters to adjoining owners and the advertising sign were resent and erected respectively with the correct property details. Hence, the public notification stage was extended to 20 February 2015.

Real Property Signs submitted a Notice of Compliance on 23 March 2015 stating that public notice of the proposal has been completed in accordance with the requirements of the *SPA 2009*.

Submissions

During the public notification stage Council received two (2) properly made submissions however, both submissions were withdrawn during the decision making period.

Development Assessment

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that require assessment for this development application.

State Planning Policy

There were no State Planning Policies applicable for this application.

State Planning Regulatory Provisions

The State Planning Regulatory Provision (Adopted Charges) is applicable to the proposed development. Council has adopted an Infrastructure Charges Schedule; therefore please refer to the Adopted Infrastructure Charges section of this report.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the Regional Landscape and Rural Production Area and is consistent with the *South-East Queensland Regional Plan (2009-2031)* (SEQRP). The regulatory provisions for the Regional Landscape and Rural Production Area supports the diversification of rural economies by allowing a range of developments including small-medium scale tourist activities, small scale industry and business activities, sport and recreation facilities (page 15, SEQRP). The proposed use is not known to be inconsistent with the regulatory provisions.

Referral Agencies

Upon review of the *Sustainable Planning Regulation 2009* - Schedule 7 Referral agencies and their jurisdictions; no referral agency was triggered as part of this application.

Relevant Planning Scheme

The subject site is located in the Tamborine Mountain Zone. Pursuant the *Beaudesert Shire Planning Scheme 2007*, part of the proposed land use is defined as a 'house' under Schedule 1- Defined Uses. The definition as prescribed under the planning scheme is as follows -

House means a dwelling unit, used for residential purposes, including the use of the premises for either long term or short term accommodation. The term also includes the following -

- (a) the care of up to 7 non-resident children on the site; and
- (b) the cultivation of any plant for the interest or enjoyment of the residents therein;
and
- (c) the keeping of domestic animals that are incidental to the house; and
- (d) the parking of 1 heavy vehicle on an allotment less than 2 hectares in size, or 2 heavy vehicles on an allotment equal to or greater than 2 hectares in size.

Under the *Beaudesert Shire Planning Scheme 2007*, the proposed 'function facility' and 'short-term accommodation' land uses are undefined. Hence, the applicant has adopted the definitions for the above uses as per the *Queensland Planning Provisions (version 3.1)(QPP)*. The definition as prescribed under QPP (version 3.1) is as follows -

Function Facility Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.

Short-term

Accommodation Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.

Accordingly, the proposed development is consistent with the above definitions of the *Beaudesert Shire Planning Scheme 2007* and the QPP respectively.

Desired Environmental Outcomes

As the proposed development is identified as 'inconsistent' under the planning scheme, Desired Environmental Outcomes (DEO's) provisions are to be addressed as part of this development proposal. The DEO's as prescribed under the planning scheme is provided below.

There are three (3) broad Desired Environmental Outcomes outlined in the *Beaudesert Shire Planning Scheme 2007* being:

- Environment;
- Economic; and
- Social.

Each will be addressed separately below:

2.1.3 Desired Environmental Outcomes	
(1) Environment - The environment is conserved such that -	
(a) lawful uses (which are not lawful non-conforming uses) are protected and an efficient land use pattern, that promotes integrated communities (which enjoy enhanced liveability, effective growth management, sustained economic growth, good urban design and ecological sustainability) is created and maintained; and	<p>Proposal Complies</p> <p>The subject site is located in an area where numerous tourist and recreational activities are already operating. The proposed development will integrate with the community by providing an additional service to tourists and travellers coming into the area. It is unlikely that the proposed use will impact on other lawful uses in the immediate locality.</p>
(b) the adverse impacts of development including the loss or degradation of native vegetation, habitat for significant flora and fauna and other nature conservation values, loss of amenity, land degradation, water pollution from inadequate effluent disposal practices and chemical contamination, are avoided or otherwise mitigated; and	<p>Proposal Complies</p> <p>The subject site is reasonably clear of vegetation. The site is not known to contain any flora or fauna that is of significance. The applicant proposes extensive landscaping which incorporates the use of vegetation which complements the existing vegetation pattern in the local area.</p> <p>The applicant is required to treat and dispose of wastewater in accordance with State provisions and Australian Standards. Hence the proposed development is not likely to cause adverse impact to the existing environment.</p>
(c) the landscape character of the Shire is identified, protected and enhanced and regional, sub-regional and locally significant vegetation is conserved; and	<p>Proposal Complies</p> <p>The proposed development is not likely to cause impact to the existing landscape character as the scale and built form is of similar character to the surrounding area. The applicant proposes to enhance the streetscape by providing landscaping to complement the existing vegetation and landscape of the area. The site is not known to contain significant vegetation that needs to be conserved.</p>
(d) the landscape features of the Shire including its mountain ranges, valleys, specific views from Tamborine Mountain and other locations, waterways, floodplain, vegetation and rural farming areas are protected and managed to maintain their unique character and appeal; and	<p>Proposal Complies</p> <p>The scale and intended built form of the proposed development is not likely to impact on the existing character and appeal of the area. Extensive landscaping is proposed incorporating the use of native species which complements and enhances the existing vegetation in the local area.</p>

<p>(e) the Shire's Ecologically Significant Areas, areas of local and State biodiversity significant and habitat for significant native flora and fauna and their associated nature conservation values are protected, maintained and restored; and</p>	<p>Not Applicable The subject property is not known to be located within any Ecologically Significant Area or areas of local and State biodiversity significant and habitat for significant native flora and fauna.</p>
<p>(f) development protects the Shire's water and soil resources and their associated values, including their ability to provide healthy ecosystems to support the livelihood and lifestyles of residents and visitors; and</p>	<p>Proposal Complies The development proposes uses and activities that are not likely to impact on the Shire's water and soil resources. Any treatment and disposal of recycle water and wastewater will be in accordance to current State provisions and Australian Standards.</p>
<p>(g) a network of natural areas, connected corridors, open spaces of local, regional and State biodiversity significance and other Ecologically Significant Areas is protected and enhanced; and</p>	<p>Proposal Complies The subject site is not known to be connected to natural corridors, open space of local, regional and State biodiversity significance or located within any Ecologically Significant Areas hence the proposed development is not likely to cause any adverse impact to the above natural areas.</p>
<p>(h) development incorporates, and where possible, promotes best environmental practices.</p>	<p>Proposal Complies Given the type of use the applicant is proposing, the likelihood of the development to cause harm to the environment is minimal. It is encouraged that the applicant promotes good environmental practice as part of their future operations, waste prevention, treatment and disposal as an example.</p>
<p>(2) Economic - Development -</p>	
<p>(a) protects both the urban and rural economic bases of the Shire; and</p>	<p>Proposal Complies The proposed use is not likely to detract from the urban and rural economic bases of the Shire as it would enhance the tourism in the area by providing a service to the tourist and travellers coming into the area. The proposed development would create jobs which would be seen as a benefit to the local economy.</p>
<p>(b) protects and maximises opportunities for rural diversification in areas intended for such development; and</p>	<p>Not Applicable Whilst the subject site is located in the Countryside Precinct, there is no evidence of rural activities operating on the subject site and hence the proposed development is not likely to interfere with any rural diversification.</p>

<p>(c) is undertaken in a manner that ensures areas intended for urban development beyond the life of the Planning Scheme are protected from uses which would be incompatible with its long term use but are protected from premature development; and</p>	<p>Proposal Complies Given the established land uses in the area, the proposed development is not likely to impact on the long term planning intent of the area. The proposed use will look to enhance and maintain the tourist and recreational activities in the area.</p>
<p>(d) protects the continuation of lawful but non-conforming uses or approved uses of limited duration, but only where there is a proven overwhelming community and economic need for such uses; and</p>	<p>Proposal Complies The proposed development is not likely to impact on the continuation of lawful and approved uses existing in the area.</p>
<p>(e) protects and maximises the availability of regionally and locally significant extractive and mineral resources in areas appropriate for such development and avoids conflicts with their extraction, processing and transportation; and</p>	<p>Not Applicable The subject site is not known to be in close proximity or situated on land suitable for extractive and mineral resources operation hence no compliance is required.</p>
<p>(f) provides local employment opportunities through Home Based Businesses which are compatible with residential amenity and protect the natural values and character of the local area; and</p>	<p>Not Applicable The applicant does not propose a Home Based Business as part of this proposal.</p>
<p>(g) promotes tourism in a manner that encourages the efficient use of infrastructure and protects the natural values and character of the local area; and</p>	<p>Proposal Complies The applicant proposes a use that will enhance the tourism operations in the area by providing short-term accommodation to tourist and travellers. The proposed scale and built form of the proposed development is not likely to impact on the existing natural values and character of the local area.</p>
<p>(h) provides for an efficient, safe, well located and legible transport network that is an integral part of the Shire's land use pattern and which supports the social and economic needs of the community; and</p>	<p>Not Applicable Given the scale of the development, no changes to existing transport network are proposed.</p>
<p>(i) provides for the efficient use and safe operation of existing and planned future infrastructure including water supply, sewerage, the transport network, stormwater, parks and energy infrastructure; and</p>	<p>Proposal Complies An on-site wastewater treatment system and an adequate water supply system will be provided to cater for the proposed use. Services are to comply with current State provisions and Australian Standards.</p>
<p>(j) maintains and consolidates the existing and planned structure of urban centres which provide that— (i) Beaudesert is the principal rural centre of the Shire; and</p>	<p>Proposal Complies The subject site is located within the Tamborine Mountain area. The proposed development is a use that is envisaged in the local area being a tourist type activity.</p>

