SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers
82 Brisbane Street
Beaudesert

Monday, 12 December 2016
Commencing at the conclusion of the Corporate & Community Services Committee Meeting
## SCENIC RIM REGIONAL COUNCIL
### PLANNING & DEVELOPMENT COMMITTEE
### AGENDA CONTENTS

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<td>74</td>
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<td>4.</td>
<td>INFRASTRUCTURE SERVICES</td>
<td>92</td>
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ATTENDANCE

Cr R J Stanfield, Chairperson
Cr G R Christensen, Mayor
Cr N J Waistell, Deputy Mayor
Cr N O’Carroll
Cr V A West
Cr M J Enright
Cr D A McInnes

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Nil

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

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

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

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES

3.1 MCBd16/005 Negotiated Decision Notice for Development Permit for Material Change of Use to Establish an Intensive Agriculture (Turf Farm) David Mak Consulting Planner Lot 1 WD4053

Executive Officer: Director Regional Services

Item Author: Co-ordinator Development Assessment

File Reference: MCBd16/005

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<tr>
<th>Applicable Planning Scheme</th>
<th>Beaudesert Shire Planning Scheme 2007</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>David Mak</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Beverly D. Downes, Christopher D. Downes, Stuart R. Downes &amp; Anne L. Swinton</td>
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<tr>
<td>Site Address</td>
<td>Boonah-Rathdowney Road RATHDOWNEY</td>
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<td>Real Property Description</td>
<td>Lot 1 WD4053</td>
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<td>Site Area</td>
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<td>Relevant Zone and Precinct</td>
<td>Rural Zone - Countryside Precinct</td>
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<td>Proposal</td>
<td>Request to Negotiate a Development Permit for a Material Change of Use to Establish an Intensive Agriculture (Turf Farm)</td>
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<td>Planning Scheme Details</td>
<td>None Applicable</td>
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<td>Assessment Level</td>
<td>Impact Assessment</td>
</tr>
<tr>
<td>Approval Type</td>
<td>Development Permit</td>
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<tr>
<td>Public Notification:</td>
<td>Public Notification commenced on 4 May 2016 and ended 26 May 2016</td>
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<tr>
<td>Submissions Received</td>
<td>Three (3) properly made submissions were received during public notification period. Three (3) objections.</td>
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<tr>
<td>Date Application Received:</td>
<td>20 January 2016</td>
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Purpose of Report

On 23 August 2016, Council issued a Decision Notice for a Material Change of Use to establish an Intensive Agriculture (Turf Farm). The subject report has been compiled outlining the facts and circumstances for a request for a Negotiated Decision Notice to be issued under s363 of the Sustainable Planning Act 2009.

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

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<th>Likelihood</th>
<th>Inherent Risk Rating</th>
<th>Treatment of risks</th>
<th>Residual Risk Rating</th>
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<td>Environmental Impacts on environment as a result of development activity</td>
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<td>Unlikely</td>
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<td>Possible</td>
<td>Medium</td>
<td>Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals</td>
<td>Low</td>
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<td>Reputation Negative perception from community or development proponents</td>
<td>Minor</td>
<td>Unlikely</td>
<td>Low</td>
<td>Transparent reporting of assessment Communications</td>
<td>Low</td>
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Brief Summary

On 23 August 2016, Council issued a Decision Notice for a Material Change of Use to establish an Intensive Agriculture (Turf Farm). The subject report has been compiled outlining the facts and circumstances for a request for a Negotiated Decision Notice to be issued under s363 of the Sustainable Planning Act 2009.

The applicant seeks to negotiate two (2) conditions of the previous issued decision notice in relation to compliance with Condition 5 - Operating hours and Condition 6 - Car Parking, Manoeuvring Areas & Driveways - Gravel. The applicant's request was referred to the relevant internal referral sections within Council for assessment and comment. The internal referrals have no objections to the conditions being amended.

The proposal is considered to be consistent with the original decision and does not conflict with the current Planning Scheme. As such, it is recommended that the request be approved and a Negotiated Decisions Notice be issued to reflect the changes entailed in the Director's Recommendation.

Background

On 23 August 2016, Council issued a Decision Notice for a Development Permit for a Material Change of Use - Intensive Agriculture (Turf Farm). Subsequently, on 5 September 2016 the applicant suspended the Appeal Period to enable representations for a Negotiated Decision Notice to be made to Council pursuant to Section 361 of the Sustainable Planning Act 2009.

Proposal

The applicant seeks to amend two (2) conditions being condition 5 & 6 of the previously issued decision notice. The applicant's proposed changes and the respective Council officers' responses are discussed below.

Condition 5 currently read as follows:

Amenity

5) **OPERATING HOURS** - Unless otherwise determined in writing by the Director Regional Services or equivalent, acting reasonably, the approved uses are not to operate outside the following hours:
   - Monday to Sunday: 7:00am to 6:00pm
   - No operations on Public Holidays.
Applicant's representation

**Dated 2 September 2016**

The restrictions placed on the developments operating hours are unreasonable, unviable and unnecessary. The site is located within a rural context with the nearest sensitive receptor located over 100 metres across the Logan River.

The approval granted by Council under MCBd14/008 for a Poultry Farm on the adjacent allotment described as Lot 14 SP145137 operates 24 hours a day seven (7) days a week with no restrictions placed on the operating hours. The poultry farm has several truck movements occurring during all hours of the night. Notably, the vacuum trucks delivering grain at all hours are many times louder than any of equipment used in the operations of the turf farm.

Winter operations of the turf farm generally occurs only during daylight hours, with the exception of the occasional vehicle movement on and off the site to occur after daylight hours. All tractor/harvesting activities would occur within daylight hours.

During summer/spring periods operations are different and are required to commence early in the morning (approximately 3-4am through till around 9am) and then possibly starting up again at 6pm and continuing through until around 9am-10pm.

In summer time, turf needs to be harvested when the ground temperatures are lower (early morning or evening) otherwise there is a risk of the turf being burnt and rejected, resulting in not only financial losses, but wasted turf. The summer period is the busy season for turf producer's and if the business couldn't operate within these hours then the business would suffer significantly and would no longer be viable.

The equipment used to harvest the turf is generally quiet and unlikely to be heard at any residence. At peak harvesting time there would be one (1) harvester tractor, one (1) normal tractor, one (1) - two (2) forklifts & semi-trailer coming entering and leaving the site, non of which generate excessive noise that wouldn't ordinarily be expected by a rural pursuit in a rural environment.

The lighting used during night time harvesting will generally comprise of LED work lights and the headlights on the machines themselves. A flood light right in the centre of the paddock attached to the pivot, lighting up the hardstand area may also be used.

Other turf producing farms in the Shire such as Tinamba Turf at Gleneagle, Australian Lawn Concepts at Boyland and Tamborine Turf at Tamborine to name a few operate in the same manner and without such conditions imposed or none at all.

Council's approval for MCBd16/005 did not impose any conditions relating to noise or lighting which further supports the deletion or at the very least the amending of Condition 5) Operating Hours.
Further representation dated 12 October 2016

Further to the representations previously provided in support for amending this condition, Council is requested to acknowledge the importance of the farm being able to operate with flexible hours when resolving to make a decision on this request.

The harvesting of turf is strongly governed by climatic conditions and in particular, when ground temperatures are cool enough. Winter operations are not subjected to these climatic conditions in the same manner that summer operations are and in particular, the harvesting of the turf cannot be undertaken until early hours of the morning when ground temperatures have cooled enough from being exposed to the previous day’s sun.

The representations made with respect to this condition are crucial to the farm’s viability and longevity and is considered to be reasonable given the rural nature of the development within a rural setting and the unlikely impacts on the surrounding environment or any nearby sensitive receptors.

The applicant proposes Condition 5 to be amended as follows:

5) Operating Hours/Provisions - Unless otherwise determined in writing by the Director Regional Services or equivalent, acting reasonably, the approved use will not be restricted in its hours of operation unless otherwise stated herein:

- No operations on Public Holidays.
- Reversing beepers on machinery to be turned off during night operations;
- Any lighting used by machinery, vehicles and other equipment must not illuminate outside the curtilage of the site.

Officer’s Comments

The applicant has requested Council to amend Condition 5 as per the above. It is considered that applicants request for the operational hours to be in line with the climatic requirements for harvesting turf.

Council’s Environmental Health section has reviewed the request and advised they have no objections to the proposed change.

As such, Condition 5 will be amended as per the following:

5) Operating Hours/Provisions - Unless otherwise determined in writing by the Director Regional Services or equivalent, acting reasonably, the approved use will not be restricted in its hours of operation unless otherwise stated herein:

- No operations on Public Holidays.
- Reversing beepers on machinery to be turned off during night operations;
- Any lighting used by machinery, vehicles and other equipment must not illuminate outside the curtilage of the site.
Car parking and Access

6) **Car parking, Maneuvering Areas & Driveways – Gravel** - All parking areas, internal roadways and maneuvering 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 the used conducted on the site. 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 internal driveway will be constructed to a gravel standard.

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

**Applicant's representation**

The design standards and engineering certification requirements of Condition 6) are unreasonable and unnecessary when considering the intended use of the site, longevity of the internal roads within a recognised flood plain and the meagre objectives that will be achieved by having such an informal roadway professionally certified.

The construction material and standard sought for all internal roadways, parking and maneuvering areas are similar to those illustrated under Figures 1, 2, 3 and 4, which are the current internal road and car parking area standards for Australian Lawn Concepts at Boyland and Tinamba Turf at Gleneagle.

As identified within the initial material change of use application lodged with Council, the site is entirely subjected to the impacts of flood in times of heavy rainfall and when the banks of the adjoining Logan River are compromised. Any engineered certification of the internal roadway, car parking or maneuvering areas would only warrant certification until the first flood event, which would likely witness any internal unsealed roadway, car parking or maneuvering area either washed away or severely damaged requiring the certification process to recommence.

