



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 15 September 2015

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

All correspondence to
Be addressed to the
Chief Executive Officer

Scenic Rim Regional Council
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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 MCBd15/046 Request to Change Conditions for Development Permit for a Material Change of Use Winery/Distillery (Tourist Use) Latitude Town Planning Services Pty Ltd Lot 1 SP210103****Executive Officer: Director Regional Services****Item Author: Manager Planning****File Reference: MCBd15/046**

Applicable Planning Scheme	MCU – Beaudesert Shire 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 on SP210103
Site Area	7.191 Ha
Relevant Zone and Precinct	Tamborine Mountain Zone Countryside Precinct
Proposal	Material Change of Use – Winery/Distillery (Tourist Use) – Request to Change Conditions of Approval
Assessment Level	Impact Assessment
Approval Type	Development Permit
Date Application Received:	22 July 2015

Brief Summary

The application before Council is for a “Request to Change Conditions of 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 *Austrroads 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.

Council as the Assessment Manager must assess and decide the request having regard to in part the matters the entity would have regard to if the request were a development application and if the Assessment Manager agrees with the representations, must give a new Decision Notice (Amended Decision Notice).

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	Transparent reporting of assessment Communications	Low

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 was 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.

On 18 February 2015, the applicant lodged an application for a "Request to Change Conditions of Approval" pursuant to Section 369 of the *Sustainable Planning Act 2009*. The application was for minor changes to **Condition 10 - Access to Council Road**. This application was refused on the basis of the applicant not providing a traffic Study as required to justify the amendment proposal.

Proposal

Council is currently in receipt of a Request for Change Conditions of an existing approval pursuant to Section 369 of the *Sustainable Planning Act 2009* in respect of the above mentioned Development Permit.

The Applicant is now requesting to amend the same approved condition relating to vehicular access and in particular **Condition 10 - Access to Council Road**.

This time the applicant has submitted a traffic report to justify the proposed amendment. The report indicates that there are no significant constraints with respect to achieving the required minimum Safe Intersection Sight Distance.

The proposal for amended Site Access and HRV Access is shown in **Attachment 4**.

The following changes have been requested by the applicant:

Amend Condition 10 regarding the vehicular access particularly with regard to turning provisions to rural basic left turning treatments and delete the rural basic right turning treatments.

Nature of Changes

The following conditions will require amending:

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

The comments made to the above conditions of approval as a result of the proposed amendment are discussed below:

The proposed changes are in accordance with the submitted traffic report.

The request to change the condition was assessed by Council's Infrastructure Services Section and advice received from the Technical Officers indicating the amendments were acceptable to Council as justified by the "traffic study" submitted in support of the request for amendment.

This view was also supported by Council's other Engineering Officers for the proposed amendment.

The report has demonstrated that the turning treatments required initially by Condition 10 were not warranted for the basic right turn treatment. The proposed amended access arrangement is on a left-in /left-out basis as shown in the Attachment 4.

Furthermore, the turning template (access) indicated that the turning vehicle will safely turn within the designed access way.

On the basis of the above, an amendment to Conditions 10 is supported and recommended. Therefore, the amendment to Condition 10 is shown below:

*Note: Conditions marked with an **underline** denote insertion, whilst conditions marked with a **strikethrough** denote deletion.*

- 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 re-submitted as part of an application for Constructing or Interfering with a Road or its Construction.

All other conditions of the original approval under Application Number: MCBd14/047 remains unchanged and are current except as modified by the above amendments.

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 for a change of condition to the development approval has been assessed and is considered to be generally consistent with the intent of the Development Approval dated 22 October 2014. It is therefore recommended that the application for a permissible change be approved and the **Condition 10** be modified.

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 approve the Request to Change an Existing Approval for the development application for Material Change of Use, in accordance with the following:

- 10) ACCESS TO COUNCIL ROAD** - The developer is required to construct the vehicular access to incorporate a 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 re-submitted as part of an application for Constructing or Interfering with a Road or its Construction.

2. **Administrative Action:**

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

Attachments

1. Applicant's Request to Change Conditions of Approval dated 21 July 2015.
2. Dekho Map/Aerial Photo.
3. Site Plan.
4. Proposed Site Access and HRV Access.