<p>(ii) retail, business, industry, community services and recreational activities which provide local employment opportunities are located in Jimboomba, Logan Village, Greenbank, Canungra, North Tamborine, Eagle Heights; and</p> <p>(iii) local convenience services are located at Spring Mountain Drive, Woodhill, Homestead Drive, St Aldwyn Road, John Collins Drive, Tamborine, and within the Shire's rural villages; and</p>	<p>This proposal will also create employment opportunities. The proposed development is not likely to cause impact to the planned structure of the Tamborine Mountain area.</p>
<p>(k) maintains and enhances the distinctive character of the Shire's rural townships and villages; and</p>	<p>Proposal Complies The proposed development is not seen to impact on the distinctive character of the Tamborine Mountain area. It is seen to be integrating with the existing land use in the area.</p>
<p>(l) is of a scale, form and intensity appropriate for the locality and is only developed at a greater scale, form or intensity where it can be demonstrated that there is both an overwhelming community need and an overwhelming economic need for the development; and</p>	<p>Proposal Complies The proposed development is of a scale and intensity appropriate for the locality.</p>
<p>(m) supports industrial development areas at—</p> <p>(i) Bromelton which is designated for major or regionally significant industrial and export orientated uses; and ancillary support/services uses; and</p> <p>(ii) Beaudesert which is the preferred location for major service industries; and</p>	<p>Not Applicable The proposal does not propose any industrial use, hence the support of industrial development areas is not required as part of this application.</p>
<p>(n) supports existing industrial development which—</p> <p>(i) promotes economic growth; and</p> <p>(ii) minimises the adverse effects on the existing and future amenity of the surrounding area; and</p> <p>(iii) promotes the efficient use of infrastructure; and</p> <p>(iv) protects industrial areas from incompatible land uses.</p> <p>and</p>	<p>Not Applicable The proposal does not propose any industrial use hence, the support of existing industrial development is not required as part of this application.</p>

<p>(o) protects and enhances existing and planned community infrastructure and associated facilities throughout the Shire.</p>	<p>Proposal Complies Given the scale and built form of the proposal, it is not likely to cause impact to the existing and future planned community infrastructure.</p>
<p>(3) Social—Development provides that —</p>	
<p>(a) a diverse range of housing types and densities are provided which— (i) cater for the community’s lifecycle needs; and (ii) are located in areas intended for such development; and (iii) maintains and enhances existing local residential amenity; and (iv) maintains and enhances the integrity and character of the individual neighbourhoods or localities in which the development is proposed; and (v) maximises opportunities for the efficient use of infrastructure and access to a range of services and community facilities; and</p>	<p>Proposal Complies The applicant proposes a single residential dwelling as part of Stage one (1) of the development which is an appropriate land use for the subject site.</p>
<p>(b) adverse effects of natural or other hazards including flooding, bushfire, slope stability, contaminated sites and sites producing significant levels of emissions are minimised; and</p>	<p>Not Applicable The subject site and consequently the proposed development is not known to be subject to hazards including flooding, bushfire, slope stability, contaminated sites and sites producing significant levels of emissions.</p>
<p>(c) the important values of historical and culturally significant features are maintained and protected; and</p>	<p>Not Applicable The subject site is not known to be recognised for having historical and cultural features.</p>
<p>(d) the health and safety of the people, the amenity and sense of community they enjoy, and the integrated public open space network provided for social interaction, recreation and tourism activities are maximised; and</p>	<p>Proposal Complies The proposed development creates a sense of place for tourists and travellers to stay on the premises, connect with the natural environment and have the opportunity to interact in tourist and recreational activities in the local area. Standards to protect the health and safety of the people staying and/or visiting the premises should be applied at all times.</p>
<p>(e) the health and safety of people, property and the community is maintained and enhanced including minimising the opportunity for crime and incorporating best practice crime prevention principles and processes.</p>	<p>Proposal Complies The proposed development has provided casual surveillance where it is applicable. Entry to and from the premises is via a single shared access driveway off Long Road.</p>

	<p>The function facility and the short-term accommodation proposed are located in close proximity to one another. Pedestrian walkways and car parking areas are not obstructed but via appropriate landscaping it allows the guest to have privacy and casual surveillance simultaneously.</p> <p>The function facilities are available to paying guests of the short-term accommodation and their invited guests only. It will not be open to the general public. Given that guest numbers are restricted, surveillance on the premises can be appropriately managed.</p>
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Accordingly, the proposed development is generally in compliance with the Desired Environmental Outcomes of the Planning Scheme.

Local Strategies for the Tamborine Mountain Zone

The proposed development generally complies with the Local Strategies for the Tamborine Mountain Zone set out in section 2.2.11 of the Beaudesert Shire Planning Scheme. The applicant proposes a tourist related use which provides a service and complement the existing tourist and recreational activities in the local area and benefit the local economy. The development is at a scale, built form and intensity that will not likely to adversely impact on the character, amenity and natural environment of the Tamborine Mountain Zone.

Accordingly, the proposed development generally complies with the Local Strategies for the Tamborine Mountain Zone.

Relevant Planning Scheme Codes

Zone & Precinct Code	Overlay Code	Use Code/Works Code
Tamborine Mountain Zone Code Specific Criteria for the Countryside Precinct	Nature Conservation Overlay Code (Landscape Amenity; Vegetation Management Area) Catchment Management, Waterways and Wetland Overlay Code	House Code Food Premises Code Tourist Cabin Code Advertising Devices Code Construction and Infrastructure Code Landscape Code Parking and Servicing Code

Relationship to the Tamborine Mountain Zone Code

The subject site is located in the Tamborine Mountain Zone.

The 'House' component of the proposal is identified under *Chapter 3 - Assessment Provision for Zones and Precincts, Part 7 - Tamborine Mountain Zone* of the Planning Scheme as self-assessable use, hence will not require Council assessment.

The proposed 'Function Facility' and 'Short-term accommodation' land use are undefined uses, hence making this component of the application an Impact (inconsistent) assessable development. As mentioned previously, the applicant has chosen to adopt the use definitions stated in the *Queensland Planning Provisions (Version 3.1)*(QPPs).

Compliance with the Overall Outcomes for Tamborine Mountain Zone Code

Section 3.7.10 of the planning scheme outlines the overall outcomes for the Tamborine Mountain Zone. An assessment against the relevant outcomes has been undertaken, with particular regards to the overall vision, amenity, economic development and landscaping. The proposal generally complies with the Overall Outcomes for the Tamborine Mountain Zone Code.

Please see assessment of the overall outcomes for the Tamborine Mountain Zone below:

Overall Outcomes for Tamborine Mountain Zone	Compliance
OO2 Development provides that tourist activities are concentrated in recognised tourist areas or otherwise located so as not to adversely impact on the amenity of the area.	Proposal Complies The proposed development is a tourist related use providing short-term accommodation to tourist and travellers. The site is also located close to other existing tourist and recreational activities in the area (i.e. Cedar Creek vineyard and winery, gallery walk). Given the scale, built form and design of the proposal, impact on the amenity of the area will be minimal.
OO4 Development promotes a high standard amenity compatible with existing character.	Proposal Complies The proposed built form and extensive landscaping on site is considered to maintain the high standard of amenity compatible with the existing character of the area.
OO19 Development provides for the enhancement of employment and investment opportunities through improved integration of residential, tourist, and other business activities whilst maintaining residential amenity.	Proposal Complies The proposed development will integrate with the existing tourist and recreation activities in the area and potentially attracting more tourists in to the area. The development will create employment opportunities for the area.
OO29 Development has a positive impact on the landscape, scenic amenity and streetscape of Precincts within the Tamborine Mountain community.	Proposal Complies The proposed development will enhance the site by providing extensive landscaping around and across the site and simultaneously enhance the amenity and streetscape of the area.