Generally rural pursuits consist of informal internal tracks, driveways and/or roadworks regardless of the rural activity being undertaken. Any other Self-assessable agricultural land use could be pursued on the site without the design and construction standards associated with Condition 6) of the approval.

The site will not be made available to the public and turf will not be sold from the site directly to the public. The primary use of the site will be for the growing and harvesting of turf, which will be transported off the site and delivered in quantities as required by the purchaser to the project site.

Should a vehicle become bogged or stuck on site, then it will be the owner/operator's responsibility to free such a vehicle at the owner's/operator's expense. Any such event will have occurred on private land without causing any traffic interruptions or safety issues to motorists travelling on public designated roads.

The requirements of Condition 6) Car Parking, Maneuvering Areas & Driveways - Gravel are unreasonable, unnecessary and an on-going financial impost on the development, which in addition will achieve very little.
Other turf producing farms in the Shire such as Tinamba Turf at Gleneagle, Australian Lawn Concepts at Byland and Tamborine Turf to name a few operate in a similar manner and without such conditions being imposed or none at all.

Council is requested to consider the deletion or at the very least the amending of Condition 6) Car Parking, Manoeuvring Areas & Driveways - Gravel.

Further representation dated 12 October 2016

The proposed amendments to this condition have been drafted in accordance with recent discussions held between the landowner and Council.

All previous representations made to Council with respect to negotiating this condition remain valid and form part of the overall assessment material to be considered by Council when resolving to make a decision on the request.

The applicant proposes Condition 6) to be deleted or amended as follows:

6) **CAR PARKING, MANEUVERING AREAS & DRIVEWAYS – GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed to an all-weather farm access road 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 the use conducted on the site. 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 internal driveway will be constructed to a gravel standard.

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

Officer’s comments

The applicant has requested that Council amend or delete the above condition. The request was referred to Council's Development Engineering & Infrastructure Services section who advised there were no objections with amending the wording of Condition 6). As such, Condition 6) is to be amended as follows.

6) **CAR PARKING, MANEUVERING AREAS & DRIVEWAYS – GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed to an all-weather farm access road standard reasonable for the use conducted on the site. 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 internal driveway will be constructed to a gravel standard.

The works required by this condition are to be completed prior to the commencement of the use and maintained for the life of the use.
Referrals

Internal Referral

*Environmental Health*

The applicant’s representations were referred again to Council’s Environmental Health section in relation to operating hours who have raised no objections to the proposed changes.

*Development Assessment (Engineering)*

The applicant’s representations were referred again to Council’s Development Assessment Engineering section in relation to car parking, manoeuvring areas & driveways - gravel. It was advised there were no objections were raised in relation to the wording of *Condition 6)* Car Parking, Manoeuvring Areas & Driveways - Gravel.

**Conclusion**

Council is in receipt of a request for a Negotiated Decision Notice pursuant to s.361 of the *Sustainable Planning Act 2009*. The applicant seeks to amend two (2) conditions in relation to operating hours and car parking, manoeuvring areas & driveways - gravel. Following an assessment of the applicant’s request, the proposed changes are considered to be consistent with the original decision and do not conflict with the current Planning Scheme. As such, it is recommended that a Negotiated Decision Notice be issued to reflect the changes entailed in the Director’s Recommendation.

**Director’s Recommendation**

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

   **Real Property Description:** Lot 1 WD4053  
   **Address of property:** Boonah - Rathdowney Road RATHDOWNEY  
   **Site area:** 30.87ha  
   **Proposal:** Request to Negotiate a Development Permit for a Material Change of Use to Establish an Intensive Agriculture (Turf Farm)  
   **Planning Scheme:** *Beaudesert Shire Planning Scheme 2007*

2. The changes to relevant conditions are as follows:

   5) Shall be amended to read as follows:

   5) **OPERATING HOURS/PROVISIONS** - Unless otherwise determined in writing by the Director Regional Services or equivalent, acting reasonably, the approved use will not be restricted in its hours of operation unless otherwise stated herein:

   - No operations on Public Holidays.
   - Reversing beepers on machinery to be turned off during night operations;
   - Any lighting used by machinery, vehicles and other equipment must not illuminate outside the curtilage of the site.
6) Shall be amended to read as follows:

6) **CAR PARKING, MANEUVERING AREAS & DRIVESWAYS – GRAVEL** - All parking areas, internal roadways and manoeuvring areas are to be designed and constructed to an all-weather farm access road standard reasonable for the use conducted on the site. 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 internal driveway will be constructed to a gravel standard.

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

**Attachments**

1. Dekho Zone Map.
2. Dekho Aerial Map.
Attachment 1 - Dekho Zone Map
Attachment 2 - Dekho Aerial Map
3.2 MCBd16/062 Development Permit for a Material Change of Use Medium Density Residential (Eight Dual Occupancy dwellings) Elbina Pty Ltd c/-Planit Consulting Pty Ltd Lot 3 SP261484

Executive Officer: Director Regional Services
Item Author: Manager Planning
File Reference: MCBd16/062

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<th>Applicable Planning Scheme</th>
<th>Beaudesert Shire Planning Scheme 2007</th>
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<td>Applicant</td>
<td>Elbina Pty Ltd c/- Planit Consulting Pty Ltd</td>
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<td>Owner(s)</td>
<td>Elbina Pty Ltd</td>
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<td>Site Address</td>
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<td>Proposal</td>
<td>Material Change of Use – Medium Density Residential (Eight (8) Dual Occupancy dwellings)</td>
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<td>Assessment Level</td>
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<td>Approval Type</td>
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<td>Planning Scheme Details</td>
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<td>Public Notification:</td>
<td>22 September 2016 to 14 October 2016</td>
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<td>Submissions Received</td>
<td>Thirteen (13) Properly Made Submissions received.</td>
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<td>Is a Notation to the Planning Scheme required?</td>
<td>Nil</td>
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<td>Date Application Received:</td>
<td>23 June 2016</td>
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Purpose of Report

The purpose of this report is to provide the facts and circumstances to the Council surrounding a proposed development, which seeks an approval for a Development Permit for a Material Change of Use to establish a Medium Density Residential use on land located at Finch Road, Canungra and more formally described as Lot 3 on SP261484.

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

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<td><strong>Environmental</strong></td>
<td>Moderate</td>
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<td>Possible</td>
<td>Medium</td>
<td>Documented assessment process</td>
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<td><strong>Reputation</strong></td>
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<td></td>
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<td>Communications</td>
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### Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use for eight (8) Dual Occupancy dwellings which is defined as Medium Density Residential land use.

The proposed Medium Density Residential use is defined under the *Beaudesert Shire Planning Scheme 2007* as requiring Impact (Consistent) Assessment within the Residential Precinct of the Canungra Township zone.
It is to be noted that the applicant proposes eight (8) Dual Occupancy dwellings on proposed Lots 133, 137, 139, 151, 153, 159, 161 & 297 within Stage 5 of the Canungra Rise Estate. The aforementioned Lots are not formally registered hence the development proposal will be over a single lot being Lot 3 on SP261484. Therefore, the proposed dwellings (8 dual occupancies) will be technically defined as a Medium Density Residential use as defined in the Beaudesert Shire Planning Scheme 2007 (Planning Scheme).

The future dwellings will be detached and single storey. The total gross floor area of the proposed building types range from 152m² to 185m² and will have access via internal roads which are currently under construction.

The application was publicly notified in accordance with the requirements under the Sustainable Planning Act 2009. During the statutory notification period, Council received thirteen (13) properly made submissions all of which objected to the development proposal. There were also no external referrals applicable for this application.

The proposed development has provided general compliance with the most of relevant provisions of the Planning Scheme through the material submitted as part of this application. Given the above, it is recommended that Council resolves to approve Medium Density Residential (Eight (8) Dual Occupancy dwellings) subject to the imposition of relevant and reasonable conditions entailed in the Director’s Recommendation.

**Background**

The subject lot (Lot 3 SP261484) was created via an appeal BD2151 of 2006 dated 11 February 2011 (Council Ref: 400679) lodged to the Planning and Environment Court which approved a combined development application for a Development Permit for a Material Change of Use and Reconfiguring a Lot to create 298 allotments (exclusive of park and new road) in nine (9) stages.

Subsequently, in 2012 the applicant lodged a plan to be approved as ‘Generally in Accordance’ (Council Ref: 400679.1). Please refer to Figure 1 & 2 below. The subject site is known as Stage 5 of the ‘Canungra Rise’ subdivision development.

Further to the above, the applicant has also received approval from Council in relation to Operational Works for Landscaping (OW.Bd2/000173) and Clearing vegetation, Earthworks, Roadworks, Stormwater & Water Reticulation (OW.Bd2/000062).
Figure 1 Plan showing extent of the approved development and location of subject Lot 3 (circle in red).

Figure 2 Extract of approved development plan showing Stage 5 known as Lot 3 SP 261484
Proposal

The applicant seeks an approval to establish eight (8) dual occupancy dwelling sites comprising of sixteen (16), single storey detached dwelling units on future lots 133, 137, 139, 151, 153, 159, 161 & 297 (refer to Figure 3-5 below) within Stage 5 of the ‘Canungra Rise’ subdivision Estate. Please note that the subject allotments 133, 137, 139, 151, 153, 159, 161 & 297 are yet to be formally registered. Each building type consists of four (4) bedrooms (one room including ensuite), bathroom, family room, dining/kitchen area, patio and double garage. The total gross floor area of the proposed building types range from 152m² to 185m² in size.

Access to the sites will be from Finch Road onto internal roads which are currently under construction.

A summary of the subject allotments and building types are detailed below. Refer to Attachment 1 for full details of building types and plans.

