



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 17 November 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
PO Box 25
BEAUDESERT QLD 4285
ABN: 45 596 234 931

Beaudesert Administration Centre P: 07 5540 5111 F: 07 5540 5103
Boonah Administration Centre P: 07 5463 3000 F: 07 5463 2650
mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

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

ITEM	SUBJECT	PAGE NO
ATTENDANCE		1
APOLOGIES		1
DECLARATIONS OF INTEREST BY MEMBERS		1
1. EXECUTIVE		2
2. CHIEF FINANCE OFFICER		2
3. REGIONAL SERVICES		2
3.1	Adoption of Temporary Local Planning Instrument 01/2015 (Flood Hazard).....	2
3.2	MCBn15/002 Development Permit for a Material Change of Use Community Facilities (Community Services Use) (Integrated Retirement Community) SEADEV Pty Ltd Lot 1 RP20983 Lot 2 RP20983 Lot 5 RP20983	9
3.3	COMBd15/001 A combined application for a Material Change Use (Impact-inconsistent) and Reconfiguring of Lot to establish a Medium Density Residential (78 units) and a one (1) into two (2) lot Reconfiguration Lot 2 SP250386	68
3.4	MCBn15/007 Development Permit for a Material Change of Use Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Emu Farming) Industry - Low Impact (Industrial Use)Try It Emu Farm Marburg Pty Ltd Lot 2 SP140087	133
3.5	MCBn15/010 Request to Change Conditions of Approval Conditions 1, 4 and 5 for a Material Change of Use for Service Station and Food Premises Application (Impact Assessable) at 6774 Cunningham Highway, Aratula on L1 & 2 RP170576	153
3.6	MCIp15/002 Request to Change Conditions for a Development Approval for a Material Change of Use RPS Australia East Pty Ltd L10 SP141687	177
4. INFRASTRUCTURE SERVICES		191

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

APOLOGIES

Cr D A McInnes

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

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 Adoption of Temporary Local Planning Instrument 01/2015 (Flood Hazard)**

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: 19/03/004

Executive Summary

The purpose of this report is to seek Council's endorsement to adopt the *Temporary Local Planning Instrument 01/2015 (Flood Hazard)* (TLPI) in accordance with section 117(3) of the *Sustainable Planning Act 2009* and set a commencement date of 11 December 2015. The purpose and general effect of the TLPI is to enhance the community's resilience to flood hazard by suspending and replacing the existing flood hazard management provisions of the *Beaudesert Shire Planning Scheme 2007* and *Ipswich Planning Scheme 2006* and introduce flood hazard management provisions in the *Boonah Planning Scheme 2006* for a period of twelve months.

Previous Council Considerations / Resolutions

On 22 October 2014, Council resolved to prepare a Temporary Local Planning Instrument to address flood hazard in the local government area in accordance with section 117(3) of the *Sustainable Planning Act 2009*.

Further, on 26 May 2015, Council resolved to endorse the draft *Temporary Local Planning Instrument 01/2015 (Flood Hazard)* and subsequently request the Minister's consideration to adopt the draft TLPI in accordance with the requirements of the *Statutory Guideline 04/14 - Making and Amending Local Planning Instruments*. At this meeting, Council also resolved to adopt the flood studies that informed the preparation of the draft TLPI and to make the adopted flood studies available to the public and use the information contained in the adopted flood studies in the performance of Council operations including disaster management functions and fulfilling search requests.

REPORT

The TLPI proposes to suspend and replace the existing flood hazard management provisions of the *Beaudesert Shire Planning Scheme 2007*, *Boonah Shire Planning Scheme 2006* and *Ipswich Planning Scheme 2006* and introduce flood hazard management provisions for a period of twelve months. The TLPI has been prepared to respond to the recommendations of the Queensland Floods Commission of Inquiry (Inquiry) dated 16 March 2012. The Inquiry made a number of recommendations regarding how local planning instruments address land affected by flooding. This TLPI seeks to provide an interim response to the recommendations in Council's existing planning schemes to ensure that land use planning enhances the community's resilience to flood hazard.

In correspondence dated 21 September 2015, Council received advice from the Minister for Transport, Minister for Local Government, Infrastructure and Planning and Minister for Trade that Council could proceed to adopt the draft TLPI. There were no ministerial conditions attached to this advice.

Policy of the TLPI

The TLPI incorporates:

1. A Flood Hazard Overlay Map which identifies land that is within the 1% Annual Exceedence Probability (AEP) event, or where the 1% AEP is unavailable, in the Interim Flood Assessment Overlay prepared by the Queensland Reconstruction Authority.
2. Levels of assessment that correlate with the level of risk associated with the nature of development in a Flood Hazard Area. Notably, Dwelling Houses and Dual Occupancies are Self-Assessable provided the use is not located within a high hazard area and complies with the acceptable solutions in the Flood Hazard Overlay Code; however, other Material Change of Use involving building work is Code Assessable.
3. A Flood Hazard Overlay Code which regulates development in Flood Hazard Areas by ensuring that:
 - Where buildings are located in the overlay area, habitable rooms are elevated a minimum of 500mm above the Defined Flood Level and not on land subject to a high degree of flood hazard;
 - Reconfiguration of a Lots do not create additional lots in the Flood Hazard Area, or can create a flood free building envelope;
 - Development does not result in the intensification of residential uses on land situated below the Defined Flood Event;
 - Development ensures that there is safe access to and from the site and appropriate road layout and signage is provided;
 - Development avoids the release of hazardous materials into floodwaters;
 - Development involving community facilities or infrastructure remains functional to serve community need during and after a flood event and is designed and sited to avoid adverse impacts on the community and environment;

- Development in the Flood Hazard Area directly, indirectly and cumulatively avoids any increase in water flow, velocity or flood level and does not increase the potential for damage on site or on other properties; and

- Development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

Relationship of Temporary Local Planning Instrument 01/2015 (Flood Hazard) to the Operation of the Building Act

Under Section 13 (Land liable to flooding) of the *Building Regulation 2006* (Regulation), a local government may under its planning scheme or a Temporary Local Planning Instrument designate part of its area as a natural hazard management area (flood). The local government may also declare the following for all or part of a natural hazard management area (flood):

- Defined flood level;
- Maximum flow velocity of water;
- An inactive flow or backwater area;
- A freeboard that is more than 300mm; and
- The finished floor level of class 1 buildings built in all or part of the natural hazard management area (flood).

Council is required to outline in its TLPI whether it proposes to designate a flood hazard area and/or declare any of the above flood characteristics under Section 13 of the Regulation. It is proposed that the Defined Flood Event area identified in the Overlay maps supporting the draft TLPI be designated a natural hazard management area (flood) for the purpose of the Regulation. The designation is proposed to be supported by a declaration under the Regulation of the defined flood level and a freeboard greater than 300mm.

The 1% Annual Exceedance Probability (AEP) flood event (recognised as the Defined Flood Event under the TLPI) is proposed to be the Defined Flood Level for the purpose of Section 13(1)(b)(i) of the Regulation, whilst an increase in freeboard from 300mm to 500mm is also proposed to be made under Section 13(1)(b)(iv) of the Regulation. An increase in freeboard is proposed to account for localised hydraulic behaviour.

The effect of declaring a designated natural hazard management area (flood) and defined flood level under the Regulation is twofold. Firstly, it triggers the requirement for the Queensland Development Code MP3.5 'Construction of Buildings in Flood Hazard Areas' to apply to all buildings (except Class 10) proposed in a natural hazard management area (flood). The QDC MP3.5 establishes the design and construction standards that a building proposed in natural hazard management area (flood) must achieve. The purpose of QDC MP3.5 is outlined below.

"To ensure—

- (a) *particular buildings located in flood hazard areas—*
 - (i) *resist flotation, collapse or significant permanent movement caused by flood water; and*
 - (ii) *safeguard occupants and other people against illness or injury caused by flood water affecting buildings; and*
 - (iii) *are protected from backflow; and*
 - (iv) *have utilities that are protected from the effects of flood water; and*
- (b) *that a customer dedicated substation is designed or located so its ability to function effectively is not affected by flood water."*

Notwithstanding the QDC requirements, it should be noted that the TLPI triggers a Material Change of Use (Code Assessment) application for development (excluding Animal Husbandry and Agriculture) proposed in areas mapped as a High Hazard Area in the supporting Overlays to the draft TLPI.

The second objective of declaring a flood hazard area under the building legislation is that Council will have concurrence agency jurisdiction for building development applications that proposes a lower defined flood level than that declared by Council (being the 1% AEP event). An applicant will be expected to provide sufficient information in the form of a technical report by a relevant expert to justify the lower level, which will be subject to an assessment by Council.

Strategic Implications

Community Plan

Not applicable.

Corporate Plan / Operational Plan

The TLPI contributes to the achievement (in part) of the following strategy relevant to the 'Relaxed Living and Rural Lifestyle' theme of the Corporate Plan:

"Develop a planning vision and supporting planning instruments for the region which promotes community aspirations and clearly articulates the unique qualities of our natural assets and the identity of our towns, villages and communities."

Budget Implications

A sufficient allocation has been made available within the 2014/15 Land Use Planning budget to prepare and implement the TLPI.

Legal / Statutory Implications

Temporary Local Planning Instrument 01/2015 (Flood Hazard) has been prepared in accordance with section 117(3) of the *Sustainable Planning Act 2009* and the relevant supporting guideline, being *Statutory Guideline 04/14 – Making and Amending Local Planning Instruments*. Council's adoption of the TLPI constitutes the final stage in the process of preparing the TLPI, which will have effect for a period of twelve months.

Risks

Strategic Risks

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

CE4: Failure to manage growth resulting in increased pressure on Council and State infrastructure and social amenity;

CE7: Failure to plan or respond to an extensive or widespread disaster event;

CF6: Failure to comply with statutory obligations and responsibilities.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
<p>Environmental</p> <p>Natural hazard areas are not adequately considered in development assessment and land use planning processes.</p>	<p>Moderate</p>	<p>Possible</p>	<p>Medium</p>	<p>The flood investigations commissioned have quantified the risks associated with development in a floodplain, which will now inform development assessment processes and the preparation of statutory planning instruments.</p>	<p>Low</p>
<p>Environmental</p> <p>Insufficient flood information to adequately plan and respond to possible future flood events and to increase the community's awareness of the potential for such occurrences.</p>	<p>Major</p>	<p>Likely</p>	<p>High</p>	<p>The flood investigations commissioned identify the flood hazard areas within the region, which will assist Council's disaster management function in planning and responding to future flood events. The investigations will also serve as an information tool to increase the awareness of residents of the potential of future flooding events.</p>	<p>Medium</p>

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
<p>Legal Compliance and Liability</p> <p>The State Planning Policy (SPP) requires that local planning instruments identify natural hazard areas for flood and include provisions that seek to achieve an acceptable or tolerable level of risk to manage development with these areas. This requirement is also consistent with the recommendations of the Flood Commission of Inquiry.</p>	Moderate	Possible	Medium	<p>The flood investigations commissioned will inform a statutory planning instrument, which will manage development within the region's flood hazard areas. The proposed TLPI will subsequently address the State's interest for natural hazard (flood) in the region articulated in the SPP.</p>	Low

Conclusion

Council's adoption of draft *Temporary Local Planning Instrument 01/2015 (Flood Hazard)* (TLPI) to address flood hazard in the Scenic Rim region is requested. The TLPI has been prepared in accordance with the requirements of the *Statutory Guideline 04/14 - Making and amending local planning instruments* and proposes to suspend and replace the existing flood hazard management provisions of the *Beaudesert Shire Planning Scheme 2007* and *Ipswich Planning Scheme 2006* and introduce flood hazard management provisions in the *Boonah Planning Scheme 2006* for a period of twelve (12) months. The policy of the draft TLPI is proposed to be reflected in the new Scenic Rim Planning Scheme currently under preparation.

Consultation

Unlike major planning scheme amendments, a TLPI does not require public consultation or provide the community with the opportunity to make submissions. This is because the purpose of the instrument is to avoid delay in addressing serious risks to the planning scheme area such as flooding.

In accordance with the *Statutory Guideline 04/14 Making and Amending Local Planning Instruments*, the only statutory requirement for making the public aware of the TLPI upon adoption is that Council must place a notice in the gazette, a newspaper circulating generally in the local government's area and on Council's website stating:

- a) council's name
- b) the title of the adopted TLPI
- c) the date the TLPI commences
- d) the date the TLPI will cease to have effect
- e) the purpose and general effect of the TLPI
- f) if the TLPI only applies to part of a local government area, a description about the location of that area, and
- g) where to inspect and purchase a copy of the TLPI.

Council must also give the chief executive of the Department of Local Government, Infrastructure and Planning a copy of the above notice and one electronic copy of the TLPI, including any maps.

Director's Recommendation

That Council resolve to adopt the draft *Temporary Local Planning Instrument 01/2015 (Flood Hazard)* in accordance with Section 105 and 117(3) of the *Sustainable Planning Act 2009* and set a commencement date of 11 December 2015.

Attachments

1. Draft Temporary Local Planning Instrument 01/2015 (Flood Hazard) (attached separately).

3.2 MCBn15/002 Development Permit for a Material Change of Use Community Facilities (Community Services Use) (Integrated Retirement Community) SEADEV Pty Ltd Lot 1 RP20983 Lot 2 RP20983 Lot 5 RP20983

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn15/002

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	SEADEV Pty Ltd
Owner(s)	Mr D S Hassum, Mr S G Hassum
Site Address	163 Teviotville Road KALBAR
Real Property Description	Lot 1, 2 and 5 on RP20983
Site Area	40.28Ha
Relevant Zone and Precinct	Rural Zone - Horticultural/Dairying Lands Precinct
Proposal	Preliminary Approval under Section 242 of the <i>Sustainable Planning Act 2009</i> for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office))
Assessment Level	Impact Assessable (Inconsistent being Undefined Landuse for Sales Office)
Approval Type	Combined Preliminary Approval under Section 242 of <i>Sustainable Planning Act 2009</i> and Development Permit
Public Notification:	Notice of compliance received 2 October 2015
Submissions Received	17 Properly Made Submissions were received
Is a Notation to the Planning Scheme required?	No
Date Application Received:	9 March 2015

Purpose of Report

The report has been compiled outlining the facts and circumstances for a proposed development seeking an approval for a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and a Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office)).

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
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - Ensure reasonable and relevant test applicable to assessment processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals 	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transparent reporting of assessment - Communications	Low

Brief Summary

Council is in receipt of a combined application seeking a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and a Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office)).

The proposed development is identified under the *Boonah Planning Scheme 2006* (Planning Scheme) as requiring Impact Assessment (Inconsistent) in the Horticultural / Dairying Lands Precinct of the Rural Zone. It is noted that due to inclusion of a Sales Office landuse which is not defined under the Planning Scheme, triggers an Inconsistent component of the application.

The description of the Rural Zone acknowledges areas surrounding Kalbar to be investigated for potential future medium to long term growth. The proposal has specifically been created to meet the needs of rural and regional retirees who want to maintain a rural lifestyle while having access to resort like facilities and on-site care options, all within close proximity to the Kalbar town centre. The proposal is considered to satisfy the intent of the Rural Zone.

The application consists of two (2) components which are briefly described as follows:

Preliminary Approval

The preliminary approval will seek to alter the Planning Scheme by introducing a Master Plan Development Code (*Kalbar Homestead Master Plan Development Code*) which sets out a clear framework for future development of the site. The master plan code will entail specific precincts each with an intent statement, a definition table of intended activities, a table of assessment for intended development and imposing specific criteria to guide and control future built form for the site.

Development Permit (Stage 1)

Stage 1 will consist of the main hub of the retirement community and will entail front-of-site works and a variety of built form including the main entrance, sales and management facilities, temporary display dwellings (intended for future accommodation), supported living apartments, residential age care facility, landscaping and an altered watercourse.

During the Public Notification period, Council received 17 properly made submissions. The matters raised have been considered and where possible, any adverse impacts have been mitigated through conditions.

The application was referred to the Department of Infrastructure, Local Government and Planning (DILGP). The department responded on the 30 April 2015 having no objection or requirements towards the proposed development.

Through the assessment process, the proposed development is now considered to satisfy the provisions of the Planning Scheme and other relevant statutory requirements. As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions.

Background

The applicant attended two (2) pre-lodgement meetings with Council officers to discuss the proposed development on the 10 April 2014 and 3 October 2014 respectively. The meetings covered a range of issues regarding the proposed concept, traffic and safety, type of application, building and plumbing, flooding impacts and application fees and infrastructure charges. Pre-lodgement meeting minutes indicated general support for the proposal in principal.

Proposal

Council is in receipt of a combined application seeking a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and a Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office)).

The proposed development is termed as the "Kalbar Homestead Integrated Retirement Community" and has been created with a rural theme which offers a range of care options within a single locality. The development will offer residents independent living units (both attached and detached), supported living units and residential aged care. The residential uses will be supported by communal facilities including dining halls, consultation room, recreation areas, tennis courts, swimming pools, gardens, an amphitheatre and formal garden area. It is also noted that large portions of the site will be dedicated to open space and riparian corridors to achieve a high amenity setting for the community. In total, approximately 85% of the site will remain as open space, offering integration with the surrounding rural land.

The applicant intends to revegetate waterways to enhance the character of the site and incorporate the surrounding biodiversity into the site. The various landscape treatments will also tie the proposal to the surrounding rural character whilst providing residents with a high quality and comfortable home.

In respect to the planning parameters and the current Planning Scheme provisions, the applicant seeks to achieve the above development through the following planning approvals:

Preliminary Approval

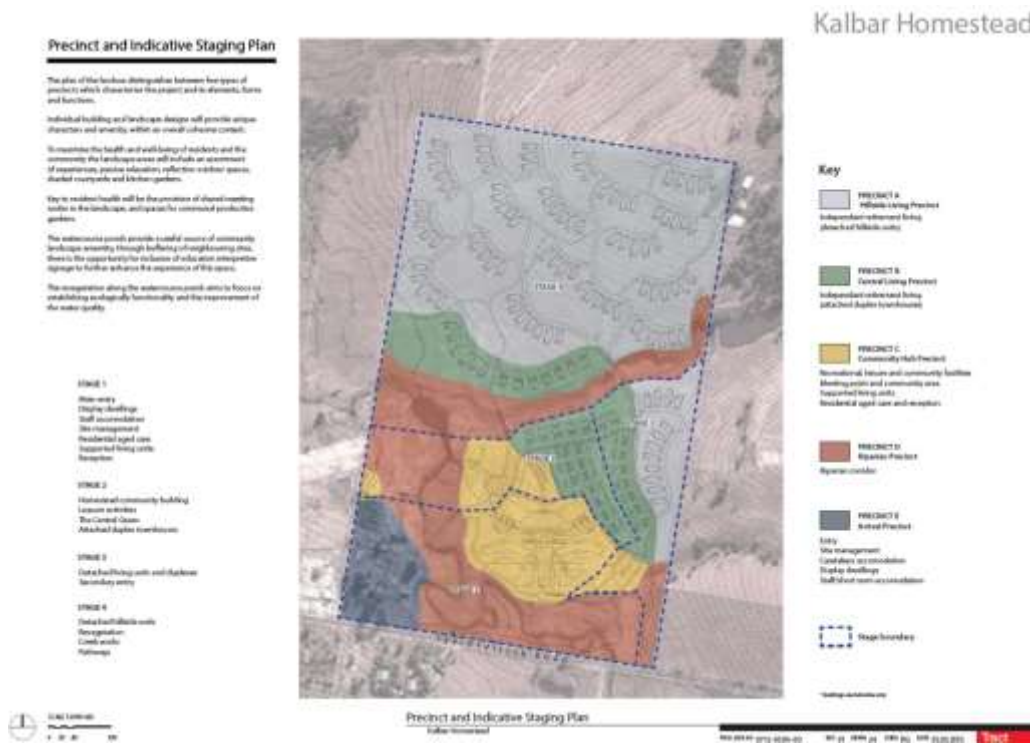
The preliminary approval will seek to alter the Planning Scheme by introducing a master plan development code (Kalbar Homestead Master Plan Development Code) which sets out a clear framework for future development of the site. The Preliminary Approval will establish the key master planning components of the development in order to facilitate the logical and sequential establishment of the Kalbar Homestead across various future stages.

The following key components are embodied in the Master Plan Code that will establish a site specific framework governing the future development of the Kalbar Homestead:

- Staging and Precincts: areas designated for the variety of age care activities and uses;
- Access and circulation: internal vehicle and pedestrian access as well as external connections;
- Landscape and Ecology: area intended for the protection / enhancement of the rural landscape and character; and
- Building Form: identifying the building envelopes and general structure intended for the variety of uses, services and free from risk of natural hazards.

The master plan code will entail specific precincts each with an intent statement, a definition table of intended activities, a table of assessment for intended development and imposing specific criteria to guide and control future built form for the site. The proposed *Kalbar Homestead Master Plan Development Code* (KHMP Code) will incorporate provisions in relation to density, building setbacks and heights, site coverage, building materials, landscaping, vehicle access and pedestrian linkages, open space areas, bushfire risk management and stormwater management. The aforementioned provisions are informed by the following plans which are incorporated in the KHMP Code:

- *Precinct and Indicative Staging Plan;*



- Indicative Landscape Concept Master Plan;



- Architectural Plans





SEADIV BUGH TANNER KALBAR HOMESTEAD - Residential Aged Care - TENNYVILLE ROAD, SALBIE Perspectives - RAC West Block 5/81-33/02 10 A TVS architects



2.0 RAC - Residential Aged Care

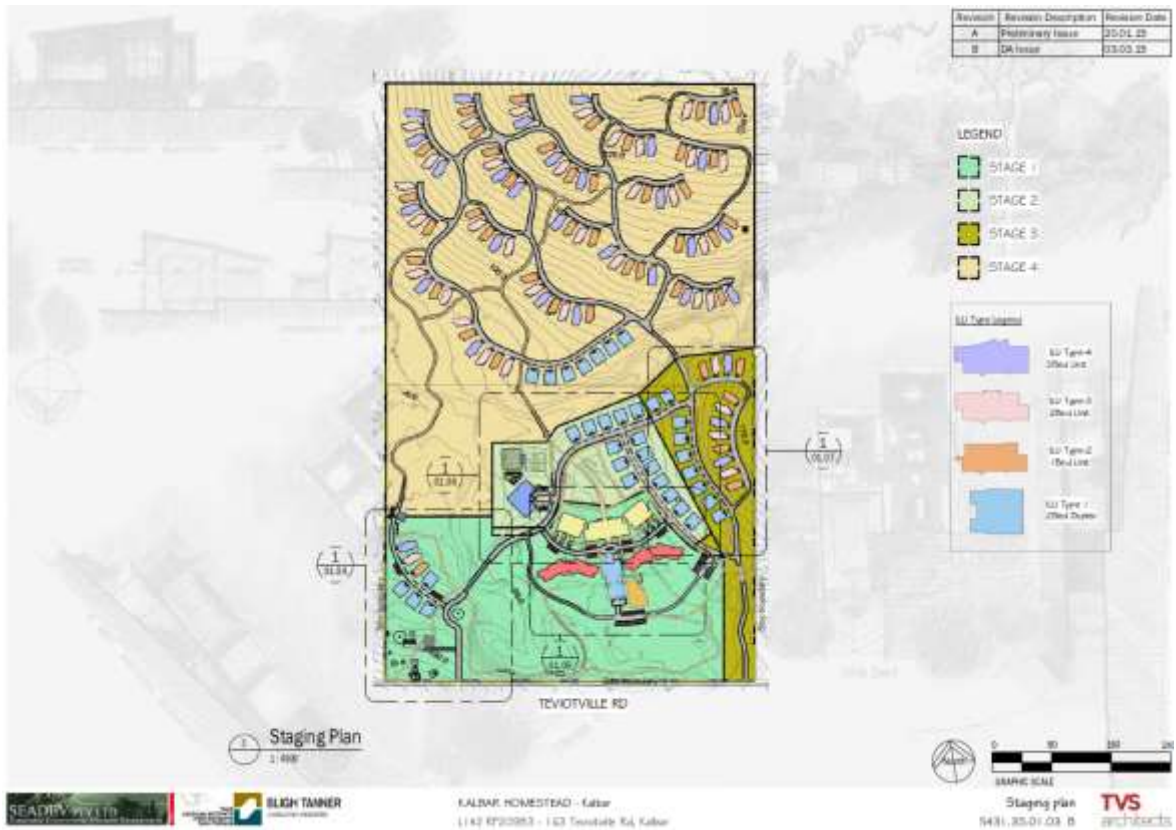


3.0 SLU - Supported Living Units

- *Exterior Materials & Finishes*








- Staging Plan

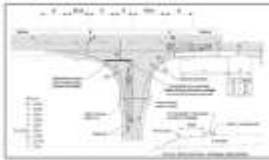


- *Access and Circulation Plan*

Access and Circulation Plan

The access typologies will provide a logical and logical hierarchy of low key access driveways for circulation throughout the facility. These access ways will have proportional visual character and landscape theme. Access ways will be rational width yet designed for practicality and ease of circulation throughout. Road edges with grass and stone lined mounds alongside will ensure positive drainage treatments. Shared paths will be established across the site to ensure that pedestrian movements are logical and safe. Oversee clearly shared pathways and the entrance of the existing local and there are a consistent landscape theme and connecting element along all circulation access paths. Additionally wayfinding and interpretive signage will be incorporated in the design guiding users and adding richness to the experience throughout.

-  PRIMARY ACCESS
7m width
-  SECONDARY ACCESS
4.5m width
-  LOCAL ACCESS LOOP
6m width
-  LOCAL ACCESS DRIVEWAY
2.5m width with endings provided at regular intervals for easy passing
-  SHARED PATH CONNECTION
2.5m width for bicycles, bikes and pedestrians
-  VEHICLE BRIERE
4.5m width
-  SHARED PATH BOARDWALK
2.5m width



INTERSECTION DESIGN REQUIREMENTS

SCALE 1:1000
0 10 20 30



Access and Circulation Plan
Kalbar Homestead

Kalbar Homestead

Typical sections of access and landscape treatment (scale 1:100 @ A1)



PRIMARY ACCESS



SECONDARY ACCESS



LOCAL ACCESS LOOP



LOCAL ACCESS DRIVEWAY

*Scale 1:100 @ A1

The following technical reports were also submitted in support of the proposed development:

- *Bushfire Hazard Assessment and Mitigation Plan;*
- *Site Based Stormwater Management Plan;*
- *Vegetation Management Plan;*
- *Water Supply and Wastewater Report;*

Development Permit (Stage 1)

A Development Permit for a Material Change of Use over Stage 1 of the proposal has been sought to begin the initial stages of the development. Stage 1 will consist of the main hub of the retirement community and will entail front-of-site works and a variety of built form including the main entrance, sales and management facilities, temporary display dwellings (intended for future accommodation), supported living apartments, residential age care facility, landscaping and an altered watercourse. A landscape plan below illustrates the proposed layout and built form incorporated within Stage 1.

- Stage 1 - Landscape plan



Site and Environment

The subject site is located at 163 Teviotville Road, Kalbar more accurately described at Lots 1, 2 and 5 on RP20983. The site has an area of 40.14ha and is currently void of any significant vegetation with the exception of a few ornamental trees around the existing dwelling and associated structures. The site is undulating in nature with a waterway that traverses the site. The site is currently improved by a residential dwelling and sheds for associated farm activities and machinery. Refer to Figure 1 below which shows an aerial view of the subject site and surrounding properties.

Figure 1 - Aerial view of subject site and immediate surrounding area



Copyright 2013
Scenic Rim Regional Council

TAKE NOTICE that Scenic Rim Regional Council and the Department of Natural Resources and Mines do not guarantee the reliability of the information contained herein nor of it being suitable for any particular purpose and disclaims liability for any loss that may arise from the use of or reliance upon such information.

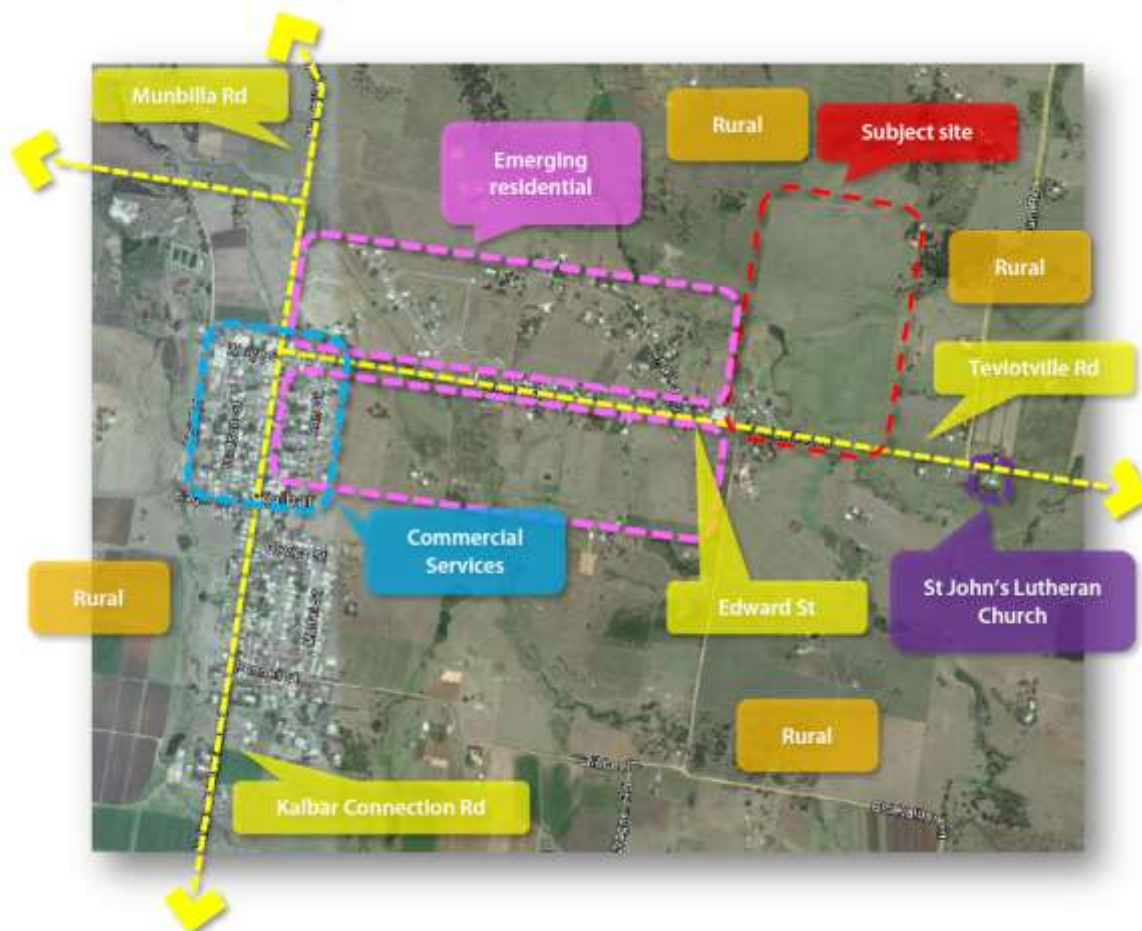
Characteristics of Site & Surrounding Environment

The subject site gains vehicle access via Teviotville Road and has a road frontage length of 490m. The site is located approximately 1.6kms east of the main commercial area of Kalbar and approximately 7.28km north-west of Boonah. Kalbar offers the majority of services that will support the proposed development, including a local bank, an Australia Post office, cafes, restaurants, a hardware store, a service station, grocery stores and various other services; whereas Boonah offers other major services required for residents such as the Boonah hospital, large format retail and a wide variety of smaller retailers. Furthermore, Boonah offers a variety of entertainment services, such as the Boonah Showground, markets, the Boonah Cultural Centre and large open spaces. The site is bound:

- To the north by rural land, predominately used for pasture;
- To the east by rural land. The north east corner contains established vegetation around the site boundary. A low order creek system enters the site on this boundary.
- The site is bound to the south by Teviotville Road, which runs directly west into Kalbar. The far side of Teviotville Road contains further rural land.
- The site is bound to the west by rural land. The adjoining site at the south-west corner contains a childcare centre.

Refer to Figure 2 below which shows an analysis of the surrounding landuses close to and surrounding the subject site.

Figure 2 - Site surrounds analysis



Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Zone Code (Horticultural/Dairying Lands Precinct)	Economic Resources Overlay (Good Quality Agricultural Land)	Residential Development Code

Definitions under the Planning Scheme

Pursuant to the *Boonah Shire Planning Scheme 2006*, the proposed landuses' are defined below as follows:

<i>Multiple Dwelling:</i>	<i>premises used as the principal place of residence by more than one discrete household or domestic group. The term includes uses commonly known as a townhouse, unit, duplex, apartment, retirement village, aged persons home/ facility, nursing home, orphanage or children’s home, aged care accommodation, residential development for people with special needs, hostel, institution (primarily residential in nature), boarding house, guest house, hostel or community dwelling (where unrelated people maintain a common discipline, religion or similar). The definition also includes any accommodation building excluding motel, house, caretakers residence.</i>
<i>Caretaker’s Residence:</i>	<i>a dwelling unit for a caretaker in connection with a particular purpose on the same site.</i>
<i>Undefined landuse (Sales Office)</i>	a Sales Office is not defined under the <i>Boonah Shire Planning Scheme 2006</i> ; therefore the following definition has been taken from the State Government's <i>Queensland Planning Provisions v3.1</i> which defines Sales Office as: <i>The temporary use of premises for displaying a land parcel or buildings that can be built for sale or can be won as a prize. The use may include a caravan or relocatable dwelling or structure.</i>

Relationship with the Rural Zone intent

In accordance with the Planning Scheme, the subject site is located within the Rural Zone. Pursuant to the Planning Scheme, the overall outcomes sought by the Rural Zone include:

- a) *Good quality, viable and productive agricultural and grazing land is protected from further fragmentation and the intrusion of incompatible uses, for the purpose of primary industry and rural pursuits in accordance with land type and land use suitability.*
- b) *Existing rural activities are protected from encroachment by incompatible uses.*
- c) *Development maintains or enhances the rural amenity, character, environmental and scenic landscape values of rural areas. The scenic beauty and attraction of the Shire relies on the preservation of the rural character.*
- d) *Buildings and structures are designed and sited to be compatible with the rural character of the surrounding area.*
- e) *Land resources are used sustainably, consistent with any environmental or physical constraints (such as flooding, instability, slope, landslip and erosion) and within the land’s productive capacity.*

- f) *Industries related to the rural and agricultural activities of the Shire are important for sustaining and enhancing the local economy over time.*
- g) *Industries related to the rural and agricultural activities of the Shire are diversified into rural related industries, value adding and niche market products (such as organic crops, farm forestry) and farm, rural and nature based recreation tourism opportunities.*
- h) *Rural related industries are encouraged to be located between Aratula and Silverdale, along the Cunningham Highway.*
- i) *Non-agricultural uses, such as recreation, home based business, education or tourism related uses may occur having regard to the above considerations.*
- j) *Limited housing development is provided for in the historical subdivisions at Clumber, Croftby, Fassifern Valley, Munbilla, Rosevale and Warrill View, where lot size permits or amalgamation of parcels occurs.*
- k) *The Warrill View Investigation Area is not encroached upon by intensive rural activities or industries which may adversely impact on the future investigation of the area.*

The proposed development has been designed and created to be sympathetic to the natural features of the site while maintaining the rural character of the area. The proposal incorporates large open space areas and architecturally designed buildings which promote a rural theme and visually attractive built form. The development will also offer employment opportunities in the local area and support a diversified rural economy while keeping with the rural character of the area.

Importantly to note, the application seeks approval for a Preliminary Approval under SPA to vary the effect of the Planning Scheme in relation to the current zoning designation. As such, where there are aspects of the development that do not accord with the Rural Zone, the application seeks to introduce new precinct and land uses over the site to facilitate the development.

As mentioned previously, the subject application triggers Impact (Inconsistent) Assessment given a Sales Office is not a defined landuse under the Planning Scheme. Notwithstanding, the temporary nature and minor scale of a Sales Office is not considered to conflict with the overall outcomes sought to be achieved in the Rural Zone.

Compliance with the Rural Zone Code

An assessment has been undertaken against the Rural Zone Code’s Probable Solutions and Specific Outcomes. Where the applicant has proposed alternative solutions, officers have undertaken an assessment below:

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
SO3 The safe and efficient operation of roads is maintained having regard to the nature and volume of vehicles using the road, and the location and design of access points.	PS3 Vehicular access is designed and constructed in accordance with standards stated in Planning Scheme Policy 1.	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments

Applicant's justification

The safe and efficient operation of the internal and external road network has been demonstrated by the Traffic impact assessment at Appendix 9 and further discussed in Information request response letter from Bitzios dated 1 July 2014.

Officer's comments

The application was referred to Council's internal Infrastructure Services section to assess the road networks and design against Planning Scheme Policy 1 and Australian Standards. Infrastructure Services have determined the proposed development can operate in a safe and efficient manner. Additionally, conditions have been imposed to ensure compliance with current standards. As such the proposal is satisfies SO3 in this instance.

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
SO4 Water supply, sewerage, electricity and roads are provided to meet appropriate standards and are adequate for on-site services.	PS4.1 Road, water supply and sewerage works are designed and constructed to standards stated in Planning Scheme Policy 1 and 2.	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments

Applicant's justification

Water supply to be connected to Queensland Urban Utilities supply with internal reticulation to SEQ WS&S Design Code and AS3500 Plumbing Code (refer to Kalbar Homestead: Water Supply and Wastewater – Final Report (BT March 2015).

Early stages (1,2,3) sewerage to be connected to Queensland Urban Utilities Kalbar sewerage system with internal reticulation to SEQ WS&S Design Code and AS3500 Plumbing Code (refer to Kalbar Homestead: Water Supply and Wastewater – Final Report (BT March 2015).