Compliance with the Tamborine Mountain Zone Code

The proposal complies with all of the Zone Code’s Probable Solutions and Specific Outcomes, except as follows:

Tamborine Mountain Zone Code			
Specific outcomes	Probable Solutions	Compliance with Probable Solutions	Compliance With Specific Outcomes
SO1 Development is limited to development which is 'Consistent Development' as identified in Table 3.7.7 Consistent Development on the Tamborine Mountain Zone.	S1.1 No Solution is prescribed	Not Applicable No solution prescribed to comply.	Proposal does not comply The 'function facility' and 'short-term accommodation' component of the proposal are undefined uses in the Planning Scheme, hence making it 'inconsistent' development. Given that the subject site is surrounded by existing tourist and recreational activities, the proposal is not considered to be out of character as it proposes to maintain and enhance the natural environmental values and amenity of the area. It is also seen to contribute to the local economy by creating jobs opportunities hence there are grounds to justify that the proposed use is suitable for the site and locality.

Compliance with the Countryside Precinct Code

The subject is located in the Countryside Precinct of the Tamborine Mountain Zone. Pursuant of the Planning Scheme, the intent of this precinct is as follows;

*OO51 Development within the **Countryside Precinct** has an agricultural character typified by broad hectare farming. Limited opportunity also exists for non-farming development - where such development maintains or enhances existing character and amenity.*

In this respect, the proposed development generally complies with the abovementioned intent. Even though the development does not propose related agricultural use on the subject site, the proposed development proposes to maintain and enhance the existing character and amenity through appropriate built form and extensive landscaping.

Assessment against the Countryside Precinct Code was undertaken and the proposal generally complies with the Probable Solutions and Specific Outcomes, except as follows:

Assessment Criteria for the Countryside Precinct			
Specific outcomes	Probable Solution	Compliance with Probable Solution	Compliance With Specific Outcomes
SO1 Development exhibits an agricultural character, typified by broad hectare farming activity on larger lots which are - (a) typically unsewered; and (b) generally occupied by single dwellings and associated rural outbuildings and exhibiting a 'rural living' character.	S1.1 No Solution is prescribed.	Not Applicable No solution prescribed to comply.	Proposal does not comply - Whilst the proposed development is not an agricultural use, it is not considered a use that would detract the existing semi-rural character and amenity of the area. Hence the proposal is considered an appropriate use for the Countryside Precinct.

Compliance with the Relevant Overlay Code

The proposal generally complies with all of the Nature Conservation Overlay (Landscape Amenity; Vegetation Management Area) and Catchment Management, Waterways and Wetland Overlay Code's Probable Solutions and Specific Outcomes.

Compliance with the Relevant Specific Use Code

The proposal generally complies with all of the House and Food Premises Code's Probable Solutions and Performance Criteria.

Compliance with the Relevant Works Code*Assessment against the Advertising Device Code*

No information was provided by the applicant regarding advertising devices hence no assessment was undertaken. Any advertising devices are to be constructed in accordance with the requirements of the Planning Scheme and may be subject to future approval.

Assessment against the Construction and Infrastructure Code

The proposed development is generally consistent with the provisions under the Construction and Infrastructure Code. The proposed buildings can be appropriately serviced by infrastructure such as on-site water and sewerage, electricity and telecommunication where applicable. To ensure compliance, suitable conditions such as and not limited to; erosion control measures, earthworks design and management, access and services have been included in the Director's Recommendations.

Assessment against the Landscaping Code

A Landscape intent plan (Sept 2014 - Issue A) prepared by Byrns Lardner Landscape Architect & Environmental was lodged by the applicant for assessment. Accordingly, the proposed development is generally consistent with provisions of the Landscaping Code.

Assessment against the Parking and Service Code

Given that the 'function facility' and 'short-term accommodation' are uses undefined in the planning scheme, no parking rate are specified hence to be determined by Council. Council's Development Assessment Engineering section has assessed the application and advised that the developer is to make car parking provision for the proposed Stages. The developer is to make provision for the establishment of fourteen (14) car parking spaces including one (1) space for people with disabilities (PWD) in association with Stage 2 of the development. Additionally the applicant is to provide one (1) space for a Small Rigid Vehicle -SRV in Stage 2. For Stage 3 the developer will need to provide six (6) additional car parking spaces. These requirements exclude any car parking requirement for the residential use approved on the site.

Accordingly, the proposed development complies with the Parking and Service Code.

Assessment of Other Aspects of the ProposalConflict with a relevant instrument and reasons for the decision despite the conflict

Section 326 of the *Sustainable Planning Act 2009* (SPA 2009) requires that an Assessment Manager's decision must not conflict with a local planning instrument being the Planning Scheme unless:

- As per section 326(1)(b) there are sufficient grounds to justify the decision, despite the conflict; or
- As per section 326(1)(c)(ii) the conflict arises because of a conflict between two (2) or more aspects of any 1 relevant instrument, and the decision best achieves the purposes of the instrument.

The overriding conflict and sufficient grounds to achieve the purpose of the Planning Scheme are discussed below:

Sufficient Grounds

As outlined in this report, components of the proposal being the function facility and short-term accommodation are inconsistent defined land uses in the Countryside Precinct of the Tamborine Mountain Zone. However, the following provides sufficient grounds to justify the assessment managers' decision despite the conflict:

- The proposed development generally achieves the Desired Environmental Outcomes (DEOs) and Local Strategies for the Tamborine Mountain Zone. It is a use that is envisaged in the local area and a supported use under the *South-east Queensland Regional Plan (2009-2031)*.
- The applicant proposes a tourist related use which provides a service and complement the existing tourist and recreational activities in the local area and can be seen to benefit the local economy by creating employment opportunities.
- The proposed development is at a scale, built form and intensity appropriate for the locality and it is not seen to adversely impact on the existing character of the area. The development proposes to enhance the amenity and natural environment of the Tamborine Mountain Zone by providing extensive landscaping features to complement the vegetation pattern of the area.
- Two (2) properly made submissions were received during the public notification period but have since been withdrawn as the concerns of the submitters have been satisfactorily addressed by the applicant.

Adopted Infrastructure Charges

Infrastructure contributions in accordance to the State Planning Regulatory Provision (Adopted Charges) are chargeable as part of this proposed House, Short-term accommodation and function facilities application.

In this instance, the proposed land use being a House, Short-term accommodation and function facility will trigger an Adopted Infrastructure Charge in accordance with Council's *Adopted Infrastructure Charges Resolution (Version 5)* dated July 2014 and in concurrence with the 2014/2015 Fees and Charges. The proposed development falls into the following class of development:

Planning Scheme Use Types	Class of Development to which Adopted Infrastructure charges schedule apply
House	Residential
Guest Rooms/cottages	Accommodation (short term)
Function Facility	Commercial (Retail)

Applicable Infrastructure Charges

Local Government Charge

The following Council charges applicable to the proposed development for each Stage:
 Note: Adopted Infrastructure Charge = Proposed Demand - Credit for Existing Use (of applicable)

Stage 1 - Residential Dwelling:

Proposed Demand

Use	No. of Units	Units of Measure	Charge Rate	Amount
New Residential 4 bedroom dwelling - Beaudesert Shire Planning Scheme 2007 Area	1	Per Dwelling Unit	\$14,000.00	\$14,000.00
			Total	\$14,000.00

Credit for Existing Entitlement

Use	No. of Units	Units of Measure	Charge Rate	Amount
Residential 3 or more bedroom dwelling - Beaudesert Shire Planning Scheme 2007 Area	1	Per Dwelling Unit	\$14,000.00	\$14,000.00
			Total	\$14,000.00

Total Infrastructure Charge for Local Government for Stage One (1)

$$\begin{aligned}
 &= \{\text{Proposed Demand} - \text{Existing Credit}\} \\
 &= \$ 14,000.00 - \$ 14,000.00 \\
 &= \underline{\underline{\$ 0.00}}
 \end{aligned}$$

Stage Two (2) - Function Facility & Guest Rooms (8)