Table 1: Allotment Summary

<table>
<thead>
<tr>
<th>Proposed Allotments</th>
<th>Lot Size</th>
<th>Building Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>133</td>
<td>832m²</td>
<td>Type 8 &amp; Type 7R</td>
</tr>
<tr>
<td>137</td>
<td>906m²</td>
<td>Type 4R &amp; Type 5</td>
</tr>
<tr>
<td>139</td>
<td>880m²</td>
<td>Type 7 &amp; Type 8R</td>
</tr>
<tr>
<td>151</td>
<td>911m²</td>
<td>Type 4 &amp; Type 3</td>
</tr>
<tr>
<td>153</td>
<td>801m²</td>
<td>Type 7 &amp; Type 8R</td>
</tr>
<tr>
<td>159</td>
<td>840m²</td>
<td>Type 6 &amp; Type 10</td>
</tr>
<tr>
<td>161</td>
<td>821m²</td>
<td>Type 6R &amp; Type 5</td>
</tr>
<tr>
<td>297</td>
<td>904m²</td>
<td>Type 2 &amp; Type 10</td>
</tr>
</tbody>
</table>

Figure 3: Proposed Master Plan showing dual occupancy lots
Figure 4: Proposed building footprint for proposed Lot 133

Figure 5: Proposed Floor & Elevation Plan for building Type 8
Proposal Plans

To support the development application the following plans submitted forms part of the common material.

<table>
<thead>
<tr>
<th>Plan/Drawing No.</th>
<th>Issue</th>
<th>Plan/Drawing Title</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>3263 01 001</td>
<td>D</td>
<td>Cover Sheet</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 01 100</td>
<td>C</td>
<td>Master Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
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<td>Lot 133 Plan</td>
<td>Design Imagery</td>
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<td>Lot 159 Plan</td>
<td>Design Imagery</td>
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<tr>
<td>3263 01 202</td>
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<tr>
<td>3263 01 204</td>
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</tr>
<tr>
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<td>Duplex Type 6</td>
<td>Design Imagery</td>
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</tr>
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<td>3263 01 206</td>
<td>C</td>
<td>Duplex Type 7</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 01 207</td>
<td>C</td>
<td>Duplex Type 8</td>
<td>Design Imagery</td>
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<tr>
<td>3263 01 209</td>
<td>B</td>
<td>Duplex Type 6R</td>
<td>Design Imagery</td>
<td>April 2016</td>
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<td>B</td>
<td>Duplex Type 7R</td>
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</tr>
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<td>3263 01 211</td>
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<td>Duplex Type 8R</td>
<td>Design Imagery</td>
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<td>A</td>
<td>Duplex Type 4R</td>
<td>Design Imagery</td>
<td>April 2016</td>
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<td>3263 01 213</td>
<td>C</td>
<td>Duplex Type 10</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
</tbody>
</table>

Site and Environment

*Characteristics of Site & Surrounding Environment*

The subject site is 15.3Ha in size and irregular in shape. The property contains minimal vegetation (refer to Figure 6). The site is reasonably flat in topography. The subject site adjoins an existing sewer treatment plant on Finch Road and Canungra Creek adjoining to the rear.
Figure 6: Aerial Map (Dekho)

Figure 7: Aerial map showing subject site and roads under construction (Google Map)
Site Inspection

A site inspection was carried out on 7 October 2016. The purpose of the site visit was to observe what exists on the subject site and the immediate surroundings. The subject allotment (Lot 3 SP261484) was under construction (refer to Figure 8 & 9). The subject site is clear of vegetation. There is an existing wastewater treatment plant located on Lot 2 RP204982. The site gains access from Finch Road which is currently under construction.

Figure 8: Photo looking towards subject site (Lot 3) currently under construction from Finch Road.
Figure 9: Photo looking towards subject site (Lot 3) currently under construction from Finch Road.

Relationship to the Planning Scheme

The subject site is located in the Canungra Townships Zone. Pursuant to the Beaudesert Shire Planning Scheme 2007, the proposed land use is defined as a 'Medium Density Residential' and 'Dual Occupancy' under Schedule 1 - Dictionary, Part 1 - Defined Uses. The definition is as follows:

**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.*

**Dual Occupancy** means premises containing two dwellings on one lot (whether or not attached) where the use is primarily residential.

*Note: The term does not include House or Medium Density Residential Development as defined herein.*

Accordingly, the proposed development is considered consistent with the abovementioned definitions.
Development Assessment

Relevant Planning Scheme Codes – Summary

<table>
<thead>
<tr>
<th>Zone &amp; Precinct Code</th>
<th>Overlay Code</th>
<th>Use Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canungra Township Zone</td>
<td>Development Constraints</td>
<td>Medium Density Residential Code</td>
</tr>
<tr>
<td>Specific Assessment Criteria for the</td>
<td>Overlay</td>
<td>Dual Occupancy Code</td>
</tr>
<tr>
<td>Residential Precinct</td>
<td></td>
<td>Construction and Infrastructure Code</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Landscape Code</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking and Servicing Code</td>
</tr>
</tbody>
</table>

Relationship to the Zone Code

The subject site is located in the Residential Precinct of the Canungra Townships Zone. Pursuant of the Planning Scheme, the intent of this precinct is as follows:

**OO47 Development within the Residential Precinct** creates a distinctive urban environment characterised by high level of amenity and primarily caters for low density, sewered, urban residential development and ancillary/associated uses. The precinct also provides for dual occupancy and a small proportion of attached houses in the form of townhouses. Cottage Tourist Facilities in the Residential Precinct are encouraged where shown on the Canungra Land Use Plan in Figure 3.8.22.

The proposed development is considered to be generally in compliance with the abovementioned and overall intent of the Residential Precinct.

Compliance with the Canungra Township and Residential Precinct Code

The proposal complies with all of the Canungra Township and Residential Precinct Zone Code Code’s Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

Figure 10 below shows the subject site being affected by medium (orange) bushfire hazard overlay. The site is currently under construction and clear of any vegetation. It is therefore considered that further assessment against the Development Constraints overlay in relation to Bushfire Hazard is not warranted in this instance.
Figure 10: Bushfire Hazard Overlay

Figure 11 below shows the subject site being affected by landslip investigation area (grey) and medium hazard overlay. The site is currently under construction and is reasonably flat in topography. It is therefore considered that further assessment against the Development Constraints overlay in relation to Landslip is not warranted in this instance.

Figure 11: Landslip Overlay Map (Dekho)

Compliance with the Relevant Use Code

The proposal general complies with all of the Probable Solutions and Specific Outcomes of the Medium Density Residential Code. As previously mentioned, the resulting development will create eight (8) individual dual occupancy sites which are considered compliant with the Dual Occupancy Code in terms of density, setback and scale.
Compliance with the Relevant Works Code

Assessment against the Construction and Infrastructure Code

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

Assessment against the Parking and Service Code

Given that the end development will be a dual occupancy use, the parking requirements have been assessed in accordance with the Parking and Servicing Code Table 5.3.15A Car and Service Vehicle Parking. Accordingly, the proposed development is generally consistent with provisions of the Parking and Service Code. Conditions are imposed and have been included in the Director’s Recommendation.

Relationship to State Planning Policies and Regulations

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

South-East Queensland Regional Plan (2009-2031)

The subject property is located within the Urban Footprint and is consistent with the South-East Queensland Regional Plan (2009-2031) (SEQRP). The proposed development, being individual Dual Occupancy for a residential purpose, is considered to be consistent with this designation and therefore consistent with the regulatory provisions of the SEQRP.

State Planning Policies

No State Planning Policies was triggered as part of this application.

External Referral Agencies

No external referral was required for this application.

Assessment of Other Aspects of the Proposal

Fair Values Charges Resolution (Version No. 5) July 2016

In accordance with the above Fair Values Charges Resolution (FVCR) (version no.5) July 2016 adopted charges schedule, the proposed land uses fall within the following planning scheme category and use types:

<table>
<thead>
<tr>
<th>Planning Scheme Use Category</th>
<th>Adopted Charges Schedule Use Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Dual Occupancy</td>
</tr>
</tbody>
</table>

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

**Proposed Demand**

<table>
<thead>
<tr>
<th>Use</th>
<th>No. of Units</th>
<th>Unit Measure of</th>
<th>Charge Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dual Occupancy</td>
<td>16</td>
<td>$ per 3 or more dwelling</td>
<td>$13,021.00</td>
<td>$208,336.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sub-Total</td>
<td>$208,336.00</td>
</tr>
</tbody>
</table>

**Credit for Existing Entitlement**

<table>
<thead>
<tr>
<th>Use</th>
<th>No. of Units</th>
<th>Unit Measure of</th>
<th>Charge Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 3 or more bedroom dwelling - Beaudesert Shire Planning Scheme 2007 Areas</td>
<td>8</td>
<td>$ per 3 or bedroom</td>
<td>$13,021.00</td>
<td>$13,021.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sub-Total</td>
<td>$104,168.00</td>
</tr>
</tbody>
</table>

Proposed Demand - Existing Credit = $208,336.00 - $104,168.00

Total Charge = $104,168.00

*Queensland Urban Utilities (QUU) may have infrastructure charges which do not form part of Council's Infrastructure Charges calculations.*

**Advertising**

The applicant has submitted a written notice on 17 October 2016 stating that public notification of the proposal was completed in accordance with the requirements of the *Sustainable Planning Act 2009* for a period of no less than fifteen (15) business days. The Applicant demonstrated that the required actions pursuant to section 297(1) of the *Sustainable Planning Act 2009* were undertaken in accordance with the following:

- A Notice was published in the Beaudesert Times on 21 September 2016;
- A Notice placed on the subject land on 21 September 2016;
- Notified the owners of all land adjoining the site on 20 September 2016;
- The last day for submissions was 14 October 2016.
Submissions

During the public notification period, Council received thirteen (13) properly made submissions. It should be noted that all submissions received by Council objected to the proposed development.