Later stage (4) sewerage to use on-site wastewater systems serving 2-3 homes with on-site irrigation to AS3500 Plumbing Code (refer to Kalbar Homestead: Water Supply and Wastewater – Final Report (BT March 2015).

Roads – refer to Bitzios Traffic Report.

Electricity – to be supplied by local supply authority

As shown by this content, the proposed development meets the appropriate standards providing adequate on-site servicing for the future development.

Officer's comments

The proposed development is expected to be connected to all necessary services such as water supply, sewer, electricity and road connection. The applicant has provided advice from Queensland Urban Utilities indicating general support of the proposal. As mentioned in SO3 above, the proposed internal roads and external treatments have been assessed by Council's Infrastructure Services section and deemed to comply. Connection to electricity will be pursued through Energex as the local supply authority. Where necessary, conditions have been imposed to ensure service connection prior to the proposed land use commencing. As such, the proposal satisfies SO4 in this instance.

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
	PS4.2 Where connection is made to Council's reticulated water supply and/or sewerage systems headworks contributions are paid to the Council in accordance with Planning Scheme Policy 3.	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments

Applicant's justification

Water supply to be connected to Queensland Urban Utilities supply with internal reticulation to SEQ WS&S Design Code and AS3500 Plumbing Code (refer to Kalbar Homestead: Water Supply and Wastewater – Final Report (BT March 2015).

Officer's comments

Since June 2014, water and sewer connections and headworks charges were removed from Council's jurisdiction and placed with Queensland Urban Utilities (QUU). As such, a separate approval process and applicable headworks charges will be issued by QUU. Therefore PS4.2 is no longer applicable.

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
SO9 All outdoor lighting is designed, constructed and operated so that light does not cause nuisance to nearby residents or passing motorists or shine upwards into the night sky.	PS9 All lighting complies with AS4282-1997 Control of Obstructive Effects of Outdoor Lighting or current policy.	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments

Applicant's justification

The development has been designed as to minimise external lighting impacts. Due to the design of the development, and the separation from the road and adjoining residencies it is considered to comply with SO9.

Refer to development application design package at Appendix 5 and Architectural plans at Appendix 6.

Officer's comments

The following table gives the approximate distances of nearby residents from the lot boundary of the subject site.

Dwelling on adjoining lot	Distance of dwelling to subject site (m)
Lot 4 RP20983	30
Lot 2 RP226541	109
Lot 11 RP151391	Child Care Centre site
Lot 35 SP250246	Vacant site
Lot 3 RP818411	220
Lot 153 RP818411	234
Lot 138 RP858653	358
Lot 2 RP179138	506
Lot 4 RP205639	564
Lot 8 RP151391	258
Lot 9 RP151391	207

From the above table the closest resident is located on Lot 4 RP20983 (30m). To alleviate concerns of nuisance caused from any external lighting, a 15m landscaping buffer is proposed along the eastern boundary and conditions of approval have been imposed that any external lighting must comply with AS4282-1997 as quoted in PS9 above. As such, the proposed development complies with SO9.

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
SO15 Non-agricultural uses occur where they are: (i) of a low intensity and impact and associated with local rural activities; or (ii) maintain the rural landscapes in the zone and the locality specifically; and (iii) cause no adverse impact (due to site specific or cumulative effects) on water quality; and (iv) are connected to the Shire road network and urban centres by roads	PS15 No probable solution prescribed.	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments

<p>capable of accommodating the type and volume of traffic likely to be generated; and (v) are provided with a water supply, liquid and solid waste disposal system and electricity supply adequate for all on-site purposes.</p>			
---	--	--	--

Applicant's justification

The proposed development is considered to comply with SO15 as:

- i- It is of a low intensity (only covering 15% of the site area) and supports the surrounding rural community;*
- ii- It not only maintains the landscape, but enhances it;*
- iii- As discussed in the various supporting reports the proposed development does not cause adverse impacts;*
- iv- As discussed in the TIA, the proposed development is serviced with an appropriate road network; and*
- v- As discussed in the engineering documents the proposed development will be supplied with appropriate services.*

Refer to the Master plan development code at Appendix 12.

Officer's comments

As mentioned above, the proposed site cover is 15% of the total site area and provides a service that will benefit the rural community. All proposed structures have been architecturally designed and use a colour palette to blend in with the natural landscape. The development will also be conditioned to be landscaped with suitable vegetation to assist in screening the development from the surrounding properties and public road. With the exception of the main care facilities, all proposed dwellings are to be constructed on poles to avoid any unnecessary earthworks wherever possible. Where earthworks are undertaken, the applicant has provided technical reports showing no adverse impacts to the environment or surrounding areas. The applicant seeks to alter the watercourse for flood mitigation; however stormwater quality will be managed during construction works and water quality will be improved in the long term by rehabilitating the creek. Finally, the proposed development will be connected to all necessary services such as water, sewer, electricity and telecommunications to a standard suitable for the proposed use. As such, the proposed development is considered to the purpose of SO15.

Rural Zone Code			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
<p>SO17 Works including landscaping are managed to prevent and contain the spread and movement of</p>	<p>PS17 No probable solution prescribed.</p>	<p>No - refer below for applicant's alternative solution and justification.</p>	<p>Yes – refer below for officers' comments</p>

declared weeds and pest animals onto and from development sites.			
--	--	--	--

Applicant's justification

Measures have been / will be undertaken to ensure the development does not cause undue spreading of weeds or pests.

Officer's comments

An inspection of the subject site by Council's Animal and Pest Management officers on 4 March 2015 identified a large area of Class 2 Parthenium weed (*Parthenium Hysterophorus*). Parthenium is a Class 2 declared plant which under the *Land Protection (Pest and Stock Route Management) Act 2002*, Class 2 declaration requires landholders to control pests on the land and waters under their control. To prevent possible risk of an outbreak during construction and operational works; specific conditions have been imposed requiring a biosecurity plan to be prepared and submitted to Council for approval prior to operational works. As such, the proposal complies with SO17.

Compliance with the Precinct Code

The Rural Zone is divided into 4 precincts:

- Precinct 1 – Scenic Rim/Mountain Range Lands;
- Precinct 2 – Grazing Lands;
- Precinct 3 – Arable Lands; and
- Precinct 4 – Horticultural/Dairying Lands.

The above precincts are mentioned in the Planning Scheme with respect to minimum lot sizes, with no mention of character pursuits for each precinct. As there is no subdivisional aspect of the proposed development, the proposal does not compromise the intent of Precinct 4 - Horticultural / Dairying Lands.

Compliance with the Relevant Overlay Code

An assessment has been undertaken against the Economic Resources Overlay (OL 1A – Good Quality Agriculture Land) Code’s Probable Solutions and Specific Outcomes. Where the applicant has proposed alternative solutions, officers have undertaken an assessment below:

Element (i) : Overlay Map 1a – Good Quality Agricultural Land			
Specific Outcomes	Probable Solution	Complies with Probable Solution	Complies with Specific Outcomes
SO1 Development does not reduce the utility and productive capacity of good quality agricultural land in terms of: (i) farm practices being protected from adjacent uses; (ii) adjacent uses not	PS2.1 Development adjacent to or in an area on Overlay Map 1B, including areas within 100m of the haul routes: (i) does not result in a higher concentration of people than	No - refer below for applicant's alternative solution and justification.	Yes – refer below for officers' comments.

<p>compromising agricultural operations; (iii) avoiding residential uses encroaching onto agricultural land; (iv) incorporating buffers to adjacent incompatible uses; (v) defining a boundary between agricultural land and residential areas.²⁷</p> <p>Note 27: In order for assessable development to occur, the Council may require as part of an information request, that the applicant prepare a Land Resource Survey in accordance with State Planning Policy 1/92 Guidelines that demonstrates that the land is not good quality agricultural land.</p>	<p>existing prior to the development; (ii) is to be compatible with existing and/or potential extractive industry and or mining operations in these areas.</p>		
--	---	--	--

Applicant's justification

As a result an Agricultural Land Study was undertaken by Land Resource Assessment and Management Pty Ltd to identify the suitability of the subject land for the proposed urban activities.

The study finds that:

“The three (3) lots are also designated in the South East Queensland Regional Plan 2009-2031 as part of the urban footprint for Kalbar. Conversion of this rural land to urban use will result in loss of actual grazing land and a loss of 28.7 to 33.6 ha of potential cropping land.

A cropping area of 33.6 ha is not economically viable for commercial production of cereals, broadacre row crops or lucerne. Due to surrounding lot sizes, acquiring a contiguous production area of adequate size for commercial production would involve acquiring one (for lucerne) to more than ten other blocks (for other crops). This would be an extremely difficult operation, both logistically and financially, and is a most unlikely scenario.

Should urban development be approved for Lots 1, 2 and 5, Queensland Government guidelines indicate there is no need for a buffer to separate the development from the long-term rural activities of cattle grazing with intermittent production of grass hay.”

Officer's comments

It is noted that the land is located within the Urban Footprint under the *South East Queensland Regional Plan 2009-2031* which identifies land that has the potential to be developed for urban purposes where in close proximity to urban uses and existing services. The site is within 2km to the Kalbar Township and has ability to connect to reticulated water and sewer.

A large portion of the subject site is mapped as being affected by Good Quality Agricultural Land in accordance with Planning Scheme although the site is currently used primarily for beef cattle grazing with intermittent production of grass hay. To support the proposed development, the applicant has provided a *Land Resource Survey* by Land Resource Assessment and Management Pty Ltd (LRAM), which has found the actual land suitable for cropping is 33.6ha which is not economically viable for commercial production of agricultural uses.

In relation to buffering adjacent incompatible uses, the applicant has proposed a landscape buffer of 15m along the northern lot boundary and 10m along the eastern lot boundary which will be appropriately landscaped as per the submitted landscape plan. This will also serve as a clear and identifiable boundary between the residential uses on site and the neighbouring rural activities. It is also noted that through the Land Resource Survey report, no commercial cropping activity occurs on adjoining lots that would involve any hazardous activity.

Given the above points, the proposal is considered to comply with SO1.

Compliance with the Relevant Specific Use Code

The proposal complies with all of the Residential Development Code's Probable Solutions and Performance Criteria.

Assessment of Other Aspects of the Proposal*Fair Values Charges Resolution (Version No. 2) July 2015*

Through Council Resolution, Fair Value Charges came into effect on 29 May 2015 via Fair Value Charges (version no.1) May 2015. It replaced the previous Adopted Infrastructure Charges Resolution (version no.5) July 2014. The Fair Value Charges Resolution applies to the entire local government area of Scenic Rim Regional Council.

In accordance with the above *Fair Values Charges Resolution (FVCR) (version no.3) October 2015* adopted charges schedule, the proposed land uses fall within the following planning scheme category and use types:

Planning Scheme Use Category	Adopted Charges Schedule Use Category
Multiple Dwelling	Residential
Community Facilities	Essential Services
Caretaker's Residence	Residential
Commercial Premises	Commercial (Office)
Undefined Landuse (Sales Office)	Minor Uses

Note: It is to be noted that Queensland Urban Utilities (QUU) charges are applicable but does not form part of the Local Government Charge calculation below.

Local Government Charge for *Stage 1 of the Kalbar Homestead development*. Note the existing residential dwelling will be converted into a Caretakers Residence and therefore charges will be balanced out.

Proposed Landuse

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Multiple Dwelling	Detached x 1	\$ per 1 bedroom dwelling	\$6,336	\$6,336.00
	Detached x 1	\$ per 2 bedroom dwelling	\$9,198	\$9,198.00
	Detached x 1	\$ per 3 or more bedroom dwelling	\$12,878	\$12,878.00
	Attached x 4	\$ per 2 bedroom dwelling	\$9,198	\$36,792.00
	Supported Living Units (SLU) x 26	\$ per 1 bedroom dwelling	\$6,336	\$164,736.00
	Supported Living Units (SLU) x 12	\$ per 2 bedroom dwelling	\$9,198	\$110,376.00
Community Facilities	Residential Aged Care (RAC) Facility x 2,166m ²	\$ per m ² GFA	\$95.56	\$206,982.96
	Dementia Wing (DW) x 620m ²	\$ per m ² GFA	\$95.56	\$59,247.20
Commercial Premises	Central Facilities (CF) x 856m ²	\$ per m ² GFA	\$95.56	\$81,799.36
Minor Uses	Temporary Estate Sales Office	Nil	Nil charge	\$0
Sub-Total				\$688,345.52

Impervious Area

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Community Facilities	RAC (2,166m ²)	\$ per m ² of impervious area	\$8.69	\$18,822.54
	DW (620m ²)	\$ per m ² of impervious area	\$8.69	\$5,387.80
Commercial Premises	CF (856m ²)	\$ per m ² of impervious area	\$8.69	\$7,438.64
Sub-Total				\$31,648.98

Relationship to Desired Environmental Outcomes

The proposed development seeks to create an integrated retirement community development with aged care facilities within 2km of the Kalbar township. The proposal is considered to be generally supportive of and generally consistent with the planning regime for the area. Where there is a perceived conflict with the Planning Scheme, officers' consider the proposal satisfies the Desired Environmental Outcomes and the Planning Scheme as a whole in this instance.

Relationship to State Planning Policies and Regulations

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

State Planning Regulatory Provision (Adopted Charges)

The State Planning Regulatory Provisions (Adopted Charges) are relevant, given that the subject application is for the purposes of urban development site. The applicable charges have been calculated previously within this report and an Infrastructure Charge Notice will accompany any approval issued by Council.

State Planning Policy (SPP)

The State Planning Policy (SPP) is a key component of Queensland's land use planning system, which identifies the various State Governments' interests. The SPP provides a comprehensive set of principles to guide local and state government in land use planning and development assessment. An assessment against the SPP has concluded that the proposed development complies with the relevant provisions of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located within the Urban Footprint in accordance with the *South East Queensland Regional Plan 2009-2031* (SEQRP). Given the proposal is for the creation of an urban use within an urban area; the proposal is considered to comply with the regulatory provisions of the SEQRP.

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009*.

Submissions

As mentioned previously, Council received 17 properly made submissions during public notification period. These submissions were received from:

Submitter Name	Submitter Address
Ms Sylvia Archer	462 Horan Road FRAZERVIEW QLD 4309
Mr Graeme E Whiteoak	20 Terrace Street TOOWONG QLD 4066
Mr Darryl L Proud	4 Carl Avenue KALBAR QLD 4309
Mr Aubrey C Heck	7 Carl Avenue KALBAR QLD 4309
Mrs Sonia L Scholz	107 Obum Obum Road KALBAR QLD 4309
Mr Richard B Thomson	39 Obum Obum Road KALBAR QLD 4309

Submitter Name	Submitter Address
Mr Nicholas D Gibson	105 Rome Street South YERONGA QLD 4104
Mr Oyvind Schougaard	2A Charles Street KALBAR QLD 4309
Mr Peter R L Prenzler	1A Charles Street KALBAR QLD 4309
Mr Michael Whiteoak	407 Seventeen Mile Rocks Road SEVENTEEN MILE ROCKS QLD 4073
Mr Michael J Ruthenberg	PO Box 165 BOONAH QLD 4310
Mrs Jane M Gibson	65 King Arthur Terrace TENNYSON QLD 4105
Ms Pamela J Schmidt	10 Charles Street KALBAR QLD 4309
Ms Jan M Tooth	8 Charles Street KALBAR QLD 4309
Mr Christopher Wilkes	194 Roadvale-Harrisville Road ROADVALE QLD 4310
Ms Kristina A Gibson	105 Rome Street South YERONGA QLD 4104
Mr Neil Kinsey	303 Kulgun Road OBUM OBUM QLD 4309

It should be noted that 16 submissions were received against the proposal while one submission was received in favour of the proposal. The submission in favour was received from the adjoining site to the east with the largest shared boundary (570m). The submitter quotes the need for local access to aged care and the benefit to the Kalbar community, economy and employment opportunities as reasons for support. The main points of objection are listed below, followed by Council officer's comments.

Points of Objection	Officers' Comment
<p><i>Agricultural land overlay</i></p> <p>The concerns that the land is classified under agricultural land overlay as Good Quality Agricultural Land and the <i>Land Resource Survey</i> by Land Resource Assessment and Management Pty Ltd (LRAM) is incongruous citing Council overlay, and previous use of the land for agricultural purposes. Also that without suitable buffers reverse amenity issues will occur, restricting future agricultural uses and potentially generating complaints from residents.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>As demonstrated in the material submitted by LRAM the Good Quality Agricultural Land Overlay overstates the extent of good quality agricultural land. Furthermore, to utilise the suitable land would require the amalgamation of a substantial amount of surrounding blocks, resulting a difficult operation logistically and financially. In summary, LRAM makes clear that this is an unlikely scenario.</i></p>

Points of Objection	Officers' Comment
	<p><i>Furthermore, the suggested buffer distance has been demonstrated as unnecessary; a suitable buffer has been provided to prevent any potential reverse amenity issues.</i></p> <p>As part of the approved plans, a landscape buffer will be conditioned to be planted along the northern and eastern lot boundaries to limit the visual amenity impacts of adjoining lots.</p> <p>The submitted <i>Land Resource Survey</i> has concluded that the area of GQAL on the subject site is not sufficient for a financially viable cropping operation. As such, the applicant has justified developing on mapped land and complied with the requirements of the Planning Scheme.</p>
<p><i>Density</i></p> <p>The concerns that the proposed constitutes high density development, claiming proposed scale and density is not suitable for the location, and uses immediate area as comparison.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The suggestion that the proposed development constitutes high density development and will result in numerous adverse effects is overstated.</i></p> <p><i>The development cannot reasonably be considered high density. By calculating the density of the site the residential density of the full development is approximately 6.95 dwellings per hectare. Considering low density is typically considered to be 10-15 dwellings per hectare, it is clear the proposed development could not be considered high density.</i></p> <p><i>Further, the assertion that Stage 4, or the northern stage, is particularly high density is even more distorted. Using this same calculation the estimated density is 5.5 dwellings per hectare; well under typical low density measures.</i></p> <p><i>The density of the site is further supported by the site coverage proposed. The ultimate development will provide 84.34% or 33.74ha of the site as open space and watercourse, a substantial</i></p>

Points of Objection	Officers' Comment
	<p><i>amount of the land holding.</i></p> <p><i>The comparisons provided in the submissions are not considered to be a reasonable measure as the proposed use is compared to land to the north and east, land that is located outside of the Urban Footprint. As the subject land is within the Urban Footprint a more reasonable comparison would be to compare the proposed use to the expanding Kalbar township. The facilities in the immediate area of the site further support the proposed development, for example the childcare centre adjoining to the east provides the opportunity for interaction allowing the uses to complement one another.</i></p> <p>The proposed site cover will be approximately 15% and the density equates to approximately 7 dwellings per hectare. However it should be noted that density has been calculated using bedrooms for patients within the Residential Aged Care and Dementia building (60 beds), which are not dwellings as such. Therefore, using the actual number of detached and attached dwellings, and Supported Living Units (combined 218 dwellings) equate to a density of 5.4 dwellings per hectare, which is not considered high density in the traditional form.</p> <p>The applicant has utilised open spaces and architectural designed buildings to compliment the land form and reduce and perceived bulk. Therefore the proposal is considered to be of an appropriate scale and density for the site in this instance.</p>
<p><i>Rural zone and DEO's</i> The concerns that the subject land is currently zoned rural and thus the proposed use and density is inconsistent with rural land use and inconsistent with the overall outcomes of the Rural Zone. Also mentions caravan proposal for the development.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The rural zoning of the proposed land has been considered in the Development Application material. The overall outcomes and requirements of the rural zoning have been addressed through the section 242 Preliminary Approval application for the subject site.</i></p>

Points of Objection	Officers' Comment
	<p><i>The application seeks to vary the effect of the planning scheme for the reasons listed in the Written Response letter submitted in the Information Request Response.</i></p> <p><i>As such it is not considered necessary to comply with all of the items under the rural zone code as the application seeks to vary these aspects to allow for the proposed development, justifiable despite the conflict.</i></p> <p><i>The facility provides parking for Recreational Vehicles, however to use the area for Caravan park purpose would be inconsistent with the Intent of the Master Plan Development Code.</i></p> <p>It is acknowledged that the proposal does not align entirely with all the overall outcomes of the Rural Zone; however the proposal does seek to vary the effect of the Planning Scheme in instances where there is a diversion from the Planning Scheme. The development as a whole has shown sufficient planning merit to warrant approval. Also, a Caravan Park is not proposed or approved as part of this application.</p>
<p>The concern that the proposed development does not meet DEO's, stating the development:</p> <ol style="list-style-type: none"> 1. Is not consistent with rural character due to density 2. Inconsistent with orderly growth of Kalbar 3. Kalbar does not contain amenities, facilities and infrastructure to cope with the increase in density and population 4. High density development will put strain on access to community services and infrastructure Town of Kalbar does not require a retirement facility for 450 people 	<p>The applicant has provided the following comments in response to the issue raised:</p> <ol style="list-style-type: none"> 1. <i>The proposed development has been designed to meet the desired local character through the architectural design of the buildings and urban design and landscape treatment of the site. During the preparation of the plans inspiration was taken from historical buildings in the area and incorporated into the final design.</i> 2. <i>The proposed development is considered to be consistent with the orderly growth of Kalbar for a number of reasons:</i> <ul style="list-style-type: none"> - <i>The subject site sits within the boundary of the Urban Footprint surrounding Kalbar, meaning the site is intended to form part of the urban growth area surrounding</i>

Points of Objection	Officers' Comment
	<p><i>Kalbar over the next 10-15 years.</i></p> <p><i>- Based on aerial imagery it is clear that the urban form of Kalbar is expanding toward the east. A review of applications on POnline shows that there have been a number of applications for the surrounding land intending for increased urban development.</i></p> <p>3. <i>As discussed in the Planning Report lodged with the application material the facilities located in Kalbar and in Boonah will provide the necessary facilities for the proposed development, with the remaining requirements supplemented by the on-site services.</i></p> <p><i>The Bligh Tanner material lodged with the application and the Information Request Response demonstrate the sites ability to operate with the existing infrastructure.</i></p> <p>4. <i>The proposed development is not intended to only service the township of Kalbar, but also the broader regional area. The vision of the Kalbar Homestead is to provide a facility to age in place for the rural residents of the broader Scenic Rim Region and beyond.</i></p> <p><i>Considering the ageing population Australia is facing it is considered that facilities like this will be required as demonstrated in the housing needs assessment.</i></p> <p>As mentioned previously, the applicant has demonstrated the proposal achieves the overall intent of the Rural Zone and the Planning Scheme as a whole. The proposed site is also capable of connecting to all necessary services and is a logical expansion of urban development to the east of Kalbar. The applicant has also provided a Needs Assessment Report which identifies the need for this sort of development to cater for aging population. Conditions have been imposed that require the development to be connected to all necessary services and comply with Council standards.</p>

Points of Objection	Officers' Comment
<p><i>Impact of development</i></p> <p>The concern that there will be undue detriment caused by development, e.g. noise, lighting, land value, impact on wildlife.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>Considering the low density nature (i.e. not high density) of the development within the urban footprint as well as appropriate buffers and boundary setbacks, any external impact generated by the elderly residents are considered to be minimal.</i></p> <p>Conditions have been imposed that all lighting be designed in accordance with Australian Standards so as not to cause nuisance to neighbouring properties. Conditions have also been imposed in respect to noise emissions causing nuisance. The applicant has provided a tree impact assessment report detailing how the vegetation on the site will be managed and protected. The buildings will also be designed to minimise the impact on the land.</p>
<p><i>Scenic views</i></p> <p>The concern that the development will block scenic views.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The design and siting of the buildings and structures take into consideration the scenic values of this area of Kalbar. When viewed from the public or private land the development will either be screened from view or appear to integrate with the rural setting through the use of character elements and materials, lightly placed / clustered on the landscape, mirroring the layout in the surrounding rural areas.</i></p> <p><i>The loss of scenic view is not considered to be substantial.</i></p> <p>The development has been designed to work with the land and to emulate an environmentally sensitive development. The development will also be heavily landscaped to reduce any negative visual amenity impacts which has been included as part of conditions of approval.</p>
<p><i>Bushfire hazard</i></p>	<p>The applicant has provided the following comments in response to the issue raised:</p>

Points of Objection	Officers' Comment
<p>The concern that the development will trap the residents in event of a bushfire.</p>	<p><i>It has not been proposed to seal the residents of the adjoining land in. During the detailed design of this stage emergency access can be reviewed – refer to bushfire report lodged with the application material.</i></p> <p>The applicant has provided a bushfire hazard assessment for the site and recommends certain actions be undertaken to reduce the risk of bushfire. The submitted report has been included in conditions of approval.</p>
<p><i>SPP & State Interest Mapping</i></p> <p>The concern that the relevant State Interests identified on the site, request application has addressed these items.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>Relevant State interests over the subject site have been addressed by the application material as part of the assessment of the application, as outlined in section 6 of the Planning Assessment Report.</i></p> <p>A copy of the application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) to assess State Government interests. The department responded on the 23 January 2015 having no objection or requirements towards the proposal.</p>
<p><i>Not Properly Made</i></p> <p>The concern that the application is not properly made due to Owner's Consent Form.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The application is considered to be properly made. All relevant owner's consent or powers of attorney will be provided separately to Council.</i></p> <p>It is the case that the signatory has power of attorney to act on behalf of the co-owner of the subject land. The applicant has provided a signed owners consent form in the application common material.</p>
<p><i>Overriding Planning Scheme</i></p> <p>The concern that the content of <i>Statutory Guideline 05/09</i>, in particular sufficient grounds, have not been addressed by the application.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The submission is incorrect in the assertion that sufficient grounds or the content of Statutory Guideline have not been addressed. In</i></p>

Points of Objection	Officers' Comment
	<p><i>response to Council's Information Request the items raised in the submission have been addressed – refer to the Information Request Response material for further details, in particular in the Written Statement.</i></p> <p>In the applicant's response to Information Request, the applicant provided justification for the proposal and demonstrated compliance with <i>Statutory Guideline 05/09</i>.</p>
<p><i>Housing Needs</i></p> <p>The concern that the need for this development and that distances and public transport does not service the site.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The need for this type of facility will increase in the future considering the changing population structure of Queensland and the region.</i></p> <p><i>The distances to the supporting facilities and surrounding localities have been reviewed as part of the application and considered against the function of the facility. The proximity to these facilities is balanced against providing a diversity of housing options for ageing Queenslanders allowing them to continue living in a rural environment. Taking this into consideration the distance to Kalbar is considered to be reasonable.</i></p> <p><i>Notwithstanding, and given the lack of public transport in rural areas, a regular shuttle bus service will be available for residents to access services.</i></p> <p>The subject site is approximately 2km from the Kalbar township and is considered to be in close proximity in context. The applicant has provided relevant reports which support the proposal and demonstrate the site will have access to necessary services. The applicant will be conditioned to construct a footpath to the Kalbar township to provide access to the town other than vehicle dependant travel. The applicant has also noted the use of a regular shuttle bus service for residents.</p>

Points of Objection	Officers' Comment
<p><i>Topography</i></p> <p>The concern that residents will not be able to walk around site due to slope</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The claim that residents will not be able to traverse the site appears to be erroneous and at odds with a number of facilities built on similar, if not steeper, slopes.</i></p> <p><i>The topography of the site has been considered and utilised in the design. Higher care facilities housing residents that are more likely to need mobility assistance are located on the flatter, southern portion of the site. The less intense product of detached independent living units are provided on the northern part of the site for residents who do not require a higher level of care at this stage. To further assist the residents' ability to utilise the site, access ways that cater for mobility scooters and golf buggies will be provided – refer to the Design Package lodged with the application.</i></p> <p>Conditions have been imposed that require all internal parking areas, driveways, circulation aisles and manoeuvring areas are to be designed and constructed in accordance with Australian Standards and the certified by a Registered Professional Engineer of Queensland (RPEQ) prior to commencement of the land use. It is noted that pathways have been provided and will be managed by the developer within the private property.</p>
<p><i>Landscape & Ecology</i></p> <p>The concern that only fauna has not been addressed and that the landscaping is not sympathetic to the character and beauty of the Scenic Rim.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>Fauna in the region has been considered in the design. The Tree Protection Management Plan suggests fauna friendly fencing for the development, which will be further considered at the detailed design phase.</i></p> <p><i>The suggestion that the landscaping constitutes an overdevelopment is also considered to be an exaggeration, considering 33.74 ha</i></p>

Points of Objection	Officers' Comment
	<p><i>of land (84.34% of the site) will be provided as general open space and the response to item 3 regarding density. Furthermore, the enhancement of the watercourse corridor will increase the amenity of the site and area, while also increasing the connectivity of the corridor.</i></p> <p><i>The design of the landscape and open space was prepared through a comprehensive process of creating a bucolic character. By incorporating indigenous stone and timbers in the hardscape palette, and a careful selection of plants and trees from the local environment the landscape concept plan is considered to be sympathetic to the character of Scenic Rim and in particular, Kalbar.</i></p> <p>The applicant has provided a landscaping plan that is considered to be appropriate for the site. The proposal has not shown any aspect of the development that would be considered detrimental to the fauna of the local area. As mentioned above, the tree protection management plan references fauna friendly fencing; which this plan will be condition as part of the conditions package to be adhered to when constructing fences.</p>
<p><i>Traffic</i></p> <p>The concern that traffic generation calculations are incongruous and the 100km speed limit in front of the site is not suitable for the development.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The assertion that the traffic calculations prepared for the site are incongruous does not seem to be supported by further evidence, nor does it suggest specific ways in which the traffic generation would cause undue impacts.</i></p> <p><i>On the other hand, the findings by Bitzios Traffic Engineers demonstrate the traffic generated operation of the proposed development. The Traffic Impact Assessment lodged with the application concludes by stating 'As a result of these findings we conclude that there are no major adverse impacts caused by the</i></p>

Points of Objection	Officers' Comment
	<p><i>development on the local or State road network.'</i></p> <p><i>The 100km speed limit on Teviotville Road has been considered and addressed in the Information Request Response. While Bitzios demonstrate the site can operate safely in the existing environment, it would be of benefit in terms of safety and amenity for the speed sign to shift east for reason beyond the proposed development. Refer to the Traffic and Transport Information Request Response for full details.</i></p> <p>The applicant has demonstrated to Council in the response to Information Request that the development will not cause unsafe traffic conditions. The application has also been assessed by Council engineers whom have accepted the applicant's traffic report.</p>
<p><i>Wastewater & Stormwater</i></p> <p>The concern that the wastewater system proposed for Stage 4; noting requirement for ERA 63 and the area allowed for transpiration is not sufficient. The concern the design does meet the requirements of Planning Scheme Policy 2.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>While the comments made in the submissions are correct, they do not properly represent the Bligh Tanner Water and Wastewater report lodged with the Development Application. The comments made can be addressed as follows:</i></p> <ul style="list-style-type: none"> <i>- The submissions state, 'The report further states an output of 41.5kL/day for individual systems.' To clarify this, this is the estimated Average Dry Weather Flow for all the individual systems in Stage 4, not for each individual system;</i> <i>- The Gibson letter raises a number of technical issues in relation to the irrigation of treated effluent and supports the discussion by reference to the Council Planning Scheme Policy 2 (PSP2). It is noted that PSP2 relates to stand alone single household systems, requiring Council plumbing approval of irrigation areas, whereas the intention is that the combined Stage 4 system will be approved by the</i>

Points of Objection	Officers' Comment
	<p><i>Department of Environment and Heritage Protection (DEHP) in accordance with the Environment Protection Act. DEHP approval will require a more detailed analysis using the Model for Effluent Disposal by Land Irrigation (MEDLI) to demonstrate sustainability. It is noted that the MEDLI is specifically for analysis of wastewater irrigation and is considered a higher order of analysis than the methods provided in PSP2 and AS1547. The Bligh Tanner report included preliminary MEDLI modelling and the following is noted:</i></p> <ul style="list-style-type: none"> <i>- The MEDLI results considered a range of irrigation areas from 1.2Ha to 3.3Ha. The total area of Stage 4 is approximately 20Ha, and for 109 dwellings plus associated road/driveway access the total area would be approximately 6Ha, leaving 14Ha for wastewater irrigation. This is well in excess of the estimated amount required;</i> <i>- MEDLI analysis estimates the mass balance for nutrients and water on a daily basis over 40 years (1964 to 2004), including a 100kL wet weather storage. This demonstrates that over that period there would not have been expected to be any runoff of effluent (even during wet periods) and that the nutrients are sustainably used or adsorbed into the soil structure;</i> <i>- In respect to PSP no. 2, it is considered that the site effluent disposal system can effectively meet the various parameters noted by the submission, i.e. land slope, flood level, soil/rock depths etc;</i> <i>- As the Bligh Tanner Report notes, the management of the individual site systems for effluent treatment and disposal is subject to obtaining DEHP approval and it is normal that EHP officers would scrutinise the proposal along with such things as the MEDLI analysis at that time. Bligh Tanner have considerable</i>

Points of Objection	Officers' Comment
	<p><i>experience with the management of this kind of system (Bligh Tanner wrote Draft Guidelines for Decentralised Wastewater Systems for DERM some years ago), and whilst it is considered the proposal to be robust, sound engineering, a 'fall back' solution has been considered and can be implemented if necessary.</i></p> <p>The issue of wastewater is managed by Queensland Urban Utilities (QUU) since 2014. Correspondence was included within the application common material from QUU which indicate support in principle of the applicants' proposal subject to certain criteria. It is noted that future stages will need to lodge an application for Development Permit of which the water and wastewater arrangements will need to be designed to comply.</p>
<p><i>Master Plan Items</i></p> <p>The concern that the use may be converted to a different residential use.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The concern of the use being converted in the future is not based on a reasonable planning process. If the land is desired to be converted in the future to a different residential use, the proposal would be subject to a new Development Application, therefore subject to full scrutiny of the development assessment process. – refer to use definitions and Level of Assessment Table in the Master Plan Development Code.</i></p> <p>The application is for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office). Any diversion from the approved landuses will require compliance with the proposed Master Plan Development Code or the Planning Scheme. Where it is not Self Assessable, a new application will need to be lodged to Council for approval and will again follow due planning processes. As such, any diversion from the approval will most likely trigger a new town planning application.</p>

Points of Objection	Officers' Comment
<p>The concern that the application seeks flexibility for future development and that the proposed self-assessable aspects in Stage 4 are not acceptable.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>We consider the proposed arrangement of Stage 4 being 'Self-assessable' as reasonable arrangement. The proposed uses in stage 4 are a less intense development and as a result create less of an impact on the site.</i></p> <p><i>Furthermore, the matters that require consideration and assessment for this development have been addressed by the current application, for example the traffic matters, design and landscaping, the road design and access.</i></p> <p><i>As the planning matters for Stage 4 have been considered and addressed, and the Master Plan Development Code requires future works to be delivered generally in accordance with these plans, it is reasonable for future applications be 'Self-assessable.'</i></p> <p><i>Development subject to self-assessment has been regulated to a sufficient level of certainty about what can occur. Provisions are akin to that for the creation of residential lots in a subdivision where future houses, compliant with self-assessable provisions are not assessed by Council.</i></p> <p><i>While standard subdivision is not proposed (nor appropriate) in this case the density, building separation and envelope provisions will have the same effect.</i></p> <p>The applicant has provided sufficient detail in the subject application for officers to assess the development as a whole, including all components of future Self-Assessable development. The future stages will consist of only detached and attached dwellings with the exception of the Community Building which is in Stage 2. The development again will be limited to the proposed layout and any changes will trigger a separate application in which Council will assess any new impacts. The</p>

Points of Objection	Officers' Comment
	<p>proposed Master Plan Code also includes provisions akin the current Planning Scheme to control the design of future dwellings, such as building heights, setbacks and density. As such, the applicant has shown sufficient merit to allow future development to be Self-Assessable when in accord with the approval or the Planning Scheme.</p>
<p>The concern that a staged development should be proposed rather than a section 242 overriding the planning scheme and that the approval identifies building envelopes. Also the all future stages are Code Assessable.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>This approach has been taken over a 'staged' approach to allow for flexibility to match future demand, e.g. in one instance only a small group of the facilities may be required as compared to future years, i.e. future stage requirements are unknown.</i></p> <p><i>The requirement for set building envelopes is not necessary as the same outcome is achieved by the Master Plan Development Code. The Stage 4 development will be assessed against the Master Plan Development Code Criteria which require the buildings to be located generally in accordance with the Master Plan Design Package, thus achieving the outcome of set building envelopes – refer to the previous response.</i></p> <p><i>If the proposed future development is not provided generally in accordance with the approved plans, and prescriptive acceptable solutions, the proposed development will require a new application.</i></p> <p>The application consists of four (4) stages and is reliant on a Preliminary Approval to facilitate the development in a holistic manner. Building envelopes are not considered necessary in this instance given the site is not heavily constrained by bushfire, steep slope or significant vegetation. Additionally, standard building setbacks have been included in the Master Plan Code. While future landuses' may be Self-Assessable in the future stages, any</p>

Points of Objection	Officers' Comment
	<p>deviation from the approved layout will require a separate application and further assessment.</p>
<p>The concern that the Code should state the Regional Plan, where not varied, applies. Continues to suggest changes to section 7.1 should be amended to state relevant sections of Planning Scheme apply where not overridden.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>It may be the case the submission did not consider the most up to date version of the Code provided in response to the Information Request. The Master Plan Development Code does identify which parts of the scheme are overridden and when the proposed code does apply.</i></p> <p>The applicant has detailed in the Master Plan Code how the proposal specifically seeks to vary the effect of the Planning Scheme. Where the Code is silent about an issue, the Planning Scheme takes effect. In accordance with the <i>South East Queensland Regional Plan (SEQRP)</i>, the site is designated within the Urban Footprint and all development must still comply with the SEQRP.</p>
<p>The concern in relation to the definition of Integrated Retirement Facility and that the changes to definitions under Master Plan Development Code are slightly ambiguous.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>An Integrated Retirement Facility is a retirement facility that offers the full suite of services, from independent living units through to high level residential aged care. The residents are supported by various services and additional entertainment and recreation facilities that allow residents to age in place allowing people to become part of community and have a sense of homeliness and belonging.</i></p> <p><i>Changes to the definitions under the Master Plan Development Code are not considered reasonable. When read and considered as a part of the full Development Code the certainty the submission seeks is achieved.</i></p> <p><i>Changing the definition of Central Facilities to state it is for the sole use of residents is unreasonable</i></p>

Points of Objection	Officers' Comment
	<p><i>and would only act to segregate the facilities community from the broader Kalbar and Scenic Rim community, degrading social sustainability and is counter to the latest aged care integrated model.</i></p> <p>The proposed Master Plan Code entails specific landuse terms and definitions which override the Planning Scheme where there is an inconsistency. The proposed terms which are complimented by the approved plans ensure the site will be developed as intended. The proposed definitions are appropriately worded to give enough certainty to decipher what the actual use will be.</p>
<p>The concern that a ten (10) year sunset clause on approval is needed.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>A 10 year 'sunset clause' seems unreasonable for a development of the this size and scale. Taking into consideration the time required to carry out the development in full a 20 year horizon for this project is more reasonable.</i></p> <p>The application has sought a <i>Prescribed Period</i> of ten (10) years to complete the development in accordance with Section 343 of the <i>Sustainable Planning Act 2009</i>, of which Council officers support.</p>
<p><i>Contamination</i></p> <p>The concern that the site is not on the Contaminated Land Register and that testing be completed.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>As noted the site has not been identified on the Contaminated Land Register and as such is not considered to be an issue for this application. The concern from the submitter is appreciated and the matter has been noted for consideration outside of the Development Application. To the best of our knowledge the site history and site inspection indicate the land never included a cattle dip.</i></p> <p>The site is not registered on the Contaminated Land Register and Council is not aware of any evidence of the site being</p>

Points of Objection	Officers' Comment
	at risk of contamination.
<p><i>Firefighting & Water Supply</i></p> <p>The concern is that scenic amenity will be impacted by water tanks.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>Above ground water supply measures have not been proposed. If these are proposed in the future they will be required to meet the standards set by the relevant codes, sufficient for fire and general supply needs.</i></p> <p>Rainwater tanks have not been proposed as part of the application; however a condition has been imposed that rainwater tanks be screened from view from adjoining properties or public roads.</p>
<p><i>Operator</i></p> <p>The concern that the operator of facility is not listed in development application.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The listed operator of the facility once implemented is not a relevant planning matter. This has been passed on and can be considered outside of the planning application.</i></p> <p>The eventual operator of the development is a private matter and not a planning concern. The eventual operator will be required to operate and comply within the parameters of the approval.</p>
<p><i>Demographics</i></p> <p>The concern that the development will be highest density development in Kalbar, potentially increasing population by 58%.</p>	<p>The applicant has provided the following comments in response to the issue raised:</p> <p><i>The demographics of the Kalbar Township have been noted and considered during the application process.</i></p> <p><i>The assertion in the submission does not appear to be fully considered. The following comments address each of the points raised:</i></p> <p><i>- While the census figure provided is correct, it does not fully consider population movement (growth over time), nor population structure, which are all relevant factors in the equation.</i></p>

Points of Objection	Officers' Comment
	<p>- Using a percentage increase is misleading as in real terms the increase would not be nearly as drastic. It is also important to consider the proposed development will not be provided in one instalment, rather being implemented over an extended period (i.e. not built in full instantly)</p> <p>- Focusing only on the Kalbar demographics is misleading as the vision of the proposed development is to service the broader region, meaning the population, housing need, impact management and economic benefit statistics for the region would be a far more useful to assess against the development.</p> <p>The development is proposed to be developed over four (4) stages and has a time period of 10 years to complete. The applicant has also submitted technical reports that support the proposed density in terms of servicing the development. As such, the proposed growth and ultimate density after Stage 1 will be in essence market driven process and will be constructed based on the market needs.</p>

Internal Referrals

Health, Building and Environment – Building and Plumbing

Council’s internal Building Section has reviewed the application and advised that the applicant would need to submit a future building and plumbing application for the proposed buildings.