Proposed Demand

Use	No. of Units	Units of Measure	Charge Rate	Amount
Commercial (retail) - <i>Beaudesert Shire Planning Scheme 2007 Area</i>	294m ²	Per m ² of GFA	\$150.00	\$44,100.00
Accommodation (short-term) - 3 or more bedroom - <i>Beaudesert Shire Planning Scheme 2007 Area</i>	2	Per Dwelling Unit	\$7,000.00	\$14,000.00
Accommodation (short-term) - 1 or 2 bedroom - <i>Beaudesert Shire Planning Scheme 2007 Area</i>	1	Per Dwelling Unit	\$4,400.00	\$4,400.00
			Total	\$62,500.00

Total Infrastructure Charge for Local Government for Stage Two (2) = **\$62,500.00**

Stage 3 - Short-Term Accommodation (6 Cottages)

Proposed Demand

Use	No. of Units	Units of Measure	Charge Rate	Amount
Accommodation (short-term) - 1 or 2 bedroom - <i>Beaudesert Shire Planning Scheme 2007 Area</i>	6	Per Dwelling Unit	\$5,000.00	\$30,000.00
			Total	\$30,000.00

Total Infrastructure Charge for Local Government for Stage Three (3) = **\$30,000.00**

Total Adopted Infrastructure Charge = \$ 92,500.00

Internal Referrals

Health, Building and Environment – Building and Plumbing

Council's Building and Plumbing section has reviewed and assessed the application and advised the following:

- Building approval required for all structures;
- Design wastewater flows to be consistent with the proposal:
 - a. Design to be compliant with AS 1547:2000 and QPWC.
 - b. If the daily peak wastewater flow for this proposal exceeds 4000 l/day the applicant is to gain all the necessary approvals for the OSSF from the DEHP.

Health, Building and Environment – Environmental Health

Council's Health, Building and Environment have assessed the application and request that conditions and advice notations (please refer to Director's Recommendation) are to be included with any development approval granted.

Development Assessment (Engineering)

Council's Development Assessment Engineering section has reviewed and assessed the application and has no objections to the applicant's proposal subject to the inclusion of relevant conditions.

Infrastructure Services

Council's Infrastructure Services section has reviewed and assessed the application and advised no further information is required, standard access condition to be included to approval.

External Referral

No external referrals were applicable for this application.

Conclusion

The Applicant is seeking an approval for a Development Permit for a Material Change of Use for a House and Undefined Land use for a Function Facility and Short-Term Accommodation in three stages on land located at 379 Long Road, Tamborine Mountain Qld 4272 and more formally described as Lot 23 on SP210103.

Also as part of this application, the applicant requests that the existing building envelopment on the subject site to be removed. Given that the site has generally been cleared and there is no evidence of bushfire or landslip hazard, the removal of the existing building envelope is generally supported.

The nature and scale of the proposed development is considered appropriate for the locality. It generally achieves the Desired Environmental Outcomes (DEOs) of the Planning Scheme and Local Strategies for the Tamborine Mountain Zone. It is a use that complements the local area and is a supported use under the *South-east Queensland Regional Plan (2009-2031)*.

As demonstrated within this report, the proposed development is generally compliant with the provisions of the planning scheme and is unlikely to cause adverse impact on the existing character, amenity and natural environment of the area of Tamborine Mountain Zone.

Accordingly, pursuant to the section 326 of the *Sustainable Planning Act 2009*, the assessment manager does not consider the decision to approve the development is in conflict with the relevant planning instrument and therefore the application is recommended for approval, subject to reasonable and relevant conditions.

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

Real Property Description:	Lot 23 on SP 210103
Address of property:	379-385 Long Road TAMBORINE MOUNTAIN Qld 4272
Site area:	15,810m ²
Proposal:	A Development Permit for Material Change of Use for a House and Undefined Land use for a Function Facility and Short-Term Accommodation in three stages
Planning Scheme:	<i>Beaudesert Shire Planning Scheme 2007</i>

Further development permits required:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

2. **Conditions of Approval:**

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with the Approval Plans, and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use. The Approved Plans are limited to the following drawings:

Plan/Drawing	Plan/Drawing No.	Date	Prepared By
Site Plan 1:750	1457270 Sheet 3 of 14	24/6/14	ReziCAD Design and Drafting
Site Plan 1:500	1457270 Sheet 4 of 14	24/6/14	ReziCAD Design and Drafting
House Elevations	1457270 Sheet 6 of 14	24/6/14	ReziCAD Design and Drafting
Room Elevations	1457270 Sheet 8 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 1 Bed	1457270 Sheet 10 of 14	24/6/14	ReziCAD Design and Drafting
Cottage Elevations 2 Bed	1457270 Sheet 12 of 14	24/6/14	ReziCAD Design and Drafting
Common Building Elevations	1457270 Sheet 14 of 14	24/6/14	ReziCAD Design and Drafting
Proposed Development Landscape Intent	Issue A	September 2014	Byrns Lardnar Landscape Architect & Environmental
Staging Plan	-	-	Byrns Lardnar Landscape Architect & Environmental

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the definition of a House as defined under Schedule 1 – Defined Uses and Chapter 5, Part 2, Section 5.2.35 of the *Beaudesert Shire Planning Scheme 2007* and in accordance with the definitions of Function Facility and Short-Term Accommodation under the *Queensland Planning Provisions Version 3.1*.

Landscaping

- 3) **LANDSCAPING - GENERAL** - The landscaping is to be undertaken generally in accordance with the approved development landscape intent plan cited in Condition 1. The subject land shall be landscaped with suitable trees, palms, ferns, shrubs and groundcover in accordance with the provisions of *Planning Scheme Policy No. 6* of Council's *Beaudesert Shire Planning Scheme 2007*. Landscaping of the site is to occur prior to commencement of each Stage of the development.

Car parking and Access

- 4) **ACCESS TO COUNCIL ROAD** - The Applicant shall undertake the construction of the access Crossovers to Council Standards with the appropriate signage and sufficient capacity to cater for two lane movements. The access provisions shall be maintained in good condition for the lifetime of the proposed use. A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council. A Road Corridor Use approval is required for any access construction work. The works required by this condition are to be completed prior to the commencement of the use.

- 5) **CAR PARKING NUMBERS** - The developer is to make provision for the establishment of fourteen (14) car parking spaces including one (1) space for people with disabilities (PWD) in association with Stage 2 of the development. Additionally the applicant is to provide one (1) space for a Small Rigid Vehicle -SRV in Stage 2. For Stage 3 the developer will need to provide six (6) additional car parking spaces. These requirements exclude any car parking requirement for the residential use approved on the site. The car parking spaces shall be established prior to the commencement of the approved use as per the staging of the development.

- 6) **CAR PARKING & DRIVEWAYS – GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 and Council's Design & Construction Manual. The completed works will be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes.

These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans. All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

- 7) **CAR PARKING ON-SITE** - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.

- 8) **VEHICLE LOADING / UNLOADING** - All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

- 9) **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.

- 10) **STORMWATER DISCHARGE AND DISPOSAL** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual* (QUDM). The works required by this condition are to be completed prior to the commencement of the use.
- 11) **EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.

Water

- 12) **ADEQUATE WATER SUPPLY** – The Applicant is to make provision for the establishment of an adequate water supply system capable of servicing the development. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The requirements of this condition are to be completed prior to the commencement of the approved use.
- 13) **MINIMUM WATER STORAGE** – The Applicant is to make provision for the on-site water storage of 45,000 litres of water plus in association with the approved use. The requirements of this condition are to be completed prior to the commencement of the approved use.

Wastewater

- 14) **WASTEWATER DISPOSAL - GENERAL** - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site. The wastewater disposal system is to conform with the provisions of the Department of Infrastructure and Planning “*Queensland Development Code*”, the “*Queensland Plumbing and Wastewater (QPW) Code*” and *AS1547-2000*. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.

Earthworks Design and Management

- 15) **EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING)** – All earthworks associated with the car-parking areas, access driveway(s), manoeuvring areas and buildings will be undertaken in accordance with Section 3.4 of Council’s Design and Construction Manual.

Conditions Applicable to the Operation of the Function Facility

- 16) **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.

- 17) **LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 18) **NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.
- 19) **NOISE EMISSION LIMITS-** If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 (below).

Table 1

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)
Night time (10:00pm-7:00am)	Background +3dB(A)	Background +8dB(A)
	Background=LA ₉₀	Background=LA ₉₀

The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 20) **RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 21) **WASTE STORAGE** - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.
- 22) **WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 23) **PESTS & VERMIN** -Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 24) **POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.