Attachment 1 - Applicant's Request to Change Conditions of Approval dated 21 July 2015

21st July 2015

By: Email

Scenic Rim Regional Council
Planning Department
Po Box 25
Beaudesert QLD 4285

Dear Sir/Madam,

Re: Request to Change Conditions of Existing Approval (dated 29 October 2014) with regards to Development Application MCBd14/047 which pertains to land at 89-123 Hartley Road, Tamborine Mountain QLD 4272 which is better described as Lot 1 on SP210103.

This request to change a condition of MCBd14/047 is forwarded for consideration by SRRC and specifically relates to Condition 10 – Access to Council Road. In support of this request a traffic impact assessment is provided in Attachment A.

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 the proposed alternative access to a council road (Hartley Road) which is put forward by Rytenskild Traffic Group should be viewed and accepted by Scenic Rim Regional Council as adequate and fit for its purpose as a vehicular access point to this approved winery site.

If you have any questions please don't hesitate to contact the undersigned.

Yours Sincerely,

LATITUDE TOWN PLANNING SERVICES PTY LTD

KATRINA GREAVES

Town Planner | Project Co-ordinator

BURP(Hons) | MPM | MPIA

Mobile: 0424 141 187

Enclosed:

Attachment A – Traffic Impact Assessment

Postal Address:

PO Box 2781
Nerang DC QLD 4211

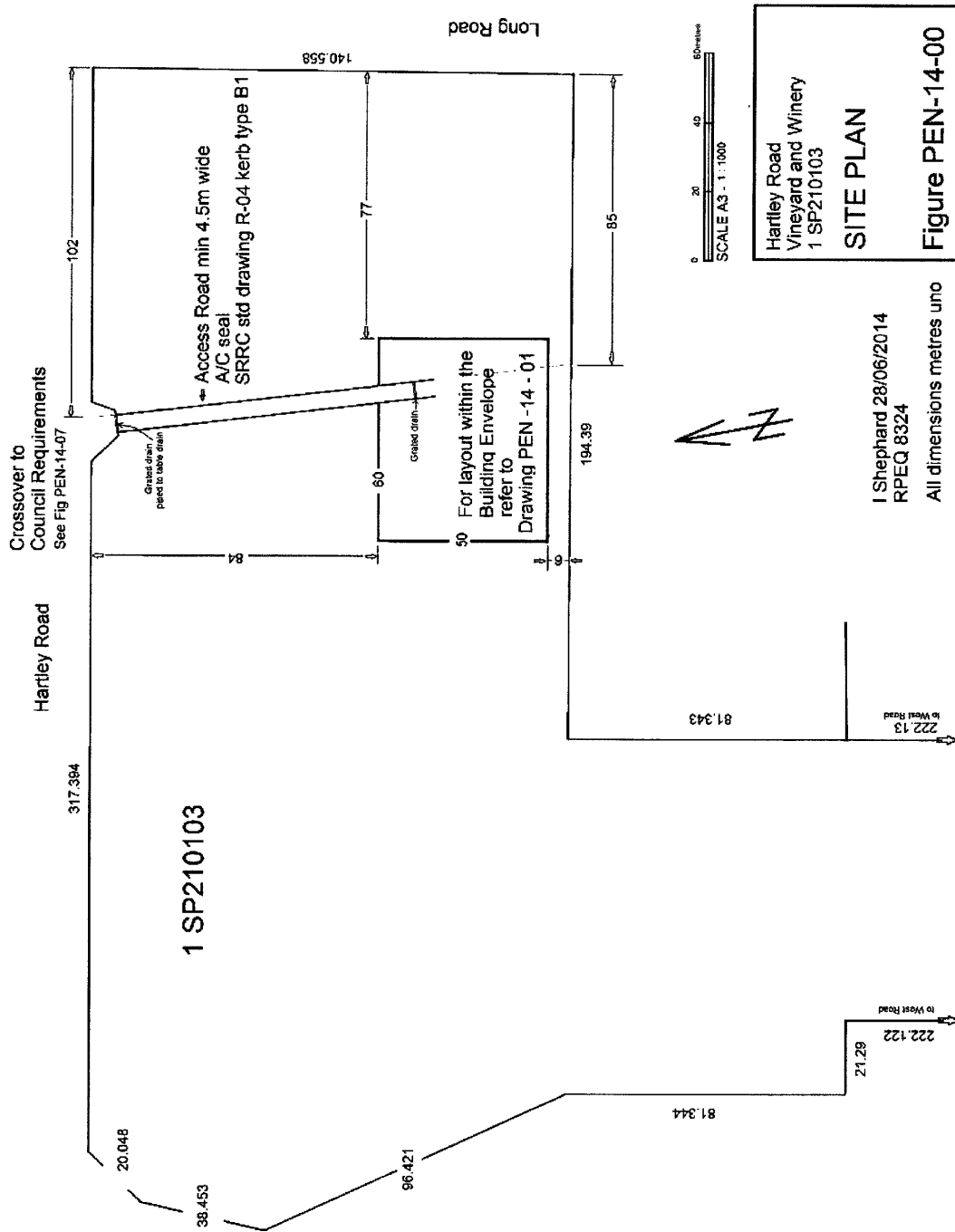
P: 07 5539 0614
E: enquiries@latitudeqld.com.au