Health, Building and Environment – Environmental Policy

Council’s Environment Policy section has assessed the application and has provided suitable conditions in respect to biosecurity matters preventing the further spread of a declared noxious weed onsite.

Health, Building and Environment – Health

Council’s Environmental Health Section has assessed the application and advised that they have no objections to the proposal subject to the imposition of suitable conditions. Conditions have been provided in relation to air contaminants, light emissions, noise disturbance and emission limits, waste storage and removal, portable water hygiene, and mosquito control. Further advice was also provided in relation to future food licenses and advertising signs.

Development Assessment - Flooding

Council's internal Development Assessment Section (DA Flooding) has assessed the application against the relevant Planning Scheme Policies. DA Flooding have no objections subject to the imposition of relevant conditions. Conditions have been provided in respect to building floor levels and maintaining flood storage capacity.

Development Assessment - Engineering

Council's internal Development Assessment Section (DA Engineering) has assessed the application against the relevant Planning Scheme Policies. DA Engineering have advised that they have no objections subject to the imposition of relevant conditions. Conditions have been provided in respect to car parking and access, stormwater discharge and disposal, earthworks design and management, electrical works and car park lighting and general security.

Infrastructure Services

Council's internal Infrastructure Services Section has assessed the application and advised that they have no objections to the proposed development. A condition has been included requiring a future application for Operational Works (Landscaping on Private Land) to be submitted to Council for approval.

External Referrals*Department of Infrastructure, Local Government and Planning (DILGP)*

A copy of the application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) through the State Assessment and Referral Agency (SARA) process in accordance with Section 273 of the *Sustainable Planning Act 2009*. Subsequently, correspondence dated 23 January 2015 was received from SARA advising that the Department had no objection or requirements towards the proposed development.

Conclusion

Council is in receipt of an application seeking an approval for a combined Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and a Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office)).

Through the assessment process, the subject application has addressed the relevant provisions of the Planning Scheme. Where there is a perceived conflict, reasonable and relevant conditions have been imposed to ensure compliance.

As such, it is recommended that Council approve the proposed development subject to reasonable and relevant conditions entailed within the Director's Recommendation.

Director's Recommendation

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

Real Property Description:	Lots 1, 2 and 5 on RP20983
Address of property:	163 Teviotville Road KALBAR
Site area:	40.28Ha
Proposal:	Preliminary Approval under Section 242 of the Sustainable Planning Act 2009 for a Material Change of Use (Integrated Retirement Community to be developed in accordance with the Master Plan Development Code); and Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office))

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 site.
 - 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 site.
 - c. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.
 - d. Operational Works (Stormwater) approval is required for any stormwater management work conditioned as part of this Decision Notice prior to commencement of use.
2. **Conditions of Approval:**

PART A - Preliminary Approval under Section 242 of SPA to establish an Integrated Retirement Community

- 1) **USE IN ACCORDANCE WITH THE APPLICATION – PRELIMINARY APPROVAL (MATERIAL CHANGE OF USE)** - For the purpose of this Preliminary Approval pursuant to Section 242 of the *Sustainable Planning Act 2009*, the approved development must be undertaken generally in accordance with the '*Kalbar Homestead Integrated Retirement Community - Master Plan Development Code* dated 4 November 2015 as amended in RED, except insofar as it is modified by the conditions of this approval.

- 2) PURSUANT TO SECTION 242 OF THE *SUSTAINABLE PLANNING ACT 2009*, THIS PRELIMINARY APPROVAL APPROVES THE FOLLOWING VARIATIONS TO THE EFFECT OF THE PLANNING SCHEME: - The approved *Kalbar Homestead Integrated Retirement Community - Master Plan Development Code* varies the effect of the *Boonah Shire Planning Scheme 2006*, by altering or overriding the following sections:
- Division 2: Assessment within the Rural Zone Code
 - Section 4.6 Assessment Tables for the Rural Zone
 - Division 4: Community Facilities
 - Division 13: Residential Development
 - Division 3: Assessment Criteria for the Economic Resources Overlay
 - Schedule 1 - Dictionary
- A. The following Assessment Table varies the effect of the *Boonah Shire Planning Scheme 2006*, Section 4.6 Table 1: Assessment Categories and Relevant Assessment Criteria for the Rural Zone - Making a Material change of Use:

Defined Use or Type of Development	Level of Assessment	Assessment Criteria
Precinct A – Hillside Living Precinct		
Detached Hillside Home	Where in Precinct A and compliant with assessment criteria: Self-assessable Otherwise Code assessable	Kalbar Homestead Master Plan Development Code
Attached Duplex Townhouse	Where in Precinct A and compliant with assessment criteria: Code assessable Otherwise Impact assessable	Kalbar Homestead Master Plan Development Code
Precinct B – Central Living Precinct		
Detached Hillside Home	Where in Precinct B and compliant with assessment criteria: Self-assessable Otherwise Code assessable	Kalbar Homestead Master Plan Development Code
Attached Duplex Townhouse	Where in Precinct B and compliant with assessment criteria: Self-assessable Otherwise Code assessable	Kalbar Homestead Master Plan Development Code
Precinct C – Community Hub Precinct		
Residential Aged Care	Where in Precinct C and are compliant with assessment criteria: Code assessable Otherwise Impact assessable	Kalbar Homestead Master Plan Development Code
Supported Living Apartments	Where in Precinct C and are compliant with assessment criteria: Code assessable Otherwise Impact assessable	Kalbar Homestead Master Plan Development Code
Central Facilities	Where in Precinct C and are compliant with assessment criteria: Code assessable Otherwise Impact assessable	Kalbar Homestead Master Plan Development Code

Defined Use or Type of Development	Level of Assessment	Assessment Criteria
Precinct E – Arrival Precinct		
Display Dwelling	Where in Precinct E and are compliant with assessment criteria: Code assessable Otherwise impact assessable	Kalbar Homestead Master Plan Development Code
Short Term Accommodation	Where in Precinct E and are compliant with assessment criteria: Code assessable Otherwise impact assessable	Kalbar Homestead Master Plan Development Code
Caretaker's Accommodation	Where in Precinct E, compliant with assessment criteria and located in an existing premises: Self-assessable Otherwise code assessable	Kalbar Homestead Master Plan Development Code

Note: In the event of a Defined Use or Type of Development being similar to that of the Planning Scheme, the level of assessment identified in Table 1 above overrides those identified in the Planning Scheme

- 3) **RAINWATER TANKS** - The developer must ensure that all rainwater tanks that are installed are appropriately screened from neighbouring properties or public road.
- 4) **USE IN ACCORDANCE WITH THE APPLICATION – APPROVED PLANS** - Development being undertaken generally in accordance with plans and referenced in the Table 1 below, except insofar as it is modified by the conditions of this approval. Cafeteria

Table 1: Approved Precinct Plan

Plan Number	Title	Date	Prepared by
0713-0506-00	Precinct and Indicative Staging Plan	24.06.2015	Tract
0713-0506-00	Access and Circulation Plan	09.07.2015	Tract
0713-0506-00	Vegetation Management Plan	05.03.2015	Tract
0713-0506-00	Indicative Landscape Concept Master Plan	24.06.2015	Tract
0713-0506-00	Density / Land Budget Plan	24.06.2015	Tract
5431.3S.00.01 B	Architectural Statement - Kalbar & Brief Summary	02.11.15	TVS Architects
5431.3S.01.02 B	Proposed Site Plan	03.03.15	TVS Architects
	Tree Protection Management Plan	February 2015	Treescience
	Kalbar Homestead Proposed Development - Site Based Stormwater Management Plan	05.03.2015 and further submission dated	Bligh Tanner

		10.07.2015	
	Bushfire Hazard Assessment and Mitigation Plan for The Kalbar Homestead Development	06.03.2015	BPS

- 5) **RELEVANT SPECIFIC DEVELOPMENT CODES AND CONSTRAINT CODES** - Where not clearly stated in the Master Plan Code, the development is subject to the requirements of the relevant Codes and Policies as identified in the *Boonah Shire Planning Scheme 2006* as amended from time to time.

PART B - Development Permit for Material Change of Use (Stage One (1) for Multiple Dwelling (Residential Aged Care Facility & Supported Living Apartments), Caretaker's Residence and Undefined Landuse (Sales Office))

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE** - Development being undertaken generally in accordance with the following plans as amended in RED and the submitted material received by Council, except insofar as it is modified by the conditions of this approval.

Plan Number	Title	Date	Prepared by
5431.3S.00.01 B	Architectural Statement - Kalbar & Brief Summary	02.11.15	TVS Architects
5431.3S.00.02 A	Materials and Finishes	03.03.15	TVS Architects
5431.3S.01.02 B	Proposed Site Plan	03.03.15	TVS Architects
5431.3S.01.03 B	Staging plan		TVS Architects
5431.3S.01.04 C	Stage 1 - Site Plan	02.07.15	TVS Architects
5431.3S.01.05 C	Stage 1 - Site Plan		TVS Architects
5431.3S.02.00 A	Residential Aged Care	03.03.15	TVS Architects
5431.3S.02.01 B	Floor Plan - RAC Central Facilities	03.03.15	TVS Architects
5431.3S.02.02 A	Roof Plan - RAC Central Facilities	03.03.15	TVS Architects
5431.3S.02.03 A	Elevations - RAC Central Facilities	03.03.15	TVS Architects
5431.3S.02.04 A	Sections - RAC Central Facilities	03.03.15	TVS Architects
5431.3S.02.05 A	Perspectives - RAC Central Facilities	03.03.15	TVS Architects
5431.3S.02.06 B	Floor Plan - RAC West Block	03.03.15	TVS Architects
5431.3S.02.07 A	Roof Plan - RAC West Block	03.03.15	TVS Architects
5431.3S.02.08 A	Elevations - RAC West Block	03.03.15	TVS Architects
5431.3S.02.09 A	Elevation & Sections - RAC West Block	03.03.15	TVS Architects
5431.3S.02.10 A	Perspectives - RAC West Block	03.03.15	TVS Architects
5431.3S.02.11 B	Floor Plan - RAC East Block	03.03.15	TVS Architects
5431.3S.02.12 A	Roof Plan - RAC East Block	03.03.15	TVS Architects

Plan Number	Title	Date	Prepared by
5431.3S.02.13 A	Elevations - RAC East Block	03.03.15	TVS Architects
5431.3S.02.14 A	Elevation & Sections - RAC East Block	03.03.15	TVS Architects
5431.3S.02.15 A	Perspectives - RAC East Block	03.03.15	TVS Architects
5431.3S.02.16 B	Floor Plan - Dementia Block	03.03.15	TVS Architects
5431.3S.02.17 A	Roof Plan - Dementia Block	03.03.15	TVS Architects
5431.3S.02.18 A	Elevations - Dementia Block	03.03.15	TVS Architects
5431.3S.02.19 A	Sections - Dementia Block	03.03.15	TVS Architects
5431.3S.02.20 A	Perspectives - RAC Dementia Block	03.03.15	TVS Architects
5431.3S.03.00 A	Supported Living Units	03.03.15	TVS Architects
5431.3S.03.01 C	SLU Floor Plan	03.03.15	TVS Architects
5431.3S.03.02 C	Ground Floor Plan - West Wing	03.03.15	TVS Architects
5431.3S.03.03 A	Roof Plan - West Wing	03.03.15	TVS Architects
5431.3S.03.04 A	Elevations - West Wing	03.03.15	TVS Architects
5431.3S.03.05 A	Sections - West Wing	03.03.15	TVS Architects
5431.3S.03.06 A	Perspectives - West Wing	03.03.15	TVS Architects
5431.3S.03.07 C	Ground Floor Plan - Centre Block	03.03.15	TVS Architects
5431.3S.03.08 C	First Floor Plan - Centre Block	03.03.15	TVS Architects
5431.3S.03.09 A	Roof Plan - Centre Block	03.03.15	TVS Architects
5431.3S.03.10 A	Elevations & Sections - Centre Block	03.03.15	TVS Architects
5431.3S.03.11 A	Elevations & Sections - Centre Block	03.03.15	TVS Architects
5431.3S.03.12 A	Perspectives - Centre Block	03.03.15	TVS Architects
5431.3S.03.13 C	Ground Floor Plan - East Wing	03.03.15	TVS Architects
5431.3S.03.14 A	Roof Plan - East Wing	03.03.15	TVS Architects
5431.3S.03.15 A	Elevations - East Wing	03.03.15	TVS Architects
5431.3S.03.16 A	Sections - East Wing	03.03.15	TVS Architects
5431.3S.03.17 A	Perspectives - East Wing	03.03.15	TVS Architects

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the definitions of Multiple Dwelling, Caretakers Residence and Sales Office in accordance with the *Beaudesert Shire Planning Scheme 2007* where not elsewhere stated in the approved *Kalbar Homestead Integrated Retirement Community - Master Plan Development Code*.

- 3) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.

Landscaping

- 5) **LANDSCAPING ON PRIVATE LAND** - The developer must submit to Council for approval an application for Operational Works (landscaping on private land) to be generally in accordance with the submitted drawing No. 0713-0506-00 Rev.01, titled *Stage 1 Landscape Concept Plan* dated 05.03.2015 and prepared by Tract. The Operational Works application for landscaping on private land must be approved prior to commencement of use.

Environmental Health

- 6) **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.
- 7) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 8) **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.
- 9) **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) Night time (10:00pm-7:00am)	Background +5dB(A) Background +3dB(A) Background=LA ₉₀	Background +10dB(A) Background +8dB(A) 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*.

- 10) **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.

- 11) **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.
- 12) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 13) **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.
- 14) **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.
- 15) **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.
- 16) **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.
- 17) **MOSQUITO CONTROL** - All drainage lines (including roadside drains, stormwater drains and parkland areas), ponds, dams and artificial water bodies are to be designed, graded and maintained so as not to provide a breeding ground for mosquitos.

Car parking and Access

- 18) **ACCESSES TO COUNCIL ROAD** - The developer shall construct the accesses to incorporate a Rural Basic Right (BAR) and Rural Basic Left (BAL) turn treatment, as defined in the *"Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections (Austroads)"*, to cater for the largest vehicle that is anticipated to use the access during its design life.

The Developer shall design and construct the access to be generally in accordance with Scenic Rim Regional Council Standard Drawing R-07.

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 Operational Works with Council. 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.

- 19) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council. The works required by this condition are to be completed prior to the commencement of the use.
- 20) **CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT WITH AC SEAL** - All parking areas, driveways, circulation aisles 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. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement (asphalt concrete (AC) seal), from the property boundary to the satisfaction of Council's Director – Infrastructure Services.

The car parking layout will be generally constructed as shown in the approved plans. Passing bays will be provided in accordance with the Access and Circulation Plan and the response from Bitzios Pty Ltd provided with the information response.

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

The car parking provisions must be available prior to the commencement of the use and must be maintained in good condition for the lifetime of the proposed use

- 21) **CAR PARKING NUMBERS** - The developer is to provide for every Stage of the development the required car parking at a rate no less than specified on Table 3 of the *Kalbar Homestead Integrated Retirement and Community Master Plan Development Code*. Parking for standard vehicles, people with disabilities and servicing vehicles are to comply with Australian Standards. Due regard must also be held with the requirements of the Building Code of Australia for parking for people with disabilities.
- 22) **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.
- 23) **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.

- 24) **FOOTPATH** - The Developer is to provide a 2.5m wide shared pedestrian and cycling pathway along the entire Teviotville Road frontage. The 2.5m wide shared pedestrian and cycling pathway is to extend from the development site westwards along Teviotville Road / Edward Street and connect to the existing Council footpath at Lot 1 SP210694. The design and construction of the works required by this condition are to meet the specifications of Council's Design and Construction Manual. 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 of Interfering with a Road or its Operation".

Stormwater Drainage

- 25) **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.
- 26) **STORMWATER DISCHARGE AND DISPOSAL** - The developer 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 Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual. Stormwater management will generally follow the strategy adopted in the Site Based Stormwater Management Plan prepared by Bligh Tanner Pty Ltd dated 5 March 2015.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition will be the subject of an Operational Works application with Council and must be completed prior to the commencement of the use.

- 27) **SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - The Applicant is to submit to Council for approval, a properly prepared comprehensive Erosion and Sediment Control Program as part of the Operational Works Application. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*".

Earthworks Design and Management

- 28) **EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING)** – All earthworks associated with the car-parking areas, access driveway(s) and the building works will be undertaken in accordance with of Council's Design and Construction Manual.

Electrical Works

- 29) **ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) 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 approved use.

- 30) **CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use. Car parking lighting shall be certified by a Registered Professional Engineer of Queensland (RPEQ).

The works required by this condition are to be completed prior to the commencement of the approved use. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

Flooding

- 31) **BUILDING FLOOR LEVEL TO BE ABOVE 1% AEP FLOOD LEVEL-** The applicant shall ensure that the floor levels of all proposed buildings are at or above the 1% AEP flood level and the habitable floors to be at a minimum of 500mm above the 1% AEP flood level.
- 32) **RESIDENTIAL AGED CARE FACILITIES TO BE ABOVE 0.5% AEP FLOOD LEVEL -** The floor levels of the Residential Aged Care Facilities are to be set at a minimum of 300mm above the 0.5% AEP flood level. The Applicant shall submit a Surveyor's Certificate to Australian Height Datum (AHD) level confirming the floor levels of the structure prior to the commencement of the said use.
- 33) **MAINTAIN THE FLOOD STORAGE CAPACITY** - The applicant to ensure that no filling encroach below the 1% AEP flood level within the floodplain unless undertaken on compensatory earthworks basis (i.e. cut to fill balance within the floodplain) to maintain the flood storage capacity of the floodplain.

Environmental

- 34) **BIOSECURITY PLAN** -The applicant must submit to Council a biosecurity plan prepared by a suitably qualified professional to the satisfaction and approval of Council. Specifically the plan must address:
- I. Invasive species management.
 - II. Procedures/management arrangements to address these issues during construction and operation phase.
- The biosecurity plan must be submitted to Council and approved prior to commencement of operational works or the proposed land use.
- 35) **BIOSECURITY PLAN** - The applicant must comply with the Biosecurity Plan at all times.

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

- a) **FOOD LICENSING** - If food is prepared and served at a 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 5111.

- b) **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.
- c) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner’s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- d) **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.
- e) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *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).
- f) **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.

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 site.
- 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 site.
- c. Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.

- d. Operational Works (Stormwater) approval is required for any stormwater management work conditioned as part of this Decision Notice prior to commencement of use.

5. 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. Approved plans (attached separately).
2. Kalbar Homestead Integrated Retirement Community - Master Plan Development Code dated 4 November 2015 (attached separately).
3. SARA Correspondence dated 30 April 2015.

Attachment 3 - SARA Response



Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0315-019454
Your reference: MCBn15/002

30 April 2015

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

Attn: Mr Thor Nelson

Dear Mr Nelson

Concurrence agency response - no requirements

163 Teviotville Road, Kalbar
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 15 April 2015.

Applicant details

Applicant name: SEADev Pty Ltd
Applicant contact details: c/- Tract Consultants Pty Ltd, Level 2, 140 Ann Street,
Brisbane QLD 4000

Site details

Street address: 163 Teviotville Road, Kalbar
Real property description: Lots 1, 2 and 5 on RP20983
Local government area: Scenic Rim Regional Council

Page 1

SEQ West Region
Level 4, 117 Brisbane Street
PO Box 129
Ipswich QLD 4305

SDA-0315-019454

Application details

- Proposed development:
- Preliminary Approval under section 242 of the *Sustainable Planning Act 2009* for a Material Change of Use for an Integrated Retirement Community to be developed in accordance with the Master Plan Development Code
 - Development Permit for a Material Change of Use (Stage 1) for Multiple Dwelling (Residential Aged Care Facility and Supported Living Apartments), Caretaker's Residence and Undefined Land use (Sales Office)

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 2 – Development impacting on state-transport infrastructure

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

A copy of this response has been sent to the applicant for their information.

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

Yours sincerely



Nathan Rule
Manager - Planning

cc: SEADev Pty Ltd c/- Tract Consultants Pty Ltd, sgallagher@tract.net.au
Department of Transport and Main Roads, scland@tmr.qld.gov.au

3.3 COMBd15/001 A combined application for a Material Change Use (Impact-inconsistent) and Reconfiguring of Lot to establish a Medium Density Residential (78 units) and a one (1) into two (2) lot Reconfiguration Lot 2 SP250386

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: COMBd15/001

Applicable Planning Scheme	<i>Beaudesert Shire Planning Scheme 2007</i>
Applicant	Wolter Consulting Group
Owner(s)	Philip Usher Constructions Pty Ltd
Site Address	25-27 Tequesta Drive, Beaudesert
Real Property Description	Lot 2 SP250386
Site Area	3.231 hectares
Relevant Zone and Precinct	<ul style="list-style-type: none"> • Beaudesert and Canungra Townships Zone • Active Recreation and Residential Precincts
Proposal	A combined application for a Material Change Use (Impact-inconsistent) and Reconfiguring of Lot
Assessment Level	To establish a Medium Density Residential (78 units) and a one (1) into two (2) lot Reconfiguration
Approval Type	Development Permit
Public Notification	A notice was published on 30 September 2015 in the Beaudesert Times
Submissions Received	Five (5) properly made submissions were received during the statutory notification period
Is a Notation to the Planning Scheme required?	Yes. To reflect the current land use precinct of Active Recreation to be commensurate with the Medium Density Residential Precinct
Date Application Received:	29 June 2015

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	Minor	Unlikely	Low	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
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

Purpose of Report

The report has been compiled for Council's consideration outlining the facts and circumstances for a proposed development seeking an approval for a Development Permit for a combined application involving a Material Change of Use for a Medium Density Residential (78 townhouses) and Reconfiguring a Lot (1 into 2 lots) under the *Beaudesert Shire Planning Scheme 2007*.

Brief Summary

Council is in receipt of a combined application seeking an approval for a Development Permit for a Material Change of Use (Impact assessable) for a Medium Density Residential (78 Townhouses) and Reconfiguring a Lot (1 into 2 lots) on land located at 25-27 Tequesta Drive, Beaudesert and described as Lot 2 on SP250386.

The proposal seeks to construct 78 townhouses of both single and double storey and reconfigure the site to create a traditional 720m² residential lot with frontage to Tequesta Drive and a 3.16 hectare lot for the proposed unit development.

Council approved a Development Permit for a combined application involving a Material Change of Use for a Medium Density Residential (51 townhouses) and Reconfiguring a Lot boundary realignment refer Council file reference 020-050-000112.

The application was publicly notified for 15 business days in accordance with the requirements under the *Sustainable Planning Act 2009*, whereby Council received five (5) properly made submissions. The issues raised by the submitter's along with an appropriate Officer comment have been included within this report.

Despite the development being inconsistent with the planning scheme there is sufficient merit for Council to support the proposal as justified within the context of this report.

Council is therefore requested to consider the merits of the proposed development and resolve to approve the application for a Medium Density Residential (78 townhouses) and a Reconfiguring a Lot (1 into 2 lots), subject to reasonable and relevant conditions.

Proposal

Material Change of Use Component

The Applicant's proposal involves establishing a 'community Title' medium density residential community to facilitate 78 dwelling units over a development area consisting of 3.16 hectares. The development proposes to include a combination of single detached dwellings and duplexes along with a separate manager's residence near the proposed entrance of the development.

Each proposed dwelling unit will also contain private open space areas with the dwelling units building footprint equating to 20.28% of the site or a density of one (1) dwelling per 405m² of land area approximately. In addition, the development will include 'communal' areas throughout the development site involving both open space areas and built indoor recreation areas (i.e. gym, pool) as generally illustrated under **Attachment 1-Site Plan**.

The development site proposes to obtain access from Tequesta Drive by establishing an internal sealed driveway consisting of a minimum width of 6 metres which will then continue to meander through the development site providing each proposed dwelling unit with sealed driveway and road access as reflected within the attached site plan.

Each dwelling unit will be individually fenced from other adjoining units, which seeks to provide privacy rather than constitute a subdivision of land. Each dwelling unit along with all communal and open space areas will be suitably landscaped throughout to ensure visual amenity is maintained along with providing natural screening between other existing residential and public open space uses.

The development will predominantly involve establishing attached two storey duplex dwellings with the exception of proposed units 1, 6, 45 and 48 which will be one storey single detached dwellings and proposed units 46 and 47, which will be attached single story duplex dwellings (refer to **Attachments 1 and 3**). The following provides Council with proposed numbers and dwelling types for the development.

Proposed Single Detached Dwellings

Unit Type – L.4S

There is one (1) L.4S type unit proposed for the site consisting of 134.40m² of site cover and single storey. The dwelling particulars include:

- 3 bedrooms;
- Ensuite;
- Open lounge, dining and kitchen;
- Living area;
- Single lock-up garage;
- Laundry;
- Combined bathroom and toilet; and
- Front entry porch and covered rear patio.

(Refer to **Attachments 8 and 17**)

Unit Type – M.10

There is one (1) M.10 type unit proposed for the site consisting of 134.50m² of site cover and two (2) storey. The dwelling particulars include:

First storey:

- Open living, dining, family area and kitchen;
- Double lock-up garage;
- Laundry;
- Toilet; and
- Front entry porch and covered rear patio.

Second storey:

- 4 bedrooms;
- Ensuite and walk in wardrobe for bedroom 1; and
- Separate bathroom and toilet.

(Refer to **Attachments 9 and 18**)

Unit Type – S.1

There are two (2) S.1 type units proposed for the site consisting of 81.82m² of site cover each and both double storey. The dwelling particulars include:

First storey:

- Single lock-up garage;
- Open plan dining, living and kitchen area;
- Front entry porch and covered rear patio;
- Laundry; and
- Toilet.

Second storey:

- 3 bedrooms;
- Ensuite for bedroom 1;
- Combined bathroom and toilet; and
- Covered balcony.

(Refer to **Attachments 10 and 19**)

Proposed Attached Dwellings - DuplexesUnit Type – D.6-P

There are eight (8) D.6-P type duplex buildings proposed for the site. Two dwelling units per building, each dwelling unit has a site cover of 79.20m² and each is double storey. The dwelling particulars include:

First storey:

- Single lock-up garage;
- Open plan dining, living and kitchen area;
- Laundry;
- Toilet; and
- Front entry porch and covered rear patio.

Second storey:

- 3 bedrooms;
- Ensuite for bedroom 1; and
- Combined bathroom and toilet.

(Refer to **Attachments 4 and 13**)

Unit Type – D.7

There are eleven (11) D.7 type duplex buildings proposed for the site. Two dwelling units per building, each dwelling unit has a site cover of 79.20m² and each is double storey. The dwelling particulars include:

First storey:

- Single lock-up garage;
- Open plan dining, living and kitchen area;
- Laundry;
- Toilet; and
- Front entry porch and covered rear patio.

Second storey:

- 3 bedrooms;
- Ensuite for bedroom 1;
- Combined bathroom and toilet; and
- Covered balcony.

(Refer to **Attachments 5 and 14**)

Unit Type – H.7

There are nine (9) H.7 type duplex buildings proposed for the site. Two dwelling units per building, each dwelling unit has a site cover of 79.20m² and each is double storey. The dwelling particulars include:

First storey:

- Single lock-up garage;
- Open plan dining, living and kitchen area;
- Laundry;
- Toilet; and
- Front entry porch and covered rear patio.

Second storey:

- 3 bedrooms;
- Ensuite for bedroom 1;
- Combined bathroom and toilet; and
- Covered balcony.

(Refer to **Attachments 6 and 15**)

Unit Type – L.4

There is one (1) L.4 type duplex building proposed for the site. Two dwelling units contained in the building, each dwelling unit has a site cover of 134.40m² and is single storey. The dwelling particulars include:

- 3 bedrooms;
- Ensuite for bedroom 1;
- Study;
- Open plan lounge, dining and kitchen area;
- Single lock-up garage;
- Laundry;
- Combined bathroom and toilet; and
- Front entry porch and covered rear patio.

(Refer to **Attachments 7 and 16**)

Unit Type – U.6-P

There are eight (8) U.6-P type duplex buildings proposed for the site. Two dwelling units per building, each dwelling unit has a site cover of 79.20m² and each is double storey. The dwelling particulars include:

First storey:

- 1 bedroom and ensuite;
- Single lock-up garage;
- Living area;
- Laundry;
- Study; and
- Front entry porch and covered rear patio.

Second storey:

- 2 bedrooms;
- Combined bathroom and toilet;
- Open plan family room and kitchen; and
- Covered balcony.

(Refer to **Attachments 11 and 20**)

Car Parking

The development will provide for 181 sealed on-site car parking spaces, which are derived from the following:

- Manager's residence – 2 garage spaces;
- 77 dwelling units – 1 garage space
- 75 tandem spaces in front of garages – 75 spaces
- Visitor car parks – 26 spaces
- People With Disabilities space - 1 space
- Plus 1 car wash bay
- Plus 1 SRV bay

Council’s planning scheme identifies a development of this nature as requiring a minimum of 78 on-site car parks and one (1) SRV space. This figure has been calculated using the below table, which is an excerpt from the Parking and Servicing Code under Council’s planning scheme. It is considered that the development has provided for a sufficient number of on-site car parking spaces when applying the below parking rates.

<p>Medium Density Residential Use</p>	<p><u>General requirement</u> 1 covered space per unit; and 1 visitor space per 2 units (or part thereof); and 1 washing bay for 10 units or more. Not less than 50% of visitor car parking spaces are sited between the Building and the street frontage, or on the main approach side of the street. <u>Student accommodation</u> 0.5 spaces per dwelling or rented bedroom; and 0.5 bicycle spaces per dwelling or rented bedroom. <u>Boarding house</u> 0.25 spaces per rented room or unit; and 0.5 bicycle spaces per rented room or unit.</p>	<p>1 SRV space where more than 10 units.</p>	<p>Student accommodation provision only applies where student accommodation is located in close proximity to good public transport services. Standard medium density rates apply otherwise.</p>
--	--	--	---

Services

Water and Sewerage

The development will be required to be serviced by reticulated water and sewage provisions with Queensland Urban Utilities (QUU) being the responsible authority for supplying and maintaining all water and sewage infrastructure.

QUU have undertaken an assessment of the proposed development in terms of water and sewerage supply and have confirmed that the existing infrastructure is capable of servicing these additional dwelling homes, subject to the recommendations within the *Service Advice Notice* within **Attachment 21**.

Open Space

The development will provide for a communal open space area centrally located within the site as well as a communal open space in the east of the site as illustrated under **Attachment 1 and 2**, and will consist of an area of 10,043m². The centrally located open space area will provide an active recreation space for residents of the proposed dwelling units, which will further incorporate turf and landscaping along with connecting paths, a swimming pool and a gym.

In addition to the communal open space area, each dwelling unit will be provided with private open space areas to the rear and sides of each dwelling unit, which will be further enhanced by a dividing fencing. However, this fencing will not establish property boundaries, but rather exclusive use areas for each respective dwelling unit as part of a future Community Title subdivision and Body Corporate.

Reconfiguring a Lot Component

An additional component of the application involves a reconfiguring a lot (one (1) into two (2) lots), which ultimately achieves excising the proposed Medium Density Residential development site 3.16ha from the proposed 720m² residential development lot with frontage to Tequesta Drive see **Attachment 21**. Each of the proposed lots will have a frontage of 18m to Tequesta Drive.

Background

The subject lot was created as part of the Reconfiguring a Lot component of previously approved development application 020-050-000112. Part of Lot 2 on SP 250386 is an abandoned golf hole which is not being used for active recreation purposes by the Beaudesert Golf Club.

Site and Environment

Characteristics of Site & Surrounding Environment

Existing Land Uses

The subject site is predominantly vacant.

Site Context

Adjoining the subject site is residential subdivision and uses to the east and north, open space and rural residential to the south and active recreation to the west. Residential subdivisions are currently being constructed along Kingsley Drives and north of Serena Drive where the development will gain access to the greater road network.

The aerial photograph in **Figure 1** below shows the subject site and immediate surrounding area.

Figure 1 Subject site and immediate surrounding area



Advertising

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

On 23 October 2015, Council received the “Notice of Compliance” advising that public notification of the proposal has been completed and undertaken in accordance with the requirements identified under chapter 6, part 4 division 2 of the *Sustainable Planning Act 2009*.

The application was publicly notified for fifteen (15) business days and generally in accordance with the requirements of the *Sustainable Planning Act 2009*, whereby Council received five (5) submissions, all of which were considered to be properly made. The issues raised by the submitter’s have been outlined below and accompanied by an appropriate Officer comment.

The Notice of Compliance received by Council demonstrated compliance with the stated requirements pursuant to chapter 6, part 4 division 2 of the *Sustainable Planning Act 2009* with the required actions undertaken in accordance with the following:

- Notices were sent to the adjoining land owners on 25 September 2015 by registered post;
- On 29 September, 2015 a Notice was placed on the Tequesta Drive frontage of the subject site and maintained until 23 October 2015 (inclusive).
- A Notice was published in the Beaudesert Times on 30 September 2015; and
- All actions required for Public Notification were undertaken within five (5) business days after the first action was taken.

Submissions

Submitter's details

1. Mr Stephen & Helen Van Hoeyen
Geben Motors
110 Brisbane Street
BEAUDESERT QLD 4285
2. Mr Roger Andrew Cutting
11 Tequesta Drive
BEAUDESERT QLD 4285
3. Ms Karin Brigitte Wheeler
53 Conifer Road
MORAYFIELD QLD 4506
4. Mr James Clarence Winfield
13 Tequesta Drive
Beaudesert Qld 4285
5. Marilyn Fay Moran
15 Tequesta Drive
Beaudesert Qld 4285

The issues raised by these submitter's have been outlined below for Council's consideration and all accompanied by an appropriate Officer comment.

1. Submitter Concerns

The predominant type of development in the area is one storey detached housing. The proposed development for two storey units is out of character with existing development in the area. The density of the proposal is excessive.