Submitter's Details:

<table>
<thead>
<tr>
<th>Submitter Name</th>
<th>Submitter Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brendan &amp; Lauren Stevens</td>
<td>Lot 135 Roxborough Court CANUNGRA</td>
</tr>
<tr>
<td>Lauren &amp; Matthew Fry</td>
<td>48/55 Paradise Springs Avenue ROBINA Qld 4226 (Lot 131 Roxborough Street)</td>
</tr>
<tr>
<td>Sarah Hall</td>
<td><a href="mailto:tobyandsarah2003@yahoo.co.uk">tobyandsarah2003@yahoo.co.uk</a></td>
</tr>
<tr>
<td>Andre Heggie &amp; Sophie Ashworth</td>
<td><a href="mailto:andrewheggies@gmail.com">andrewheggies@gmail.com</a> Lot 154 Roxborough Street CANUNGRA</td>
</tr>
<tr>
<td>Brooke &amp; Lachlan Mcleod</td>
<td>Lot 120 Roxborough Street CANUNGRA</td>
</tr>
<tr>
<td>Nick Agius &amp; Paige Amos</td>
<td>Lot 147 Canungra Rise</td>
</tr>
<tr>
<td>Kelvin &amp; Julie Marra</td>
<td>Lot 130 Canungra Rise</td>
</tr>
<tr>
<td>Ryan Winston &amp; Melanie Adam</td>
<td>Lot 291 Canungra Rise</td>
</tr>
<tr>
<td>Daryl, Lisa, Hannah &amp; Ryan Woods</td>
<td>Lot 124 Roxborough Street Canungra Rise</td>
</tr>
<tr>
<td>Mark &amp; Kira Conway</td>
<td>28 Freestone Drive UPPER COOMERA Qld 4209 (Lot 132 Canungra Rise)</td>
</tr>
<tr>
<td>Jennifer Rutherford &amp; Nigel Davey</td>
<td>2/2 Duce Court UPPER COOMERA Qld 4209 (Lot 140 Beasley Way Canungra)</td>
</tr>
<tr>
<td>Luke &amp; Brooke Dawson</td>
<td>8 Edgeway Road PIMPAMA Qld (Lot 298 Canungra Rise)</td>
</tr>
<tr>
<td>Nial &amp; Karen Russell</td>
<td>1414/22-24 Glenside Drive, ROBINA Qld (Lot 129 Canungra Rise)</td>
</tr>
<tr>
<td>Ashley Phillips &amp; Moananui Harris</td>
<td>25 Sandhurst Crescent UPPER COOMERA (Lot 160 Canungra Rise)</td>
</tr>
</tbody>
</table>

The Applicant was given the opportunity to provide a response to the submissions received. Please refer to Attachment 3 & 4 for details of submissions and Applicant's response.

The main points of the objections are listed in the table below and accompanied by the Applicants' and Council Officers' comments where applicable.
Points of Objection/Concern

1. Conflict with building Envelopes

Applicant’s Comments

The submitter stated the proposed development is inconsistent with the approved building envelope for Canungra Rise, pursuant to Court Order 2151 of 2006. It is noted that the issue was raised by Council in their Information Request (dated 21 July 2016).

As outlined in the response to Council, the amended development plans illustrate that all proposed dwellings have been located a minimum of 1.5 from the side and rear boundaries. This was considered an appropriate outcome by Council officers as detailed in email correspondence with the applicant. Moreover, it is noteworthy to mention the amended site and rear setbacks comply with the Queensland Development Code (MP1.3) - Design and Siting Standard for Duplex Housing as stipulated in Specific Outcome 2 of the Dual Occupancy Use Code.

It is considered each duplex is of a bulk and scale that is consistent with the provisions of the Beaudesert Planning Scheme 2007. The Canungra Township Zone stipulates a maximum residential density of 1 per dwelling per 300m². As each duplex will be located on a minimum 800m² lot, the proposed development presents a minimum density of 1 dwelling per 400m². Moreover, each duplex maintains a compliance site cover and physically presents as a single storey dwelling.

With regard to privacy, the setbacks combined with appropriate window placement and design will assist in mitigating any perceived impacts to the privacy of adjoining properties. In addition, fencing and appropriate landscaping treatment will ensure any overlooking issues are minimised.

As such, it is considered the perceived conflict with the building envelopes has been appropriately addressed to ensure there are no adverse impacts to the amenity, privacy and envisaged character of the Canungra Rise State.

Officer’s Comments

Building Envelopes

As mentioned, Council as part of the Information Request notice requested the applicant to demonstrate that proposed dwellings are located within the approved Building Envelopes shown on plan referenced 04040-88-5D approved via Court Order 2151 of 2006. Subsequently, a meeting with the applicant and Council Officers was held on 24 August 2016 to discuss proposed building boundary setbacks prior to formally responding to Council’s Information Request.

The applicant proposed zero lot boundaries for garages. Council advised that it was note supportive of the proposal of zero lot boundaries and requested that a minimum setback of 1.5 metres from side and rear boundaries was required.
Council acknowledges that the plan/s approved by Court order requires a minimum setback requirement of 3 metres from the rear boundary. It is also noted that Condition 41 of the Court Order states that Council is unlikely to support any amendments to the building envelops.

Following a review of the proposal against the relevant Planning Scheme provisions, the proposed reduce setback requirement of 1.5 metre from a rear boundary complies with the provisions of the Planning Scheme codes for Dual Occupancy uses and the *Queensland Development Code MP 1.2 - Design and Siting Standard for Single Detached Housing - on Lots 450m² and over*. The proposal for a 1.5 metres setback from rear boundaries for single storey dwellings is supported by Council in this instance.

**Density**

Council acknowledge submitter concerns regarding the applicant's proposed density. As per Specific Outcomes and Prescribed Solutions for the Residential Precinct, development on land identified on the Canungra Land Use Plan (see Figure 12 below) for Dual Occupancy and Medium Density Residential achieves a maximum density of one (1) dwelling unit per 300m². The subject allotments are ranged from 835m²-925m² in size once it is created. Each Dual Occupancy site proposed does not exceed the 1 dwelling per 300m² provision.

Hence, it is considered that the issue raised by the submitter above does not warrant grounds for refusal.

*Figure 12: Canungra Land Use Plan*
2. Conflict with Canungra Local Planning Study and Land Use Plan

Applicant's Comments

Whilst it is noted the Canungra Local Planning Study is strategic plan that will guide development within the Canungra locality. It is noted the plan does not have statutory effect under the provisions of the Sustainable Planning Act 2009. However, it is noted some elements of the planning study are reflected in the Canungra Township Zone of the Beaudesert Shire Planning Scheme 2007 which is the most recent statutory instrument that manages development within the Beaudesert.

Despite submitters stating dual occupancy development is not envisaged within the Canungra Rise Estate, it should be noted that the site is within the Residential Precinct of the Canungra Township Zone pursuant to the Beaudesert Planning Scheme 2007. A dual occupancy land use is code assessable development as specified in Table 3.6.4 - Assessment Table for Material Change of Use in the Canungra Township Zone. As such, it is the applicant's contention that a dual occupancy development is a consistent land use that has provided as assessment against the Canungra Township Zone Code and Residential Precinct Code to clearly illustrate the proposed dual occupancy development is consistent with the planning outcomes sought for the locality.

In addition to the above, is noteworthy to mention that if the applicant were to wait until each lot was sealed and registered, the application would be not be impact assessable and thus would not be subject to public consultation.

Officer's Comments

Council acknowledges the Canungra Local Planning Study and Land Use Plan referred by the submitters. It is to be noted that the Planning Study was created after the original Combined Material Change of Use and Reconfiguring a Lot application was approved by a Court Order (BD2151 of 2006) in 2011. The underlying approval was taken into consideration as part of the planning study and has since been translated into the Beaudesert Shire Planning Scheme 2007 Amendment No. 6 being the current statutory document that this application is assessed under.

Further, as mentioned previously, the development proposes eight (8) Dual Occupancy sites being proposed Lots 133, 137, 139, 151, 153, 159, 161 & 297. Technically, the abovementioned Lots are not formally registered hence the development proposal has been assessed as a Medium Density Residential use defined in the Beaudesert Shire Planning Scheme 2007. Dual Occupancy uses are envisaged within the current zone and precinct.

Given the above, it is considered that the issue raised by the submitter does not warrant grounds for refusal.
3. Conflict with Scenic Rim Community Plan

Applicant's Comments

The Scenic Rim Community Plan is another strategic document that is used to guide development within the wider Scenic Rim region. However as like the Canungra Local Planning Study, the Community Plan does not have statutory effect. In contrast, the proposed dual occupancy development is consistent with the Beaudesert Planning Scheme 2007 which is a statutory instrument for development within the Canungra locality.

In this regard, it is the applicant's contention that the proposed development is not in conflict with the relevant planning instruments and thus should be approved subject to reasonable and relevant conditions.

Officer's Comments

Council acknowledges the vision set out for the Canungra Township in the Scenic Rim Community Plan 2011-2026 referred by the submitters. The Beaudesert Shire Planning Scheme 2007 Amendment No. 6 is the current statutory document that this application is assessed under. The subject site/s is zoned Canungra Township - Residential Precinct, the development proposed by the applicant is a use that is envisaged with the current zone and precinct.

Given the above, it is considered that the issue raised by the submitter does not warrant grounds for refusal.

4. Impact on traffic and parking within Canungra Rise Estate

Applicant's Comments

The submitters have raised concerns with traffic and parking within the Canungra Rise Estate as a result of the proposed development. Council is again referred to the submitted town planning report whereby as assessment against the Parking and Servicing Code has demonstrate that each development will comply with Council's car parking requirements for dual occupancies. The development plans annotate each dwelling will provide two (2) covered car spaces for residents and two (2) on-site spaces for visitor parking. As such, it is considered the proposal will not cause adverse impacts to parking as all parking associated with the development will be provided on-site.