1

Attachment 2 - Dekho Map/Aerial Photo



Attachment 3 - Site Plan



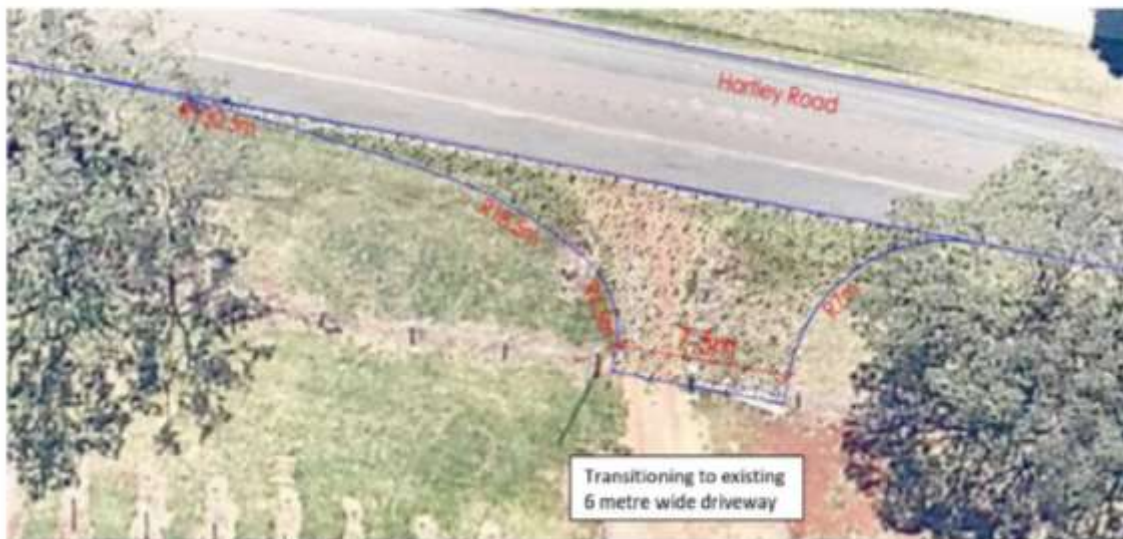
Hartley Road
Vineyard and Winery
1 SP210103
SITE PLAN
Figure PEN-14-00

Attachment 4 - Proposed Site Access and HRV Access

Traffic Impact Assessment
 Proposed Winery
 89 - 123 Hartley Road, North Tamborine