Officer Comments:

Draft Amendment No. 6 of the *Beautesert Shire Planning Scheme 2007* has undergone public consultation and is currently being reviewed by the State Government. Draft Amendment No. 6 allows for Medium Density Residential uses in the Residential Precinct to achieve a maximum dwelling density of one (1) dwelling unit per 300m². The current proposal is for a density of one (1) dwelling per 405m² of land area approximately which is less than the maximum density allowable under Draft Amendment No. 6.

The proposed development contributes to the diversification of housing stock within the local area. Residential amenity will be achieved with each unit provided with open space area which exceeds the minimum requirements. Approximately 45% of the site is provided as private / communal open space. The northern portion of the proposed development has a built form compatible with the existing adjoining detached dwellings fronting Tequesta Drive to minimise the impact of the proposal on existing development.

Given that the surrounding residential developments are a mix of two storey and single storey detached dwellings, the proposed development is considered appropriate with respect to its location.

2. Submitter Concerns

The proposed development will have adverse impacts on the safety of pedestrians along Tequesta drive and within the development site.

Officer Comments:

The proposed development includes a pedestrian awareness zone along the central parking aisle which is restricted to a low speed environment to promote shared use. Pedestrian entry and exit from the site will be facilitated via a separate pedestrian path connecting to the Tequesta Drive Road reserve.

3. Submitter Concerns

The proposed two storey units may give rise to overlooking issues which has the potential to adversely affect the residential amenity of adjoining properties.

Officer Comments:

Probable Solution S1.10 of the *Medium Density Residential Code* sets out minimum requirement for setbacks of 1.5m to side boundary and 3m to rear boundary. The proposal includes rear setbacks of 8m to double storey units 1-6 and 7m setbacks for single storey units 46 and 47. Proposed unit 45 is single storey and includes a setback to the northern boundary ranging from 4m to 8.884m. The minimum setback between double storey unit 44 and the northern boundary is 10m. Setbacks in excess of minimum requirements combined with a mix of single and double storey dwellings in the north of the development site ensure the proposal will have minimum impact on existing residences in Tequesta Drive. Furthermore, the rear courtyards of the units will include landscaping which minimises the potential for overlooking to neighbouring properties.

4. Submitter Concerns

The proposal will result in traffic safety issues with the existing road network unable to support such a development and the ensuing vehicle increase.

Officer Comments:

The Applicant submitted a Traffic Impact Assessment Report prepared by TTM Consultants. The findings of the report concluded that there was no traffic engineering reason as to why the development should not be supported. The proposed development is not expected to have an adverse impact on the local network nor have a significant impact on the connecting State controlled road, Beaudesert-Nerang Road.

5. Submitter Concerns

An adjoining owner was concerned that the proposed development would exacerbate stormwater erosion on downstream properties.

The Stormwater Management Plan prepared by Intelara Pty Ltd states that all post development runoff from the proposed onsite stormwater detention basin will be less than or equal to the existing site runoff. Consent has been provided by the adjoining landowner to discharge stormwater onto the golf course for irrigation purposes.

6. Submitter Concerns

Additional people living in the area coupled with additional vehicle traffic will generate noise impacts on existing residents.

Officer Comments:

The proposed development intends to establish a residential use in an area intended for residential activities. The proposed use and associated residential noise stays within all reasonable community expectations for development occurring over the land. An acoustic fence is proposed along the boundary of lot 244 on SP220335. The applicant has submitted an assessment from an acoustic consultant which states that the proposed acoustic fence will mitigate the potential noise impacts of vehicles accessing and parking at the entry of the site.

7. Submitter Concerns

There is no demand for additional residences in the area and the market is already oversupplied.

The proposed development provides an attached housing option for the local area which improves housing diversity for the shire.

8. Submitter Concerns

We are the owners of Lot 50 SP179918 adjoining the proposed development site. We have landscaped our property accordingly to take advantage of quick and easy access to the golf course. We also have a small shed which houses our golf buggy and is orientated to face the course. We therefore request for the provision of an access easement so that we can access the golf course and our shed.

Officer Comments:

The applicant has included the requested easement on the proposed plan of reconfiguration to enable the owner of Lot 50 on SP179988 to access the golf course from the rear of their property via the proposed easement.

Summary of Submissions

In total Council received five (5) properly made submissions. The issues raised by the submitter's were mainly concerned with density, traffic impacts, pedestrian safety, privacy and overlooking, noise, access to the golf course, the proposed development being out of character with other existing residential development and stormwater.

The issues raised have been appropriately addressed by an Officer comment and furthermore the issues raised do not warrant the refusal of the application.

Development Assessment

Land Use Definition

Medium Density Residential means any premises comprising an integrated development of more than 2 dwelling units such as townhouses, apartment buildings or the like.

Note: The term does not include a Caretaker’s Residence, a Motel or Tourist Cabins as defined herein.

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
<ul style="list-style-type: none"> • Beaudesert and Canungra Townships Zone Code; • Active Recreation Precinct Code: and • Residential Precinct. 	<ul style="list-style-type: none"> • The Infrastructure Overlay Code; • The Nature Conservation Overlay Code; • The Development Constraints Overlay Code; and • The Catchment Management, Wetlands and Waterways Overlay Code 	<ul style="list-style-type: none"> • Medium Density Residential Code; and • Reconfiguring a Lot Code.

Relationship to the Beaudesert and Canungra Townships Zone Code

Residential Precinct

*Development within the **Residential Precinct** creates a distinctive urban environment characterised by a high level of amenity and primarily caters for low density, sewerred, urban residential development and ancillary/associated uses.*

Specific Assessment Criteria for the Residential Precinct

The proposal complies with all of the Acceptable Solutions and Specific Outcomes for the Specific Assessment Criteria for the Residential Precinct.

Active Recreation Precinct

*Development within the **Active Recreation Precinct** is characterised by organised and active outdoor and indoor recreational activities that encourage community participation. Development within this Precinct is generally typified by formalised sports fields/grounds, with or without associated/ancillary clubrooms or facilities.*

The proposed development involving a Medium Density Residential is identified as being inconsistent with the planning scheme when established upon land within the Active Recreation Precinct. However, in this instance the part of Lot 3 that is proposed to facilitate the multi-unit development is no longer used for active recreation purposes and has been sold by the golf club to the developer. An assessment of the Specific Assessment Criteria for the Active Recreation Precinct is provided below:

Specific Assessment Criteria for the Active Recreation Precinct			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Development provides for organised and active outdoor and indoor recreational activities that encourage community participation.	S1.1 No Solution is prescribed.	N/A	No – refer below. The development involves establishing 78 dwelling units as part of a Medium Density Residential development, which has previously been identified as being inconsistent with the planning scheme. The part of the site proposed to be used for Medium Density Residential is an abandoned section of Hole 7 of the Beadesert Golf Course. This part of the course although identified as being within the Active Recreation Precinct is no longer used for active recreation purposes and once the boundary has been realigned this part of the site will need to be included in the Medium Density Residential Precinct under the planning scheme. Therefore the proposed development cannot achieve compliance with the relevant provisions of the Specific Assessment Criteria for the Active Recreation Precinct. Despite the proposed

Specific Assessment Criteria for the Active Recreation Precinct			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
			development not being able to achieve compliance with the relevant provisions of this Code, Council can still support the development for reasons mentioned herein.
SO2 Development for other than active sport and recreation is limited to ancillary facilities, which support active sport and recreation activities.	S2.1 No Solution is prescribed.		Refer above
SO3 Development ensures that active sport and recreation facilities— (a) are located only on roads designed to accommodate associated traffic flows; and (b) provide for a combination of off-street and on-street parking.	S3.1 No Solution is prescribed.		Refer above
SO4 Development provides a benefit to and satisfies a community need of the residents of the Zone and provides for social interaction.	S4.1 No Solution is prescribed.		Refer above
SO6 Development—	S6.1 No Solution is prescribed.		Refer above

Specific Assessment Criteria for the Active Recreation Precinct			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
(a) protects and enhances the role of the Precinct as a focus of organised and active sporting activity; and (b) protects existing and intended amenity; and (c) has a high level of accessibility to the local road network; and (d) provides a high level of amenity in relation to built form, landscaping, streetscape and advertising devices.			

Section 329 of the Sustainable Planning Act 2009

Section 329 of the *Sustainable Planning Act 2009* states the assessment manager’s decision must not conflict with a relevant instrument unless certain criteria are met. This section has been provided below accompanied by appropriate Officer Comments.

Section 329 Other decision rules

- (1) *The assessment manager’s decision must not conflict with a relevant instrument unless—*
 - (a) *the conflict is necessary to ensure the decision complies with a State planning regulatory provision; or*
 - (b) *there are sufficient grounds to justify the decision, despite the conflict; or*
 - (c) *the conflict arises because of a conflict between—*
 - (i) *2 or more relevant instruments of the same type, and the decision best achieves the purposes of the instruments; or*
 - (ii) *2 or more aspects of any 1 relevant instrument, and the decision best achieves the purposes of the instrument.*
- (2) *In this section— **relevant instrument** means a matter or thing mentioned in section 316(4)(c) or (d), other than a State planning regulatory provision, the assessment manager must have regard to in assessing the part of the application.*

Officer comments:

In accordance with the s.329 of the *Sustainable Planning Act 2009* and in particular sub clause (1)(b), Council can support the proposed development despite the conflict with the planning scheme on the following grounds:

- The part of the development site identified as being within the Active Recreation Precinct is no longer used for active recreation purposes;
- The part of the development site identified as being within the Active Recreation Precinct is a logical extension of the existing residential precinct directly to the north;
- The subject site proposed for multi-unit development created as part of the reconfiguring a lot component of previously approved development application 020-050-000112 is no longer owned by the Beaudesert Golf Club;
- The Desired Environmental Outcomes will not be compromised by the proposed development (refer to DEO’s assessment below);
- The development site can readily support reticulated water and sewage infrastructure along with bitumen sealed road access;
- The development site is included within the Urban Footprint under SEQ Regional Plan 2009-2031;
- The proposed future bypass does not directly interfere with this site (refer to Infrastructure Overlay Code assessment below);
- The proposed densities are consistent with Draft Amendment No. 6 of the Beaudesert Shire Planning Scheme which is currently being reviewed by the State Government for final adoption;
- The subject site is not constrained by any of the following:
 - Flood;
 - Landslip; or
 - Remnant vegetation issues.
- The site is however identified in part as being within a Medium Bushfire Hazard Area, despite the site being predominantly cleared of vegetation;
- It must be noted that should Council approve the development that an amendment will also be required to be made to the planning scheme to reflect the site being within the Medium Density Residential Precinct.

Compliance with the Relevant Overlay Code

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

<p>Infrastructure Overlay Code (<i>Future Transport Route</i>)</p>
<p>Draft Amendment No 6 of the <i>Beaudesert Shire Planning Scheme 2007</i> includes a proposed future transport route alignment approximately 110m east of the site. The proposed future transport route runs in a north-south direction past the site. It can be established that the preferred alignment of this proposed transport route will not directly interfere with the subject site.</p>
<p>Development Constraints Overlay Code (<i>Medium Bushfire Hazard Area</i>)</p>
<p>As previously mentioned, the site is partially identified as being within a Medium Bushfire Hazard Area, despite being previously used as part of ‘Hole 7’ of the Beaudesert Golf Course. This part of the development site does contain non-remnant vegetation along the southern boundary and an area approximately 1.6 hectares toward the eastern</p>

boundary, approximately half of which is proposed to be retained within communal open space as part of the proposed development.

Council did not request a Bushfire Assessment Report from the Applicant on the grounds that the site is predominantly cleared and appropriate fire breaks will be constructed as part of facilitating the development.

Catchment Management, Wetlands and Waterways Overlay Code

The site has been identified as being located within a ‘Medium Catchment Area’ under this Overlay Code. The site however is not recognised to contain any relevant ‘stream orders’ or waterways and nor does it adjoin any recognised waterway.

The Applicant submitted an “On-site Stormwater Management Plan (SWMP)”, which was general in its findings and mainly site specific. As such, a suitable condition and advice has been included within the Director’s Recommendation requiring an operational works application for stormwater to be lodged with Council that also considers stormwater issues outside of the site (both up and down stream) and its associated impacts (if any).

Compliance with the Relevant Specific Use Code

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

Medium Density Residential Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
SO1 Development is compatible with the residential development in the street and contributes positively to the Streetscape and character of the area.	S1.1 Development provides that a Building— (a) is not more than 8.5 metres in height above natural ground level; and (b) is generally consistent with the existing Streetscape character; and (c) has a maximum site coverage of 35% where the Building is a single storey structure and 30% where the Building is a 2 storey structure.	N/A	YES - As part of the response to Council’s information request the applicant submitted a streetscapes plan which identifies the 8.5m above natural ground level line. Despite actual building height not exceeding 7.5m, there are instances where the building height above natural ground level exceeds 8.5m above natural ground level. This is due to the topography of the site and proposed earthworks. Any encroachments above the 8.5m

Medium Density Residential Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
			natural ground level line are limited to the ridges of only a small number of proposed units. Proposed building heights remain compatible with existing residential development in the area and contribute positively to the Streetscape and character of the area.

Assessment of Other Aspects of the Proposal

Adopted Infrastructure Charges

Effective as of 1 July 2012, all development approvals granted within the 'Priority Infrastructure Areas' (PIA) are required to be charged for infrastructure contributions in accordance with the *State Planning Regulatory Provision (Adopted Charges)*.

As such, a Local Government Charge has been applied to this proposed development in accordance with the Fair Values Charges Resolution (Version no. 3) 29 October 2015. The calculation has been outlined below.

It is noted that Queensland Urban Utilities charges are applicable but do not form part of the Local Government Charge calculation below.

Fair Value Charges Resolution (Version no. 3 October 2015)

Material Change of Use Component

In accordance with the Fair Values Charges Resolution the adopted infrastructure charge applicable for a Medium Density Residential - 3 bedroom dwelling unit is the 'Residential Use category - Dwelling Unit use - 3 or more bedroom dwelling charge category' in accordance with table 2 of the resolution.

Planning Scheme Use Type	Classes of Development to which Adopted Infrastructure charges schedule apply
Medium Density Residential	'Residential Use category - Dwelling Unit use - 3 or more bedroom dwelling charge category'

Local Government Charge

Local Government Charges applicable to the development are outlined below.

Proposed Demand

Use	No. of units	Unit of Measure	Charge Rate	Amount
Residential Use - Multiple Dwelling	78	per 3 or more bedroom dwelling	\$12,878.00	\$12,878.00
			Total	\$1,004,484.00

Existing Credit

Use	No. of units	Unit of Measure	Charge Rate	Amount
Residential - Dwelling House	1	per 3 or more bedroom	\$12,878.00	\$12,878.00
			Total	\$12,878.00

Infrastructure Charges = Proposed Demand - Existing Credit
 = \$1,004,484.00 - \$12,878.00
 = \$991,606.00

Total Infrastructure Charges = \$991,606.00

Reconfiguring a Lot Component

In accordance with the Fair Values Charges Resolution the adopted infrastructure charge applicable for Reconfiguration of a Lot for residential development is the 'Residential Category - 3 or more bedroom dwelling house' charge per allotment, in accordance with table 2 of the resolution.

Planning Scheme Use Type	Classes of Development to which Adopted Infrastructure charges schedule apply
Reconfiguration of a Lot - Residential	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.

Proposed Demand

Use	No. of Lots	Unit of Measure	Charge Rate	Amount
Reconfiguration of a Lot for residential development	2	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,878	\$25,756.00
			Total	\$25,756.00

Existing Credit

Use	No. of Units	Unit of Measure	Charge Rate	Amount
Residential development	1	'Residential Category - 3 or more bedroom dwelling house' charge per allotment.	\$12,878	\$12,878.00
			Total	\$12,878.00

Therefore, the infrastructure Charge for Local Government for the Reconfiguration of a Lot Component is as follows:

= Proposed Demand - Credit for Existing Use

= \$25,756.00 - \$12,878

= **\$12,878.00**

Full details of the charges will be provided in a separate notice under *Adopted 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.

Additional Access Easement

An easement is proposed as a result of an issue raised as part of a submission received for the original development approval Council file reference 020-050-000112. The easement is in relation to achieving continued unimpeded access of Lot 50 SP179918 adjoining the development site to the north with the existing golf course. Lot 50 currently has an existing lawfully constructed colourbond shed (6m x 3m) for the storing of a private golf buggy. This shed adjoins the golf course to the south with the roller-door access also facing the golf course. Adjacent to this structure the land owners have constructed a 'link block' retaining wall and associated stairs along the entire length of the boundary that then lead down to the shed.

As discussed within the submissions, the owners of Lot 50 request that the development incorporates an access easement along the adjoining boundary of the development site to allow for continued access to not only the golf course but their shed. The applicant has included the requested easement on the proposed plan of reconfiguration to enable the owner of Lot 50 on SP179988 to access the golf course from the rear of their property via the proposed easement.

Suitable conditions have been included in relation to the further provision of an access easement being incorporated and for no dividing fencing to be established along the dividing boundary of Lot 50 and development site.

Relationship to Desired Environmental Outcomes

The Desired Environmental Outcomes as prescribed under the planning scheme have been provided below, which is an additional provision that requires to be addressed for development identified as being 'inconsistent' with the planning scheme.

Officer comments have been provided only to those outcomes that 'have not' or 'cannot' be complied with by the proposed development.

(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
- 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
- c) the landscape character of the Shire is identified, protected and enhanced and regional, sub-regional and locally significant vegetation is conserved; and
- 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
- e) the Shire's Ecologically Significant Areas, areas of local, regional and State biodiversity significance and habitat for significant native flora and fauna and their associated nature conservation values are protected, maintained and restored; and
- 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
- g) a network of natural areas, connected corridors, open spaces, areas of local, regional and State biodiversity significance and other Ecologically Significant Areas is protected and enhanced; and
- h) development incorporates, and where possible, promotes best practice environmental management.

Officer comments:

Provision (g) of the Environment Outcomes is not considered to be complied with by the proposed development as it directly contravenes the protection and enhancement of 'open space' areas. As the development site will predominantly consist of land previously used as part of 'Hole 7' by the Beaudesert Golf Course.

The subject land is no longer owned by the golf club and has been excised from the remaining golf course land. Therefore, due to the golf club no longer being in ownership of this land, and additionally has not been used for active recreation purposes for a number of years, Council can favourably consider approving the development, despite the inconsistency.

- (2) Economic—Development —
- (a) protects both the urban and the rural economic bases of the Shire; and
 - (b) protects and maximises opportunities for rural diversification in areas intended for such development; and
 - (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
 - (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
 - (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
 - (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
 - (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
 - (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
 - (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
 - (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
 - 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
 - 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
 - (k) maintains and enhances the distinctive character of the Shire's rural townships and villages; and
 - (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
 - (m) supports industrial development areas at—
 - i. Bromelton which is designated for major or regionally significant industrial and export orientated uses; and ancillary support/services uses; and
 - ii. Beaudesert which is the preferred location for major service industries; and

- (n) supports existing industrial development which—
 - i. promotes economic growth; and
 - ii. minimises the adverse effects on the existing and future amenity of the surrounding area; and
 - iii. promotes the efficient use of infrastructure; and
 - iv. protects industrial areas from incompatible land uses.
- (o) protects and enhances existing and planned community infrastructure and associated facilities throughout the Shire.

Officer comments:

Provision (c) of the Economic Outcomes is not considered to be complied with by the proposed development as it directly contravenes this outcome which seeks to ensure 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.

As previously discussed, the planning scheme identifies part of Lot 2 on SP250386 as being within the Active Recreation Precinct, which in addition was the designated land use precinct intended to remain for the life of this scheme. The subject site is furthermore not an area identified under the planning scheme as an area intended for urban development.

The proposed development is however considered to be premature and out of sequence with Council's planning intentions and directions for the Beaudesert Township as identified under the planning scheme. The Beaudesert Township including the greater urban footprint area under the SEQ Regional Plan 2009-2031 currently identifies a large amount of undeveloped land within the Residential Precinct, which could more suitably accommodate a development of this nature.

Given that an 'overriding need' for the proposed development is unlikely to be successfully demonstrated, consideration should be given to the following:

- that the development site is a logical extension of the existing residential land uses adjoining the site to the north and east;
- the subject site can be readily serviced by a reticulated water and sewage supply;
- the site can achieve a lawful access to a fully constructed kerb and channel road reserve (Tequesta Drive);
- the proposed development is generally consistent with other existing residential development at similar residential densities;
- generally all proposed dwelling units will be similar in architectural design, scale and bulk of other existing dwelling houses in the locality;
- due to the development sites topography, it is unlikely to impact on the current visual amenity and further unlikely to cause shadowing upon adjoining dwellings;
- the site is located within the urban footprint under the SEQ Regional Plan 2009-2031;
- an amendment to the planning scheme will be required to reflect the appropriate Medium Density Residential land use precinct designation and to further reflect consistency between the development and the subject site.

- (3) *Social*—Development provides that—
- (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
 - (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
 - (c) the important values of historical and culturally significant features are maintained and protected; and
 - (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
 - (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.

Officer comments:

Provision (a) ii of the Social Outcomes is not considered to be complied with by the proposed development and is considered to be in direct conflict with the outcome sought to be achieved. This provision relates to providing a diverse range of housing types and densities in appropriate locations intended to support such development i.e. Residential and Medium Density Residential Precincts. As previously discussed, the development site proposed to facilitate the 78 dwelling units predominantly comprises of land within the Active Recreation Precinct and therefore inconsistent with this particular provision.

Nevertheless, Council can favourably consider the proposed development within this locality on the grounds previously identified above.

2.2.10 Local Strategies for the Beaudesert and Canungra Townships Zone

The Local Strategies sought for the Beaudesert and Canungra Townships Zone under section 2.2.10 of the Desired Environmental Outcomes have all been generally complied with by the proposed development.

Relationship to State Planning Policies and Regulations

There were no additional State Planning Policies required to be addressed that have not already been addressed under the relevant Overlay Codes under the planning scheme.

Conflict with a relevant instrument and reasons for the decision despite the conflict

It is not considered that the assessment manager’s decision conflicts with the relevant instrument.

<p>Details of the conflict with the relevant instrument</p>	<p>Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict</p>
<p>The proposed development of a Medium Density Residential is identified as being an inconsistent land use when established on land within the Active Recreation Precinct of the Beaudesert and Canungra Townships Zone.</p>	<p>The following statement provides sufficient grounds to justify the assessment manager's decision despite the conflict.</p> <ul style="list-style-type: none"> • that the development site is a logical extension of the existing residential land uses adjoining the site to the north and east; • the subject site can be readily serviced by a reticulated water and sewage supply; • the site can achieve a lawful access to a fully constructed kerb and channel road reserve (Tequesta Drive); • the proposed development is generally consistent with other existing residential development at similar residential densities; • generally all proposed dwelling units will be similar in architectural design, scale and bulk of other existing dwelling houses in the locality; • due to the development sites topography, it is unlikely to impact on the current visual amenity and further unlikely to cause shadowing upon adjoining dwellings; • the site is located within the urban footprint under the SEQ Regional Plan 2009-2031; • an amendment to the planning scheme will be required to reflect the appropriate Medium Density Residential land use precinct designation and to further reflect consistency between the development and the subject site; • the development is unlikely to impact upon the existing character and amenity as the development predominantly involves residential housing; • Despite the increase in local traffic movements by the proposed development upon Tequesta, Serena and Kingsley Drives, the submitted traffic report confirms that the current road infrastructure is of an adequate standard to support the additional movements; • The proposed development will provide for further diversity in housing choice to the Beaudesert locality.

Referrals

Internal

Health, Building and Environment – Building

Council's Building and Plumbing Section advised that they have no objections, subject to the conditions within the Director's Recommendation.

Health, Building and Environment – Plumbing

Council's Building and Plumbing Section advised that they have no objections, subject to the conditions within the Director's Recommendation.

Health, Building and Environment – Health and Environment

Council's Health and Environment Section has assessed the proposed development and advised that there are no objections, subject to the conditions within the Director's Recommendation.

Strategy and Development – Engineering

The Engineering Section has assessed the proposed development and advised that there are no objections, subject to the conditions within the Director's Recommendation.

Infrastructure Services – Operational Works

The Infrastructure and Design Section has assessed the proposed development and advised that there are no objections, subject to the conditions within the Director's Recommendation.

Infrastructure Services – Waste

Council's Waste Coordinator has assessed the proposed development with regard to refuse collection and advised that there are no objections, subject to the conditions within the Director's Recommendation.

External

No referral agencies were identified to be applicable to the current application.

Queensland Urban Utilities

Queensland Urban Utilities do not have a referral agency status under SPA, but are however the responsible authority for providing and maintaining all reticulated water and sewage infrastructure for the Scenic Rim Regional Council.

The applicant has provided a *Services Advice Notice* from QUU which is included under **Attachment 22** of this report.

Conclusion

Wolter Consulting Group on behalf of the land owner (Philip Usher Constructions) have submitted a combined development application seeking an approval for a Development Permit for a Material Change of Use for a Medium Density Residential (78 dwelling units) and a Reconfiguring a Lot for a one (1) into two (2) Lots Reconfiguration on land located at 25 - 27 Tequesta Drive, Beaudesert and described as Lot 2 SP250386.

The application received five (5) properly made submissions during the statutory notification period with all of the issues raised by these submitter's considered to have been adequately addressed with an appropriate Officer comment. It was considered that from the issues raised the application is not warranted for refusal.

The proposed development failed to demonstrate compliance with the entire Active Recreation Precinct Code and three (3) provisions of the Desired Environmental Outcomes, predominantly due to the proposed development conflicting with the site's land use designation. As such, compliance could never be achieved by the proposal.

It has been demonstrated that despite the proposed development being inconsistent with the planning scheme there are sufficient grounds to approve the development with all required supporting infrastructure currently available and of a suitable standard. The development will provide for additional housing choice to the community, which once developed will be a logical extension to the existing residential land uses adjoining the site to the north and east.

The development can be supported by Council, and as such, it is recommended that the development involving a Medium Density Residential (78 dwelling units) and a one (1) into two (2) Lots Reconfiguration be approved, subject to reasonable and relevant conditions.

Director's Recommendation

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

RPD:	Lot 2 SP250386
Address of property:	25 - 27 Tequesta Drive, Beaudesert
Site area:	3.231 hectares
Proposal:	A Development Permit for a combined Material Change of Use and Reconfiguring a Lot

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) Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.

- d) Operational Works for Stormwater approval is required for any stormwater works conditioned as part of this Decision Notice prior to commencement of use.
- e) 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:

PART A - Development Permit for Material Change of Use for Medium Density Residential (78 units)

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 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	Prepared by	Plan/Dwg No.	Date
Site Plan	Philip Usher Constructions	DA-A3-01	15-09-15
Open Space Plan	Philip Usher Constructions	DA-A3-02	15-09-15
Streetscapes Plan	Philip Usher Constructions	DA-A3-05	24-08-15
Siting Plan D.6-P Brochure	Philip Usher Constructions	DA-A3-06 Rev G	24-08-15
Siting Plan D.7 Brochure	Philip Usher Constructions	DA-A3-07 Rev G	24-08-15
Siting Plan H.7 Brochure	Philip Usher Constructions	DA-A3-08 Rev G	24-08-15
Siting Plan L.4 Brochure	Philip Usher Constructions	DA-A3-09 Rev G	24-08-15
Siting Plan L.4S Brochure	Philip Usher Constructions	DA-A3-10 Rev G	24-08-15
Siting Plan M.10 Brochure	Philip Usher Constructions	DA-A3-11 Rev G	24-08-15
Siting Plan S.1 Brochure	Philip Usher Constructions	DA-A3-12 Rev G	24-08-15
Siting Plan of U.6-P Brochure	Philip Usher Constructions	DA-A3-13 Rev G	24-08-15
Gym-Patio Floor Plan & Elevation	Philip Usher Constructions	DA-A3-22 Rev G	24-08-15
D.6-P Elevations	Philip Usher Constructions	DA-A3-23 Rev G	24-08-15
D.7 Elevations	Philip Usher Constructions	DA-A3-24 Rev G	24-08-15
H.7 Elevations	Philip Usher Constructions	DA-A3-25 Rev G	24-08-15
L.4 Elevations	Philip Usher Constructions	DA-A3-26 Rev G	24-08-15

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
L.4S Elevations	Philip Usher Constructions	DA-A3-27 Rev G	24-08-15
M.10 Elevations	Philip Usher Constructions	DA-A3-28 Rev G	24-08-15
S.1 Elevations	Philip Usher Constructions	DA-A3-29 Rev G	24-08-15
U.6-P Elevations	Philip Usher Constructions	DA-A3-30 Rev G	24-08-15

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the definition of Medium Density Residential as identified under Schedule 1 – Defined Uses and Chapter 5, Part 2, Division 12 of the *Beaudesert Shire Planning Scheme 2007*.
- 3) **COMMENCEMENT OF USE** - Prior to the use commencing, the applicant shall advise Council's Planning Department in writing, of the proposed commencement date.
- 4) **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.

Landscaping

- 5) **DETAILED LANDSCAPE PLAN TO BE SUBMITTED FOR APPROVAL** - The developer must submit to Council for approval an application for Operational Works (landscaping on private land). The Operational Works application for landscaping on private land must be approved prior to commencement of use.
- 6) **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.

- 7) **LANDSCAPING – SPECIFIC** – The entire development site is required to be landscaped generally in accordance with an approved Landscaping Plan with all balance areas of the site not otherwise hard sealed, landscaped or built upon to be turfed.

Screened landscaping

Landscaping must also be established along the entire northern boundary of the development except where a fire break of slashable turf is required between retained vegetation and allotment boundary; with the exception of the adjoining northern boundary with existing Lot 50 SP179918 and where otherwise access is being provided. The required landscaping seeks to achieve aesthetically pleasing screening between the development and the adjoining residential precinct to the north. Plant species must contain dense foliage and be of non-deciduous variety to a minimum height of five (5) metres. Similar landscaping treatments should also be considered along the sites southern boundary.

Streetscape

The development must establish and maintain suitable street tree species within the Tequesta Drive road reserve along the entire length of the developments northern boundary with Tequesta Drive.

- 8) **FENCING** – The development site must incorporate timber paling fencing (post and rail construction) along all existing and proposed boundaries of the site to a minimum height of 1.8 metres with paling spaces to be no greater than 10mm apart. The required boundary fencing excludes the dividing boundary between existing Lot 50 SP179918 and part of the western boundary of the development site where the proposed easement (5m width) will allow for unimpeded access to the golf course in favour of Lot 50 SP179918.

The required fencing must also be further established between each proposed dwelling unit as offered by the Applicant for the purposes of establishing privacy and not for defining property boundaries.

The required boundary fencing excludes the western boundary of Lot 244 on SP220335 and the development site where an acoustic barrier is required to be constructed to a height of 1.8m above the finished car park level or boundary level (whichever is highest). The barrier shall be constructed using lapped timber (minimum 40% overlap), masonry, fibre cement sheet, Hebel, Perspex, plywood or other material with a minimum surface density of 10kg/m². The barrier shall be free from gaps or holes.

Amenity

- 9) **LAND CLEARING** - Any cleared vegetation must be chipped and reused on-site where possible and open burning of such materials is not to occur.
- 10) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.

- 11) **OPEN STORAGE - SCREENING** - Open storage areas containing goods or materials associated with the approved use (in particular communal wheelie bin area/s) shall be screened from Tequesta Drive and any adjoining residential precinct by way of rendered masonry walls or timber slated screens or landscaping that complements the architectural design theme of the development and other existing residential development in the locality.

Car parking and Access

- 12) **CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT WITH AC SEAL** - All parking areas, driveways, circulation aisles 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. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement (asphalt concrete (AC) seal), from the property boundary to the satisfaction of Council's Director – Infrastructure Services, or equivalent acting reasonably. The internal driveway is to be no less than 6 metres wide.

The car parking layout will be generally constructed as shown in the approved plans.

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

The car parking provisions must be available prior to the commencement of the use and must be maintained in good condition for the lifetime of the proposed use.

- 13) **CAR PARKING NUMBERS** - The developer is to provide the required car parking at a rate no less than specified in the Parking & Servicing Code, generally as shown in the approved plans. Parking for standard vehicles, people with disabilities and servicing vehicles are to comply with Australian Standards. At least one (1) visitor car parking space must be dedicated for people with disabilities (PWD). Due regard must also be held with the requirements of the Building Code of Australia for parking for people with disabilities.
- 14) **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.
- 15) **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.

Waste Management

- 16) 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.
- 17) 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.
- 18) RESIDENTIAL WASTE MANAGEMENT ARRANGEMENTS** - Residential waste management arrangements must be provided for the development so that:
- Ready and unobstructed access is available for Council's waste collection service(s) for each waste container (wheelie bin) kept at the locality; and
 - Provision is made to conceal containers (wheelie bin) from public view from any street or roadway except when the containers are placed for collection.

Conservation

- 19) FAUNA AND FLORA MANAGEMENT PLAN IMPLEMENTATION** - The applicant must develop, implement and comply with a Fauna and Flora Management Plan prepared for the site and submitted to the administering authority for approval prior to commencing works.

The plan will contain the following components (but not be limited by):

- Minimal risk of injury or death to resident wildlife.
- All injured animals to be treated humanely.
- Patches of habitat are not to be cleared in a haphazard fashion that limits fauna movement.
- Clearing of vegetation is to be undertaken in a set out clearing order. No habitat is to be isolated by clearing.
- No vegetation to be disturbed outside of areas designated for clearing. Where clearing activities are scheduled adjacent to remnant vegetation, areas outside of the clearing zone will be clearly marked with high visibility marker ribbon to ensure they are avoided.
- A fauna spotter/catcher will be present preceding and during all clearing activities to actively search all habitat for wildlife and to ensure that clearing methods are appropriate.
- Clearing of vegetation to be undertaken so that any more mobile fauna are able to move to other areas of suitable habitat.
- Confine clearing to staged approval area only (e.g. clear in stages as approvals are gained no initial entire site vegetation clearing to occur).
- Ensure nesting sites for hollow-dependant fauna are available by providing nest boxes for those hollows that are lost in retained areas.

Access and Roads

- 20) 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 Developer shall design and construct the access to be generally in accordance with Scenic Rim Regional Council Standard Drawing R-06. The works required by this condition are to be completed prior to the commencement of the use. The access provisions shall be maintained in good condition for the lifetime of the proposed use.
- 21) WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council. The works required by this condition are to be completed prior to the commencement of the use.
- 22) KERB AND CHANNEL** - The Developer will be responsible for the subsequent reinstatement of the kerb and channel within Tequesta Drive and the re-profiling of the verge such that it matches in with the existing verge profile. All areas within the road verge that are disturbed as a result of the development/building works are to be topsoiled (50mm minimum) and turfed.

Stormwater Drainage

- 23) 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.
- 24) STORMWATER DISCHARGE AND DISPOSAL** - The developer 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 Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual. Detailed design will be submitted as part of an application for Operational Works with Council. Stormwater management will generally follow the strategy adopted outlined in the Stormwater Management Plan prepared by Intelara Integrated Solutions Pty Ltd dated 4 September 2015 or as amended and approved by Council.
The works required by this condition are to be completed prior to the commencement of the use.
- 25) SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN (SECMP)** - The Applicant is to submit to Council for approval, a properly prepared comprehensive Erosion and Sediment Control Program as part of the Operational Works Application. The report is to comply with "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996*".

Earthworks Design and Management

- 26) EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND ALLOTMENT FILLING)** – All earthworks associated with the car-parking areas, access driveway(s) and the building works will be undertaken in accordance with of Council's Design and Construction Manual.

- 27) **RETAINING WALLS** – The design and construction of any retaining wall greater than 1.0 metre in height is to be structurally certified by a Registered Professional Engineer Queensland. Retaining structures inclusive of its foundations shall not encroach onto any adjoining property or road reserve. Any retaining wall higher than 1.0 metre will require approval under a Building Application.

Electrical Works

- 28) **ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) 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 approved use.
- 29) **CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

The works required by this condition are to be completed prior to the commencement of the approved use. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

Miscellaneous

- 30) **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.
- 31) **COMMUNAL MAIL BOX/ES** – The Applicant is to make provision for the suitable location and construction of a communal mail box structure for all 78 dwelling units. The proposed location must be easily accessible by residents, tenants and the like, whilst being easily accessed and identified by Australian Post staff.
- 32) **PROFESSIONAL REPORTS** - A copy of any technical report prepared and any subsequent amendment is to be provided to the future Body Corporate.

PART B - Development Permit for Reconfiguring a Lot (one (1) into two (2) Lots)

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION – RECONFIGURING A LOT** - Development being undertaken generally in accordance with plans referenced in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval.

Plan title	Prepared by	Plan/Dwg No.	Date
Plan of Reconfiguration	Wolter Consulting Group	SB1515-02-A	09-03-15

Stormwater Drainage

- 2) **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.
- 3) **STORMWATER DISCHARGE AND DISPOSAL** - The developer 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 Queensland Urban Drainage Manual (QUDM) and Council's Design and Construction Manual.

The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.

Miscellaneous Works

- 4) **FINAL PLAN OF SURVEY** - The Developer shall submit a final plan of survey that conforms with the approved plans and showing any easements established as a result of this approval.
- 5) **ACCESS EASEMENT LOT 50 SP179918** - The development must provide for through a Plan of Survey a registered access easement in favour of Lot 50 SP179918 along the entire length of the southern boundary of Lot 50 and to a minimum width of 5 metres enabling unimpeded access to the golf course and the existing shed. Any proposed fencing should be established along the southern boundary of the proposed easement at no expense to Council or the respective land owner of Lot 50 SP179918.
- 6) **EASEMENT ARRANGEMENTS** - All the necessary documentation for the establishment / extinguishment of any easement as a result of this approval will be facilitated by the applicant as his own expense. Copy of these documents duly executed is to be provided at the time of requesting the endorsement of the final plan of survey.
- 7) **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.

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

- A) **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.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, 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 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.
- a) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *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 Reconfiguring a Lot 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.