With regard to general traffic impacts, the proposal is not considered to have an adverse impact as the proposal represents approximate 7% of the Canungra Rise residential catchment. Furthermore, it is again noted that dual occupancies are envisaged land use within the Residential Precinct of the Canungra Rise Township Zone. As such it is considered any traffic impacts associated with this land use would have been appropriately addressed during the zoning and subsequent subdivision approval of Canungra Rise Estate.
Officer's Comments

The applicant has shown compliance to the Parking and Service Code of the Beaudesert Shire Planning Scheme 2007 for a Dual Occupancy use (being the resulting use once the subject Lots are created) by providing one (1) covered car parking space per unit and one (1) visitor space per dwelling where development is located in the Resident Precinct. Additional parking requirements for this scale of development are not warranted. Relevant condition will be imposed.

The proposed land use is envisaged within the current zone and precinct. The traffic numbers generated is considered to be standard for a typical residential estate of this scale. Future residents and visitors have a duty of care to ensure parking and movement of vehicles within the estate minimises risks and nuisance to people and property.

Given the above, it is considered that the issue raised by the submitter does not warrant grounds for refusal.

5. Impact on amenity of surrounding residents

Applicant's Comments

As stated previously, the proposal is not considered to have an adverse impact on the amenity of the surrounding residents as the proposal is an envisaged land for the locality. The siting and orientation of each duplex has been strategically designed to respond the each lot's contextual location and have minimal impact on the adjoining residential dwellings.

The proposed development complies with the specific outcomes of the Residential Precinct Code as the proposal will make up less than 7% of the residential catchment and therefore the predominate character of the estate will remain detached housing.

Furthermore, each duplex has been designed to incorporate high quality design finishes and landscaping to reduce and perceived bulk and to physically present as a detached dwelling which will ensure the development does not dominate the streetscape.

Officer's Comments

The proposed land use is envisaged within the current zone and precinct. It is a residential use for a residential purpose. The proposed land use is not in conflict with the Planning Scheme and is also compliant with the provisions of the Queensland Development Code. The development scale, form and intensity are not in conflict with the intent and expectation of the zone and precinct.

Council acknowledges the concerns regarding the proposed dwellings are not complying with the approved building envelope which requires setback to the rear boundaries to be 3 metres. Following further review of the reduced rear setback (1.5 metres) request, Council officers are supportive of the reduced setback as it is considered not to conflict with the Planning Scheme and provisions of the Queensland Development Code (QDC). Further, it is to be noted if no building envelope was approved, the proposed dwelling setbacks are generally in accordance to the provisions of the QDC for single residential dwellings on Lot greater than 450m².
Given the above, it is considered that the issue raised by the submitter does not warrant grounds for a refusal.

6. Impact on property values

Applicant's Comments

Whilst it is acknowledged that impacts to property values are a significant concern for home buyers, it is not a legitimate town planning issue and thus does not have town planning merit. As such no further response is considered necessary in this regard.

Officer's Comments

Council officers acknowledge the concerns raised by the submitter/s though these are not town planning related. Assessment of the proposed development is based on town planning merits and its compliance against the current planning instrument being the Beaudesert Shire Planning Scheme 2007. The proposal is considered to generally comply with relevant provisions of the Planning Scheme and where applicable, reasonable and relevant conditions have been imposed. Hence, no further response to the submitter's concern is warranted as part of this assessment.

Given the above, the concern raised by the submitter/s does not warrant grounds refusal.

7. Details of sale within Canungra Rise Estate

Applicant's Comments

It is noted numerous submitters stated the developer of Canungra Rise did not disclose the potential of dual occupancy developments within the estate. As was the case with property values, this is not a legitimate planning issue and therefore has no planning merit in the assessment of this application. As such, no further action has been taken in this regard.

Officer's Comments

Council officers acknowledge the concerns raised by the submitter/s though these are not town planning related. Assessment of the proposed development is based on town planning merits and its compliance against the current planning instrument being the Beaudesert Shire Planning Scheme 2007. The proposal is considered to generally comply with relevant provisions of the Planning Scheme and where applicable, reasonable and relevant conditions have been imposed. Hence, no further response to the submitter's concern is warranted as part of this assessment.

Given the above, the concern raised by the submitter/s does not warrant grounds for refusal.

Submitters Jennifer Rutherford & Nigel Davey submitted a further submission (dated 31 October 2016) after the public notification period end. The submission was forward to the Applicant who provided a response via email dated 11 November 2016. Comments were taken into consideration but no further comment is warranted from Council.
Referrals

Internal Referrals

Health, Building and Environment – Building and Plumbing
Council's Building and Plumbing section has assessed the abovementioned application and advised that building and plumbing works approval are required.

Health, Building and Environment – Environmental Policy
Council's Environmental Policy section has assessed the abovementioned application and advised that they had not concerns with the proposal.

Development Assessment (Engineering)
Council's Development Assessment (Engineering) has assessed the abovementioned application and have no objections to the Applicant's proposal subject to the inclusion of conditions relating to stormwater drainage, access and roads, earthworks design and management and electrical works.

Infrastructure Services
Council's Infrastructure Services has assessed the abovementioned application and advised that the applicant has addressed the access concerns. Standard access conditions are included in the approval.

Development Assessment (Flooding)
Council's Development Assessment (Flooding) has assessed the abovementioned application advised that they have no concerns.

External

No external referral applicable for this application.

Conclusion

A development application has been received by Council seeking an approval for a Development Permit for a Material Change of Use (Impact Assessable) to establish a Medium Density Residential (Eight (8) Dual Occupancy) use on land located at Finch Road, Canungra; more formally described as Lot 3 on SP261484.

The application received thirteen (13) properly made submissions during the statutory notification period with all of the issues raised by these submitter’s considered to have been adequately addressed by the Applicant and Assessment Officer. It is considered that the issues raised by the submitters do not warrant grounds for refusal.

Given the above, it is considered that the proposed development has demonstrated general compliance with the overall provisions of the Beaudesert Shire Planning Scheme 2007. As such, the proposal as a whole has demonstrated sufficient planning merit to warrant development approval subject to the inclusion of reasonable and relevant conditions entailed within the Director's Recommendation of this report.
Director’s Recommendation

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

   **Real Property Description:** Lot 3 SP261484
   **Address of property:** Finch Road CANUNGRA
   **Site area:** 15.30Ha
   **Proposal:** Material Change of Use for Medium Density Residential (Eight (8) Dual Occupancy dwellings on future lots)

   **Planning Scheme:** Beaudesert Shire Planning Scheme 2007

   **Further development permits required:**

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

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

   c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

2. **Conditions of Approval:**

   **Approved Plans**

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

<table>
<thead>
<tr>
<th>Plan/Dwg No.</th>
<th>Rev</th>
<th>Plan/Drawing Title</th>
<th>Prepared by</th>
<th>Date</th>
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<tbody>
<tr>
<td>3263 001</td>
<td>01</td>
<td>D Cover Sheet</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 100</td>
<td>01</td>
<td>C Master Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 110</td>
<td>01</td>
<td>C Lot 133 Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 111</td>
<td>01</td>
<td>C Lot 137 Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
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<tr>
<td>3263 112</td>
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<td>C Lot 139 Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
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<tr>
<td>3263 113</td>
<td>01</td>
<td>C Lot 151 Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
</tr>
<tr>
<td>3263 114</td>
<td>01</td>
<td>C Lot 153 Plan</td>
<td>Design Imagery</td>
<td>April 2016</td>
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</tbody>
</table>
### Plan/Dwg No. | Rev | Plan/Drawing Title | Prepared by | Date
---|---|---|---|---
3263 115 | 01 | Lot 159 Plan | Design Imagery | April 2016
3263 116 | 01 | Lot 161 Plan | Design Imagery | April 2016
3263 117 | 01 | Lot 297 Plan | Design Imagery | April 2016
3263 201 | 01 | Duplex Type 2 | Design Imagery | April 2016
3263 202 | 01 | Duplex Type 3 | Design Imagery | April 2016
3263 203 | 01 | Duplex Type 4 | Design Imagery | April 2016
3263 204 | 01 | Duplex Type 5 | Design Imagery | April 2016
3263 205 | 01 | Duplex Type 6 | Design Imagery | April 2016
3263 206 | 01 | Duplex Type 7 | Design Imagery | April 2016
3263 207 | 01 | Duplex Type 8 | Design Imagery | April 2016
3263 209 | 01 | Duplex 6R Type | Design Imagery | April 2016
3263 210 | 01 | Duplex 7R Type | Design Imagery | April 2016
3263 211 | 01 | Duplex 8R Type | Design Imagery | April 2016
3263 212 | 01 | Duplex 4R Type | Design Imagery | April 2016
3263 213 | 01 | Duplex 10 Type | Design Imagery | April 2016

### General

2. **Definition Compliance and Exclusions** - The approved use and associated ancillary activities shall at all times comply with the definition of a Dual Occupancy and Medium Density Residential as defined under Schedule 1 – Dictionary, Part 1 - Defined Uses and Chapter 5, Part 2, Section 5.2.53 of the Beaudesert Shire Planning Scheme 2007.

3. **Compliance with Relevant Provisions Under Zone Code** - The approved use and associated ancillary activities shall at all times comply with the relevant provisions prescribed under the Canungra Townships Zone (3.8.8) and the Specific Assessment Criteria for the Residential Precinct, under the Beaudesert Shire Planning Scheme 2007.

4. **Registering of Lots** - Prior to the lodgement of a Building, Plumbing Drainage Works application for the approved dual occupancy dwellings, the Applicant shall submit a registered Plan of Survey demonstrating subject Lots 133, 137, 139, 151, 153, 159, 161 & 297 have been formally registered through the Department of Natural Resources & Mines.
5) **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.

**Amenity**

6) **SCREEN FENCING** - A solid fence with a minimum 1.8 metre in height is to be constructed on the side and rear boundaries of the subject allotments 133, 137, 139, 151, 153, 159, 161 & 297 for the purpose of screening the use and neighbouring uses.

**Access and Roads**

7) **CAR PARKING ON-SITE** - All resident and visitor vehicles will be parked wholly within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

8) **ACCESS DRIVEWAYS SEALED** - The developer is to make provision for the establishment of an all-weather internal access driveway facilitating access to the proposed units. The internal access driveway will be designed and constructed in accordance with Council's Design and Construction Manual to a sealed standard and to the satisfaction of Council's Director of Infrastructure Services. The works required by this condition are to be completed prior to the occupation of the dwelling units.