Electrical Works

- 25) **ELECTRICITY** - The Developer shall be responsible for the provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to the buildings / structures associated with the approved use or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs. The works required by this condition are to be completed prior to the commencement of the use.

3. That the Applicant be further advised of the following:

- a) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land are binding on the owner/s, the owner's successors in title and any occupier of the land pursuant to the *Sustainable Planning Act 2009*.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- d) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- e) **FOOD LICENSING** - If food is prepared and served at the premises, the food preparation facilities may require to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.

- f) **ADVERTISING SIGNS** – Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

4. Further approvals are required for:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

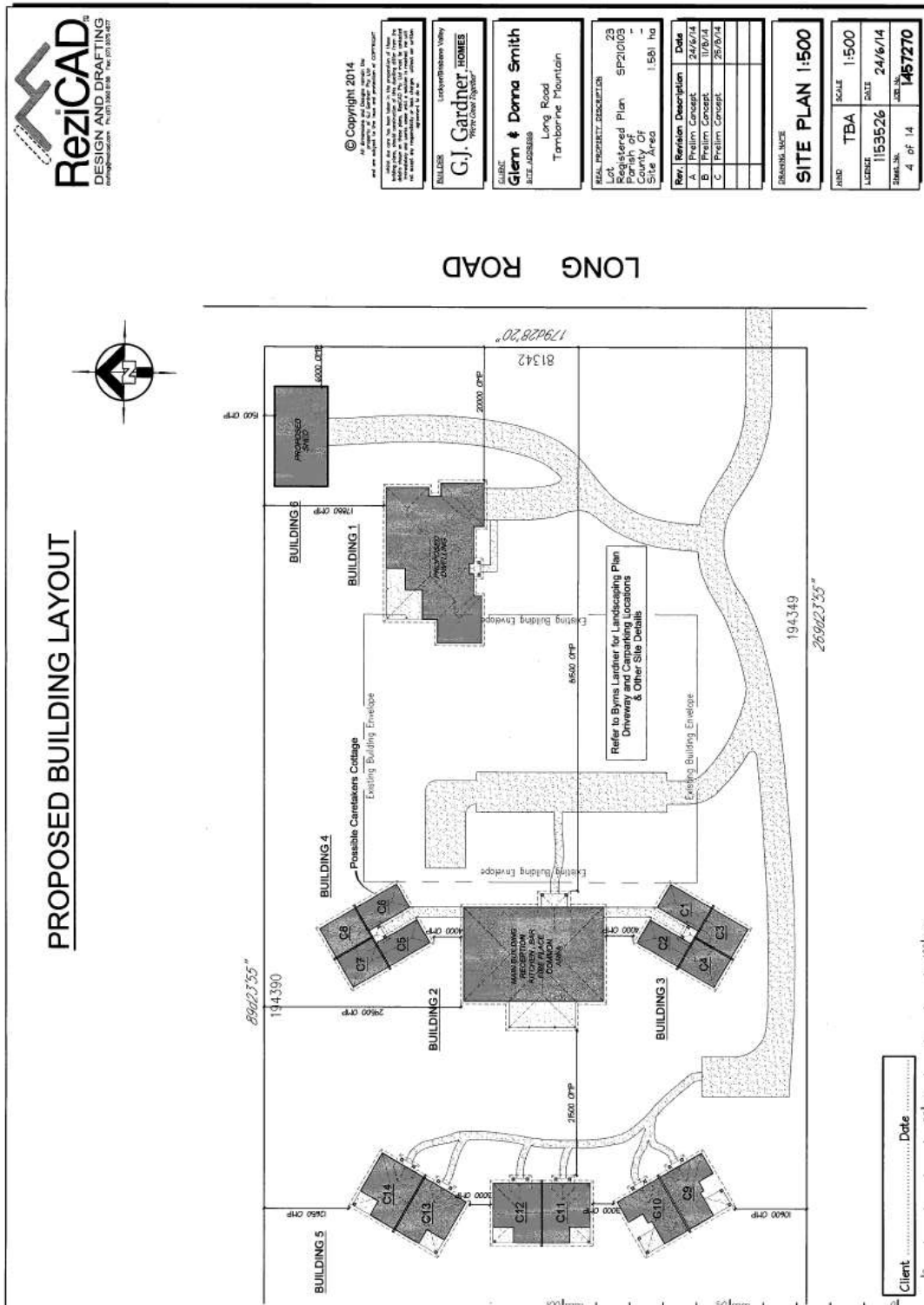
That the Submitter/s be advised of the following: **SUBMITTER ADVICE - APPROVAL** - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

6. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

1. Proposal Plans.



ReziCAD
DESIGN AND DRAFTING
1000 Highway 100, Suite 100
P.O. Box 100, Suite 100
Tel: 307-270-8377

Client: _____ Date: _____

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G.J. Gardner HOMES
1000 Highway 100, Suite 100
Tel: 307-270-8377

Glenn & Donna Smith
Long Road
Tomborine Mountain

REAL PROPERTY DESCRIPTION
Lot 25
Registered Plan SP210103
Municipality of
County Of
Site Area 1.581 ha

Rev.	Revision Description	Date
A	Prelim Concept	24/6/14
B	Prelim Concept	11/8/14
C	Prelim Concept	26/9/14

HOUSE ELEVATIONS

FIELD	TBA	SCALE	1:100
ADDRESS	1153526	DATE	24/6/14
Sheet No.	6 of 14	JOB No.	1457270


Rooms 11-12
SOUTH ELEVATION
FRONT ELEVATION

WEST ELEVATION
LEFT ELEVATION

NORTH ELEVATION
REAR ELEVATION

EAST ELEVATION
RIGHT ELEVATION

0 50 100 mm



ReziCAD
DESIGN AND DRAFTING
1000 Highway 101, Suite 101
P.O. Box 1010, St. John's, NL A1B 1X1

Client: _____ Date: _____

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BUILDER
G.J. Gardner, HOMES
Lackyness Valley
St. John's, NL

CLIENT
Glenn & Donna Smith
1552 ADDRESS
Long Road
Tomborne Harbour

REAL PROPERTY DESCRIPTION

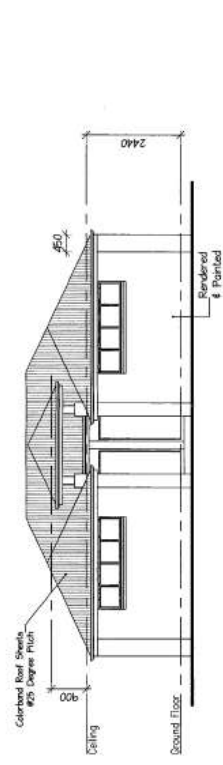
Lot	23
Registered Plan	SP210/03
Parish of	
County of	
Site Area	1.581 ha

Rev.	Revision Description	Date
A	Final Concept	24/6/14
B	Final Concept	11/8/14
C	Final Concept	25/8/14

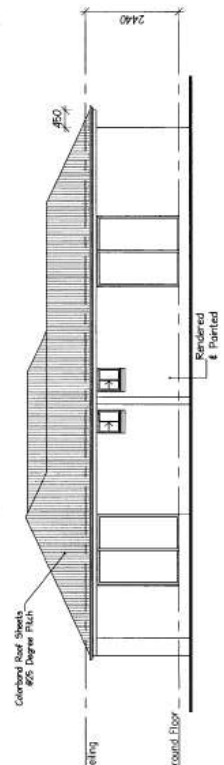
DRAWING NAME
ROOM ELEVATIONS

INSD	TBA	SCALE	1:100
LABORER	1153526	DATE	24/6/14
Sheet No.	8 of 14	JOB No.	1457270

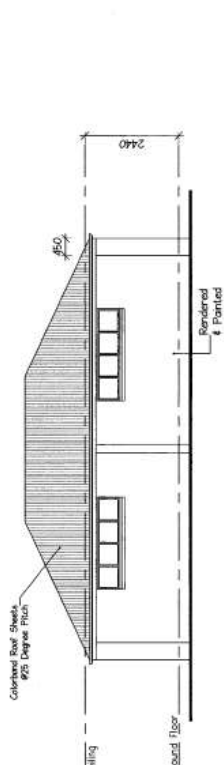
**Rooms 1-4
NORTH EAST ELEVATION
FRONT ELEVATION**