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) Operational Works (Landscaping on private land) approval is required for any landscaping work conditioned as part of this Decision Notice prior to commencement of use.
- d) Operational Works for Stormwater approval is required for any stormwater works conditioned as part of this Decision Notice prior to commencement of use.
- e) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

5. That the Submitters be advised of the following:

SUBMITTERS 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 and an Infrastructure Charges Notice be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant and submitter/s.

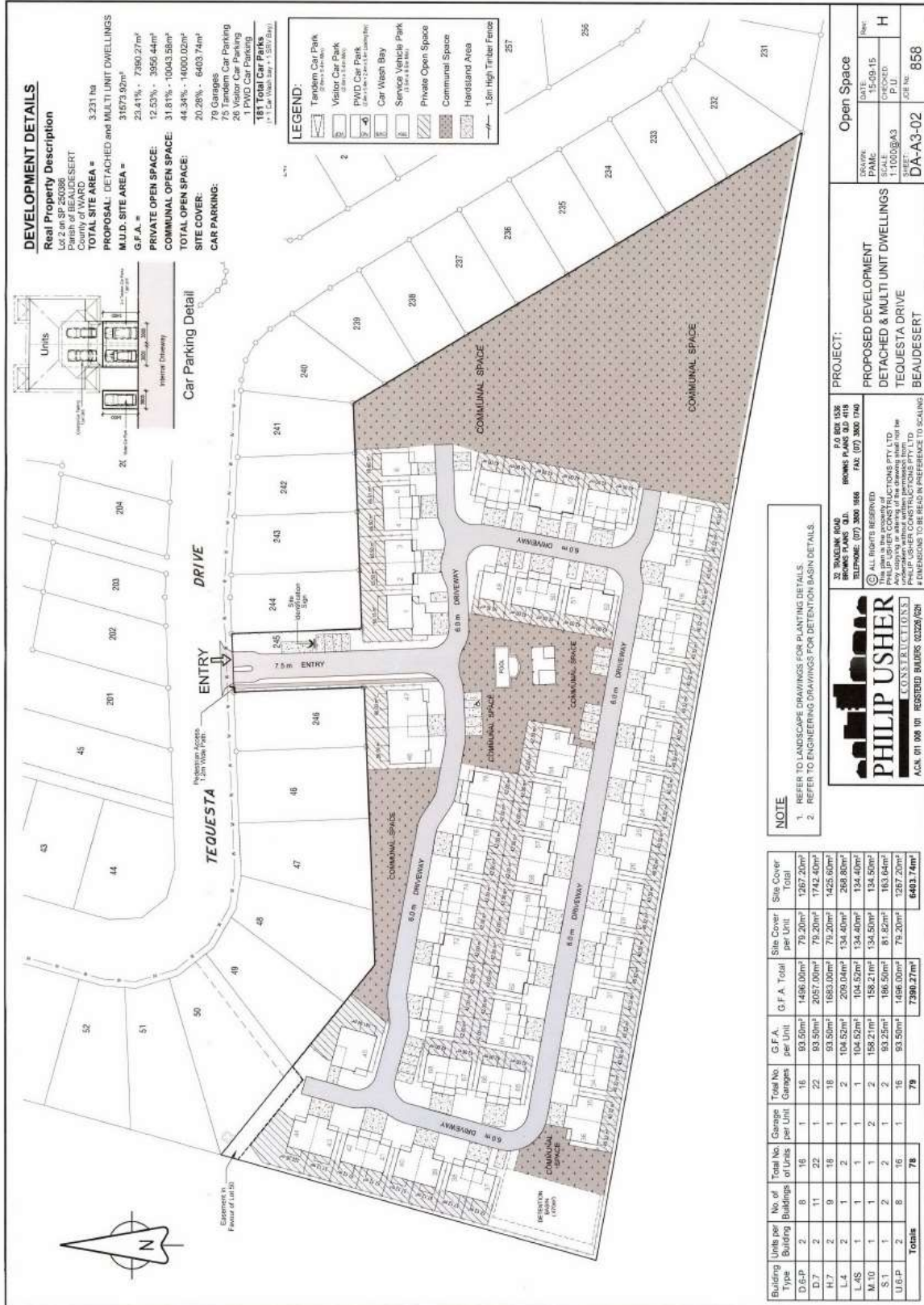
Attachments

1. Proposed Site Plan.
2. Proposed Open Space Plan.
3. Proposed Streetscapes Plan.
4. Proposed Siting Plan for Unit Type D.6-P.
5. Proposed Siting Plan for Unit Type D.7.
6. Proposed Siting Plan for Unit Type H.7.
7. Proposed Siting Plan for Unit Type L.4.
8. Proposed Siting Plan for Unit Type L.4S.
9. Proposed Siting Plan for Unit Type M.10.
10. Proposed Siting Plan for Unit Type S.1.
11. Proposed Siting Plan for Unit Type U.6-P.
12. Proposed Gym-Patio Floor Plan & Elevation.
13. Proposed Elevations for Unit Type D.6-P.
14. Proposed Elevations for Unit Type D.7.
15. Proposed Elevations for Unit Type H.7.
16. Proposed Elevations for Unit Type L.4.
17. Proposed Elevations for Unit Type L.4S.
18. Proposed Elevations for Unit Type M.10.
19. Proposed Elevations for Unit Type S.1.
20. Proposed Elevations for Unit Type U.6-P.
21. Proposed Reconfiguration Plan.
22. Queensland Urban Utilities Services Advice Notice.

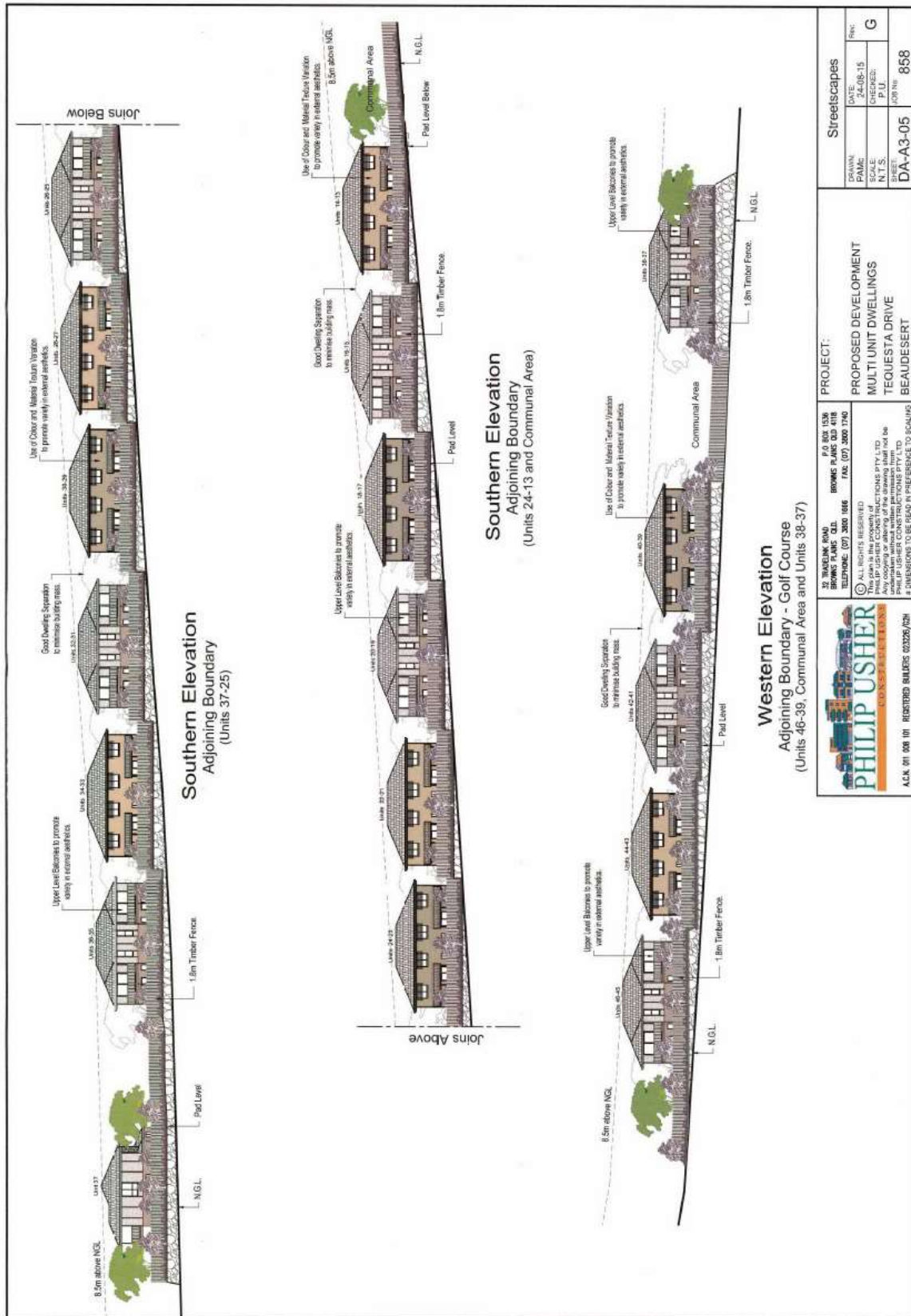
Attachment 1 - Proposed Site Plan



Attachment 2 - Proposed Open Space Plan

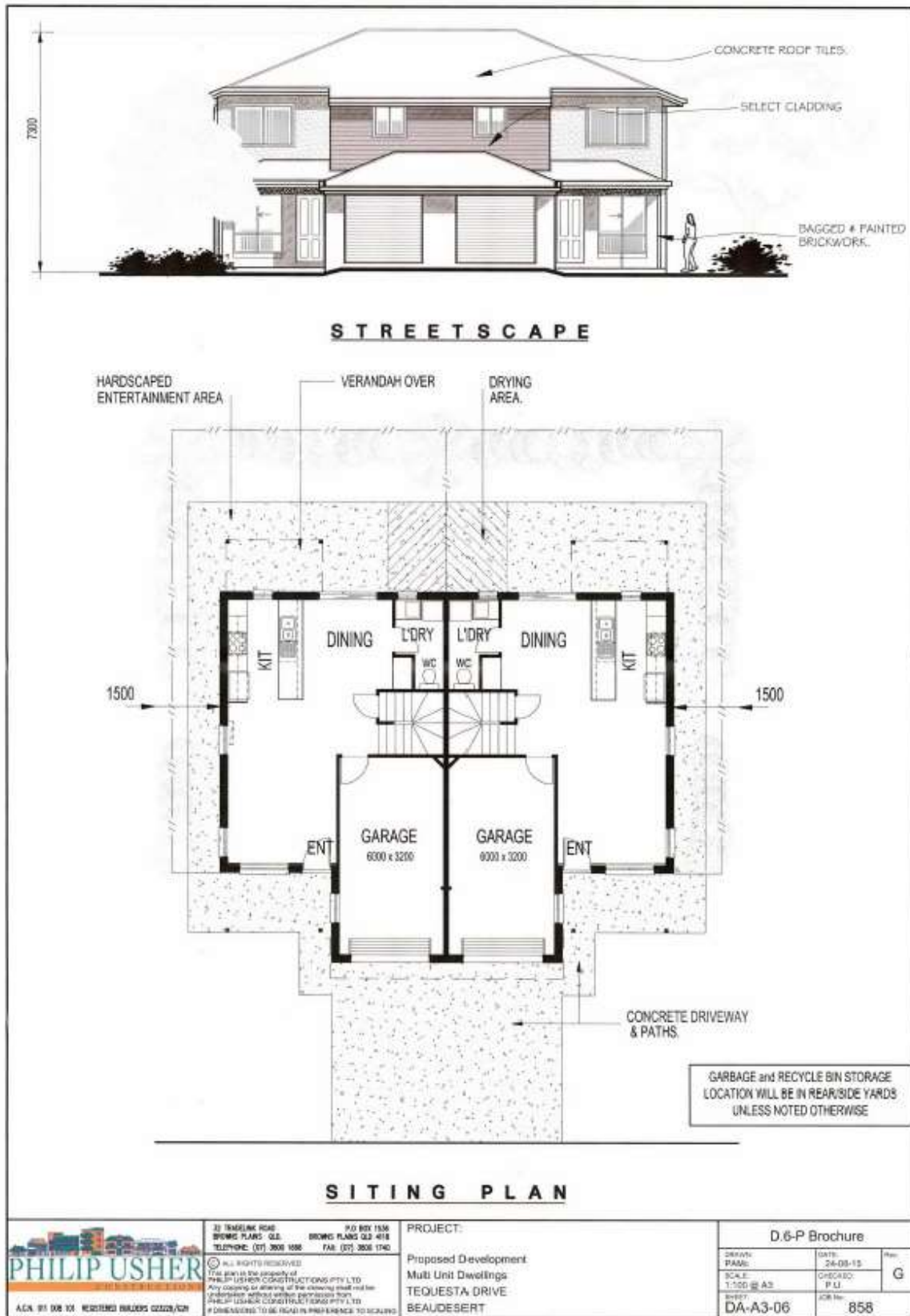


Attachment 3 - Proposed Streetscape Plan

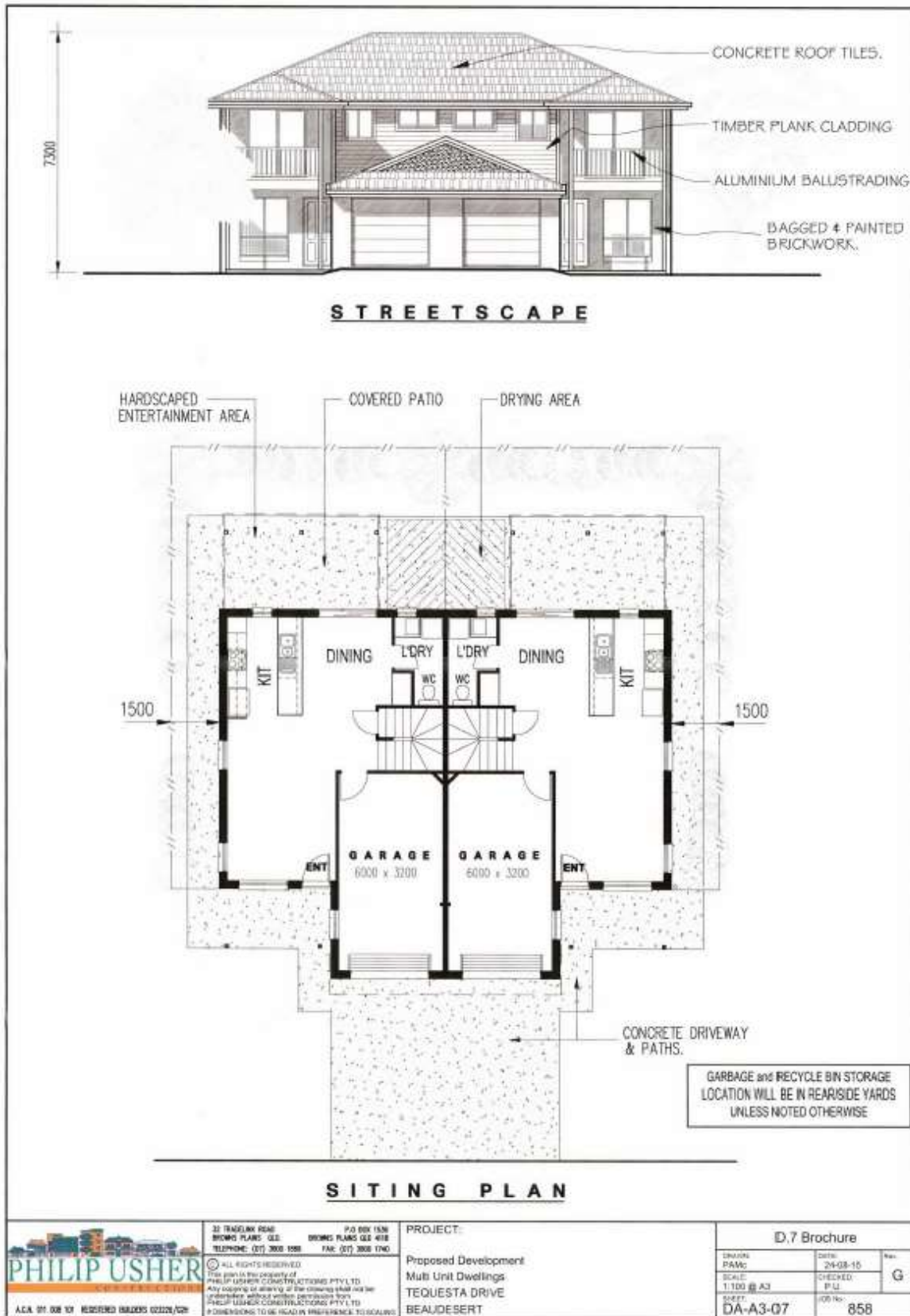


Streetscapes DRAWN: N.T.S. DATE: 08/15 SCALE: P.L.L. SHEET: DA-A3-05 JOB NO: 858	
PROJECT: PROPOSED DEVELOPMENT MULTI UNIT DWELLINGS TEQUESTA DRIVE BEAULIEBERT	
32 WILKING ROAD BROMBY NSW 1516 PHONE: (07) 300 1616 FAX: (07) 300 1740	ALL RIGHTS RESERVED THIS PLAN IS THE PROPERTY OF PHILIP USHER CONSTRUCTION PTY LTD AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PHILIP USHER CONSTRUCTION PTY LTD. ALL DIMENSIONS TO BE READ IN PREFERENCE TO SCALE

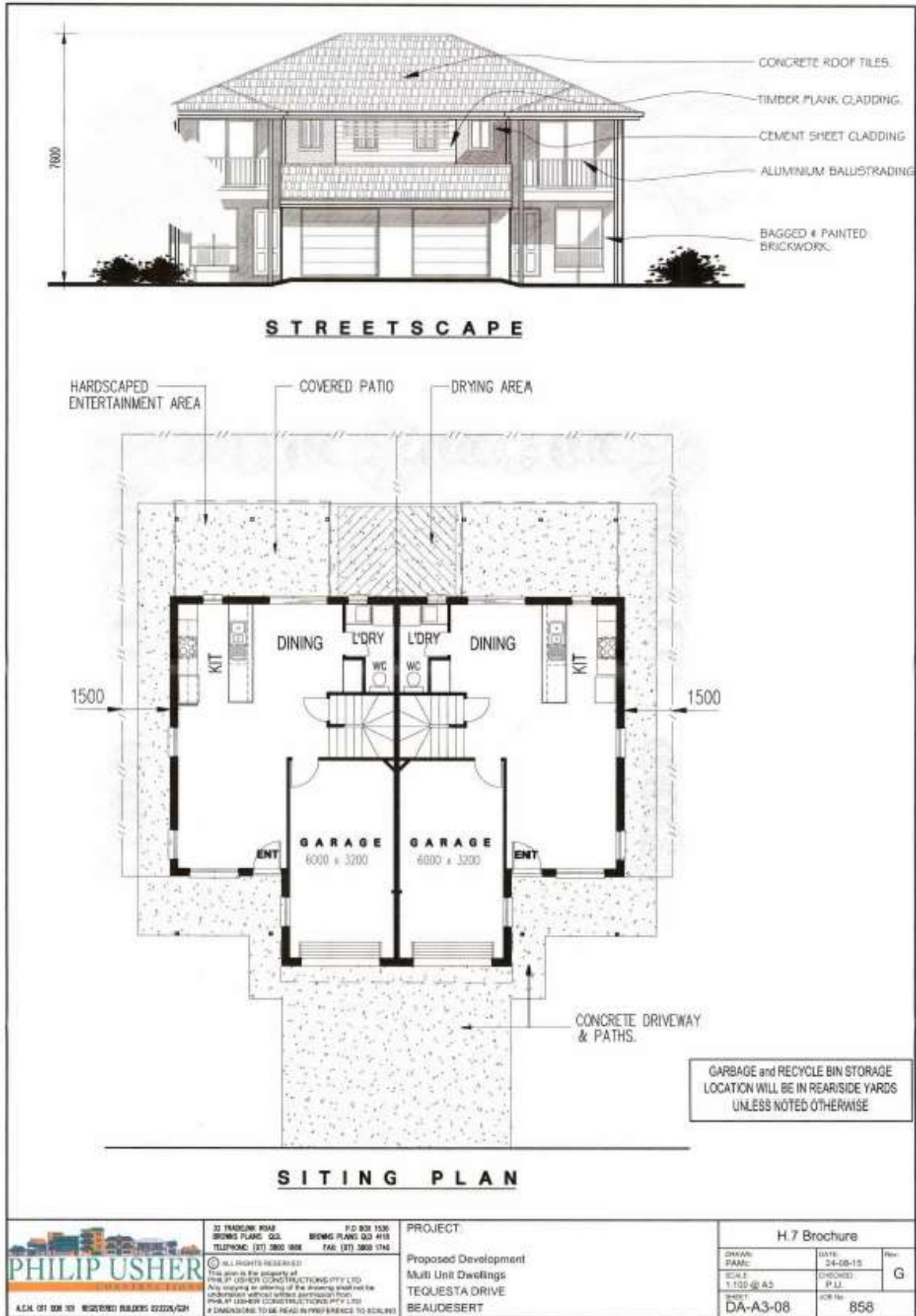
Attachment 4 - Proposed Siting Plan for Unit Type D.6-P



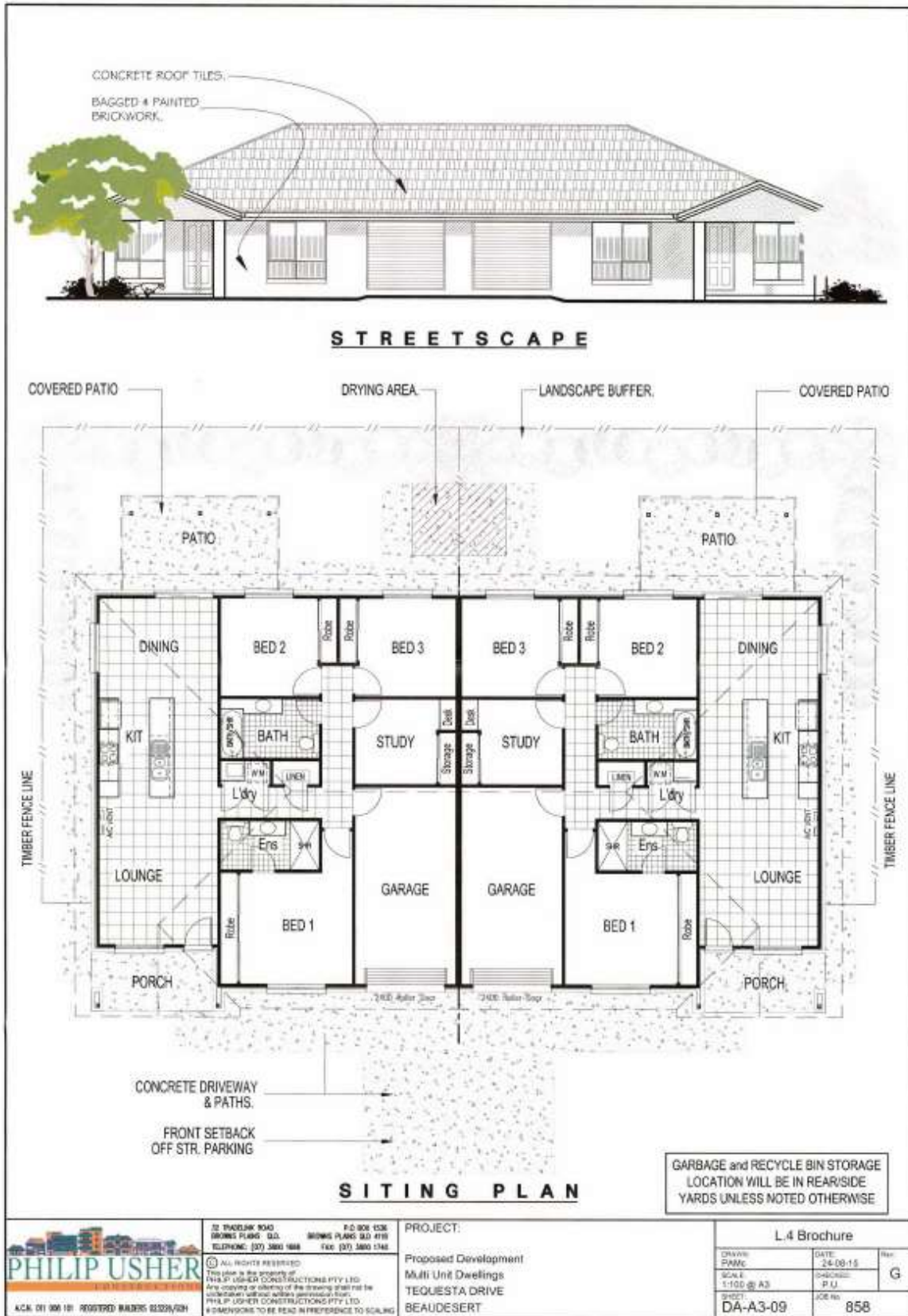
Attachment 5 - Proposed Siting Plan for Unit Type D.7



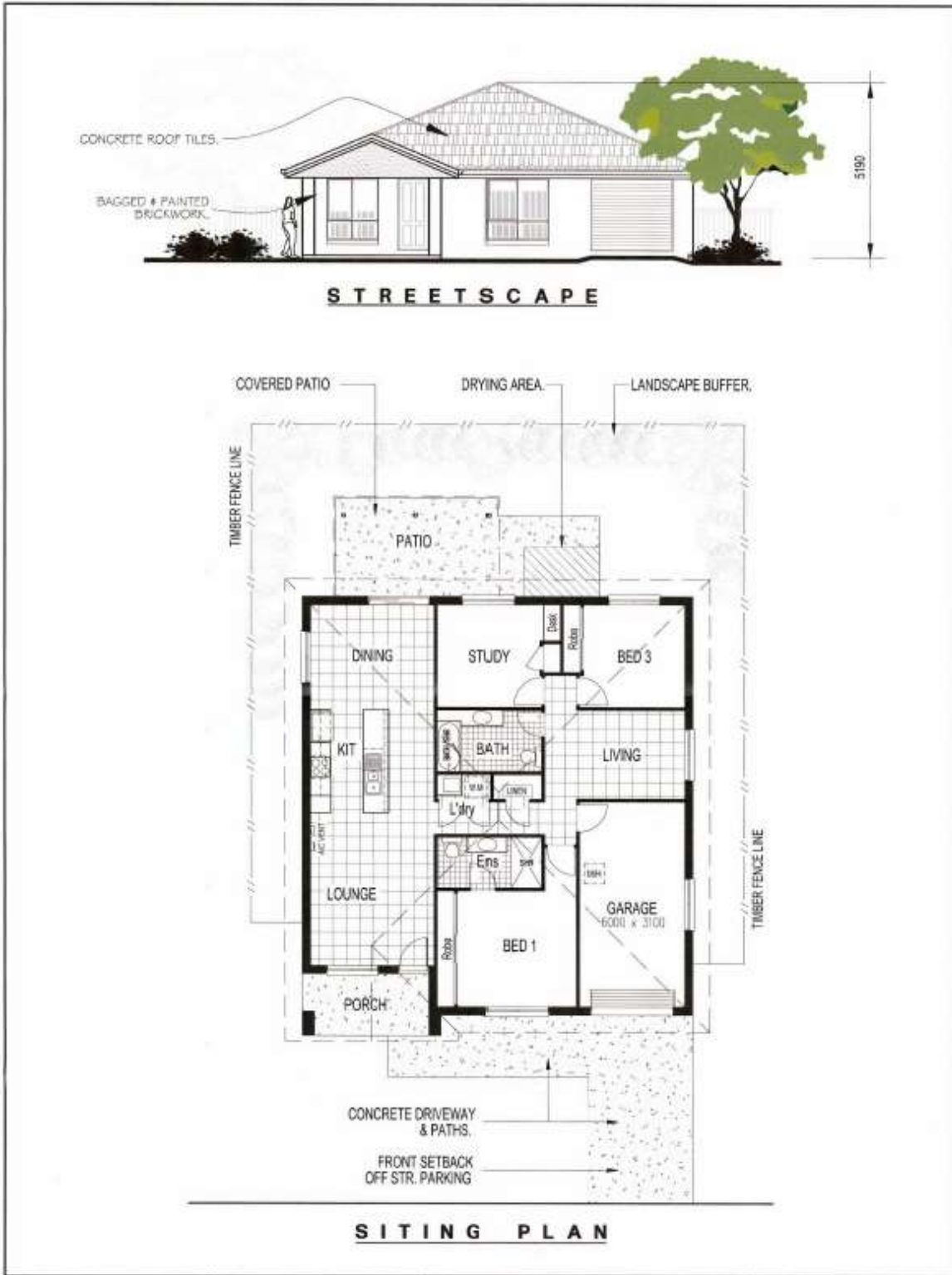
Attachment 6 - Proposed Siting Plan for Unit Type H.7



Attachment 7 - Proposed Siting Plan for Unit Type L.4

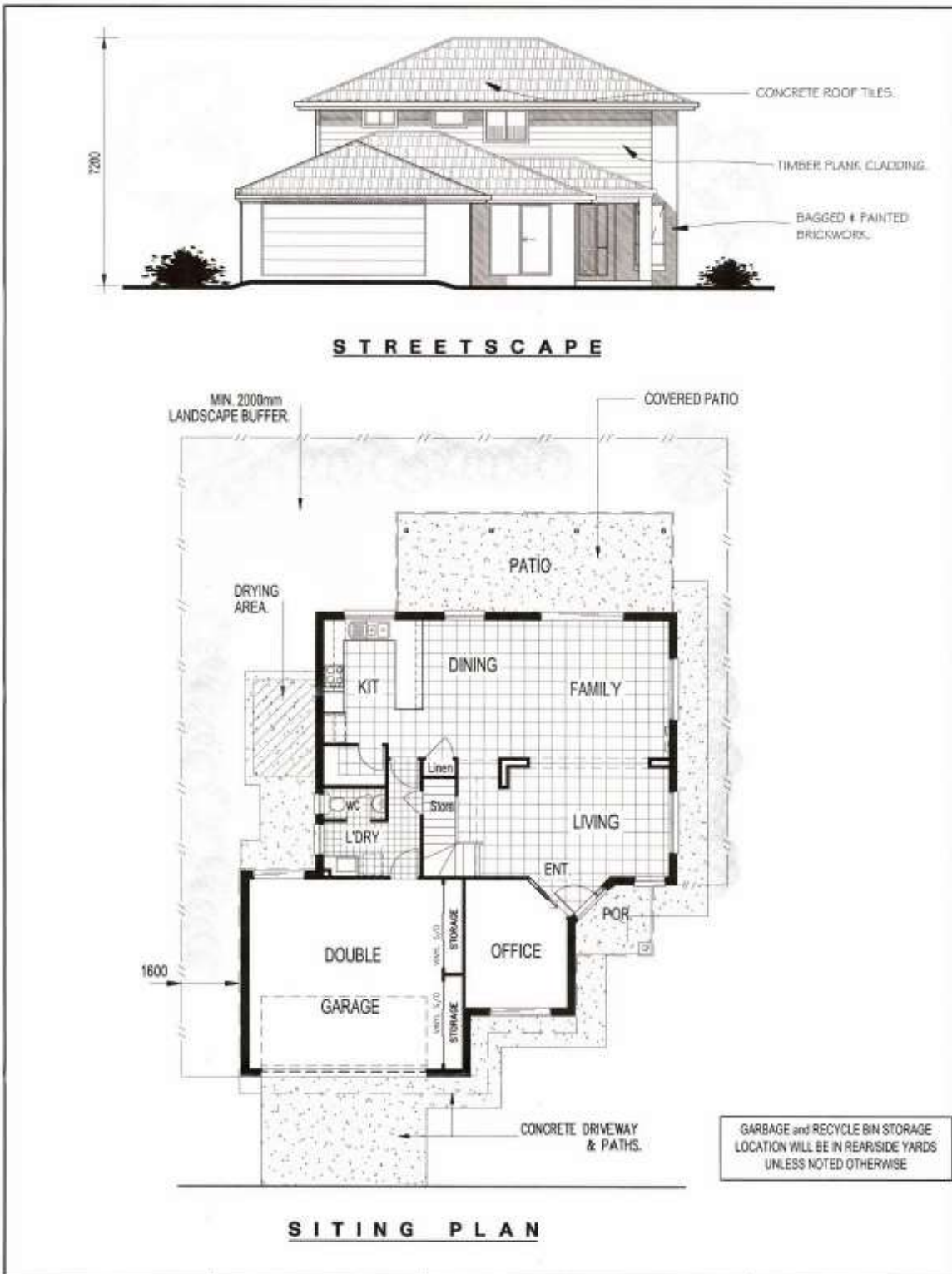


Attachment 8 - Proposed Siting Plan for Unit Type L4.S



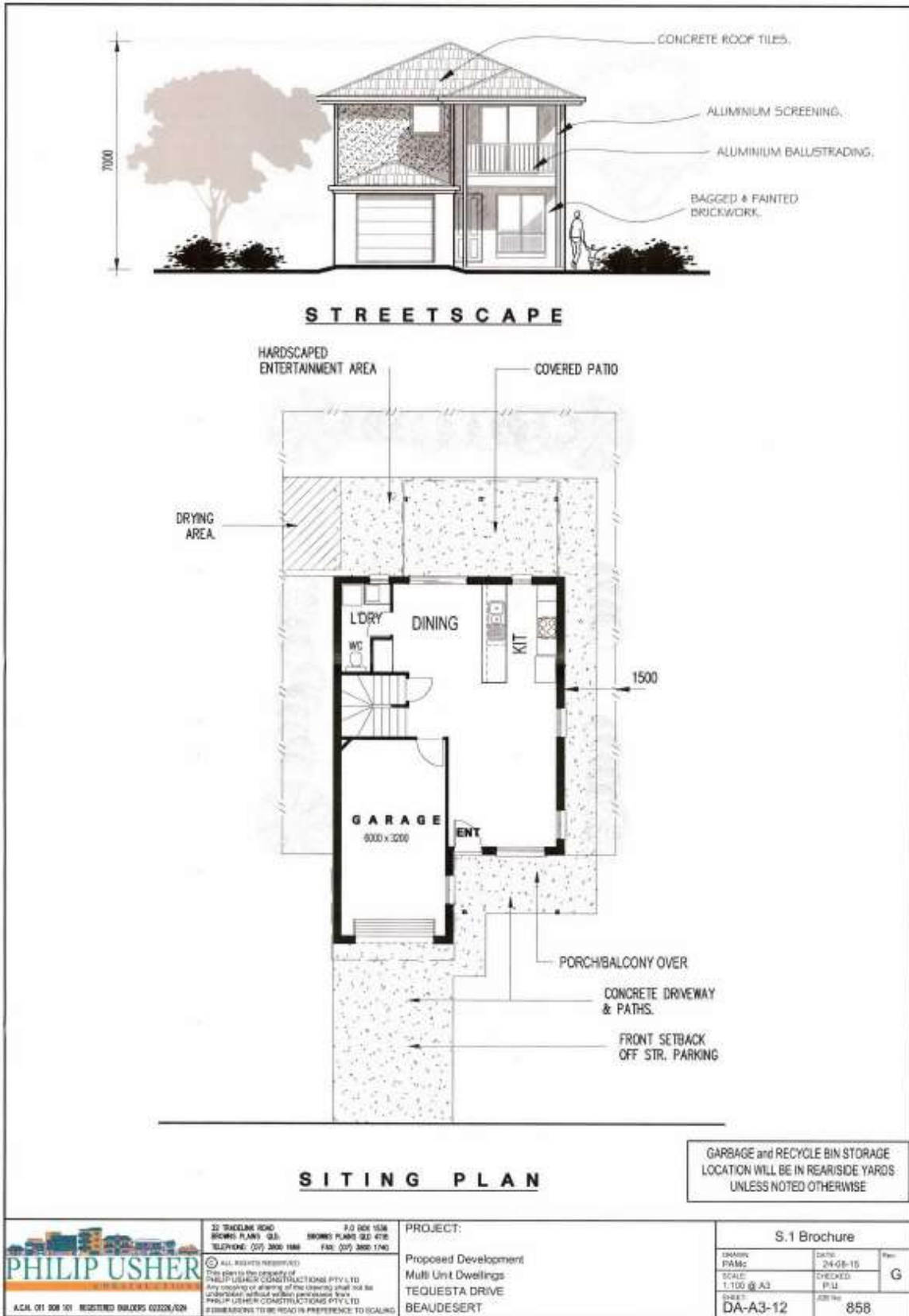
 ALLN 071 008 101 REGISTERED BUILDERS 021226/420	22 TUCKERBIE ROAD BROWNS PLAINS QLD TELEPHONE: (07) 3002 1888 FAX: (07) 3002 1781	3/3 BOX 1524 BROWNS PLAINS QLD 4718 TEL: (07) 3002 1888 FAX: (07) 3002 1781	PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUDESERT	L 4S Brochure			
	ALL RIGHTS RESERVED This plan is the property of PHILIP USHER CONSTRUCTIONS PTY LTD Any copying or sharing of the drawings shall not be undertaken without written permission from PHILIP USHER CONSTRUCTIONS PTY LTD & UNDERTAKES TO BE READ IN PREFERENCE TO SCALING	DRAWN: PAMG	DATE: 24.05.15	Rev: G	SCALE: 1:100 @ A3	CHECKED: P.L.J.	SHEET: DA-A3-10