9) **CAR PARKING ON-SITE** - One (1) car parking space per dwelling and one (1) visitor car parking space per dwelling is to be provided in association with the development. The requirements of this condition are to be adhered to for the lifetime of the approved use.

10) **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Council's Director Infrastructure Services. The access provisions shall be maintained in good condition for the lifetime of the proposed use.

11) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.

**Water**

12) **WATER SUPPLY** - All future dwellings on lots less than 1000m² must have a rainwater tank with a minimum capacity of 5000 litres. The rainwater tanks are to be provided prior to the commencement of the approved use.

**Stormwater Drainage**

13) **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.
14) **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).

15) **MINIMISE EROSION** - The Applicant is to provide for the implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering adjacent properties/drainage lines and/or watercourses as a result of either the development works/building works.

**Earthworks Design and Management**

16) **ALLOTMENT EARTHWORKS** – All allotment earthworks will be undertaken in accordance with Council’s Design and Construction Manual. The works required by this condition are to be completed prior to the occupation of the dwelling house.

**Electrical Works**

17) **ELECTRICITY** - The applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) to the dwelling house 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 occupation of the dwelling houses.

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/s, the owner’s successors in title and any occupier of the land pursuant to the *Sustainable Planning Act 2009*.

   b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.

   c) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Sustainable Planning Act 2009*, this Development Approval takes effect:

      (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or

      (ii) From the end of the Submitter’s appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or

      (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
d) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

e) **BIOSECURITY QUEENSLAND** - should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants).

4. **Further approvals are required for:**

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

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

   c) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.

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. Proposal Plans.
4. Submissions.
5. Aerial Mapping (Dehko).
6. Zone Mapping (Dehko).
Attachment 1 - Proposal Plans

Proposed Duplexes for Elbina Pty Ltd at Finch Road, Canungra, Qld, 4275
7th September 2016

Mr David Spence
Aus pacific Engineers Pty Ltd
3/20 Nerang Street
Nerang, QLD 4211

Via Email: mail@auspacific.net.au

Dear Mr Spence,

Queensland Urban Utilities Services Advice Notice

QUU Application Number: 16-SRV-22308
Applicant Name: Mr David Spence, Auspacific Engineers Pty Ltd
Street Address: Finch Road, Canungra
Real Property Description: Lot 2 on RP150198, Lot 3 on RP204982,
Lot 3 on RP32101, Lot 502 on SP216826

Proposed service connection/alteration/disconnection type:

- Drinking water
- Non-drinking water
- Wastewater

Queensland Urban Utilities provides this Services Advice Notice in response to the request received on 14.06.2016. In accordance with section 99ERAC(3) of the South East Queensland Water (Distribution and Retail Restructuring) Act 2009, this Services Advice Notice provides advice about the proposed connection having regard to the connections policy in the Queensland Urban Utilities Water Nettser Plan, the charges and conditions that may apply to the connection and other relevant matters about the connection. All terms used in this Services Advice Notice are defined by reference to the Queensland Urban Utilities Water Nettser Plan.

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 overall development (OW.Bd2/000062, Scenic Rim Regional Council) will consist of 298 allotments in 9 stages located at Finch Road, Canungra.

This Service Advice Notice only applies to Stage 5 of the above development, as per the applicant’s request in relation to provision of eight (8) duplex allotments in lieu of the currently approved eight (8) single dwelling lots.

QUU records indicate that sewer and water infrastructure to service the proposed Stage 5 of the development is currently under construction under Scenic Rim Regional Council Development Application OW.Bd2/000062 and QUU Water Approval application 15-PNT-15649. This infrastructure has not yet been transferred into QUU ownership.

As per the request for a Service Advice Notice submitted, a material change of use will be applied for as part of this 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 and Wastewater**

QUU records indicate that sewer and water infrastructure to service the proposed Stage 5 of the development is currently under construction in accordance with Scenic Rim Regional Council Development Application OW.Bd2/000062 and QUU Water Approval application 15-PNT-15649. This infrastructure has not yet been transferred into QUU ownership.

Note that the water & wastewater infrastructure required for the proposed development is to be provided in accordance with QUU requirements, including but not limited to, the SEQ Water Supply and Sewerage Design and Construction Code (SEQ WSS D&C Code), or current equivalent.

**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 sufficient capacity to service the proposed development in accordance with the SEQ Water Supply and Sewerage Design and Construction Code (SEQ WSS 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 gravity infrastructure is sufficiently sized to service the proposed development.

Note that the wastewater infrastructure required for the proposed development is to be...
provided in accordance with QUU requirements, including but not limited to, the SEQ Water Supply and Sewerage Design and Construction Code (SEQ WS&S D&C Code), or current equivalent.

<table>
<thead>
<tr>
<th>Land and Easements</th>
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<tbody>
<tr>
<td>Sewer Main in Private Properties</td>
</tr>
<tr>
<td>Please refer to following link for easement requirements: <a href="https://www.urbanutilities.com.au/development-services/our-services/building">https://www.urbanutilities.com.au/development-services/our-services/building</a></td>
</tr>
<tr>
<td>Water Main in Private Properties</td>
</tr>
<tr>
<td>Please refer to Table 5.2 and clause 5.4.4 of SEQ WS&amp;S D&amp;C Code for easement requirements.</td>
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<tr>
<th>Infrastructure Charges (as at 1 July 2016)</th>
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<tbody>
<tr>
<td>Infrastructure Charges will be levied in accordance with the Queensland Urban Utilities’ Water NetServ Plan (Part A) Charges Schedule applicable at the time the water approval application is lodged.</td>
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<tr>
<th>Trade Waste</th>
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<tbody>
<tr>
<td>A Trade Waste Approval is not required for the proposed development based on the information supplied by the applicant.</td>
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<tr>
<td>Further information is available at the following website: <a href="http://www.urbanutilities.com.au/business/business-services/trade-waste">www.urbanutilities.com.au/business/business-services/trade-waste</a></td>
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<tr>
<th>Connection Application Process</th>
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<tbody>
<tr>
<td>Based on the information provided, it is expected that the following applications will be required to access the ability to connect to Queensland Urban Utilities networks:</td>
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<tr>
<th>Minor Works (Water &amp;/or Wastewater)</th>
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<tbody>
<tr>
<td>1. Network and/or Property Service Connection – Minor Works</td>
</tr>
<tr>
<td>The Water Approval will require connection works to be undertaken. These works are expected to be available under the Endorsed Consultant 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 five 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&amp;S D&amp;C Code).</td>
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<tr>
<td>Please note that the information provided within this section is subject to the specific aspects of the development and water application.</td>
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<tr>
<th>Fees and Charges</th>
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<tbody>
<tr>
<td>Queensland Urban Utilities fees and charges are stated in the Queensland Urban Utilities’ Water NetServ Plan (Part A) Charges Schedule. The fees and charges that are likely to be associated with these applications are outlined below:</td>
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</tbody>
</table>
1. **Application Phase (Minor Works)**
   - Base Application Fee – Network (1-10 lots) $574 (per application for each service)
   - Base Application Fee – Network (11-50 lots) $1,147 (per application for each service)

2. **Design, Construction and Maintenance Phases (Minor Works)**
   - Certification Scheme Audit and Compliance Fee $500 (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 Network Plan - for further details / clarifications on Fees and Charges.

**Time Frames for Assessment**

**Connection Assessments (for applications other than Standard Connection)**
To be completed within 20 business days of receipt of Properly 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**
For Minor Works
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.

**Other Guidance**
A Build Over Assets application (BOA) is not required for this application based on the information supplied by the applicant.

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](http://www.urbanutilities.com.au/development-services). Please include your Services Advice Notice 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 Service Advice Notice, please do not hesitate to contact your account manager, Gleb Spivak on 07 3855 6211 or gleb.spivak@urbanutilities.com.au.

Alternatively, please contact our Developer Customer Services Team on 07 3432 2200.

Yours sincerely,

Sajid Imam Syed
Senior Engineer
Queensland Urban Utilities
Attachment 3 - Applicants response to submitters concerns dated 20 October 2016

20 October 2016

THE CHIEF EXECUTIVE OFFICER
SCENIC RIM REGIONAL COUNCIL
DEVELOPMENT ASSESSMENT
PO BOX 25
BEAUDISERT QLD 4285
ATTENTION: JUDY SANDMANN

Dear Judy,

RESPECT TO SUBMITTERS
DEVELOPMENT PERMIT FOR MAKING A MATERIAL CHANGE OF USE FOR A
MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL USE) SUBJECT TO IMPACT ASSESSMENT
FINCH ROAD, CANUNGRA
LOT 3 ON SP261084

Planit Consulting Pty Ltd, on behalf of the applicant refer to the submissions to the proposed development at the aforementioned site. We note 16 submissions were received in objection to the proposal for eight (8) dual occupancies on eight (8) individual allotments.

A review of the submissions has revealed the majority of submitter’s raised similar issues. As such, we have provided a response to each of those issues rather than responding to each individual submission. The primary concerns are documented below, in order of relevance/frequency raised:

1. Conflict with building envelopes
2. Conflict with Canungra Local Planning Study and Land Use Plan
3. Conflict with Scenic Rim Community Plan
4. Impact on traffic and parking within Canungra Rise Estate
5. Impact on amenity of surrounding residents
6. Impact on property values
7. Details of sale within Canungra Rise Estate

The following represents a detailed response to each of the above mentioned issues.
1. Conflict with building envelopes

The submitters stated the proposed development is inconsistent with the approved building envelopes for Canungra Rise, pursuant to Court Order 2151 of 2006. It is noted that issue was raised by Council in their Information Request (dated 21 July 2016).