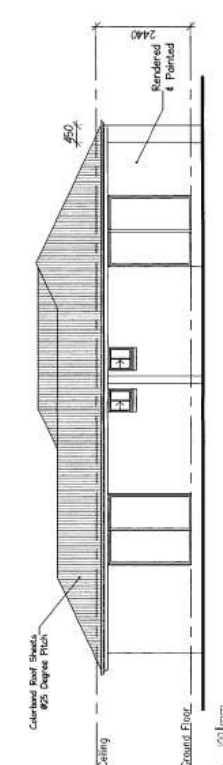
**SOUTH EAST ELEVATION
LEFT ELEVATION**



**SOUTH WEST ELEVATION
REAR ELEVATION**



**NORTH WEST ELEVATION
RIGHT ELEVATION**



100 mm

50 mm

50 mm

50 mm

Client:

Date:

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BLUES
G.J. Gardner HOMES
Lakeshore Valley
"We're over the top"

CLIENT
Glenn & Donna Smith
SELF ADDRESS
Long Road
Tomborine Mountain

REAL ESTATE ASSOCIATION
Lot: 23
Registered Plan: SP21003
Shire of:
County Of:
Site Area: 1.581 ha

Rev.	Revision Description	Date
A	Prelim Concept	24/6/14
B	Prelim Concept	11/6/14
C	Prelim Concept	25/8/14

PLANNING SET
COTTAGE ELEVATIONS
1 BED

DATE	TBA	SCALE	1:100
NUMBER	1153526	DATE	24/6/14
PROJECT	10 of 14	JOB	1457270

ReziCAD
DESIGN AND DRAFTING
P.O. BOX 1018
WILSON, BC V9L 1S1
Tel: 250-333-8377

Client: _____ Date: _____

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BUILDER
G.J. Gardner HOMES
West Coast Region

CLIENT
Glenn & Donna Smith
SITE ADDRESS
Lang Road
Tamborine Mountain

REAL ESTATE AGENT
Lot: 28
Registered Plan: SP210103
County: C
Site Area: 1.581 ha

Rev.	Revision Description	Date
A	Prelim Concept	24/6/14
B	Prelim Concept	11/6/14
C	Prelim Concept	25/6/14

PROPOSAL
COTTAGE ELEVATIONS
2 BED


ISSUE	TBA	SCALE	1:100
LICENSE	1153526	DATE	24/6/14
SHEET No.	12 of 14	JOB No.	1457270

**EAST ELEVATION
FRONT ELEVATION**

**SOUTH ELEVATION
LEFT ELEVATION**

**WEST ELEVATION
REAR ELEVATION**

**NORTH ELEVATION
RIGHT ELEVATION**



ReziCAD
DESIGN AND DRAFTING
rezi@reziCAD.com P: 072 520 5108 F: 072 520 5107

Client: _____ Date: _____

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BUILDER
Lakeshore Valley
G.J. Gardner HOMES
More than just a house.

CLIENT
Glenn & Donna Smith
Long Road
Tembarone Mountain

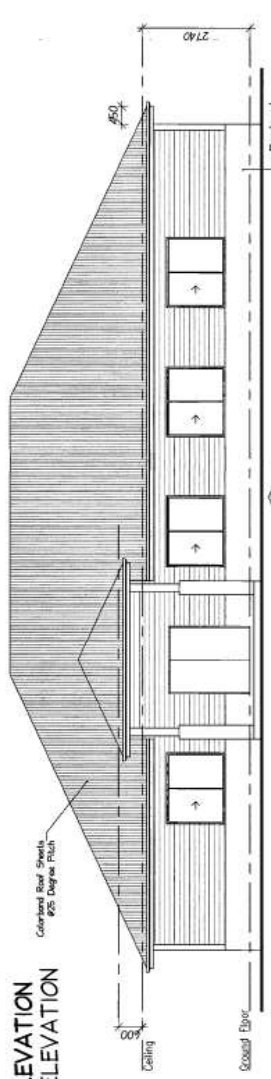
REAL PROPERTY DESCRIPTION
Lot: 23
Registered Plan: 9P210103
Part of Parish of Long Road
Site Area: 1.581 ha

Rev	Revision Description	Date
A	Prelim Concept	24/6/14
B	Prelim Concept	11/8/14
C	Prelim Concept	25/9/14

COMMON BUILDING ELEVATIONS

NO	TBA	SCALE	1:100
LURISE	1159526	DATE	24/6/14
Sheet No.	14 of 14	DRAWN BY	1457270

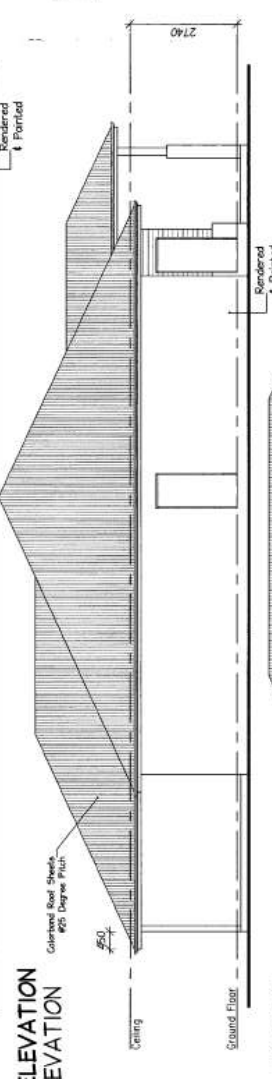
**EAST ELEVATION
FRONT ELEVATION**



Coloured Roof Sheets
425 Degree Pitch

Rendered & Painted

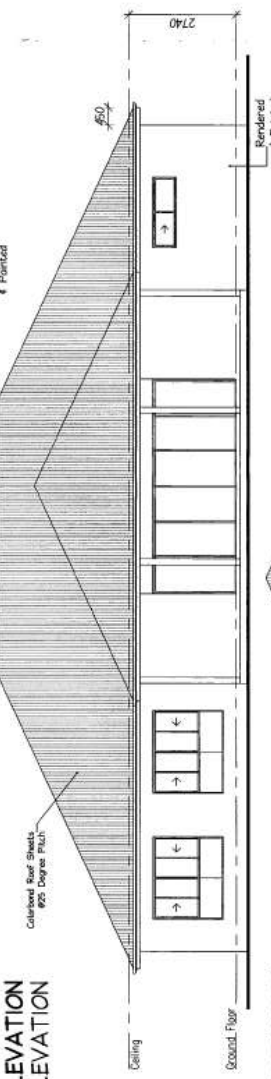
**SOUTH ELEVATION
LEFT ELEVATION**



Coloured Roof Sheets
425 Degree Pitch

Rendered & Painted

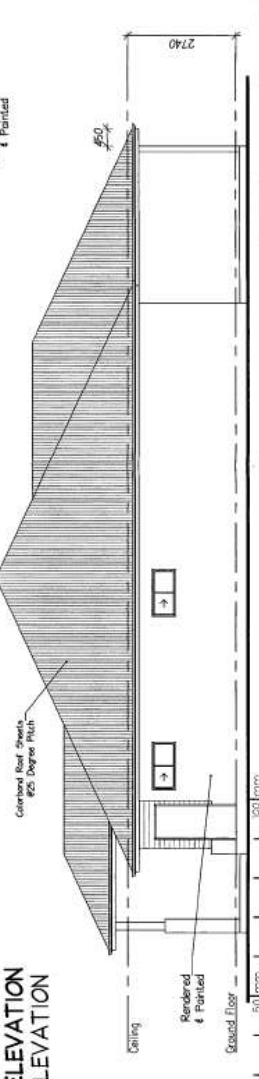
**WEST ELEVATION
REAR ELEVATION**



Coloured Roof Sheets
425 Degree Pitch

Rendered & Painted

**NORTH ELEVATION
RIGHT ELEVATION**



Coloured Roof Sheets
425 Degree Pitch

Rendered & Painted

100 mm 50 mm 0

PROPOSED DEVELOPMENT LANDSCAPE INTENT
LOT 23 LONG ROAD, MOUNT TAMBORINE, QLD



LANDSCAPE STATEMENT OF INTENT

LANDSCAPE INTENT



The intention of the Landscape Design for the proposed development situated at Lot 23 Long Road Mt Tamborne is to create a little piece of garden paradise on the Mountain. A landscape that visitors and guests alike can appreciate and enjoy. One that compliments the proposed Architecture and surrounding rural landscape setting. The design is also in keeping with the native rainforest species and introduced obdusious colour which together make up the wonderful landscape 'tapesety' that is Mt. Tamborne.