Attachment 9 - Proposed Siting Plan for Unit Type M.10

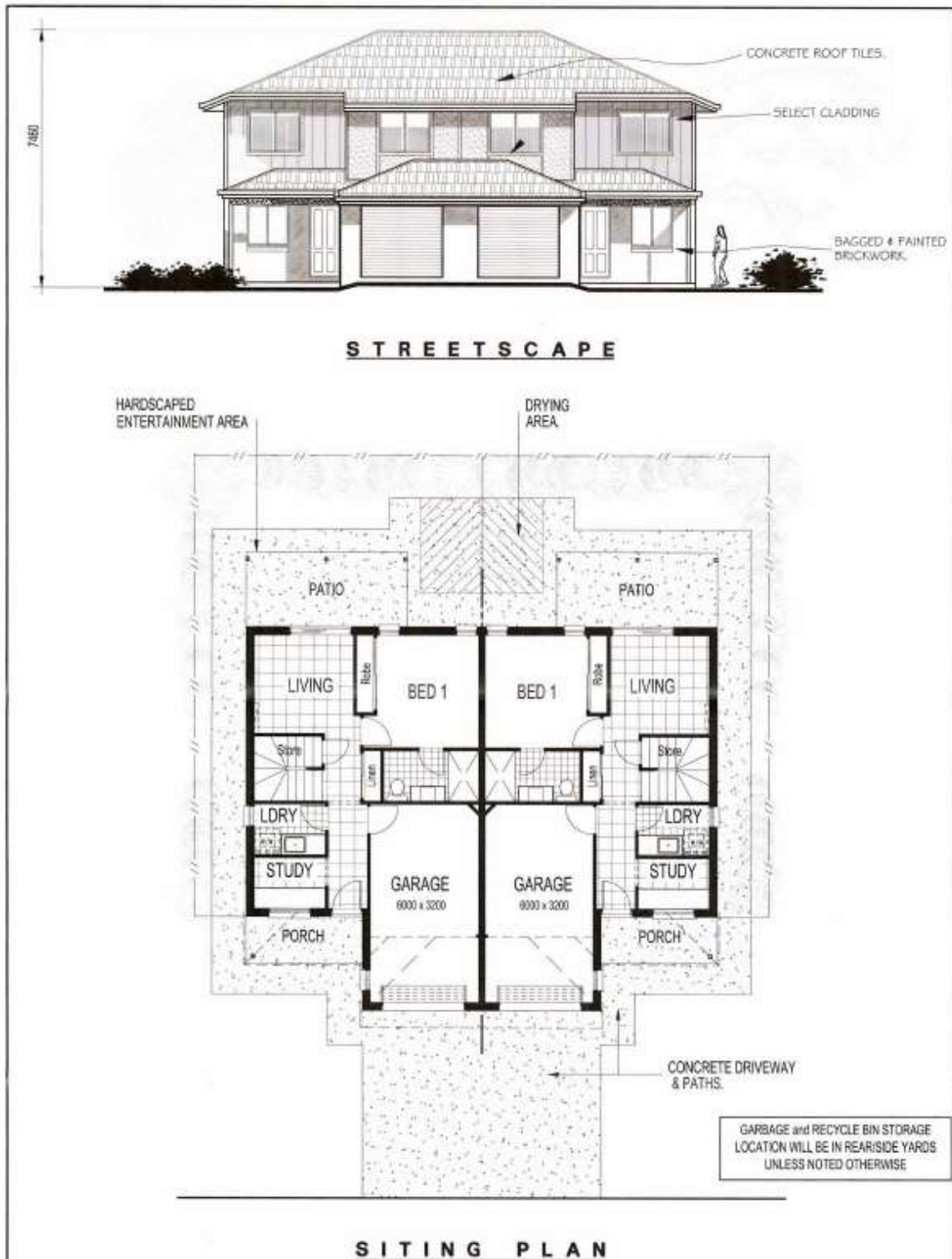


<p>PHILIP USHER</p> <p>ARCHITECTS</p> <p>22 TANDAK ROAD MORFET PLAINS QLS TELEPHONE: (07) 3066 9888</p> <p>P.O. BOX 1536 MORFET PLAINS QLS 4118 FAX: (07) 3066 1782</p> <p>ALL RIGHTS RESERVED This plan is the property of PHILIP USHER CONSTRUCTION PTY LTD. Any copying or sharing of the drawing shall not be undertaken without written permission from PHILIP USHER CONSTRUCTION PTY LTD. # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING</p>	<p>PROJECT:</p> <p>Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUDESERT</p>	<p>M.10 Brochure</p> <table border="1"> <tr> <td>DATE:</td> <td>24-09-15</td> <td rowspan="2">REV:</td> <td rowspan="2">G</td> </tr> <tr> <td>CHECKED:</td> <td>P.U.</td> </tr> <tr> <td>SCALE:</td> <td>1:100 @ A3</td> <td colspan="2">JOB No:</td> </tr> <tr> <td>PROJECT:</td> <td>DA-A3-11</td> <td colspan="2">858</td> </tr> </table>	DATE:	24-09-15	REV:	G	CHECKED:	P.U.	SCALE:	1:100 @ A3	JOB No:		PROJECT:	DA-A3-11	858	
	DATE:	24-09-15	REV:	G												
CHECKED:	P.U.															
SCALE:	1:100 @ A3	JOB No:														
PROJECT:	DA-A3-11	858														
<p>AGM 01 800 101 REGISTERED BUILDERS 62323/1281</p>																

Attachment 10 - Proposed Siting Plan for Unit Type S.1

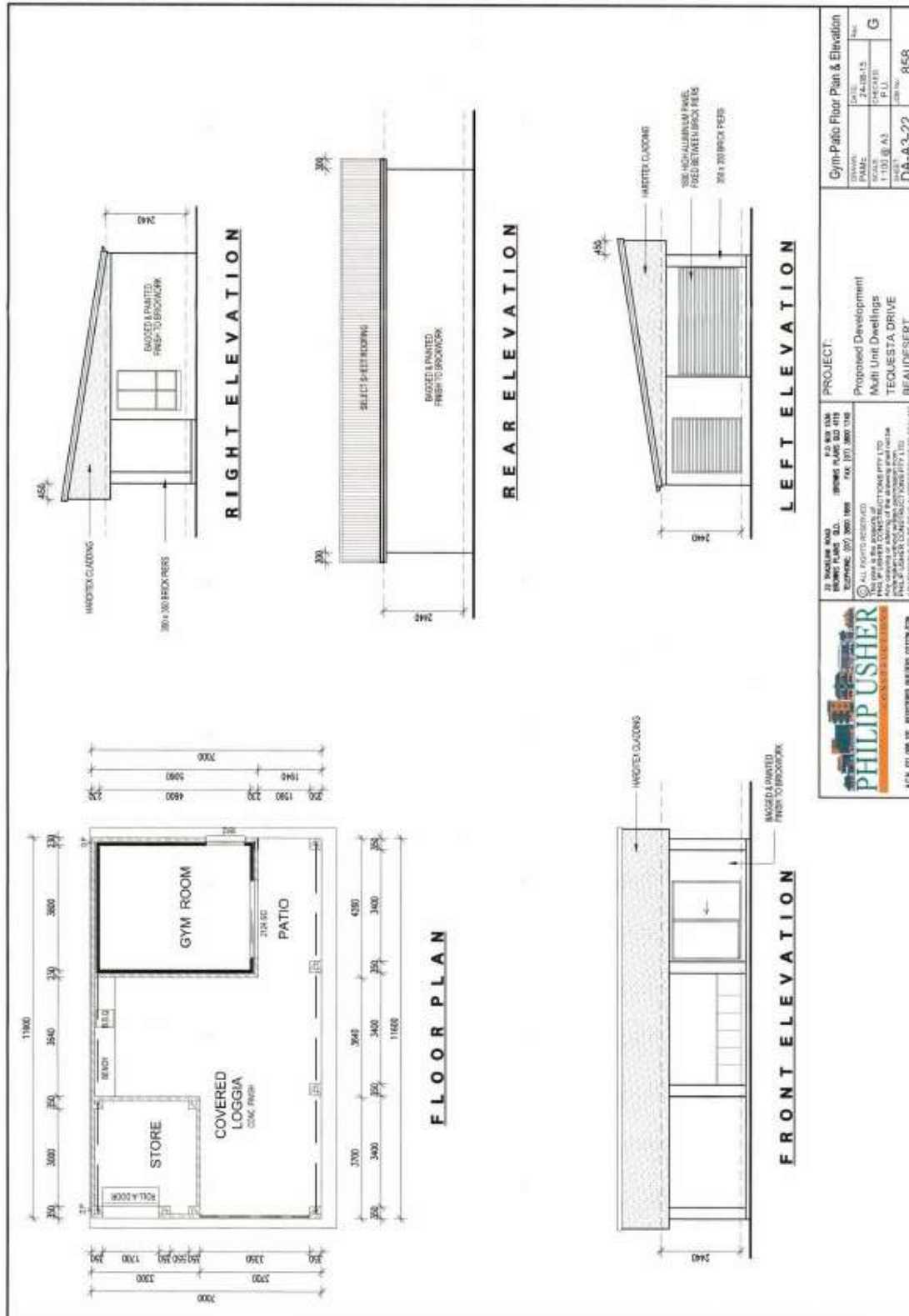


Attachment 11 - Proposed Siting Plan for Unit Type U.6-P



<p>PHILIP USHER</p> <p>4, ECL 011 806 101 RESIDENTIAL BUILDINGS 023226/028</p>	<p>12 BRIDLEBANK ROAD BROWNS PLAINS QLD TELEPHONE: (07) 3660 1888</p>	<p>P.O. BOX 1528 BROWNS PLAINS QLD 4718 FAX: (07) 3660 1740</p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUDESERT</p>	<p>U.6-P Brochure</p>	
	<p>© ALL RIGHTS RESERVED This plan is the property of PHILIP USHER CONSTRUCTIONS PTY LTD. Any copying or altering of the drawing shall not be permitted without written permission from PHILIP USHER CONSTRUCTIONS PTY LTD. #CONSISTENT TO GC ROAD IN PREFERENCE TO LOCAL</p>	<p>DRAWN: PAME</p>	<p>DATE: 24-06-15</p>	<p>Rev: G</p>	<p>SCALE: 1:100 @ A3</p>
				<p>SHEET: DA-A3-13</p>	<p>JOB NO: 858</p>

Attachment 12 - Proposed Gym-Patio Floor Plan & Elevation



PROJECT: Proposed Development Multi Unit Dwellings TECQUESTA DRIVE BEAUCESERT	
PROJECT NO. DR-A3-22	SHEET NO. 858
DATE: 24.08.15	SCALE: 1:100 (E.A.)
DRAWN BY: P.L.	CHECKED BY: G
PROJECT TITLE: Gym-Patio Floor Plan & Elevation	

PHILIP USHER
 ARCHITECTS & BUILDERS
 11 BROADWAY, SUITE 100
 BEAUCESERT QLD 4073
 TEL: (07) 3060 1800 FAX: (07) 3060 1700
 ALL RIGHTS RESERVED
 This plan is the property of Philip Usher Architects & Builders
 Any copying or alteration of the contents hereof without
 the prior written consent of Philip Usher Architects & Builders
 is prohibited and may result in legal action.
 ALL DIMENSIONS TO BE READ AS INDICATED TO BOUNDARY

Attachment 13 - Proposed Elevations for Unit Type D.6-P

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SCREENING OF WINDOWS AND BALCONIES INDICATIVE ONLY. SCREENING TO BE IN ACCORDANCE WITH COUNCIL REQUIREMENTS.

<p>32 TRAVLING ROAD BRING PLAINS Q.D. TELEPHONE (07) 300 1866 FAX (07) 300 1740</p> <p>© ALL RIGHTS RESERVED PHILIP USHER CONSULTANTS PTY LTD 100/100 WILSON STREET, BRISBANE QLD 4000 WWW.PHILIPUSHER.COM.AU * DIMENSIONS TO BE READ IN PRESENCE TO SCALE</p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUDESERT</p>	<p style="text-align: center;">D.6-P Elevations</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">DRAWN</td> <td style="font-size: small;">DATE</td> <td style="font-size: small;">REV</td> </tr> <tr> <td style="font-size: small;">P.M.</td> <td style="font-size: small;">24.08.15</td> <td style="font-size: small;">G</td> </tr> <tr> <td style="font-size: small;">SCALE</td> <td style="font-size: small;">P.L.</td> <td style="font-size: small;">P.L.</td> </tr> <tr> <td style="font-size: small;">SHEET</td> <td style="font-size: small;">DA-A3-23</td> <td style="font-size: small;">858</td> </tr> </table>	DRAWN	DATE	REV	P.M.	24.08.15	G	SCALE	P.L.	P.L.	SHEET	DA-A3-23	858
DRAWN	DATE	REV												
P.M.	24.08.15	G												
SCALE	P.L.	P.L.												
SHEET	DA-A3-23	858												

Attachment 14 - Proposed Elevations for Unit Type D.7

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

Screening of Windows and Balconies Indicative only.
Screening to be in Accordance with Council Requirements.

<p>22 WINDUML ROAD MURKIN TELEPHONE: (07) 3005 000 FAX: (07) 300 106</p> <p>© ALL RIGHTS RESERVED This plan is the property of Philip Usher Pty Ltd. Any use of this plan for any other project without the prior written consent of Philip Usher Pty Ltd is prohibited. # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING</p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUDESERT</p>	<p>D.7 Elevations</p> <p>DATE: 14/08/15 DRAWN: P.L. SCALE: 1:100 @ A3 SHEET: DA-A3-24 JOB NO: 858</p>
---	---	---

ALDI 01 008 001 ROYSTERED BUILDER: 0122676201

Attachment 15 - Proposed Elevations for Unit Type H.7

FRONT ELEVATION

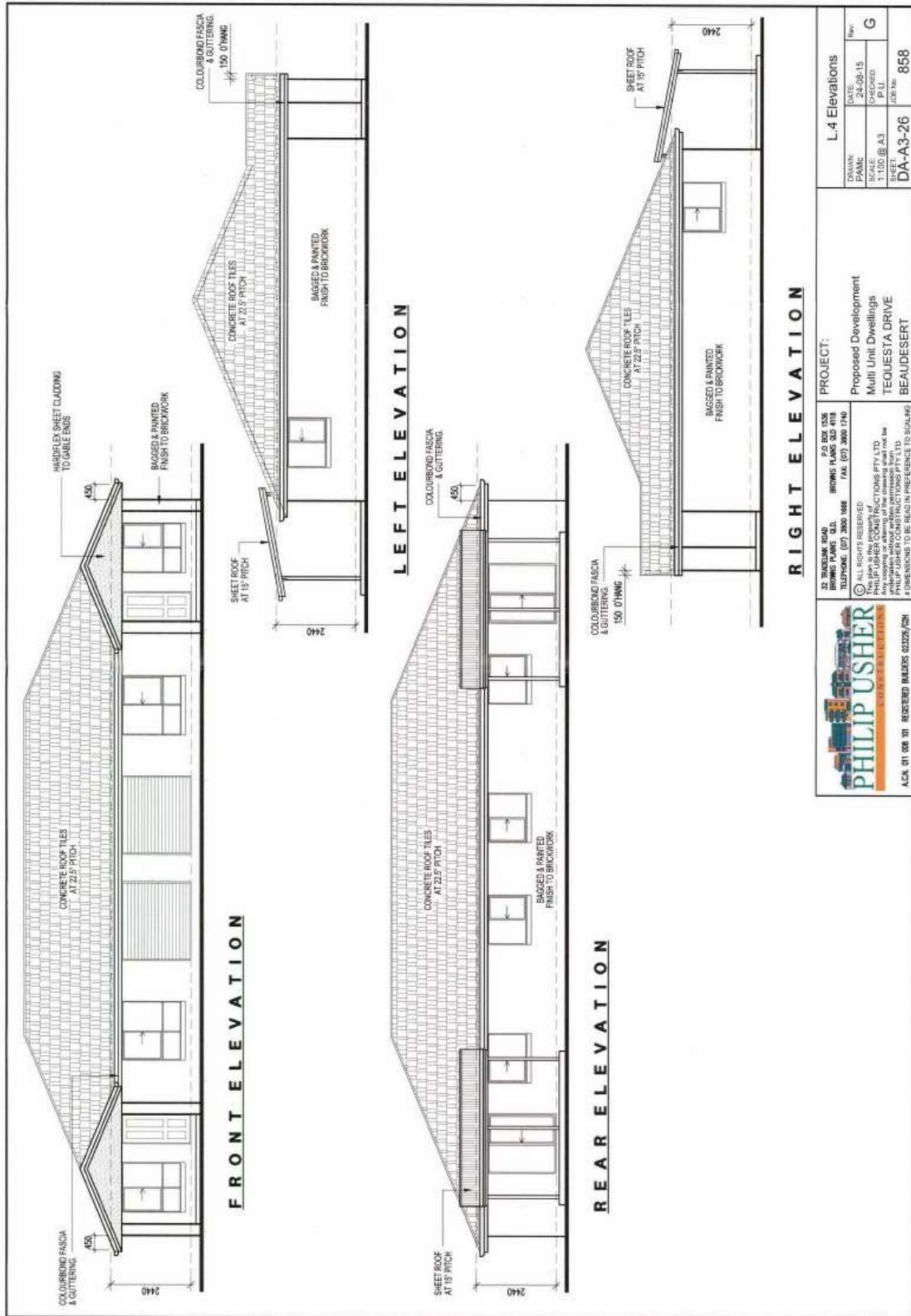
SIDE ELEVATION


REAR ELEVATION

Screening of Windows and Balconies Indicative only.
Screening to be in Accordance with Council Requirements.

32 TRACEMAN ROAD BROWNS PLAINS QLD 4118 PHONE: (07) 3000 1066 FAX: (07) 3000 1740		P.O. BOX 1038 BROWNS PLAINS QLD 4118 PHONE: (07) 3000 1066 FAX: (07) 3000 1740	
PHILPUSHER CONSULTING ENGINEERS			
A.C.N. 011 008 101 REGISTERED BUILDERS 03228/026			
© ALL RIGHTS RESERVED PHILPUSHER CONSTRUCTIONS PTY LTD PHILPUSHER CONSTRUCTIONS PTY LTD PHILPUSHER CONSTRUCTIONS PTY LTD PHILPUSHER CONSTRUCTIONS PTY LTD PHILPUSHER CONSTRUCTIONS PTY LTD		PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUCDESERT	
DRAWN: [blank] P.A.M.		DATE: 24-05-15 SCALE: @ 1:50 SHEET: DA-A3-25 JOB NO: 858	

Attachment 16 - Proposed Elevations for Unit Type L.4



 <p>ALOK 01 506 01 REVEREND BUILDERS 02225/201</p>		<p>12 BRIDLEWAY ROAD 2/0 BOX 1036 BRISBANE QLD 4000 TEL: (07) 3860 1946 FAX: (07) 3860 1940</p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUCESERT</p>	<p>L.4 Elevations</p>						
<p>ALL RIGHTS RESERVED PHILIP USHER ARCHITECTS PTY LTD PHILIP USHER ARCHITECTS PTY LTD 11/11 BRIDLEWAY ROAD BEAUCESERT QLD 4000 # DIMENSIONS TO BE READ IN PREFERENCE TO SIZINGS</p>	<p>DATE: 24/08/15 DRAWN: P.L.U. SCALE: 1:100 @ A3 SHEET: DA-A3-26 JOB No: 858</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>Rev</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td>G</td> <td>24/08/15</td> <td>P.L.U.</td> </tr> </table>	Rev	DATE	BY	G	24/08/15	P.L.U.		
Rev	DATE	BY								
G	24/08/15	P.L.U.								

Attachment 17 - Proposed Elevations for Unit Type L.45

FRONT ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION

<p>25 TRAFALGAR ROAD WILSONS BAY TULLAHINE (DUBLIN) D07 3000 1900 TEL: (01) 300 1740 FAX: (01) 300 1740</p> <p>© ALL RIGHTS RESERVED This plan is the property of Philip Usher Architects Ltd. Any copying or sharing of the drawings and/or files without the written consent of Philip Usher Architects Ltd. IS UNLAWFUL AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.</p>		<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUESTA DRIVE BEAUCESERT</p>	<p>L.45 Elevations</p> <p>DATE: 04.08.15 DRAWN BY: P.U. CHECKED BY: G SCALE: 1:100 @ A3 SHEET: DA-A3-27 JOB No: 858</p>
---	--	---	--

Attachment 18 - Proposed Elevations for Unit Type M.10

FRONT ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION

PROJECT: Proposed Development
Multi Unit Dwellings
TEQUESTA DRIVE
BEAUDESERT

M.10 Elevations

DATE	BY	CHKD	APP'D
24.08.15	24.08.15		
SCALE	CHECKED		
1:100 @ A3	P.U.		
SHEET			
DA-A3-28			
			858

32 WILKINSON ROAD, BEAUMER QLD 4805
 TEL: (07) 300 1095 FAX: (07) 300 1190
 ALL RIGHTS RESERVED
 This plan is the property of Philip Usher Pty Ltd
 Any copying or sharing of this drawing shall not be
 permitted without the written consent of Philip Usher
 PHILIP USHER CONSTRUCTION PTY LTD
 * DIMENSIONS TO BE READ IN PREFERENCE TO SCALING

PHILIP USHER
 THE PIONEERS OF THE TRADE
 A/C/L 01/ 08/ 07 REGISTERED NUMBER 02026/021

Attachment 19 - Proposed Elevations for Unit Type S.1

Screening of Windows and Balconies Indicative only.
Screening to be in Accordance with Council Requirements.

LEFT ELEVATION

RIGHT ELEVATION

FRONT ELEVATION

REAR ELEVATION

<p>32 BRADSHAW ROAD BRIMS BANK QLD 4207000 (07) 3000 1000 FAX (07) 3000 1100</p> <p>PHILIP USHER ARCHITECTS CONSULTANTS A.C.N. 011 008 101 REGISTERED ARCHITECTS QLD/NSW</p> <p><small>ALL RIGHTS RESERVED PHILIP USHER ARCHITECTS PTY LTD 1/100 BRADSHAW ROAD BRIMS BANK QLD 4207 UNDER TAKEN WITHOUT WARRANTY TO THE BEST OF OUR KNOWLEDGE AND BELIEF # DIMENSIONS TO BE SHOWN IN PREFERENCE TO SCALING</small></p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEOUESTA DRIVE BEAUDESERT</p>	<p>S.1 Elevations</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DESIGN:</td> <td>DATE:</td> <td>BY:</td> </tr> <tr> <td>PAUL</td> <td>24.08.15</td> <td>G</td> </tr> <tr> <td>SCALE:</td> <td>DRAWN:</td> <td></td> </tr> <tr> <td>1:100 @ A3</td> <td>P.U.</td> <td></td> </tr> <tr> <td>SHEET:</td> <td>JOB No:</td> <td></td> </tr> <tr> <td>DA-A3-29</td> <td>858</td> <td></td> </tr> </table>	DESIGN:	DATE:	BY:	PAUL	24.08.15	G	SCALE:	DRAWN:		1:100 @ A3	P.U.		SHEET:	JOB No:		DA-A3-29	858	
DESIGN:	DATE:	BY:																		
PAUL	24.08.15	G																		
SCALE:	DRAWN:																			
1:100 @ A3	P.U.																			
SHEET:	JOB No:																			
DA-A3-29	858																			

Attachment 20 - Proposed Elevations for Unit Type U.6-P

LEFT ELEVATION

RIGHT ELEVATION

FRONT ELEVATION

REAR ELEVATION

Privacy Screening to be in Accordance with Council Requirements.

<p>US ARCHITECTURAL PLANS 3131 BRUNNEN PLANKS BRUNNEN PLANKS, 600 W. 11TH TELEPHONE: (971) 380-1666 FAX: (971) 380-1740</p> <p>ALL RIGHTS RESERVED This plan is the property of PHILIP USHER ARCHITECTURE, INC. Any copying or altering of the contents of this plan without the written consent of PHILIP USHER ARCHITECTURE, INC. is strictly prohibited. DIMENSIONS TO BE READ IN PREFERENCE TO SCALING.</p>	<p>PROJECT: Proposed Development Multi Unit Dwellings TEQUISTA DRIVE BEAUDESERT</p>	<p>U.6-P Elevations</p> <p>DATE: 24/08/15 CHECKED: P.U. JOB NO: 858</p>
---	---	---

Attachment 22 - Queensland Urban Utilities Services Advice Notice



Queensland Urban Utilities
 GPO Box 2785
 BRISBANE QLD 4001
 Phone: 07 3432 2200 or 13 26 57
www.urbanutilities.com.au/development-services

28/08/2015

Aaron Butler
 Intelara Pty Ltd
 231 North Quay
 Brisbane QLD 4000

Via Email: aaron.butler@intelara.com

Dear Aaron,

Queensland Urban Utilities Services Advice Notice

QUU Application Number: 15-SRV-15180
 Applicant Name: Philip Usher Constructions
 Street Address: 27 TEQUESTA DR BEAUDESERT QLD 4285
 Real Property Description: 2SP250386

Proposed service connection/alteration/disconnection type:

Drinking water	<input checked="" type="checkbox"/>
Non-drinking water	<input type="checkbox"/>
Wastewater	<input checked="" type="checkbox"/>

Queensland Urban Utilities provides this Services Advice Notice in accordance with 99BRAC of the SEQ Water (Distribution and Retail Restructuring) Act 2009. This Services Advice Notice does not constitute an application for connection, is not an approval to connect to the Queensland Urban Utilities network(s) and does not bind any future Queensland Urban Utilities decision if the applicant applies for a connection.

Queensland Urban Utilities understands that the proposed development will consist of a 77 unit townhouse development.

Based on your proposal and discussion with Queensland Urban Utilities officers, the following advice is provided:

Queensland Urban Utilities Services Advice**Infrastructure and Design****Water**

A 150mm uPVC main is available for connection within Tequesta Dr.

Water supply infrastructure works are to be designed and constructed in accordance with Queensland Urban Utilities standards, policies and guidelines.

The Applicant is to construct water supply infrastructure works that will ensure that the proposed development achieves Queensland Urban Utilities Desired Standards of Service (DSOS).

Wastewater

The closest sewer to the subject site is located within Lot 50 SP179918.

Wastewater infrastructure works are to be designed and constructed in accordance with Queensland Urban Utilities standards, policies and guidelines.

The Applicant will be required to construct wastewater infrastructure works that will ensure that the proposed development achieves Queensland Urban Utilities Desired Standards of Service (DSOS).

Network Demand and Capacity**Water**

An assessment of the water supply available at the site, including computational hydraulic modelling of the network under peak demand and fire flow conditions, has been completed.

The assessment indicates that the existing water supply has adequate capacity to service the proposed development in accordance with the SEQ Water Supply and Sewerage Design and Construction Code, 2013 (SEQ WS&S D&C Code).

Wastewater

A hydraulic assessment of the sewerage network servicing the site under peak wet weather flow conditions has been completed.

The assessment indicates that the existing sewerage reticulation system downstream from MH436863 contains adequate capacity to cater for the proposed development.

The current layout shown on drawing number 10581-DA01 by Interlara Consulting has proposed the use of a private sewerage pump station to command internal units that cannot be conveyed via gravity to the existing sewer mains. The station must contain a private discharge chamber. Flows from this private chamber will then connect via gravity to Queensland Urban Utilities existing network.

Odour management for the private station and discharge chamber must be considered through design of the asset and details imbedded within the registered Community Management Statement for the estate.

Page 2 of 4

Infrastructure Charges (as at 1 July 2014)**Water**

Multiple Dwelling

1 or 2 bedroom dwelling - \$1,698
3 or more bedroom dwelling - \$2,412

Wastewater

Multiple Dwelling

1 or 2 bedroom dwelling - \$7,102
3 or more bedroom dwelling - \$10,088

Connection Application Process

Based on the information provided, it is expected that the following applications will be required to assess the ability to connect to Queensland Urban Utilities networks:

1. Property Service Connection – Minor Works

The Water Approval will require connection works to be undertaken. These works are expected to be available under the Certification Scheme for Minor Works. You will be able to choose a QUU Endorsed Consultant and a contractor to appoint to design and construct the works, including live works in most cases (Permit to Work required) and then maintain the works for a specified period (usually 12 months) in accordance with the conditions stated in your Water Approval (including compliance with the SEQ WS&S D&C Code). Further information regarding the Certification Scheme for Minor Works is available at: <http://www.urbanutilities.com.au/development-services/help-and-advice/connections/certification-scheme>

Please note that the information provided within this section is subject to the specific aspects of the development and water application.

Fees and Charges

Likely Queensland Urban Utilities fees and charges associated with these applications are outlined below.

1. Application Phase

Base Application Fee – Property Services Connection \$564 (per connection / Technical Report Review Fee \$558 (per report)

2. Design, Construction and Maintenance Phases

Certification Scheme Audit and Compliance Fee \$450 (per application for each service)

Notes:

1. The customer may incur additional fees and charges during the approval and works phase, including but not limited to, fees levied by the RPEQ and construction contractor, fees associated with the provision of maintenance / uncompleted works bond(s), re-checking amended plans fees, re-inspection of works fees and infrastructure agreement preparation fees;

2. The above estimates are indicative only and are subject to review of the detailed application upon lodgement; and
3. Please refer to the QUU Water Netserv Plan - for further details / clarifications on Fees and Charges.

Time Frames for Assessment

It is anticipated that the works to connect to Queensland Urban Utilities networks will be available under the Certification Scheme for Minor Works.

Connection Assessments

To be completed within 20 business days of receipt of Property Made Connection Application (including payment of the relevant assessment fee), or within a further 20 business days of receipt of requested information (unless extended by agreement).

Design Phase

Typically, for an application which is classified as **minor works**, no assessment of the design phase is expected to be required from Queensland Urban Utilities.

However, Queensland Urban Utilities may audit a selection of certified designs based on its assessment of the risk of non-compliance

This Services Advice Notice is current for a period of two (2) years from the date of issue. Should you wish to proceed with applying for a service connection please lodge your application via Queensland Urban Utilities Development Services Online Lodgement Portal at <http://www.urbanutilities.com.au/development-services>. Please include your Services Advice reference number in your application.

Queensland Urban Utilities may, at its discretion, provide a reduced fee for a service connection application based on this Services Advice Notice if your application is received within 12 months of the date of issue and is substantially in accordance with the proposal upon which this advice was issued.

If you have any questions in relation to this Decision Notice, please do not hesitate to contact your account manager, Brett Carruthers, on 3432 2069 or brett.carruthers@urbanutilities.com.au. Alternatively, please contact our Developer Customer Services Team on 07 3432 2200.

Yours sincerely



Brett Carruthers
Senior Engineer
Queensland Urban Utilities

3.4 MCBn15/007 Development Permit for a Material Change of Use Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Emu Farming) Industry - Low Impact (Industrial Use) Try It Emu Farm Marburg Pty Ltd Lot 2 SP140087

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn15/007

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Try It Emu Farm Marburg Pty Ltd
Owner(s)	Try It Emu Farm Marburg Pty Ltd
Site Address	830 Coleyville Road COLEYVILLE
Real Property Description	Lot 2 SP140087
Site Area	39.73 Ha
Relevant Zone and Precinct	Rural Precinct 4 Horticulture / Dairying 40ha
Proposal	Material Change of Use – Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Emu Farming)
Assessment Level	Impact Assessment Industry - Low Impact (Industrial Use)
Approval Type	Development Permit
Public Notification:	16 September 2015 to 9 October 2015
Submissions Received	3
Date Application Received:	26 June 2015

Purpose of Report

This report has been compiled for Council's consideration for the proposed development seeking approval for a Development Permit for a Material Change of Use (Impact Assessment) for Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Emu Farming and Abattoir) on land located at 830 Coleyville Road, Coleyville described as Lot 2 on SP140087.

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
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - 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

Brief Summary

An application dated 24 June 2015 has been received seeking approval for a Development Permit for a Material Change of Use for Intensive Animal Industry to be located at 830 Coleyville Road, Coleyville on land described as Lot 2 SP140087.

Pursuant to the Boonah Planning Scheme, Intensive Animal Industry is identified as being Impact Assessable within the Rural Zone where involving the development of a dairy or poultry farm with more than 1000 birds.

Background

An application to establish an Emu Farm and house up to 999 birds and a small scale abattoir was approved by Council in September 2014 for Intensive Animal Industry (Rural Use) (Emu Farm - intensive Emu Farming and Abattoir).

The site contains a number of existing established structures. Access to the site is gained through a driveway located towards the north eastern boundary via bitumen sealed roadway.

Proposal

The proposed development is to intensify an existing Emu Farm and house up to 3,000 birds and an ancillary small scale abattoir to process the birds on-site.

The applicant had stated that they intend to do as rule of thumb 700 chicks, 700 yearlings and 700 adults. This equates to 2,100 birds in total, but they have chosen to apply for 3,000 birds in case of a possible emergency should for some unknown reason they were unable to process by end of May, then they would be able to place chicks to ground in July (two months later) without infringing the maximum number of birds allowable. Should this occur, the following processing months would then allow the farm to return to the normal regime.

The Emu Farm will make use of existing pig pens and fenced paddocks. The applicant advised that the existing boundary fence consists of a two (2) metre high tightened wire fence and that they propose a three (3) metre buffer between the existing boundary fence and the new proposed two (2) metre high emu fence. Shade shelters are to be constructed from aluminium frame with a shade cloth top along with feeders and waterers to be included in each paddock and chick run.

The applicant has proposed an ancillary small scale abattoir to process the birds on-site with this application which will be Impact Assessable.

The Applicant had stated that based on their considerable experience at their current Marburg farm, the Emus are required to mature for 3 years before they are slaughtered. At three years maturity the emus produce the best tasting meat and oil percentage. Emus do not like travelling and the abattoir is going to be purpose built based on the Marburg operation and will include a pump out effluent operation.

The abattoir will only operate for 3 months a year that is normally March to May.

The applicant advised that in future the owners aim to establish a tourist operation on the site. The Marburg operation has a shop that sells Emu products such as carved eggs, oils, feathers and leather.

A previous search of Council's records did not indicate any existing Planning or Building and Plumbing approvals. The applicant had previously indicated that the existing structures may be between 30 - 40 years old. The applicant also proposes to make use of the existing structures onsite as a proposed incubation shed, staff rooms and toilets.

Site and Environment

Characteristics of Site & Surrounding Environment

The proposed site has been extensively cleared however, some limited vegetation remains along the mid-section of the northern boundary. The applicant proposes to plant additional trees and shrubs on the property. A previous use has established boundary fencing and several structures which possibly predate Council records. The land is predominantly flat in nature.

The surrounding land uses appear to be animal grazing and some small cropping activities.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Zone Code (Rural Zone - Precinct - Horticultural / Dairying Land 40ha)	Good Quality Agricultural Land Transport Corridor	Intensive Animal Industry Code

Relationship to the Zone Code

The Assessment Table for the Rural Zone identifies the defined use of Intensive Animal Industry as being a consistent land use requiring impact assessment where the development of a dairy or poultry farm exceeds 1,000 birds.

The proposal complies with most of the Rural Zone Code's Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

The proposal triggers Transport Corridor Overlay Code and also the Economic Resources Overlay Codes. Approximately half of the subject site is mapped as Good Quality Agricultural Land as identified within the *Boonah Planning Scheme 2006*. The proposed development does not contravene the Outcomes sought by this Overlay Code. Overlay Map 1A (Good Quality Agricultural Land) does not affect the level of assessment of this application.

The proposed development is on a site that is located approximately four (4) kilometres west of the Cunningham Highway and does not impact on any major roads. The proposed traffic from the site has been indicated as ten (10) daily staff vehicle, and two (2) operations trucks.

Compliance with the Relevant Specific Use Code (Intensive Animal Industry)

The proposal complies with all of the Specific Development Code's Acceptable Solutions and Performance Criteria.

Enclosures and Boundary Fencing

The applicant had previously advised Council that they propose to utilise the existing two (2) metre boundary fence and to also provide a buffer around the site through the construction of an additional internal two (2) metre emu fence. Additional pens and chick runs will also be constructed on site to cater for the Emus. The applicant also indicated that further planting of vegetation will take place over the next four (4) years to increase vegetation buffers on site.

Water Supply

Potable water will be provided through the existing rainwater storage tanks and water for the Emus will be provided via an existing dam and bore/s on site.

Dust

Dust mitigation will be managed through paddock rotation, and through improved pastures from crop planting and irrigation.

Traffic Impact

The applicant indicates that this application intends to hold up to 3,000 Emus on site and advised that this will generate up to ten (10) caretaker/farm hand vehicle movements per day and two (2) feed trucks. Access will be via a constructed roadway and existing driveway. Thirteen (13) clearly marked car parking spaces have been provided on site for the proposal. The front gate is situated at a distance from the bitumen road to accommodate a truck off the roadway.

Infrastructure Charges*Legislative Background*

Effective as of 1 July 2011, all development approvals granted within 'Priority Infrastructure Areas' (PIA) are required to be charged for infrastructure contributions in accordance with the *State Planning Regulatory Provision (Adopted Charges)*. It is noted that the proposal is not within a PIA, however Council has endorsed an Adopted Infrastructure Charges Resolution (version No.5) as of July 2014 which allows for charging within non 'Priority Infrastructure Areas' for roadworks (100%). In July 2015 Council replaced the Adopted Infrastructure Charges Resolution with a Fair Values Charges Resolution (Version no. 2). As such, a full Local Government Charge is outlined below in accordance with the Fair Values Charges Resolution.

Please note that this proposal is an intensification of existing use. Therefore no credit applies to the existing demand which is a continuing use, except for the additional charge that is based on the increased demand which in this case is the increase in the GFA area of the proposed new shed.

On the basis of the above, the infrastructure charges apply to the increase in GFA component only.

Use	GFA	Units of Measure	Charge Rate	Amount
High Impact Rural	Additional GFA = 435m ²	Per m ² of GFA	\$5.11	\$2,222.85
Total				\$2,222.85

It is noted that no Queensland Urban Utilities charge is applicable given that no reticulated water and sewer exist on site. Furthermore, a stormwater charge is not applicable for a High Impact Rural use as per the adopted infrastructure charges resolution.

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009*.

Submissions

Three submissions were received during the public notification period of which only two submissions were property made.