As outlined in the response to Council, the amended development plans illustrate that all proposed dwellings have been located a minimum of 1.5m from the side and rear boundaries. This was considered an appropriate outcome by Council officers as detailed in email correspondence with the applicant. Moreover, it is noteworthy to mention the amended side and rear setbacks comply with the Queensland Development Code (MPL 3) – Design and Siting Standard for Duplex Housing as stipulated in Specific Outcome 2 of the Dual Occupancy Use Code.

It is considered each duplex is of a bulk and scale that is consistent with the provisions of the Beaudesert Planning Scheme 2007. The Canungra Township Zone stipulates a maximum residential density of 1 dwelling per 300m². As each duplex will be located on a minimum 800m² lot, the proposed development presents a minimum density of 1 dwelling per 400m². Moreover, each duplex maintains a compliant site cover and physically presents as a single storey dwelling.

With regard to privacy, the setbacks combined with appropriate window placement and design will assist in mitigating any perceived impacts to the privacy of adjoining properties. In addition, fencing and appropriate landscaping treatment will ensure any overlooking issues are minimised.

As such, it is considered the perceived conflict with the building envelopes has been appropriately addressed to ensure there is no adverse impacts to the amenity, privacy and envisaged character of the Canungra Rise Estate.

2. Conflict with Canungra Local Planning Study and Land Use Plan

Whilst it is noted the Canungra Local Planning Study is strategic plan that will guide development within the Canungra locality. It is noted the plan does not have statutory effect under the provisions of the Sustainable Planning Act 2009. However, it is noted some elements of the planning study are reflected in the Canungra Township Zone of the Beaudesert Shire Planning Scheme 2007 which is the most recent statutory instrument that manages development within the Beaudesert Shire.

Despite submitters stating dual occupancy development is not envisaged within the Canungra Rise Estate, it should be noted that the site is within the Residential Precinct of the Canungra Township Zone pursuant to the Beaudesert Planning Scheme 2007. A dual occupancy land use is code assessable development as specified in Table 3.6.4 – Assessment Table for Material Change of Use in the Canungra Township Zone.

As such, it is the applicant’s contention that a dual occupancy development is a consistent land use that is envisaged for the zone and therefore the subject site. Moreover, the submitted town planning report has provided an assessment against the Canungra Township Zone Code and Residential Precinct Code to clearly illustrate the proposed dual occupancy development is consistent with the planning outcomes sought for the locality.

In addition to the above, is noteworthy to mention that if the applicant were to wait until each lot was sealed and registered, the application would not be impact assessable and thus would not be subject to public notification.
3. Conflict with Scenic Rim Community Plan

The Scenic Rim Community Plan is another strategic document that is used to guide development within the wider Scenic Rim region. However, as like the Canungra Local Planning Study, the Community Plan does not have statutory effect. In contrast, the proposed dual occupancy development is consistent with the Beaudesert Planning Scheme 2007 which is a statutory instrument for development within the Canungra locality.

In this regard, it is the applicant’s contention that the proposed development is not in conflict with the relevant planning instruments and thus should be approved subject to reasonable and relevant conditions.

4. Impact on traffic and parking within Canungra Rise Estate

The submitters have raised concerns with traffic and parking within the Canungra Rise Estate as a result of the proposed development. Council is again referred to the submitted town planning report whereby an assessment against the Parking and Servicing Code has demonstrated that the development will comply with Council’s car parking requirements for dual occupancies. The development plans note that each dwelling will provide two (2) covered car spaces for residents and two (2) on-site spaces for visitor parking. As such, it is considered the proposal will not cause adverse impacts to parking as all parking associated with the development will be provided on-site.

With regard to general traffic impacts, the proposal is not considered to have an adverse impact as the proposal represents approximately 7% of the Canungra Rise residential catchment. Furthermore, it is again noted that dual occupancies are an envisaged land use within the Residential Precinct of the Canungra Rise Township Zone. As such, it is considered any traffic impacts associated with this land use would have been appropriately addressed during the zoning and subsequent subdivision approval of Canungra Rise Estate.

5. Impact on amenity of surrounding residents

As stated previously, the proposal is not considered to have an adverse impact on the amenity of surrounding residents as the proposal is an envisaged land use for the locality. The siting and orientation of each duplex has been strategically designed to respond to the block’s contextual location and have slight impact on the adjoining residential dwellings.

The proposed development complies with the specific outcomes of the Residential Precinct Code as the proposal provides a diversified housing product to meet the needs of a changing demographic. However, the proposal will make up less than 7% of the residential catchment and therefore the predominate character of the estate will remain detached housing.

Furthermore, each duplex has been designed to incorporate high quality design finishes and landscaping to reduce any perceived bulk and to physically present as a detached dwelling which will ensure the development does not dominate the streetscape.
6. Impact on property values

Whilst it is acknowledged that impacts to property values are a significant concern for home buyers, it is not a legitimate town planning issue and thus does not have town planning merit. As such no further response is considered necessary in this regard.

7. Details of sale within Canungra Rise Estate

It is noted numerous submitters stated the developer of Canungra Rise did not disclose the potential of dual occupancy developments within the estate. As was the case with property values, this is not a legitimate town planning issue and therefore has no planning merit in the assessment of this application. As such, no further action has been taken in this regard.

***************

In summary, Planit Consulting Pty Ltd have undertaken a detailed review of the submissions made on the above mentioned application. A response to these submissions has been provided which addresses the town planning concerns of the general public. As such, we request that the Development Application now continue to be assessed in accordance with the Sustainable Planning Act 2009.

If you have any questions relating to the development application, please don’t hesitate to contact Brendan Ferris or myself on (07) 5528 1500.

Yours sincerely,

Bede Emmett
Director
Planit Consulting
Attachment 4 - Submitter Details

Submitter's Details:

<table>
<thead>
<tr>
<th>Submitter Name</th>
<th>Submitter Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brendan &amp; Lauren Stevens</td>
<td>Lot 135 Roxborough Court CANUNGRA</td>
</tr>
<tr>
<td>Lauren &amp; Matthew Fry</td>
<td>48/55 Paradise Springs Avenue ROBINA Qld 4226 (Lot 131 Roxborough Street)</td>
</tr>
<tr>
<td>Sarah Hall</td>
<td><a href="mailto:tobyandsarah2003@yahoo.co.uk">tobyandsarah2003@yahoo.co.uk</a></td>
</tr>
<tr>
<td>Andre Heggie &amp; Sophie Ashworth</td>
<td><a href="mailto:andrewheggies@gmail.com">andrewheggies@gmail.com</a></td>
</tr>
<tr>
<td>Brooke &amp; Lachlan Mcleod</td>
<td>Lot 154 Roxborough Street CANUNGRA</td>
</tr>
<tr>
<td>Nick Agius &amp; Paige Amos</td>
<td>Lot 147 Canungra Rise</td>
</tr>
<tr>
<td>Kelvin &amp; Julie Marra</td>
<td>Lot 130 Canungra Rise</td>
</tr>
<tr>
<td>Ryan Winston &amp; Melanie Adam</td>
<td>Lot 291 Canungra Rise</td>
</tr>
<tr>
<td>Daryl, Lisa, Hannah &amp; Ryan Woods</td>
<td>Lot 124 Roxborough Street Canungra Rise</td>
</tr>
<tr>
<td>Mark &amp; Kira Conway</td>
<td>28 Freestone Drive UPP 4209 (Lot 132 Canungra Rise)</td>
</tr>
<tr>
<td>Jennifer Rutherford &amp; Nigel Davey</td>
<td>2/2 Duce Court UPP 4209 (Lot 140 Beasley Way Canungra)</td>
</tr>
<tr>
<td>Luke &amp; Brooke Dawson</td>
<td>8 Edgeway Road PIMPAMA Qld (Lot 298 Canungra Rise)</td>
</tr>
<tr>
<td>Nial &amp; Karen Russell</td>
<td>1414/22-24 Glenside Drive, ROBINA Qld (Lot 129 Canungra Rise)</td>
</tr>
<tr>
<td>Ashley Phillips &amp; Moananui Harris</td>
<td>25 Sandhurst Crescent UPP 4209 (Lot 160 Canungra Rise)</td>
</tr>
</tbody>
</table>
Attachment 5 - Aerial Mapping (Dehko)
Attachment 6 - Zone Mapping (Dehko)
3.3 MCBn16/015 Development Permit for a Material Change of Use for Relatives Accommodation, Ms Cheryl F & Mr Geoffrey W Bodley Lot 261 SP242016

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBd16/063

Applicable Planning Scheme: Boonah Shire Planning Scheme 2006

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Ms Cheryl F &amp; Mr Geoffrey W Bodley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner(s)</td>
<td>Ms Cheryl F &amp; Mr Geoffrey W Bodley</td>
</tr>
<tr>
<td>Site Address</td>
<td>14A Stacey Drive BOONAH</td>
</tr>
<tr>
<td>Real Property Description</td>
<td>Lot 261 SP 242016</td>
</tr>
<tr>
<td>Site Area</td>
<td>4,588m²</td>
</tr>
<tr>
<td>Relevant Zone and Precinct</td>
<td>Rural Residential Zone</td>
</tr>
<tr>
<td>Proposal</td>
<td>Development Permit for a Material Change of Use to establish a Relatives Accommodation</td>
</tr>
<tr>
<td>Assessment Level</td>
<td>Impact Assessment</td>
</tr>
<tr>
<td>Approval Type</td>
<td>Development Permit</td>
</tr>
<tr>
<td>Date Application Received</td>
<td>29 August 2016</td>
</tr>
</tbody>
</table>

Purpose of Report

The report has been compiled outlining the facts and circumstances for a proposed development seeking an approval for a Development Permit for a Material Change of Use for Relatives Accommodation.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Consequence</th>
<th>Likelihood</th>
<th>Inherent Risk Rating</th>
<th>Treatment of risks</th>
<th>Residual Risk Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Impacts on environment as a result of development activity</td>
<td>Minor</td>
<td>Unlikely</td>
<td>Low</td>
<td>Environmental impacts considered and documented during assessment</td>
<td>Low</td>
</tr>
<tr>
<td>Legal Compliance and Liability</td>
<td>Minor</td>
<td>Possible</td>
<td>Medium</td>
<td>Documented assessment process</td>
<td>Low</td>
</tr>
<tr>
<td>Opportunity for applicant or third party appeal against Council decision</td>
<td>Minor</td>
<td>Possible</td>
<td>Medium</td>
<td>Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals</td>
<td>Low</td>
</tr>
<tr>
<td>Reputation</td>
<td>Minor</td>
<td>Unlikely</td>
<td>Low</td>
<td>Transparent reporting of assessment Communications</td>
<td>Low</td>
</tr>
</tbody>
</table>

Brief Summary

An application has been received seeking an approval for a Development Permit for a Material Change of Use for Relatives Accommodation to be located at 14A Stacey Drive, Boonah and described as Lot 261 SP242016.