Landscape Elements of proposed design areas include the following:

Long Road Frontage -

Located at the Eastern boundary of the site adjacent to Long Road, the site frontage shall be planted out as a tiered visual buffer providing an attractive leafy green frontage to the full extent of the site. Planting shall consist of lower hedging shrubs to the boundary fence such as Viburnum species, with larger Syzgium shrubs and deciduous colour trees behind such as Liquidambar or Maple trees.

Veichular Site Entry -

The sites vehicular entry will be located in the south-eastern corner of the site via a gated entry and coloured concrete driveway. Upon entry to the site, the visitor is greeted by sculptural earth mounding with visual attention focussed on an Entry Water Feature. The focal point water feature is enhanced through screening of the southern adjacent property with a native vegetation buffer and adjacent front boundary buffer.

Private Dwelling -

Located within the north-eastern area of the site, the Private Dwelling will be home to the owners/managers of the development and consist of private entry gardens and formal lawn areas with views across the adjacent vineyard to the north. A native buffer will be planted to the west of the Private Dwelling to create visual separation to the Cottages Development.

Central Carpark -

The main carparking area of the proposed development will feature colourful shade trees and understory shrubs and groundcovers to its surrounds to help soften the pavement within the surrounding landscape.

Pedestrian Entry Pathway / Scented Arbour -

The primary pedestrian pathway leads the guests from the Central Carpark to the Main Reception Building via directional pavement treatments. The journey is enhanced by a scented arbour above with featuring flowering climbing plants. An adjacent Linear Water Feature provides visual interest and cooling qualities to the entry experience.

Formal Lawn / Function Space Zone -

The Formal Lawn area is centrally located within the site at the front of the Main Reception Building adjacent to the Pedestrian Entry Path. Within easy access of the Central Carpark, it provides a large useable lawn area for the visitors to the development to use, for functions and passive/active recreation. Planting to the perimeter will feature shade trees within lush garden beds.

Village Green Zone -

The Village Green features a central circular lawn open space and adjacent lawn areas for function and passive recreational uses by guests. A concrete pedestrian pathway links the carparking area through the village green to all buildings. Feature trees will be planted to provide shade and colour with informal garden bed areas. Scented Arbours will also be installed to provide further vertical shade elements within the landscape. A paved terrace to the Reception Building increases the function space of the zone.

Sub-Tropical Building Surrounds -

Planting between the proposed buildings will consist of a sub-tropical inspired planting palette of palms, shade tolerant and colourful shrubs with ferns and understory groundcovers. This planting will extend out as 'fingers' into the open grass areas on the western side of the lower Cottages to help frame and enhance views out to the surrounding rural landscape.

Japanese inspired Entry Gardens -

Entry Gardens to the Guest Cottages will include Japanese inspired gardens and water features. Entry paths, lawn areas, paved courts and gardens will combine to create visually pleasing and unique entries to each Cottage.

Southern Boundary Buffer -

Planting to the southern boundary will consist of dense evergreen trees and shrubs to provide a visual buffer between the proposed development and adjacent rural residential lot. Species shall consist of Waterhousea, Syzgium, Eleocharpus, Xanthostemon etc.

Northern Boundary Planting Design -

Planting to the Northern boundary will include native vegetation planned to provide strategic screening of adjacent building structures whilst also allowing clear views to the vineyard in other areas. Species shall consist of Waterhousea, Syzgium, Eleocharpus, Xanthostemon etc.

Western Grass Zone -

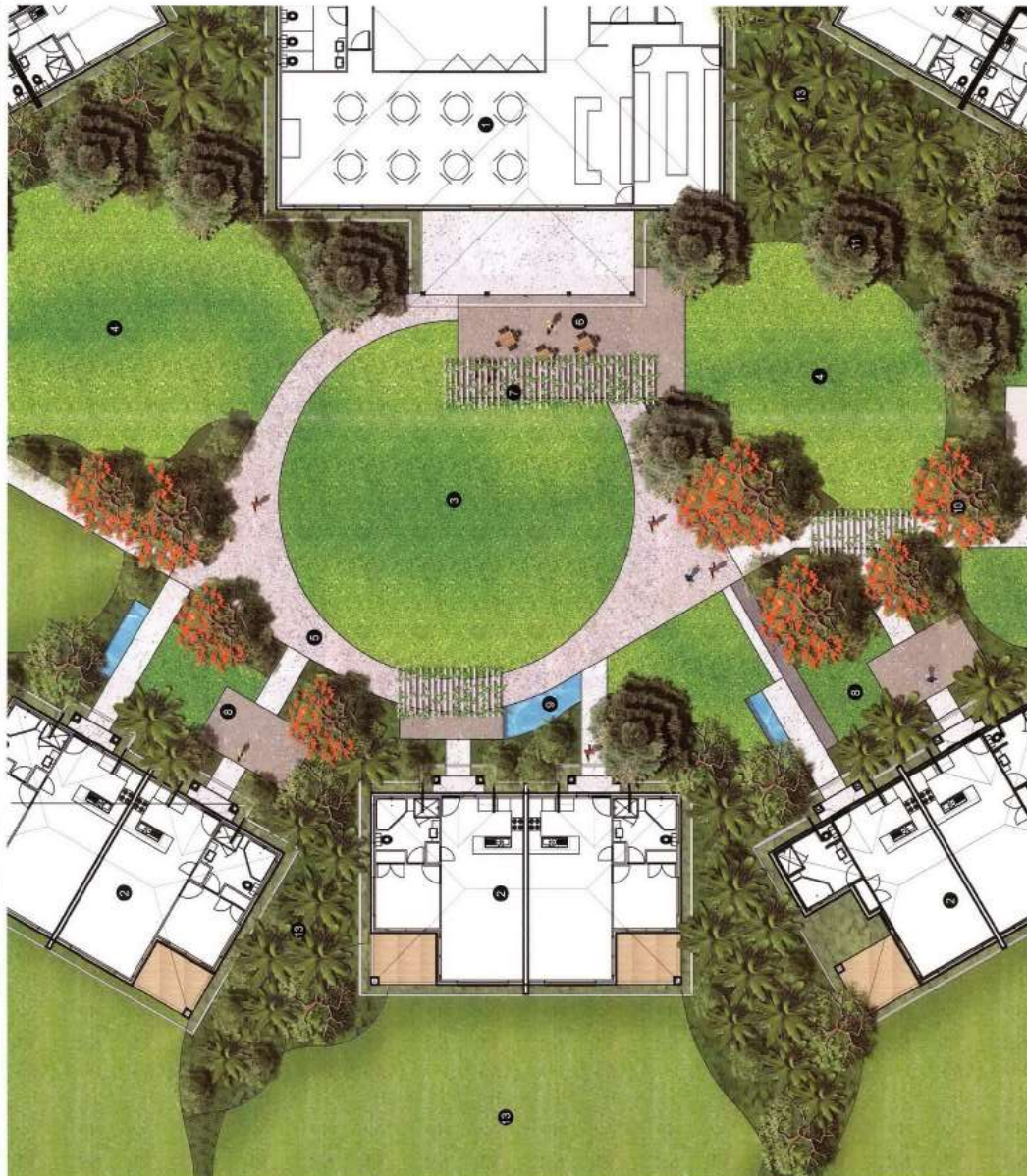
Located to the west of the lower cottages, the grass zone will include the sewerage treatment zone for the development and be maintained as ornamental grass.

Landscapeing is recognised as of prime importance to the success of this development and as such will be implemented to a high standard to enhance the project and immediate surroundings.