Details of Submitters

1. Anonymous ("concerned resident")
2. Mr Duncan K M Taylor
108 Albert Street
ROSEWOOD QLD 4340
3. Ms Elizabeth G Mandelkow
900 Colleyville Road
COLLEYVILLE QLD 4307

The issues and concerns raised by the submitters are primary on matters such as inhumane killing, welfare of emus, dust generation, odour issues, number of birds, climate change and decline in property values.

The applicant's response to these issues and concerns raised by the submitters are detailed below within the applicant's reply to those issues:

1. Applicant's response to Submitter ("concerned resident"):

- *Thank you for your concerns, however you need not be concerned about the wellbeing of our birds - We are the pioneers in the Emu industry and for the past 19 years of Emu farming we are considered experts in the field on how to care for and raise Emus.*

- *All policies are in place on our farms and Emus kept in healthy condition and humanly treated. All waste is disposed of properly as per our HACCP (Hazard Analysis Critical Control Points) plan as per Safefood Qld and as previously submitted an audit report from Safefood Qld shows professionalism and the passion and caring we provide for our Emus. As a Licenced Emu Farmer many requirements are to be met and animal welfare issues put in place that we adhere to.*
- *There are enough shelters in the paddocks (3 to each paddocks) for the amount of birds in there selected paddocks and we in fact put the shelters over the waterers to encourage birds to use the shelters as many birds prefer not to use shelters as the Emu is a dessert bird and are on the move and not stand around or sit for long periods like other animals. The Emus also have the shade from 5 feeders in each paddock, that is the reason we put that type of feeder for the Emus this is another way of encouraging them to come to shade as they prefer not to be there for long periods, even an 8 week old chick prefer the outside in spite of having a huge shelter and shade area. The other form of shelter during the summer is the green panic we just planted will be tall and the birds love to hide amongst the long grass.*
- *Emus have their own cooling system in the form of a fat free meat, a large quantity of fat on the body that melts or hardens depending on heat or coolness that provides warmth or cooling effects to the Emu and the feathers of the birds are designed to provide cooling effects or warmth, also the way the bird breaths provides a cooling system in the body (similar to dogs panting) therefore allowing Emus to roam desserts or the coldest lands with a huge success of survival. An Emu in the dessert where there is no shade will in fact turn their back to the sun and breath in the shade of their own body they can also go without food or water for long periods but on our farm we have water and feed at their disposal. Our shelters are moveable and it is under our licencing discretion to manage the birds effectively to maintain the health and wellbeing of our valuable birds and hardly think that we would not care for the wellbeing our valuable expensive birds just as any other farmers would care for their valuable stock.*
- *We are well aware of the temperatures and conditions in the area and will organise the birds accordingly so there will be no huddling of Emus as birds do not stay long under the shelters and always movement around the paddocks.*
- *Emus love it in the rain and enjoy lying around in the mud. They are very curious creatures and will run up and down the paddocks for attention and young birds and yearling enjoy human's attention and are quite excited and playful. Therefore if you stood at the fence taking photos for instance they would all run down to you out of curiosity and interest. However next year when the birds are paired off and adult they are not quite as playful and will not have that sort of curious behaviour.*

- *As for mass killing of animals – Our birds are processed under strict conditions and are definitely under Humane conditions we would not have it any other way the killing period is over two days kill per week of small amounts not masses and unfortunately it is part of life for other animals to be killed, otherwise there would be no meat, chicken or fish or other items such as leather, gelatine, pet food etc. In fact many people who protest about animal killings in fact wear leather shoes& belts and carry leather handbags that are derived from the actual thing they are protesting about. We have found uses for most parts of the Emu and we have very little waste indeed. Many vegetarians actually use our Emu oil capsules as a source of Omega 3 5 6 7 & 9 for their own good health.*
- *There is no proof whatsoever that relates to Emu farming affecting climate change in fact there are very few Emu farmers in Australia or the rest of the world and in fact we are the only Emu farmer in Qld. There has been no proof from any farming of any animal except for gossip about “cows' flatulence” which is a fallacy.*
- *We appreciate your concern for the welfare of our birds, but please be assured that we also care about the welfare of our birds and have the expertise to ensure the good health and wellness of our birds. You are welcome to phone us re your our farming regime and we would be pleased to show you our operation.*

2. The applicant's response to submitter's (neighbour) issues:

- *Those paddocks mentioned are mainly used for rotation of paddocks to allow for planting and also grazing in winter. During the storm season Emus will be moved accordingly as per our farming regime.*
- *Paddock 20 will only be used as grazing in the winter months and not during heavy rain previously by the previous owners 150 sheep and goats roamed that paddock for months and no complaints were made to council by any neighbours.*
- *Those paddocks will improve by having Emus there for those months as the Emus will clean up the land from snakes, rodents & foxes, also after the Emus are moved we will be aerating and planting Green panic which is an excellent buffer for erosion of soil then mowing of the green panic in that paddock will improve the present condition of the land as it is now.*
- *The chick pens hold a maximum of 400 chicks spread out in different age groups over a period of time depending on the hatching of each batch and once each batch is able to move to the paddocks they are no longer in the Emu pens so there is no odour issue with those pens.*
- *The pits cannot be compared to the piggery of previous times as the Emus are brought into a holding paddock at the time of processing and no Emu faeces are brought into the abattoir.*
- *The only waste water going to the filtration is cleaning water that contains sanitiser (a germ killer) and perhaps an extremely small amount of blood however all odours etc. is closely watched under our HACCP programme.*
- *As previously mentioned the Emu is soft footed.*

- *The property value will not be affected any less in fact more improvements have already been made and our land value has increased hugely by a recent valuation of our property*
- *Since the previous owners of 10 years approx. with a large variety of animals and manure, faeces, and droppings etc. on the property by animals such as sheep, ducks, alpacas, pigs, dogs, deer, goats, chooks, calf and assorted varieties of animals living there (in fact we were ankle deep in faeces in the wet weather upon initial inspection of the property) and the previous smell has diminished from the property as we cleaned all the animal waste and rubbish and spelled the paddocks for months prior to placing the Emus on the property.*
- *As previous stated in our submission we intend to do as rule of thumb 700 chicks 700 yearlings 700 adults which equals 2100 but choose to apply for 3,000 in case of a possible emergency as to the fact should for some unknown reason we are unable to process by end of May we are then able to place chicks to ground in the July (two months later) without disobeying the maximum numbers therefore doing the right thing by all. Should this occur, In fact the following processing months would then allow the farm to return to normal regime.*

3. Applicant's response to Submitter - MS ELIZABETH MANDELKOW

- Emus are native to Australia regardless of how long records show in what areas an Emu may roam.
- Emus are a soft footed animal
- stocking rate is previously discussed
- Emu Farming – Intensive Animal Husbandry
- Scenic Rim definitions page 171 Boonah Scheme
- Our Emu food is sourced locally
- We are approved by Safefood Qld under a HACCAP as per previous response
- Land value as per previous response
- 19 years experienced in Emu Farming
- Inspection welcomed

Officer's Comments

The application generally complies with the Boonah Planning Scheme 2006 requirements.

The concerns raised by the submitters were addressed by the applicant and are considered acceptable as there are no strict guidelines or regulation under Boonah Planning Scheme provisions on Emu farming as opposed to poultry farming.

Whilst some of the issues raised by the submitters are considered to be of concern, there are other issues that are raised within the submission that are considered as not valid reasons on planning grounds. These are issues relating to climate change or decrease in property values that are considered to be of speculative nature.

However, as the farm is currently operational, and this application only seeks to increase in the number of birds and to establish a new abattoir to service the existing business, it is anticipated that there would be minimal adverse impact on the locality or on individual properties due to the increase in number of birds.

With reference to submitters concerns regarding noise, odour and dust concerns, the applicant has responded to address these issues and in some cases provided mitigation measures that are considered acceptable. Furthermore, relevant and reasonable conditions have been imposed within the conditions of approval to ensure that these issues are complied with to the satisfaction of Council should it arise in future.

Referrals

Internal

Health, Building and Environment – Building

On review of the property in question it appears there are no building approvals associated with the building/structures on site. The applicant will be required to achieve building approval for the intended use therefore should engage the services of a Private Certifier to manage the approval process.

Health, Building and Environment – Plumbing

On review of the subject property it has been identified plumbing approval has not been achieved. It is recommended to engage the services of a Hydraulic Consultant for this proposal in preparation for submission of the future plumbing application/s to Council.

Health, Building and Environment – Health and Environment

Council's Health and Environment section has no objection to the approval of the proposed development subject to the imposition of reasonable conditions.

Infrastructure Services

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

External

This proposed development did not trigger any external referrals.

Conclusion

The proposed land use has been assessed against the relevant provisions of the planning scheme and other legislation and it has been determined that the development for Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Farming) is generally consistent with the stated requirements of those provisions.

The Applicant's proposal is considered to be acceptable in terms that the development is unlikely to contribute adversely on the existing environment, both natural and built. The inclusion of this development in this locality will not be a burden on Council's existing infrastructure nor generate any adverse impacts. Therefore the proposed development involving Intensive Animal Industry (Rural Use) (Emu Farm - Intensive Farming) 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:

RPD:	Lot 2 on SP140087
Address of property:	830 Coleyville Road COLEYVILLE QLD 4307
Site area:	39.73 Ha
Proposal:	Material Change of Use – <i>Boonah Planning Scheme 2006</i>

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.
 - 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 if applicable.
 - c) An application for Constructing or interfering with a road or its operation is required for the Civil Works associated with the proposed Development.
2. **Conditions of Approval:**

Approved Plans

- 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 table below and received by Council on 7 July 2015 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Site Plan	Lockyer Drafting Designs	1637.01 A	May 2015
Proposed Abattoir (Plan)	Lockyer Drafting Designs	1637.02 B	May 2015

General

- 2) **DEFINITION COMPLIANCE AND EXCLUSIONS -** The approved use and associated ancillary activities shall at all times comply with the definition of an Intensive Animal Industry under Schedule 1 – Dictionary and relevant provisions of Part 6 of the Boonah Shire Planning Scheme 2006.
- 3) **COMMENCEMENT OF USE -** Prior to the use commencing, the Applicant shall advise Council's Planning Department in writing, of the proposed commencement date.

- 4) **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.

Landscaping

- 5) **EXISTING VEGETATION - PRESERVATION** - The landscaping of the site and/or landscaping plan shall incorporate the preservation of existing forestry vegetation, where not required to be cleared for the purpose of this approval, as shown on the approved Site Plan.
- 6) **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.

Amenity

- 7) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
- 8) **LIMITS ON BIRD NUMBERS** - A maximum of 3000 birds shall be permitted on site at any one time.
- 9) **RECORD KEEPING** - All records and documents required to be kept by a condition of this Approval (including all records and documents required to be kept under the Environmental Management Plan) at the premises for a period not less than 3 years and make the records and documents available for examination by an Authorised Officer immediately upon request.
- 10) **ODOUR AND DUST EMISSIONS MONITORING & RECORDING** - The operator must conduct regular checks to monitor odour and dust emissions and record relevant information including date, time, location, staff member and an odour and/or dust emission description.
- 11) **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.
- 12) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
- 13) **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.

- 14) **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*.

- 15) **NOISE, DUST AND ODOUR ASSESSMENT REPORTS – COMPLIANCE** - If a complaint (other than a frivolous or vexatious complaint) is made against the business, the administering authority may request an assessment of the acoustic, dust or odour qualities of the business be undertaken by a qualified professional. The report is to be submitted to Council within three (3) months of the complaint.
- 16) **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.
- 17) **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.
- 18) **CARCASS MONITORING AND STORAGE** - Regular checks for mortalities must be undertaken (minimum frequency of once per day) with any carcasses immediately removed. Carcasses are to be stored in sealed, impermeable container(s) and either:
- i. Removed from the site on the same day; or
 - ii. Refrigerated below 4°C and removed as required.
- 19) **CARCASS REMOVAL AND DISPOSAL** - No on-site carcass disposal is permitted (unless expressly directed to do so by a State or Federal Government Agency following a disease event or mass mortality). All carcasses removed from the site must be disposed of at an approved disposal facility by an approved transporter.
- 20) **SOLID WASTE REMOVAL RECORDS** - For all solid waste removed from the premises (including poultry litter) records must be kept of the following:
- i. The date, quantity and type of waste removed;
 - ii. The name of the waste transporter and/or disposal operator that removed the waste; and
 - iii. The intended treatment/disposal destination of the waste.
- 21) **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.

- 22) **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.
- 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.

Car parking and Access

- 24) **ACCESS TO COUNCIL ROAD** - The Applicant shall undertake the construction of the access Crossovers to Council Standards with the appropriate signage in accordance with Council's current standards. 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 access provisions shall be maintained in good condition for the lifetime of the proposed use.

- 25) **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.

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

- 26) **CAR PARKING NUMBERS** - The developer is to make provision for the establishment of adequate car parking on site to serve staff associated with the approved use and for visitors to the site. The car parking spaces shall be established prior to the commencement of the approved use.
- 27) **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.
- 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. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Stormwater Drainage

- 29) **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.
- 30) **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.

- 31) **EROSION CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.

Water

- 32) **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.

Wastewater

- 33) **WASTEWATER DISPOSAL - GENERAL** - The Applicant is to provide a 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 Housing and Public Works “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

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

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 and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restrict 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 *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 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.

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 and 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 if applicable.
- c) An Operational Works approval is required for the on-site Civil Works associated with the proposed Development.
- d) An application for Constructing or interfering with a road or its operation is required for the Civil Works associated with the proposed Development.

5. Administrative Action:

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

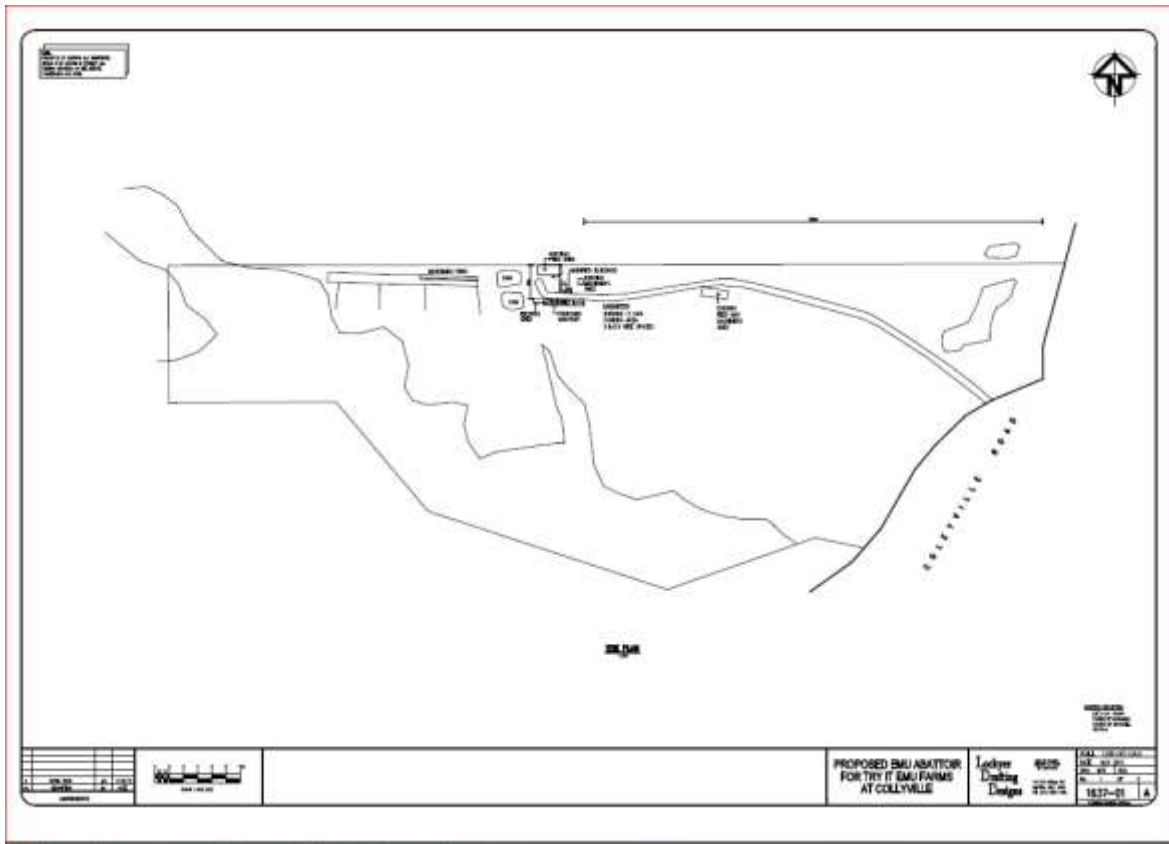
Attachments

1. Site Locality map.
2. Proposed Site layout.
3. Detail of Proposed Abattoir.

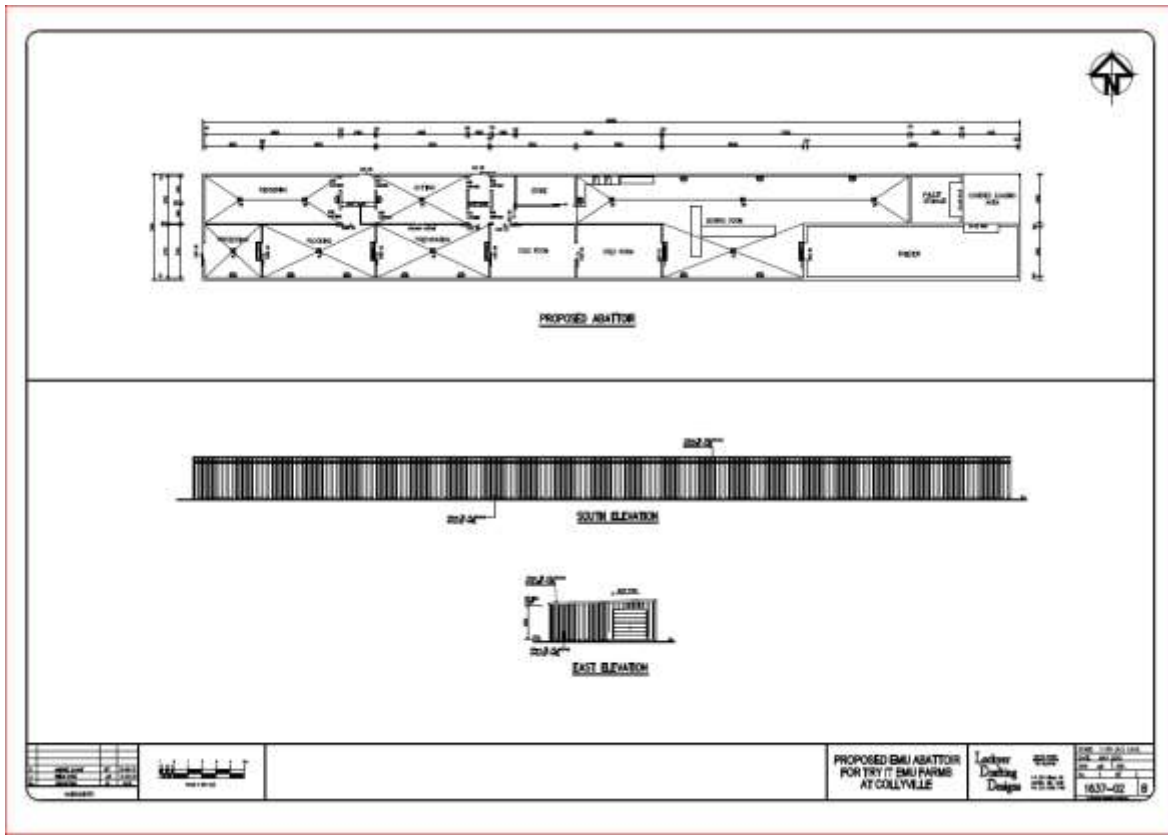
Attachment 1 - Site Locality map



Attachment 2 - Proposed Site layout



Attachment 3 - Detail of Proposed Abattoir



3.5 MCBn15/010 Request to Change Conditions of Approval Conditions 1, 4 and 5 for a Material Change of Use for Service Station and Food Premises Application (Impact Assessable) at 6774 Cunningham Highway, Aratula on L1 & 2 RP170576

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn15/010

Applicable Planning Scheme	<i>Boonah Planning Scheme 2006</i>
Applicant	Planning Initiatives
Owner(s)	Mr P Balsategui
Site Address	6774 Cunningham Highway ARATULA
Real Property Description	Lot 1 RP170576 and Lot 2 RP170576
Site Area	19,828m ²
Relevant Zone	Village Zone
Approval Type	Development Permit - Material Change of Use – <i>Boonah Planning Scheme 2006</i>
Proposal and Assessment Level	Request to Change Conditions of Approval – Conditions 1, 4 and 5.
Public Notification:	Not Applicable
Submissions Received	Nil
Is a Notation to the Planning Scheme required?	No
Date Current Application Received:	24 September 2015

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
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - Transparent reporting of assessment - Communications 	Low

Purpose of Report

The purpose of this report is to provide the facts and circumstances concerning a proposed Change of Conditions Request for **Condition 1** - Use in Accordance with the Application - Material Change of Use, **Condition 4** - Car Parking Numbers and **Condition 5** Car parking and Driveway - concrete / flexible pavement. The current approval is for a Development Permit for Material Change of Use for Service Station and Food Premises on land located at 6774 Cunningham Highway, Aratula QLD 4309 and described as Lots 1 & 2 on RP170576.

Brief Summary

Condition 1

The applicant proposes to make various changes to the layout of the development to improve access and circulation as well as changes to the floor plan of the building to suit future tenant requirements. Should Council be supportive of the revised site plan, Condition 1 will need to be amended to reflect the most recent proposal plans.

Condition 4

The request includes an amendment to the number of proposed truck parking bays from twenty two (22) to seventeen (17) as a result of the changes to site circulation. Should Council be supportive of the revised truck parking bay arrangement, Condition 4 will need to be amended to reflect the most recent proposal plans.

Condition 5

The only required change to Condition 5 is a subsequent change to the plan referenced in the condition. Should Council be supportive of the revised changes to Conditions 1 and 4, Condition 5 will need to be amended to reflect the most recent proposal plan.

Background

Original approval

The application was originally approved on 30 April 2013 (refer Development Application Number MC.Bn12/00003).

The original approval included forty-six (46) car parking spaces including two (2) spaces for People With Disabilities (PWD). Twenty-two (22) truck parking bays were also originally approved.

The Gross Floor Area (GFA) of the original approval was 819m². The approved building included the service station and ancillary convenience store area. Two additional tenancies were included in the approved building with one tenancy having access to a drive through service facility. The building also included an amenities area.

The original application was publicly notified for a period of no less than fifteen (15) business days in accordance with the requirements under the *Sustainable Planning Act 2009*. Council received no properly made submissions.

ProposalCondition 1

For information purposes a copy of the current Condition 1 is provided below:

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -**
Development being undertaken generally in accordance with the plans identified in the table below received by Council on 18 January 2013 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Detailed Site Plan	Cadway projects	10891SK02 Revision B	28/05/2012
Overall Site plan	Cadway projects	10891SK01 Revision D	31/08/2010
Site Circulation plan	Cadway projects	10891SK03 Revision B	18/07/2012
Building Floor Plan	Cadway projects	10891SK04 Revision C	5/03/2012

Officer's Comments

The applicant's proposal involves a reduction in the number of crossovers to the Cunningham Highway from three (3) to two (2). The design of the internal vehicle circulation and manoeuvring areas has changed to a more simplified, legible layout. The entry to the drive through service area has been relocated from the rear to the front of the building for ease of navigation. Better separation between heavy and light vehicle traffic is achieved.

The previously approved outdoor dining area is now proposed to be located indoors. The GFA of the building is proposed to increase by 20m² from 819m² to 839m². The change to the dining area is generally responsible for the proposed marginal increase in GFA.

No changes are proposed to the approved uses which remain as:

- Service station and ancillary convenience store area;
- Two food premises tenancies including one with access to a drive through service facility; and
- Amenities area.

Minor changes to internal and external configuration of the service station and food premises building are proposed. Location of fuel dispensers and underground / above ground storage tanks are not proposed to change.

The application is supported with an addendum / revised stormwater report and traffic report to demonstrate that no greater impacts will be created.

The Department of Infrastructure, Local Government and Planning has provided a notice under section 373(1) of the *Sustainable Planning Act 2009* stating they have no objection to the proposed changes.

Based on the above assessment, an amendment to Condition 1 is supported and recommended.

Therefore, amended Condition 1 is shown below:

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -** Development being undertaken generally in accordance with the plans identified in the table below received by Council on 24 September 2015 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
<u>Proposed Development Site Plan</u>	<u>Cadway Projects</u>	<u>10891 SK18 Issue A</u>	<u>22/09/2015</u>
<u>Overall Site Plan</u>	<u>Cadway Projects</u>	<u>10891 SK14 Issue D</u>	<u>22/09/2015</u>
<u>Site Vehicle Circulation Layout</u>	<u>Cadway Projects</u>	<u>10891 SK12 Issue E</u>	<u>22/09/2015</u>
<u>Proposed Floor Plan</u>	<u>Cadway Projects</u>	<u>10891 SK17 Issue A</u>	<u>22/09/2015</u>

Condition 4

For information purposes a copy of the current Condition 4 is provided below:

General

- 4) **CAR PARKING NUMBERS** - The Applicant is to provide forty six (46) standard car parking spaces including two (2) car parking spaces for People With Disabilities – PWD. In addition to this the applicant is to provide twenty two (22) truck parking bays. 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 in accordance with the submitted traffic report prepared by Pekol Traffic and Transport, dated 22 September 2015, received by Council on 24 September 2015 and approved by the Department of Infrastructure, Local Government and Planning on 20 October 2015.

The submitted traffic report states that *the proposed car parking provision is well in excess of the minimum number of parking spaces required under the Boonah Planning Scheme 2006 and is expected to adequately cater for demand.*

Council's Development Assessment Engineer has reviewed the proposal and has no objection to the changes.

Based on the above assessment, an amendment to Condition 4 is supported and recommended.

Therefore, the amended Condition 4 is shown below:

General

- 4) **CAR PARKING NUMBERS** - The Applicant is to provide forty six (46) standard car parking spaces including two (2) car parking spaces for People With Disabilities – PWD. In addition to this the applicant is to provide seventeen (17) truck parking bays. The total number of car parking spaces shall be available prior to the commencement of the approved use.

Condition 5

For information purposes a copy of the current Condition 5 is provided below:

- 5) **CAR PARKING AND DRIVEWAY – CONCRETE / FLEXIBLE PAVEMENT** - All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cadway Projects with drawing number: 10891 SK02 B dated 28/05/2012.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

Officer's Comments

As per the assessment above, the proposed changes are in accordance with the submitted traffic report prepared by Pekol Traffic and Transport.

Council's Development Assessment Engineer has reviewed the proposal and has no objection to the changes.

Based on the above, an amendment to Condition 5 is supported and recommended.

Therefore, the amended Condition 5 is shown below:

- 5) **CAR PARKING AND DRIVEWAY – CONCRETE / FLEXIBLE PAVEMENT** - All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cadway Projects with drawing number: 10891 SK18 Issue A dated 22/09/2015.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

Infrastructure Charges Notice

As discussed above, the proposal includes an increase of 20m² GFA. An amended infrastructure charges notice needs to be prepared for the application to reflect the increase in GFA. S976B of SPA allows the assessment manager to apply either the infrastructure charges policy applicable at the time of original approval or the current infrastructure charges policy to the change to, or extension of the development approval.

The decision date for the original application was 30 April 2012 and Council’s Adopted Infrastructure Charges Resolution (Version 4) October 2012 was applicable at that time. Current Council policy requires for the new Fair Values Charges Resolution to be applied to the development a new development application for the proposal must be lodged. Therefore, the revised infrastructure charges for the current request to change conditions application need to be calculated in accordance with Adopted Infrastructure Charges Resolution (Version 4).

Adopted Infrastructure Charges Resolution (Version 4)

The proposed development will be required to pay Council infrastructure contributions towards “connecting roads” and “stormwater” along with “water and sewerage” to Queensland Urban Utilities under the Adopted Infrastructure Charges. These charges will be generally in accordance with the following tables, which have been derived from Council’s Adopted Infrastructure Charges Resolution (Version 4) October 2012:

- Commercial (retail) – Boonah Shire or Ipswich Planning Scheme Areas.

Development for which an adopted infrastructure charge may apply.	Local Government agreed proportion of Adopted Infrastructure Charges	QUU agreed proportion of adopted infrastructure charges	Local Government agreed proportion of Adopted Infrastructure Charges for stormwater network (non-residential only)	Part of Local Government Area applicable
Commercial (retail)	\$150 per m ² of GFA	\$30 per m ² of GFA	\$10 per impervious m ²	Beaudesert and Boonah Shire Planning Scheme Areas.

The above determined charges have been applied against the proposed development and as calculated in the below table which has combined Council’s charge rate of \$150 with QUU’s charge rate of \$30 per m² of GFA.

The impervious area charge has not been calculated due to the fact that all existing sealed and hardstand areas are existing and there is no change in impervious areas.

Proposed Demand

Use	No. of Units	Unit of Measure	Charge Rate		Amount
Council					
Commercial (retail)	839	GFA	\$150.00		\$125,850.00
Stormwater		Impervious area (m2)	\$10.00		n/a
QUU					
Commercial (retail)	839	GFA	\$30		\$25,170.00
				TOTAL	\$151,020.00

Credit for Existing Use

Use	No. of Units	Unit of Measure	Charge Rate		Amount
Council					
Commercial (retail)	380	GFA	\$150.00		\$57,000.00
Stormwater		Impervious area (m2)	\$10.00		n/a
QUU					
Commercial (retail)	380	GFA	\$30		\$11,400.00
				TOTAL	\$68,400.00

Total Infrastructure Charges Applicable = Proposed Demand – Existing Credit

= \$151,020.00 - \$68,400.00

= \$82,620.00

Referrals

Internal

Health, Building and Environment – Building and Plumbing

Council’s Building and Plumbing section have assessed the application and advised that they have no objection, subject to reasonable conditions.

Health, Building and Environment – Environmental Health

Council's Environmental Health Section has reviewed the application and does not have any objections to the proposed changes.

Health, Building and Environment – Environmental Services

Council's Environmental Services Section has assessed the application and does not have any objections to the proposed changes.

Infrastructure Services – Operational Works

Council's Infrastructure Services Section has assessed the site accesses and do not have any objections to the proposed changes.

External

The Department of Infrastructure, Local Government and Planning has provided a notice under section 373(1) of the *Sustainable Planning Act 2009* stating they have no objection to the proposed changes.

Conclusion

The proposed Change to Condition request under Section 369 of the *Sustainable Planning Act 2009* has been assessed against the relevant provisions of the planning scheme, legislation and the current approval. It is recommended that the request to allow the proposed design changes be approved.

The applicant has requested to change the layout of the development to improve access and circulation and changes to the floor plan of the building to suit future tenant requirements. The changes involve amendments to **Condition 1** - Use in Accordance with the Application - Material Change of Use, **Condition 4** - Car Parking Numbers and **Condition 5** Car parking and Driveway - concrete / flexible pavement.

This application for Change to Conditions has been assessed and is determined to be generally consistent with the intent of Development Approval MC.Bn12/00003 granted on 30 April 2013. It is therefore recommended that the application for a permissible change be approved and **Conditions 1, 4 and 5** be modified.

All other conditions of the original Development Approval, Application Number MC.Bn12/00003 remain unchanged and current.

Director's Recommendation

1. That Council resolve, pursuant to the *Sustainable Planning Act 2009*, to approve the Request to Change an Existing Approval for the development application for Material Change of Use, in accordance with the following:

RPD:	Lot 1 RP170576 and Lot 2 RP170576
Address of property:	6774 Cunningham Highway, Aratula QLD
Site area:	19,828m ²
Proposal:	Request to Change Conditions of Approval – Conditions 1, 4 and 5. The Original Application was Impact Assessable (Consistent) and approved with conditions

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 plans identified in the table below received by Council on 24 September 2015 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposed Development Site Plan	Cadway Projects	10891 SK18 Issue A	22/09/2015
Overall Site Plan	Cadway Projects	10891 SK14 Issue D	22/09/2015
Site Vehicle Circulation Plan	Cadway Projects	10891 SK12 Issue E	22/09/2015
Proposed Floor Plan	Cadway Projects	10891 SK17 Issue A	22/09/2015

General

- 4) **CAR PARKING NUMBERS -** The Applicant is to provide forty six (46) standard car parking spaces including two (2) car parking spaces for People With Disabilities – PWD. In addition to this the applicant is to provide seventeen (17) truck parking bays. The total number of car parking spaces shall be available prior to the commencement of the approved use.
- 5) **CAR PARKING AND DRIVEWAY – CONCRETE / FLEXIBLE PAVEMENT -** All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cadway Projects with drawing number: 10891 SK18 Issue A dated 22/09/2015.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

3. Approval Conditions (Referral Agency):

Department of Infrastructure, Local Government and Planning Referral Response dated 20 October 2015.

4. 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 modifications, attach to the land and are binding on the owner, 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 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.
- 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) **FOOD LICENSING** – If a business handles or prepares food, it may be 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 area on 07 5540 5444. The licence is required before operation is commenced

- f) **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.
- g) **MINOR ALTERATIONS** - Notwithstanding the requirements detailed in this approval, any other minor alterations and/or modifications shall be subject to the prior written approval of QUU.
- h) **FIRE ANTS RESTRICTED AREAS** - In accordance with the Plant Protection Act 1989 and the Plant Protection Regulation 1990, a quarantine notice has been issued for the State of Queensland to prevent the spread of the Red Imported Fire Ant (ant species *Solenopsis invicta*) and to eradicate it from the State. It is the legal obligation of the land owner or any consultant or contractor employed by the land owner to report the presence or suspicion of Fire Ants to the Queensland Department of Primary Industries on 132523 within 24 hours of becoming aware of the presence or suspicion, and to advise in writing within seven days to:

Director General
Department of Primary Industries
GPO Box 46, Brisbane QLD 4001

It should be noted that the movement of Fire Ants is prohibited, unless under the conditions of an Inspectors Approval. More information can be obtained from the Queensland Department of Primary Industries website www.dpi.qld.gov.au.

The land over which you have made a development application is within a suburb known to have Fire Ants and as such is within a "Restricted Area". The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact the Department of Primary Industries to investigate the site and for you to implement any necessary matters required by that Department prior to the commencement of any works.

- i) **STRATA TITLE DEVELOPMENTS** - If the applicant is considering making an application for strata title in the future, consideration should be given in regard to having a separate sewer connection for each tenement Trade Waste Approval. The discharge of waste liquids to the sewerage system must be conducted in accordance with the conditions of a Trade Waste Approval. Approvals can be obtained from Queensland Urban Utilities. This must be addressed through the plumbing application stage. For further information on approvals please contact the QUU on 132 675 or visit their website at - www.urbanutilities.com.au/Businesses/Trade_waste.

5. Further approvals are required for:

- a. An Operational Works approval is required for the Civil and Electrical Engineering Works and the Landscaping Works associated with the proposed development.
- b. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking the building work on the subject property.

- c. 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.
- d. A Building demolition application will be required for the removal of the existing buildings.
- e. A commercial plumbing application will be required for this development.
- f. The applicant must provide the hydraulic services design to Queensland Urban Utilities for connection approval. The connection approval to be provided to Council as part of the plumbing application.


6. Administrative Action:

That Decision Notices and an amended Infrastructure Charges Notice be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant and submitter/s.

Attachments

- 1. Applicant's request to Change Conditions of Approval dated 23 September 2015.
- 2. Proposed Amended Plans.
- 3. Dekho Map / Aerial Photo.

Attachment 1 - Applicant's request to Change Conditions of Approval dated 23 September 2015



DEVELOPMENT PLANNING CONSULTANTS

Our Ref: 2184jf
Your Ref: MC.Bn12/00003

23 September, 2015

The Assessment Manager
Planning
Scenic Rim Regional Council
PO Box 25
BEAUDESERT 4285

SCENIC RIM REGIONAL COUNCIL
File No: MC.Bn12/00003
23 SEP 2015
Doc. Set No: RBA
Resp. Officer: DA ADMIN
2. CEAT 3.

Dear Sir,

REQUEST FOR PERMISSIBLE CHANGE TO A DEVELOPMENT APPROVAL

MCU – INDUSTRY (SERVICE STATION) & FOOD PREMISES – DA No. MC.Bn12/00003

SHELL ARATULA – 6774 CUNNINGHAM HIGHWAY ARATULA 4309 – LOTS 1 & 2 RP170576

We act for Pedro Balsategui, the owner of the above site and Otazu Pty Ltd, the operator.

REQUEST

On their behalf, we are writing to request a Permissible Change under section 369 of the *Sustainable Planning Act 2009* (SPA) to an MCU Development Approval for the above site. The MCU was approved by Council on 2 May, 2013.

The desire to change the approval has arisen through changes becoming apparent during the detailed design stage of the project; the Owners (and developers) of the site wishing to make various changes to the layout so as to provide an improved development in terms of access and circulation and the need for other minor changes to the floor plan of the building to suit tenant requirements.

It is considered that the proposed changes do not result in a *substantially different development* and meet the requirements under s367 of the SPA in regard to what is required for a Permissible Change.

PROPOSAL

The request to amend the approved plans includes *minor* changes and corresponding changes to those conditions that include plan references. The amended plans show a reduction in the number of entry crossovers off the Highway from three to two as well as changes to the parking and circulation areas (including improvements to the proposed drive-through area).

There is also a slight increase in the overall GFA of the proposed development by 20 sqm. This has been brought about through a tenant requirement for the originally approved public external eating areas (which were not included in the original GFA calculation), now being internalised and becoming GFA. I.e. there is no real change in the actual overall floor areas nor any additional customer areas.