ATTACHMENT D – RECOMMENDED SITE ACCESS LAYOUT

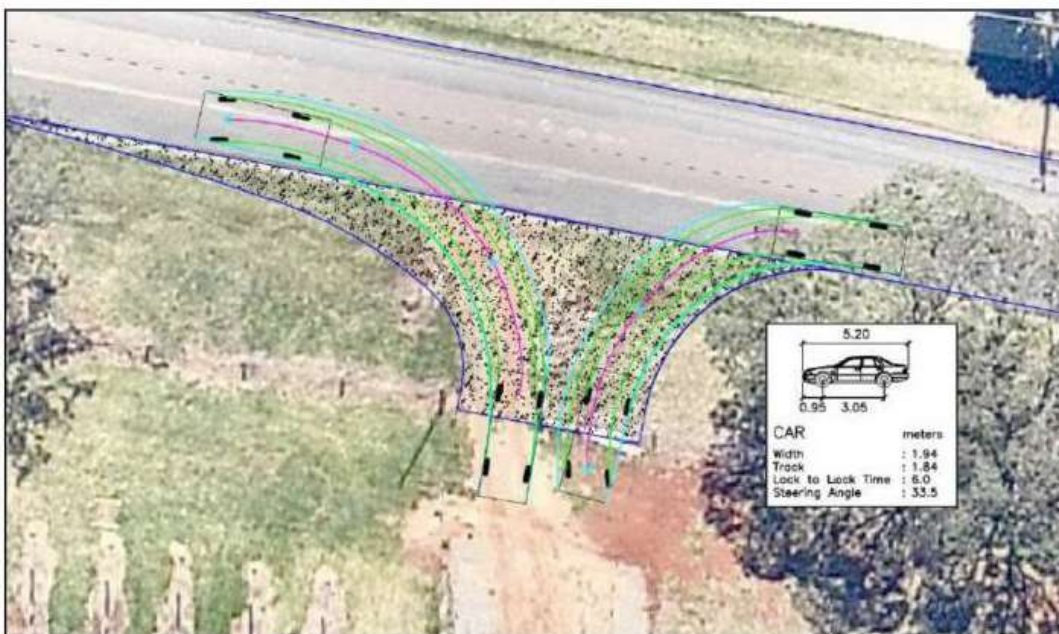


Transitioning to existing
 6 metre wide driveway

Traffic Impact Assessment
 Proposed Winery
 89 - 123 Hartley Road, North Tamborine

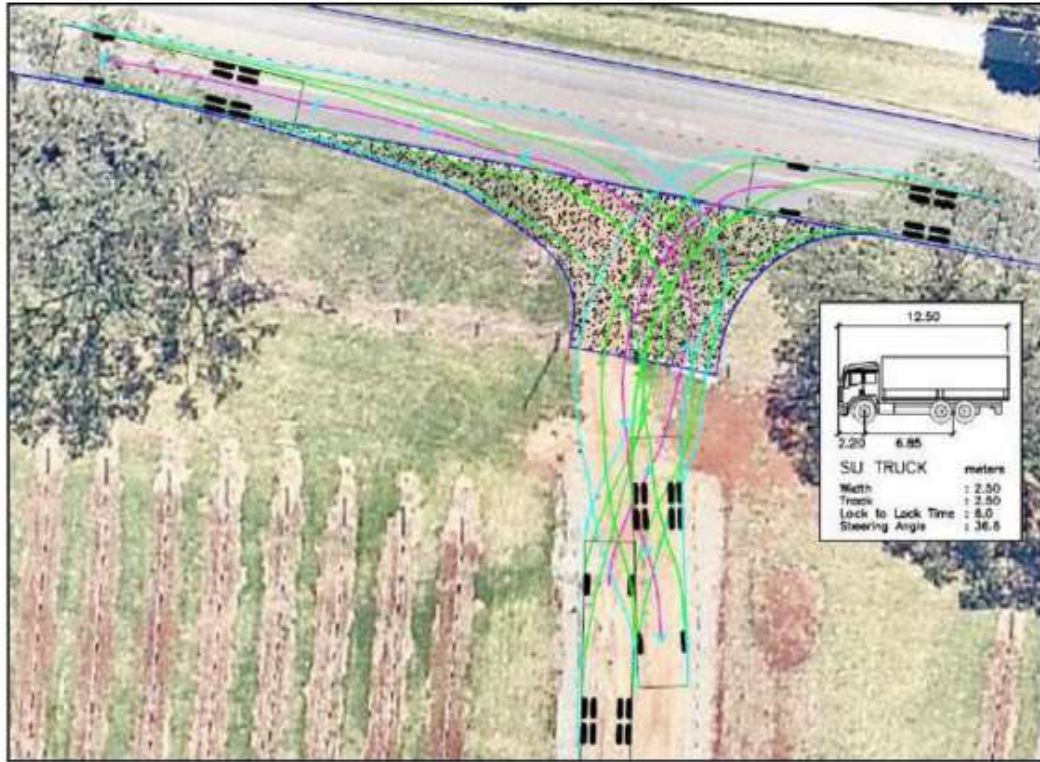


ATTACHMENT E – DESIGN VEHICLE SWEEP PATHS



5.20	
0.95 3.05	
CAR	metres
Width	: 1.94
Track	: 1.84
Lock to Lock Time	: 6.0
Steering Angle	: 33.5

99TH% CAR SWEEP PATHS



HEAVY RIGID VEHICLE SWEEP PATHS

4. INFRASTRUCTURE SERVICES

Nil.