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNSLARDNER



DETAIL LANDSCAPE PLAN



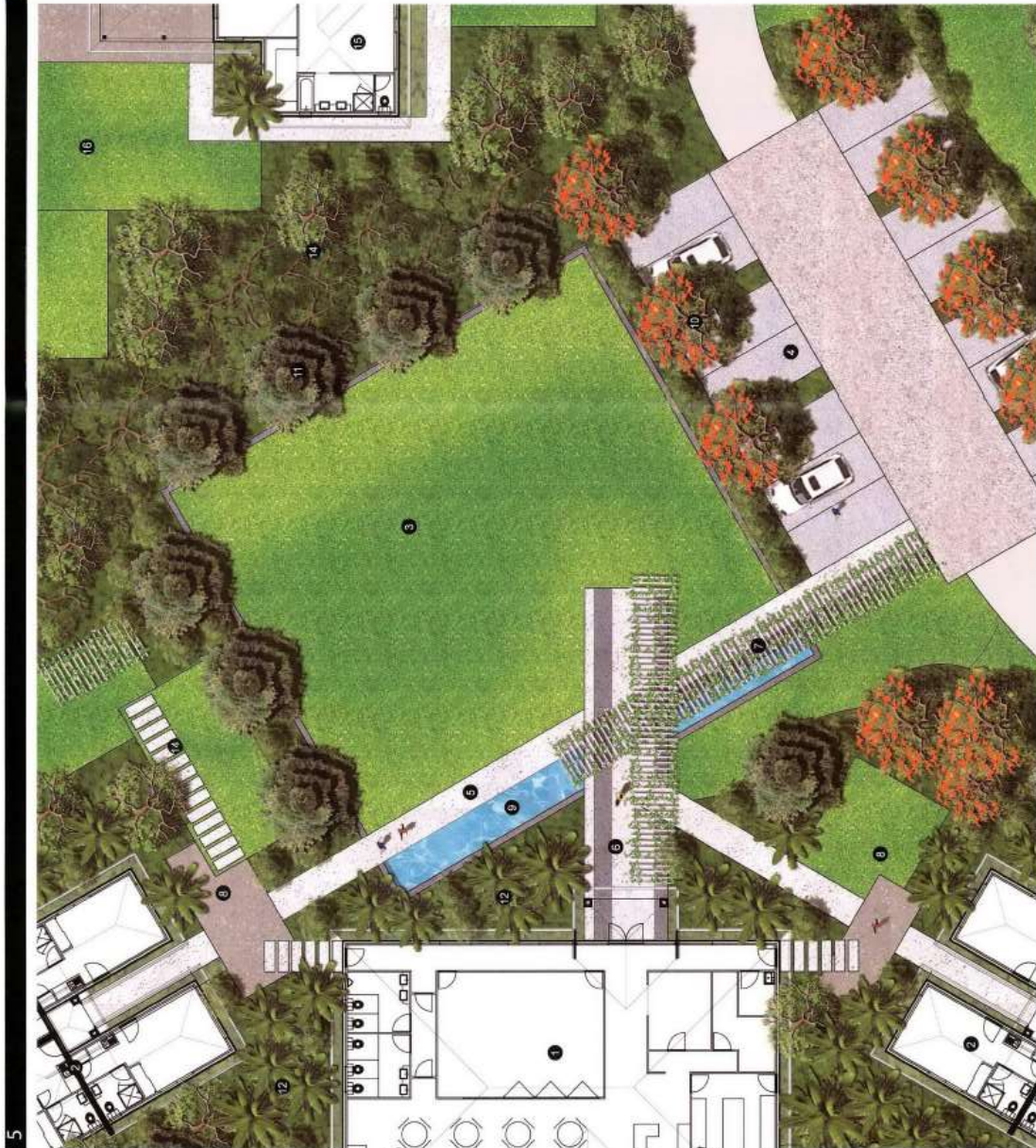
LEGEND

1. RECEPTION BUILDING
2. COTTAGES WITH VIEWS OUT ACROSS NEIGHBOURING COUNTRYSIDE
3. VILLAGE GREEN CENTRAL LAWN AREA
4. VILLAGE GREEN SECONDARY FORMAL LAWN AREAS
5. CONCRETE PEDESTRIAN PATHWAYS
6. PAVED COURTY / TERRACE AREAS
7. SCENTED ARBOURS / SHADE STRUCTURES
8. JAPANESE INSPIRED ENTRY GARDENS
9. WATER FEATURES
10. DECIDUOUS SHADE TREES WITH AUTUMN COLOUR
11. FEATURE SHADE TREES TO PROVIDE VERTICAL STRUCTURE TO THE GARDENS
12. SUB-TROPICAL PLANTINGS TO BUILDING SURROUNDS. PALMS, SHADE UNDERSTORY SHRUBS AND FERNS.
13. INFORMAL OPEN GRASS AREAS



LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNS LARDNER

DETAIL LANDSCAPE PLAN



LEGEND

1. RECEPTION BUILDING
2. COTTAGES WITH VIEWS OUT ACROSS NEIGHBOURING COUNTRYSIDE
3. FORMAL LAWN / FUNCTION AREA
4. CARPARK AREA
5. CONCRETE PEDESTRIAN PATHWAYS
6. PRIMARY ENTRY PATHWAY
7. ENTRY SCENTED ARBOUR / SHADE STRUCTURE
8. JAPANESE INSPIRED ENTRY GARDENS
9. WATER FEATURES
10. DECIDUOUS SHADE TREES WITH AUTUMN COLOUR
11. FEATURE SHADE TREES TO PROVIDE VERTICAL STRUCTURE TO THE GARDENS
12. SUB-TROPICAL PLANTINGS TO BUILDING SURROUNDS. PALMS, SHADE UNDERSTORY SHRUBS AND FERNS
13. PLANTING BUFFER BETWEEN DWELLING & COTTAGES DEVELOPMENT
14. CONCRETE STEPPERS
15. PRIVATE DWELLING
16. PRIVATE DWELLING LAWNS & GARDENS



LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNS LARDNER

LANDSCAPE IMAGES & PLANT LIST

SPECIES NAME	COMMON NAME
TREES	
ACER palmatum	Japanese Maple
ACER rubrum	Maple
ALHONIA excelsa	Red Ash
BRACHYCHITON acapulcua	Flame Tree
BUCKINGHAMIA celsissima	Ivory Curl Tree
CUPANNOSSIS arcaicoides	Turkeyo
ELAEAGARUS 'aurantioides'	Eumundi
ELAEAGARUS reticulatus	Quandong
FLACOCARPA	
FRANKLINIA albertii	Clown's Ash
FRANKLINIA pauciflora	White Oak
GREVILLEA banksiana	Tulipwood
HAPRULIA pendula	Chesle Myrtle
LAGERSTROMIA indica	Liquidamber
LIQUIDAMBER styraciflua	Brush Box
LOPHOSTEMON contortus	Little Gem
MACGILLIVRAYIA	Little Gem
MACGILLIVRAYIA	Little Gem
MYRSINE aspidiflora	Emu-bush
MYRSINE aspidiflora	Emu-bush
NYSSA calyptrifera	Frangipani
PISTACIA chinensis	Native Gardenia
PLUMERIA obtusa	Water Curr
RANDIA tibibata	Weeping Lily Ply
TRISTANODIA laurina	Cobden Pencil
WATERHOUSIA formosula	
XANTHOSTEMON cruxterminis	
PALMS & FERNS	
ARCHONTOPHOENIX alexandrinae	Alexander Palm
ARCHONTOPHOENIX cunninghamiana	Bangalow Palm
CYATHEA cooperii	Common Tree Fern
SHRUBS	
ACMENA sp.	Alyssa magic
ALCANTAREA imperialis	Imperial Bromeliad
ALPINA caerulea	Native Gingar
AUSTROMYRTUS sp.	
BACHRODIA celastroides	
CALLISTEMON sp.	Lemon Myrtle
CODEVILLA sp.	Callistemon
GREVILLEA sp.	Grevillea
METROSIDEROS sp.	NZ Xmas Bush
PHILODENDRON variegatum	Xanthod
STRELITZIA reginae	Bird of Paradise
STRELITZIA lunczae	Leafless BOP
SYZGIUM sp.	Lily Ply
VIBURNUM 'Emerald Lutes'	
GROUNDCOVERS / CREEPERS	
BOUGAINVILLEA sp.	Bougainvillea
GAZANIA sp.	Gazania
HIBBERTIA scandens	Snake vine
HYMENOCALLIS littoralis	Spider Lily
LEUCOPUS canera	Shore Juniper
LIROPE sickys white	Shore Juniper
LIROPE sickys white	Shore Juniper
PITTOSPIDUM Miss Muffet	Miss Muffet
RANDOEPA pandanana	Bower Vine
RHOEO discolor	Mosses in a Grass
TRACHELOPERMUM jasminoides	Star Jasmine
ZOYSIA tenuifolia	Korean Grass

Other species may be selected based on the design principles.

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNS LARDNER

STAGING PLAN



PROPOSED DEVELOPMENT LANDSCAPE INTENT
LOT 23 LONG ROAD, TAMBORINE MOUNTAIN, QLD.

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNS LARDNER

- 3.6 COMBd14/002 Development Permit for a Material Change of Use Poultry Farm (Rural Use) and Creation of an Access Easement Ryacon Engineers Pty Ltd Lot 3 RP48275 Lot 3 RP58176 Lot 4 RP58176 (now described as Lot 4 on SP263574) [Closed s.275(1)(g)]

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: COMBd14/002

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 275(1)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (g) any action to be taken by the local government under the *Planning Act*, including deciding applications made to it under the Act.

4. INFRASTRUCTURE SERVICES

Nil.