As will be seen from the enclosed proposal plans prepared by Cadway and apart from the Traffic Changes mentioned above, there are no changes to the existing approved uses, Industry (Service Station) and Food Premises nor the introduction of any additional uses or changes that would result in any perceived impacts to the site from the proposed development.

Level 1, 895 Ann Street
Fortitude Valley Qld 4006
PO Box 1774
New Farm Qld 4005

Telephone (07) 3666 0766
Facsimile (07) 3666 0788
admin@planning-initiatives.com
Braixdan P/L ABN 22 893 260 230

ATTACHMENTS

In support of the application, we enclose the following:-

- 3 copies of the Cadway Projects Architectural Plans
- Pekol Traffic Transport Traffic Impact Assessment
- Clear Sky Engineering Stormwater Advice & Reports
- SARA Pre-lodgement Response

APPLICATION FEE

As advised by Council, the application fee is calculated on a base amount of \$990.00 plus \$190.00 for each condition that needs to be changed.

In this case, it is considered that the request relates to 3 conditions to be changed and the fee has been calculated as follows:-

Base Fee	\$990.00
Conditions 3 x \$190.00 =	<u>\$570.00</u>
Total Application Fee	\$1,560.00
Less Pre-lodgement Fee	<u>\$750.00*</u>
Nett Amount Payable	<u>\$ 810.00</u>

*The applicant has paid \$750.00 for the Pre-lodgement Meeting and as advised by Council, this has been deducted from the application fee as shown above.

The applicant has arranged payment of the \$810.00 directly to Council earlier this week.

CONCURRENCE AGENCY

The Department of Transport and Main Roads was a Concurrence Agency for the original application and approval.

With the changes to SPA, the Referral Agency is now SARA. Preliminary consultation has been carried out with them and subsequently, a Pre-lodgement Response from SARA has been received and is attached.

As required under as required under section 372 of the SPA, a copy of this application has been forwarded to SARA requesting an amended Referral Response.

PRELODGEEMENT MEETING

A Pre-lodgement Meeting was held with Council on Wednesday, 16th of September at Beaudesert.

From that meeting, there was an understanding that Council would be supportive of the proposed changes subject to provision of satisfactory Plans, Traffic and Stormwater Advices/Reports and the receipt of a properly made application.

PROPOSED CHANGES

The changes to the MCU Approval requested are as follows:-

• ATTACHMENT 1 – CONDITIONS OF APPROVAL

2. Conditions of Approval

Approved Plans

It is requested that this be condition be changed from:-

Approved Plans

1) USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE - Development being undertaken generally in accordance with the plans identified in the table below received by Council on 18 January 2013 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Detailed Site Plan	Cadway Projects	10891SK02 Revision B	28/5/2012
Overall Site Plan	Cadway Projects	10891SK01 Revision D	31/08/2010
Site Circulation Plan	Cadway Projects	10891SK03 Revision B	18/07/2012
Building Floor Plan	Cadway Projects	10891SK04 Revision C	05/03/2012

To:-

Approved Plans

1) USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE - Development being undertaken generally in accordance with the plans identified in the table below received by Council on 18 January 2013 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.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposed Development Site Plan	Cadway Projects	10891SK18 Revision A	22/09/2015
Overall Site Plan	Cadway Projects	10891SK14 Revision D	22/09/2015
Site Vehicle Circulation Layout	Cadway Projects	10891SK12 Revision E	22/09/2015
Proposed Floor Plan	Cadway Projects	10891SK17 Revision A	22/09/2015

The above plan changes include the reduction in the number of entry crossovers off the Highway from three to two as well as changes to the parking and circulation areas (including improvements to the proposed drive-through area).

They also show a slight increase in the overall GFA of the proposed development.

The increase of 20sqm has been brought about through a tenant requirement for the originally approved public external eating areas (which were not included in the original GFA calculation), now being internalised and becoming GFA. I.e. there is no real change in the actual overall floor areas, size of the proposed development nor any additional customer areas.

- ATTACHMENT 1 – CONDITIONS OF APPROVAL

General

5) Carparking and Driveway

It is requested that this condition be changed **from:-**

CAR PARKING AND DRIVEWAY – CONCRETE / FLEXIBLE PAVEMENT – All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cadway Projects with drawing number: 10891 SK02 B dated 28/05/2012.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

To:-

5) CAR PARKING AND DRIVEWAY – CONCRETE / FLEXIBLE PAVEMENT – All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Cadway Projects with drawing number: 10891 SK18 A dated 22/09/2015.

All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

The above change is to update the plan referenced in the original condition.

- ATTACHMENT 1 – CONDITIONS OF APPROVAL

3. Approval Conditions (Referral Agency):

It is requested that this be changed **from:-**

3. Approval Conditions (Referral Agency):

Department of Transport and Main Roads Referral Response dated 21 February 2013.

To:-

3. Approval Conditions (Referral Agency):

SARA Referral Response dated (SARA response date to be inserted).

The above change is to amend the Referral Agency from DTMR to SARA and to update the date of the response to that of the new Referral Response when received.

SUSTAINABLE PLANNING ACT

Under the Sustainable Planning Act, section 367 of the SPA defines a 'Permissible Change' as:-

367 What is a permissible change for a development approval

(1) A **permissible change**, for a development approval, is a change to the approval that would not, because of the change—

(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.

In response to the above:-

- *Substantially Different Development*

The proposal has been assessed against the provisions of *Statutory Guideline 06/09 - Substantially different development when changing applications and approvals* and is not considered to be a substantially different development as:-

The proposal —

- *Does not* involve a new use with different or additional impacts
- *Does not* result in the application applying to a new parcel of land
- *Does not* dramatically changes the built form in terms of scale, bulk and appearance (There is only a slight increase in GFA with the external eating floor area now internalised)
- *Does not* change the ability of the proposal to operate as intended.
- *Does not* remove a component that is integral to the operation of the development
- *Does not* significantly impact on traffic flow and the transport network
- *Does not* introduce new impacts or increases the severity of known impacts
- *Does not* remove an incentive or offset component that would have balanced a negative impact of the development
- *Does not* impact on infrastructure provision, location or demand.

- *Additional Concurrence Agencies*

The changed proposal would not require referral to any additional Concurrence Agencies if it was remade back when originally lodged.

- *Impact Assessment*

The proposed changes would not alter the original level of assessment.

- *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*

We understand that there were no submitters for the original application.

It is considered that the proposed changes are "minor" and they do not result in a substantially different development nor any added impacts.

Therefore it would be reasonable to expect that in the responsible entity's opinion, a person would not make a properly made submission objecting to the proposed changes, if the circumstances allowed.

- *Prohibited Development*

The proposed changes will not result in Prohibited Development.

INFRASTRUCTURE CHARGES

As there has been a slight increase in the GFA of the development by 20sqm, a recalculation of the Infrastructure Charges will need to be made.

We request that this be carried out in accordance with the Council's Fair Value Charges Resolution and consideration be given to the proposed development being considered under the *Scenic Rim Jobs Jump Start* Incentive as it relates to Commercial (Retail) and Industry uses.

CONCLUSION

It is considered that the proposed changes and request is consistent with the provisions of a 'Permissible Change' under section 367 of the SPA and may be approved by Council.

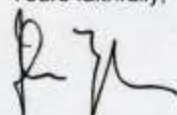
A copy of this request has also been sent to SARA as required under section 372 of the SPA requesting an amended Referral Response.

We look forward to Council's consideration of this request and trust that the information provided is sufficient and satisfactory for your assessment.

However, should you have any questions or require any further information, please do not hesitate to contact us.

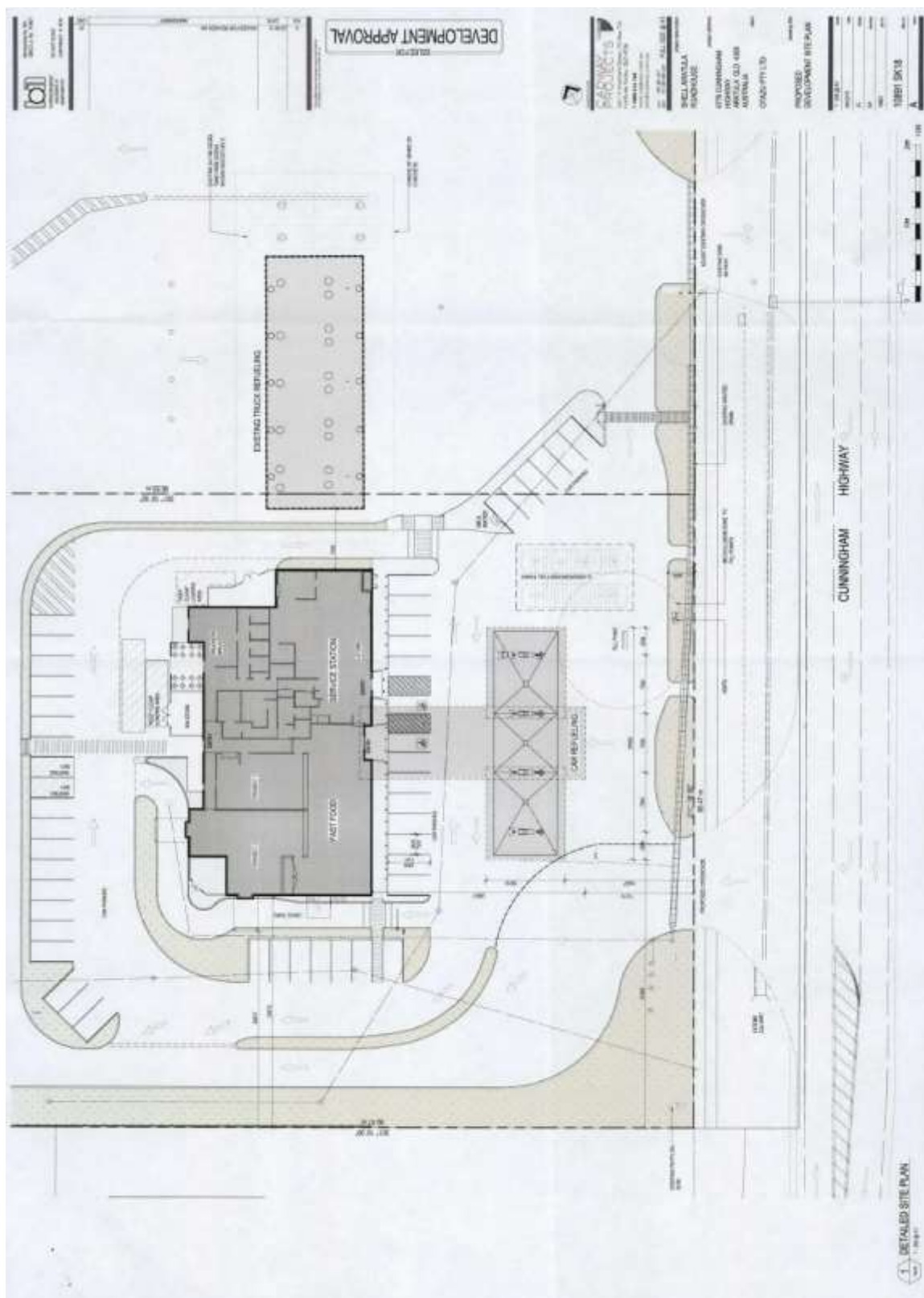
Thank you for your assistance in this matter.

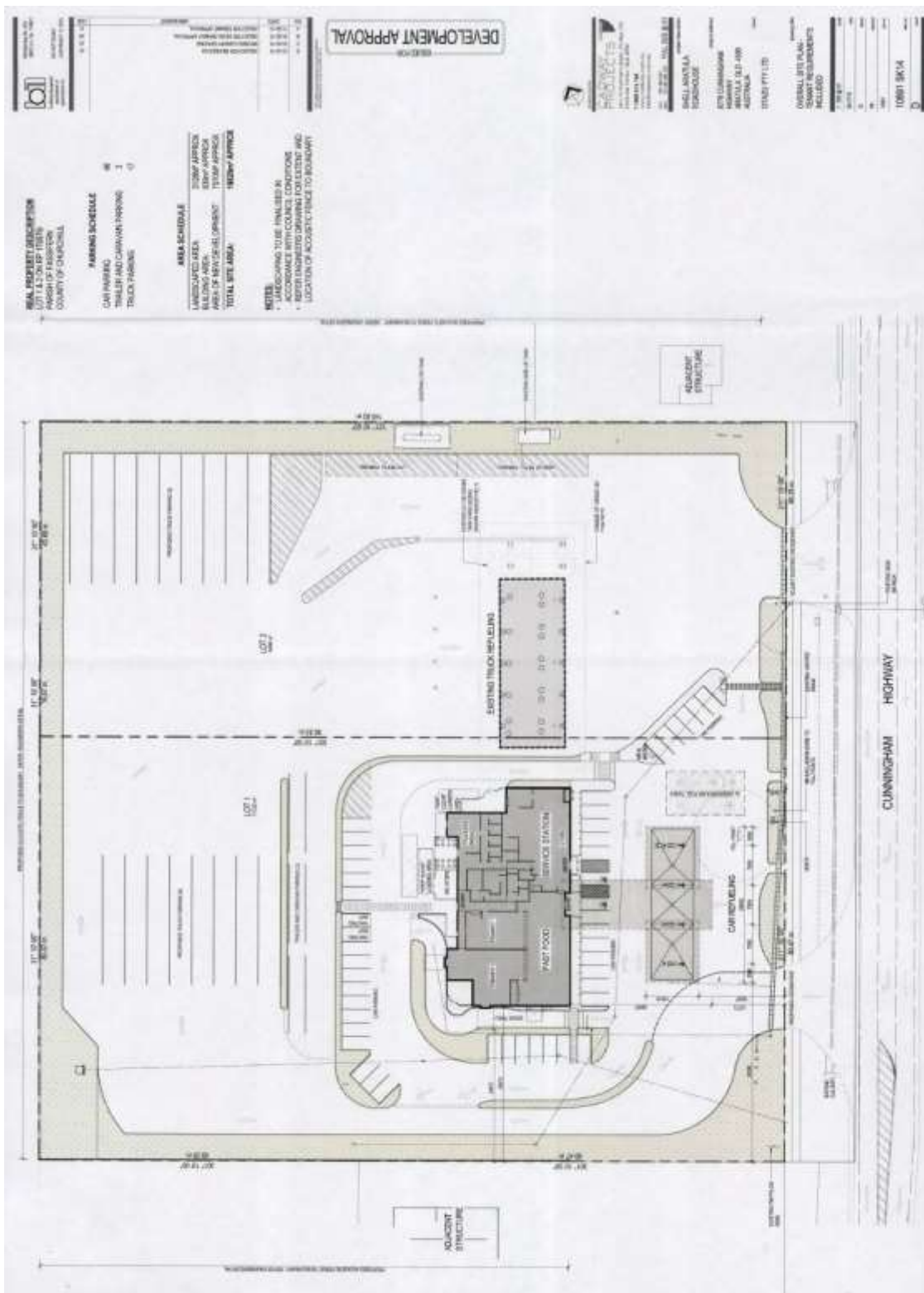
Yours faithfully,

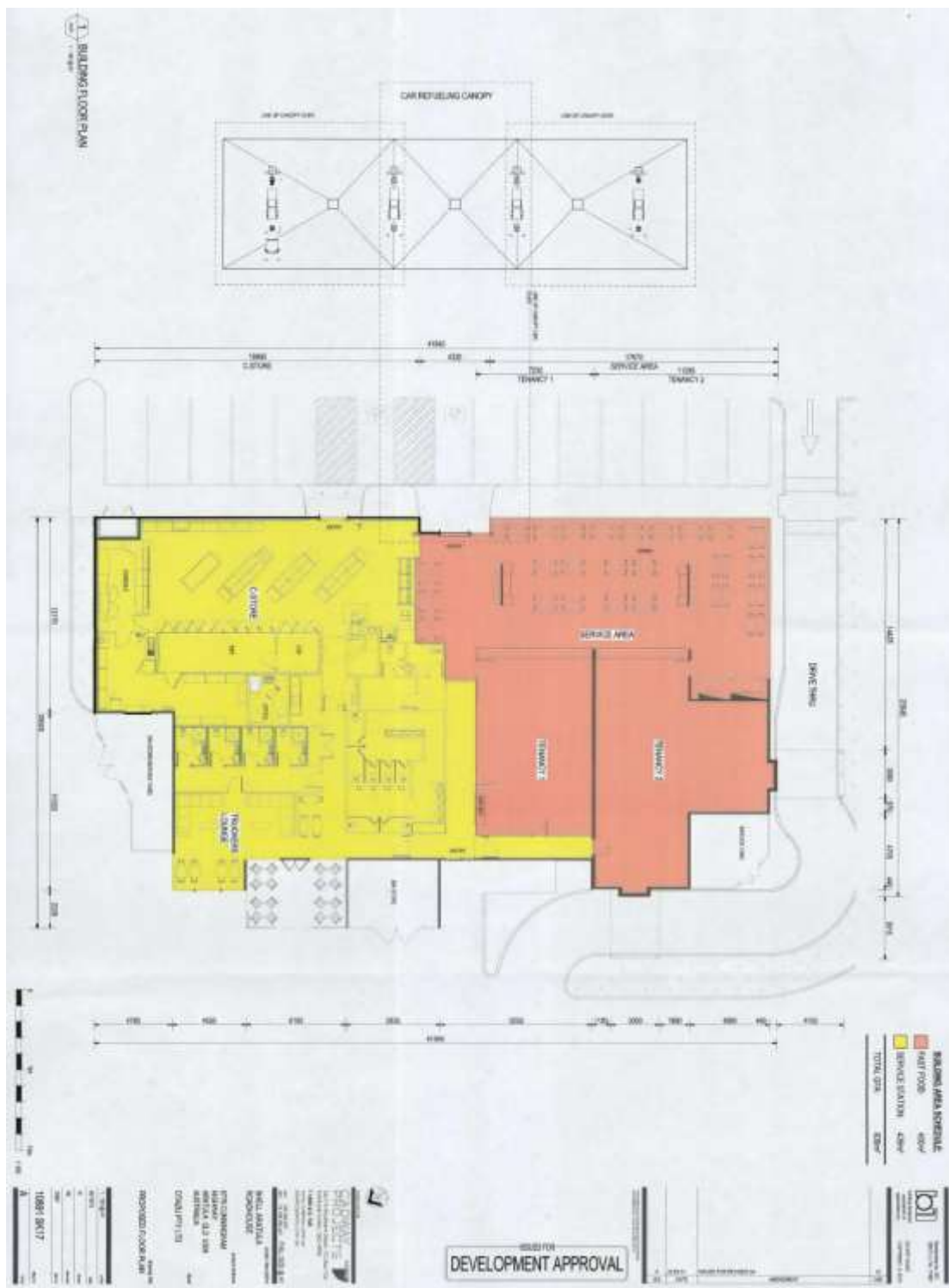


John Farquhar

Attachment 2 - Proposed Amended Plans







Attachment 3 - Aerial Photo



Dekho Map



3.6 MCip15/002 Request to Change Conditions for a Development Approval for a Material Change of Use RPS Australia East Pty Ltd L10 SP141687

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCip15/002

Applicable Planning Scheme	MCU – Ipswich Planning Scheme 2006
Applicant	RPS Australia East Pty Ltd
Owner(s)	Poltick Pty Ltd
Site Address	1544-1580 Ipswich Boonah Road PEAK CROSSING
Real Property Description	Lot 10 SP141687
Site Area	34.17 Ha
Relevant Zone and Precinct	Rural A (Agricultural) Zone and Rural B (Pastoral) Zone
Proposal	Permissible Change to Code Assessable Application
Assessment Level	Code Assessment
Approval Type	Development Permit
Date Application Received:	9 September 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 29 March 2012, Council approved an application for a Development Permit for a combined Material Change of Use and Environmentally Relevant Activity - for a Temporary Accommodation (20 Farm Stay Cabins) at 1544-1580 Ipswich Boonah Road, PEAK CROSSING and described as Lot 10 on SP141687.

The applicant now requests Council to consider minor changes to **Condition 3 - Duration of Accommodation**, which stipulates the maximum number of duration of stay days.

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...*”.

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
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	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
				processes - Model Litigant processes followed in court cases - Minimise opportunities for appeals	
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	- Transp arent reporting of assessment t - Commu nications	Low

Background

On 29 March 2012, Council approved an application for a Development Permit for a combined Material Change of Use and Environmentally Relevant Activity - for a Temporary Accommodation (20 Farm Stay Cabins) at 1544-1580 Ipswich Boonah Road, PEAK CROSSING and described as Lot 10 on SP141687, under the Application Number: MC.Ip11/00001.

In April 2014, Council's Compliance Officer and Operational Works Technical Officer inspected the property and found non-compliance with some of the conditions of development approval of this development. Of interest is the non-compliance with **Condition 3 - DURATION OF ACCOMMODATION** regarding the maximum number of stay days. The Officers' findings were that under recent enquiries *on-line* revealed that the Villas were being offered for a minimum of 3 months stay periods.

On 17 March 2015, Council's Compliance Officers undertook another site inspection at the above site to determine if development approval conditions were being complied with as per the development approval.

During this inspection from the external checks of all the 20 designated tourist cabins, the Council Officers noted that it was evident that in some units the tenants were staying longer than the approved 60 days maximum allowable breaching the conditions of the development approval.

To remedy this breach the applicant seeks Council approval to extend the stay period for the temporary accommodation to 84 days.

Proposal

The applicant now seeks to change the approval to modify **Condition 3 - Duration of Accommodation**.

The applicant states that "*it is proposed to change the maximum number of duration of stay days from:*

'The approved use must not accommodate any person/s for a continual period of more than 60 days in duration unless otherwise approved by Council' to 'the approved use must not accommodate any person/s for a continual period of more than 84 days in duration unless otherwise approved by Council.'

The applicant further stated that "*the rationale for this change is to align the proposed development with the definition of Short-Term Accommodation under the South East Queensland Regional Plan 2009-2031, State Planning Regulatory Provisions and the Queensland Planning Provisions version 3.1 dated 27 June 2014.*

Under South East Queensland Regional Plan 2009-2031, State Planning Regulatory Provisions:

'a facility which is purpose built for non-permanent accommodation and makes individual units or spaces available for separate hire for periods of no more than 12 weeks to tourists and travellers. It includes, but is not limited to a holiday cabin, motel, hotel, holiday apartment, guesthouse, dormitory, backpackers hostel, camping site and caravan park. It does not include residential development.'

Under Queensland Planning Provisions version 3.1

'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. The use may include a manager's residence, an office and the provision of recreation facilities for the exclusive use of visitors.

Examples include: Motel backpackers, cabins, serviced apartments, accommodation hotel farm stay'.

Assessment

It is noted that the approved use of 'Temporary Accommodation' is defined under the Ipswich Planning Scheme (2006) to have a maximum of 60 duration days:

"(1) "Temporary Accommodation" means the use of premises for providing short term or temporary accommodation (less than 60 days duration) and related services and facilities for visitors (e.g. a kiosk, amenities, restaurant or a dining room).

(2) The term includes the use of premises for-

- (a) boarding house;*
- (b) camping ground,*
- (c) caravan park;*
- (d) farm stay accommodation; or*
- (e) motel".*

However, the wording of Condition 3 provides flexibility in regard to the maximum number of duration of stay days, allowing variation from the planning scheme definition where approved by Council:

"60 days in duration unless otherwise approved by Council"

The proposed change to the maximum number of duration of stay days does not represent a change or significant intensification of the approved use, as the intent of the accommodation is still for short term or temporary accommodation. The proposed change better aligns the approval with higher order and more contemporary planning instruments, in which the eventual Scenic Rim Planning Scheme will be required to reflect, superseding the current Ipswich Planning Scheme (2006)".

The Applicant is now requesting Council to consider amending the maximum number of duration of stay days from 60 days to 84 days.

Nature of Changes

The following condition will require amendment.

Condition 3 - DURATION OF ACCOMMODATION

Condition 3 currently read as:-

- 3. DURATION OF ACCOMMODATION** -The approved use must not accommodate any person/s for a continual period of more than 60 days in duration unless otherwise approved by Council.

Officer's Comment

This request to change the condition was assessed by Council's Planning Department and advice received from the Officers was that the change is supported as the proposal will be generally in accordance with the intent of the future planning scheme.

The definition of the "Temporary Accommodation" under the Ipswich Planning Scheme 2006, under Schedule 1 - Dictionary is as stated below:

"Temporary Accommodation"

(1) "Temporary Accommodation" means the use of premises for providing short term or temporary accommodation (less than 60 days duration) and related services and facilities for visitors (e.g. a kiosk, amenities, restaurant or a dining room).

(2) The term includes the use of premises for—

- a) boarding house;
- b) camping ground;
- c) caravan park;
- d) farm stay accommodation; or
- e) motel.

Whilst the Ipswich Planning Scheme stipulates that the maximum number of stay days is to be 60 days under the 'Temporary Accommodation' definition, the *Queensland Planning Provisions* on the other hand permit around 3 months as the maximum duration allowable as mentioned within in the report. To provide some flexibility, 3 months could be considered as the upper limit on the temporary accommodation duration in this instance.

This increase in number of days could be considered reasonable as the number of duration of stay days does not represent a significant intensification of the approved use, as the intent of the accommodation is still for a short term or temporary accommodation. Furthermore, it is envisage that the new planning scheme will support and adopt the States 3-month durations for temporary accommodation periods.

As there is no significant impact of the increased stay days from 60 to 84 days, it is considered reasonable to alter Condition 3 to facilitate the development.

Therefore, the amendment to Condition 3 is as shown below:

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

3). DURATION OF ACCOMMODATION -The approved use must not accommodate any person/s for a continual period of more than ~~60~~ **84** days in duration unless otherwise approved by Council.

Referral Agencies

The Sustainable Planning Act 2009, section 372 required that Concurrence Agencies be notified of a Permissible Change Application. The original application triggered referral to the Department of Environment and Resource Management, the Department of Transport and Main Roads as agencies. The applicant advised that a copy of this request had been provided to the Department of State Development, Infrastructure and Planning - State Assessment and Referral Agency (SARA). Advice received from SARA is that the Department has considered the request and advised that it has no objection to the change request being approved.

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: MC.Ip11/00001.

The Applicant is requesting to change the condition of the stated approval and in particular, **Condition 3** that relate to change of maximum number of duration of stay days.

This application has been assessed and is considered acceptable as it is generally in accordance with the general intent of the conditions of the Development Approval dated 29 March 2012.

It is therefore recommended that the application for a permissible change be approved and the **Condition 3** be amended as discussed in the body of this report.

All other conditions of the original approval under Application Number: MC.Ip11/00001 remains unchanged and is current.

Director's Recommendation

1. That, pursuant to the *Sustainable Planning Act 2009*, Council resolve to approve the Request for a Permissible Change to an Existing Approval for the development application for Material Change of Use in accordance with the following:

3) **DURATION OF ACCOMMODATION** - The approved use must not accommodate any person/s for a continual period of more than 84 days in duration unless otherwise approved by Council.


2. **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. Applicants request dated 1 September 2015.
2. Correspondence from SARA dated 29/9/2015.

Attachment 1 - Applicants request dated 1 September 2015



HPC Ref: 15155
Council Ref: MC.Ip11/00001

1st September 2015

Sent via email

Scenic Rim Regional Council
Development Assessment
mail@scenicrim.qld.gov.au

Unit 4, 46 Douglas Street
MILTON Q 4064
p. 07 3217 5800
f. 07 3367 3965
www.hpcurban.com.au

Cc: Sent via MyDAS

Department of State Development,
Infrastructure and Planning
State Assessment and Referral Agency

Request to Change Development Approval pursuant to section 369 of the *Sustainable Planning Act 2009* Development Permit MC.Ip11/00001 for Material Change of Use (Temporary Accommodation – Tourist Use – 20 Farmstay Cabins) and an Environmentally Relevant Activity (ERA 63(2)(a) – Sewerage Tourist Facility for 21-100 EP) on land at 1544-1580 Ipswich Boonah Road, PEAK CROSSING Q 4306 and described as Lot 10 on SP141687.

On the 29th March 2012, Council granted approval for a Development Permit – Material Change of Use (Temporary Accommodation – Tourist Use – 20 Farmstay Cabins) at 1544-1580 Ipswich Boonah Road, PEAK CROSSING Q 4306 and described as Lot 10 on SP141687. It is proposed to make changes to the approval as discussed below.

Site Characteristics

The site is within the Rural A (Agricultural) Zone and Rural B (Pastoral) Zone under the *Ipswich Planning Scheme (2006)*. The subject site is 341700m² (34.17 hectares) in area, and is relatively flat due to being used predominately for farming purposes and is also improved with 20 farmstay cabins and farm house.

Approval Summary

The approval was issued by Scenic Rim Regional Council on the 29th March 2012 (MC.Ip11/00001) for a Development Permit for Material Change of Use (Temporary Accommodation – Tourist Use) which proposed 20 Farmstay Cabins, and also for Environmental Relevant Activity (ERA 63(2)(a) – Sewerage Tourist Facility for 21-100 EP).

Proposed Changes

It is proposed to modify 'Condition 3 – Duration of Accommodation' within the Development Permit for a Material Change of Use (Temporary Accommodation – Tourist Use – 20 Farmstay Cabins) as detailed below. No changes are proposed for the design or use of the development, or the ERA permit.

Changes to Approval

Condition

The change to approval seeks to modify Condition 3 – Duration of Accommodation. It is proposed to change the maximum number of duration of stay days from:

“The approved use must not accommodate any person/s for a continual period of more than 60 days in duration unless otherwise approved by Council.”

hpc urban design + planning pty ltd | architecture, urban planning, project management, development advice

to;

"The approved use must not accommodate any person/s for a continual period of more than 84 days in duration unless otherwise approved by Council."

The rationale for this change is to align the proposed development with the definition of Short-Term Accommodation under the *South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* and the *Queensland Planning Provisions version 31* dated 27 June 2014.

"a facility which is purpose built for non-permanent accommodation and makes individual units or spaces available for separate hire for periods of no more than 12 weeks to tourists and travellers. It includes, but is not limited to a holiday cabin, motel, hotel, holiday apartment, guesthouse, dormitory, backpackers hostel, camping site and caravan park. It does not include residential development."

South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions

"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. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.

Examples include: Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay."

Queensland Planning Provisions version 31

Assessment

It is noted that the approved use of 'Temporary Accommodation' is defined under the *Ipswich Planning Scheme (2006)* to have a maximum of 60 duration days:

"(1) "Temporary Accommodation" means the use of premises for providing short term or temporary accommodation (less than 60 days duration) and related services and facilities for visitors (e.g. a kiosk, amenities, restaurant or a dining room).

(2) The term includes the use of premises for—

- (a) boarding house;*
- (b) camping ground;*
- (c) caravan park;*
- (d) farm stay accommodation; or*
- (e) motel."*

However, the wording of Condition 3 provides flexibility in regard to the maximum number of duration of stay days, allowing variation from the planning scheme definition where approved by Council:

"60 days in duration unless otherwise approved by Council."

The proposed change to the maximum number of duration of stay days does not represent a change or significant intensification of the approved use, as the intent of the accommodation is still for short

[hpc urban design + planning pty ltd](#) | [architecture](#) [urban planning](#) [project management](#) [development advice](#)

term or temporary accommodation. The proposed change better aligns the approval with higher order and more contemporary planning instruments, in which the eventual Scenic Rim Planning Scheme will be required to reflect, superseding the current *Ipswich Planning Scheme (2006)*.

Supporting Information

Please find attached the following support information:

- Appendix A: Development Approval MC.Ip.11/00001- *Scenic Rim Regional Council*
- Appendix B: Owner's Consent - *Rahrose Pty Ltd* and
- Appendix C: IDAS Request to Change Existing Approval Form.

Application Fees

The application fee in accordance with Scenic Rim Regional Council's Development Assessment and Compliance Fees 2015-16 is as follows:

Request to change a development approval (applicable to a proposal under Section 369 of the *Sustainable Planning Act 2009* that constitutes a minor modification or permissible change)

Base Fee	\$897.00
Fee per condition/issue	\$188.00
Number of conditions/issues	1
Total	\$1085.00

We request that Council send via email a fee quote to facilitate electronic payment of the application fee.

Permissible Change Requirements

The *Sustainable Planning Act 2009* section 367 defines what constitutes a *permissible change* to a development approval:

- (i) A *permissible change*, for a development approval, is a change to the approval that would not, because of the change-
 - 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.

The proposed changes constitute a *permissible change* because:

[hpc urban design + planning pty ltd | architecture,urban planning,project management,development advice](#)

- a. The proposed changes do not result in a substantially different development (refer to Table 1 below).
- b. If the application were remade:
 - i. No additional referral agencies would be triggered; and
 - ii. The original application was subject to impact assessment.
- c. No submissions were lodged in response to the original application during the public notification period. The proposed changes are minor and do not present any additional justification or grounds for a submission to be made.
- d. The proposed changes will not cause prohibited development to be undertaken as the application would be code assessable if remade under the current planning scheme.

The proposed changes do not trigger referral to additional referral agencies and do not change the type of development approval sought. If the application were remade incorporating the proposed changes, the application would be code assessable. *Statutory Guideline 6/09 – Substantially different development when changing applications and approval* has been published to assist in determining whether a change is a Minor or Permissible Change. Table 1 below outlines changes that cannot be considered as a Minor or Permissible Change and provides an assessment of the proposed changes.

A change may result in a substantially different development if the proposed change	Assessment of proposed changes
Involves a new use with different or additional impacts	The change to the maximum number of duration of stay days from 60 to 84 days does not involve a new use, and is in keeping with the intent of the approved Farmstay Cabins for short term or temporary accommodation.
Results in the application applying to a new parcel of land	The proposed change does not result in the application applying to a new parcel of land.
Dramatically changes the built form in terms of scale, bulk and appearance	The proposed change does not result in a change to the built form of the development.
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 change to the maximum number of duration of stay days does not affect the ability of the development to operate as intended.
Removes a component that is integral to the operation of the development	The proposed changes do not involve the removal of any components of the approved development.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	The proposed changes do not create additional impacts on traffic flow or the transport network. The change to the maximum number of duration of stay days will not increase the amount of traffic frequenting the site.
Introduces new impacts or increases the severity of known impacts	The proposed changes will not result in any new impacts or increase the severity of known impacts. There will be no new or increased impacts associated with changing the maximum number of duration of stay days from 60 to 84

	days.
Removes an incentive or offset component that would have balanced a negative impact of the development.	The proposed changes will not result in the removal of any incentive or offset component of the development.
Impacts on infrastructure provision, location or demand.	The proposed changes do not impact on the infrastructure provision or location.

Table 1. Guidelines for Substantially different development when changing applications and approvals

The proposed changes are therefore considered to constitute a *Permissible Change* under section 367 of the *Sustainable Planning Act 2009*.

Referral Agencies

The *Sustainable Planning Act 2009* section 372 requires that Concurrence Agencies are notified of a Permissible Change Application. The original application triggered referral to the Department of Environment and Resource Management, the Department of Transport and Main Roads as agencies.

A copy of this request has been provided to the Department of State Development, Infrastructure and Planning – State Assessment and Referral Agency, please see attached confirmation.

We request the assessment manager issue a new Decision Notice with the above amendments. If you have any questions please do not hesitate to contact this office on 07 3217 5800.

Yours sincerely,
 HPC Urban Design & Planning Pty Ltd
 ACN 095 337 861



Ashley Everton
 AUSTRALIAN PROFESSIONAL PLANNING
 Senior Urban Planner
ashley.e@hpcurban.com.au

Attachment 2 - Correspondence from SARA dated 29/9/2015

From: IpswichSARA
Sent: Tue, 29 Sep 2015 06:05:24 +0000
To: mail@scenicrim.qld.gov.au
Cc: South.Coast.IDAS@tmr.qld.gov.au;SARA@ehp.qld.gov.au;Ashley Everton
Subject: Concurrence Agency Response - Permissible Change Request - No Objections
(SARA Ref:SPD-0815-020456/Council Ref: DA5714)
Attachments: SPD-0915-020740 Response to permissible change (relevant entity).pdf

SARA Ref: SPD-0915-020740 / Council Ref: MC.Ip11/00001

Good afternoon,

Please find attached the Department's response to the Permissible Change Request relating to land at 1544-1580 Ipswich-Boonah Road, Peak Crossing.

The Department has considered the request and advises that it has no objection to the change request being approved.

Please do not hesitate to contact me if you have any further queries.

Kind Regards

Aimee Ellis
Senior Planner | SEQ West
Regional Services
Department of Infrastructure, Local Government and Planning
Level 4, Icon Tower, 117 Brisbane St, Ipswich
PO Box 129 Ipswich QLD 4305
p. 07 3432 2408 | e. aimee.ellis@dilqp.qld.gov.au
ipswichSARA@dilqp.qld.gov.au | www.dilqp.qld.gov.au
Customers first | Ideas into action | **Unleash potential** | **Be courageous** | **Empower people**

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0915-020740
Council reference: MC.Ip11/00001

29 September 2015

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

Dear Sir/Madam,

Notice about request for permissible change—relevant entity

Development Permit for Material Change of Use for Temporary Accommodation
(20 Farmstay Cabins) and Environmentally Relevant Activity (ERA 63).
1544-1580 Ipswich Boonah Road, Peak Crossing
(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 1 September 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 are as follows:

- Amendment to Scenic Rim Regional Council's condition to change the maximum duration of stay from 60 days to 84 days.

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 Aimee Ellis, A/Principal Planning Officer, on 3432 2408, or via email IpswichSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kieran Hanna".

Kieran Hanna
A/Manager – Planning

cc: Department of Transport and Main Roads, South.Coast.IDAS@tmr.qld.gov.au
Department of Environment and Heritage Protection, sara@ehp.qld.gov.au
HPC, Ashley.e@hpcurban.com.au

Page 1

SEQ West Region
Level 4, 117 Brisbane Street
Box 129
IPSWICH QLD 4305

4. INFRASTRUCTURE SERVICES

Nil.