Pursuant to the *Boonah Shire Planning Scheme 2006*, a Relatives Accommodation is identified as being Impact Assessable Development within the Rural Residential Zone.

The site is affected by the Economic Resources - Good Quality Agricultural Land Overlay. The proposal has demonstrated compliance with the applicable Specific Outcomes of the Overlay code, addressed below.

The proposed development has demonstrated general compliance with the relevant Codes of the Planning Scheme through the submitted material within the application. As such, it is recommended that Council approves the proposed development for a Relatives Accommodation, subject to reasonable and relevant conditions.
Proposal

The proposed development involves the establishment of a Relatives Accommodation on a cleared site which contains an existing shed.

**Smaller Dwelling - Relatives Accommodation**

The proposed smaller dwelling is approximately 125m² GFA. The smaller dwelling is setback approximately 2m from the southern boundary, 10m from the larger dwelling, and 23m from Stacey Drive and 40m from the rear boundary and contains the following:

- Two (2) bedrooms;
- Open plan kitchen / living;
- Bathroom;
- Ensuite;
- Study; and
- Laundry.

**Larger Dwelling - House**

The proposed larger dwelling is approximately 245m² GFA. The larger dwelling is located in the north of the site and is setback approximately 11.5m from the northern boundary, 18.5m from Stacey Drive, 35m from the rear boundary and contains the following:

- Four (4) bedrooms;
- Central kitchen and dining area;
- Walk in pantry;
- Bathroom and ensuite; and
- Laundry.

The lot is irregular in shape. Refer to the Proposal Plans located in **Attachment 1**.

Existing and proposed structures not associated with the Relatives Accommodation have been crossed off the proposal plans and do not form part of the current assessment.

Vehicular access to the development is proposed via a crossover to Stacey Drive. A condition has been included in the Director's Recommendation to restrict access to the development to one (1) crossover.

**Proposal Plans**

The applicant has submitted the following Proposal Plans.

<table>
<thead>
<tr>
<th>Plan/Drawing</th>
<th>Prepared by</th>
<th>Plan/Dwg No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevations</td>
<td>W. H. Wilson</td>
<td>Dwg No. W 13589</td>
<td>26/08/2016</td>
</tr>
</tbody>
</table>
Site and Environment

Characteristics of Site & Surrounding Environment

The site is approximately 4,588m² in area, irregular in shape and is located within the Rural Residential Zone.

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

Site Inspection

A site inspection was carried out on 5 October 2016. The site has access to appropriate urban infrastructure such as reticulated drinking water, a sealed road, telecommunications and electrical services.

The locality of the area is characterised by rural residential household allotments with the dominant pattern of the development being detached housing. The majority of the surrounding lands are included in the Rural Residential Zone.

Figure 1

Relationship to State Planning Policies and Regulations

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

*South-East Queensland Regional Plan 2009-2031*

The subject site is located within the mapped Urban Footprint and is consistent with the *South East Queensland Regional Plan 2009-2031 (SEQRP)*. The proposed development, being for residential purposes, is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQRP 2009-2031*. 
State Planning Policies

**SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide**

A review of available mapping illustrated that the subject site was not affected *Flood, Bushfire or Landslide*. As such an assessment against State Planning Policy 1/03 – *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* was not required for the current proposal.

**Relationship to Planning Scheme**

The subject site is located in the Rural Residential Zone. Pursuant to the *Boonah Shire Planning Scheme 2006*, the proposed land use is defined as Relatives Accommodation under *Schedule 1 Dictionary, Part 1: Defined Uses*. The definition as prescribed under the planning scheme is as follows -

**Relatives Accommodation** the use of premises as a second dwelling unit for relatives of the resident of the dwelling house or carers thereof, or persons which due to age and/or physical condition are financially and/or socially dependent upon the occupier of the dwelling house. This does not include a caretaker’s residence or multiple dwelling.

Accordingly, the proposed development is consistent with this above definition.

**Relevant Planning Scheme Codes – Summary**

The relevant planning scheme codes applicable for assessment include:

<table>
<thead>
<tr>
<th>Zone &amp; Precinct Code</th>
<th>Overlay Code</th>
<th>Use / Works Code</th>
</tr>
</thead>
</table>

The proposal’s compliance with these codes is discussed below.

**Relationship to the Rural Residential Zone Code**

**Overall Outcomes**

The subject site is located in the Rural Residential Zone. Pursuant to the *Boonah Shire Planning Scheme 2006*, the Rural Residential Zone is generally described as follows -

*This zone is characterised by low density residential development, where people enjoy a semi-rural lifestyle in areas that are accessible to community facilities. A limited amount of land is included in this zone and is intended to provide areas where dwellings may be erected on large residential allotments in a rural setting.*

In this respect, the proposed development generally complies with the abovementioned description.
Compliance with the Zone Code’s Acceptable Solutions and Specific Outcomes

The proposal complies with all of the Zone Code’s Acceptable Solutions and Specific Outcomes.

Compliance with the Specific Assessment Criteria for Code and Impact Assessable Development

The proposal generally complies with all of the Specific Outcomes and Probable Solutions for the Specific Assessment Criteria for Code and Impact Assessable Development for the Rural Residential Zone. Accordingly, suitable conditions have been included in the Director’s Recommendation where applicable.

Compliance with the Residential Development Code

The proposal complies with all of the Specific Development Code’s Specific Outcomes and Probable Solutions with the exception of PS1.4 discussed below:

<table>
<thead>
<tr>
<th>Residential Development Code</th>
<th>Specific Outcomes</th>
<th>Acceptable Solution</th>
<th>Compliance with Acceptable Solution</th>
<th>Compliance with Specific Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>SO1</td>
<td>Residential development maintains local character and amenity, and provides a pleasant living environment.</td>
<td>PS1.4 Any relative's accommodation is no larger than 60m² in floor area, excluding verandas.</td>
<td>No - Refer below</td>
<td>Yes – refer below</td>
</tr>
</tbody>
</table>

Applicant’s justification

The applicant proposes the Relatives Accommodation to exceed 60m² internal floor area.

Officer’s comments

The proposed new two (2) bedroom Relatives Accommodation does not adversely impact on the visual and acoustic amenity and privacy of adjacent residential development and maintains local character and amenity. The proposal provides for a pleasant living environment and achieves the intent / purpose of the Specific Outcome. Accordingly, suitable conditions have been included in the Director’s Recommendation where applicable.
### Economic Resources Overlay Code

<table>
<thead>
<tr>
<th>Specific Outcomes</th>
<th>Acceptable Solution</th>
<th>Compliance with Acceptable Solution</th>
<th>Compliance with Specific Outcomes</th>
</tr>
</thead>
</table>
| 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 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. | PS1.1 Development is not located on land identified as being of good quality agricultural land on Overlay Map 1A. OR PS1.2 Development only occurs on land identified as good quality agricultural land that has the following characteristics:  
  (i) slope >15%; or  
  (ii) soil depth < 0.25m; or  
  (iii) 50% rock28 (on surface or in surface horizon) | No - Refer below | Yes – refer below |

**Applicant's justification**

The applicant proposes the Relatives Accommodation on land identified as being good quality agricultural land on *Overlay Map 1A*.

**Officer's comments**

The proposed new two (2) bedroom Relatives Accommodation is located in land designated for Rural Residential purposes and therefore 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 compromising agricultural operations;  
(iii) avoiding residential uses encroaching onto agricultural land;  
(iv) incorporating buffers to adjacent incompatible uses; and  
(v) defining a boundary between agricultural land and residential areas.

As such the proposal achieves the intent / purpose of the Specific Outcome. Accordingly, suitable conditions have been included in the Director's Recommendation where applicable.
Assessment of Other Aspects of the Proposal

Fair Values Charges Resolution (Version no. 5)

Adopted Infrastructure Charges

Effective as of the 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. 5) 1 July 2016. The calculation has been outlined below.

Fair Value Charges Resolution (Version no. 5. 1 July 2016)

In accordance with the Fair Values Charges Resolution the adopted infrastructure charge applicable for a two (2) bedroom Relatives Accommodation is the 'Residential Category - Dwelling unit Use - $ per 2 bedroom dwelling’ charge, in accordance with table 2 of the resolution.

<table>
<thead>
<tr>
<th>Planning Scheme Use Type</th>
<th>Classes of Development to which Adopted Infrastructure charges schedule apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relatives Accommodation</td>
<td>Residential Category - Dwelling unit Use - $ per 2 bedroom dwelling</td>
</tr>
</tbody>
</table>

Local Government Charge

Local Government Charges applicable to the development are outlined below.

**Proposed Demand**

<table>
<thead>
<tr>
<th>Use</th>
<th>No. of units</th>
<th>Unit of Measure</th>
<th>Charge Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Category - Dwelling unit</td>
<td>1</td>
<td>3 or more bedroom dwelling</td>
<td>$13,021.00</td>
<td>$13,021.00</td>
</tr>
<tr>
<td>Residential Category - Dwelling unit</td>
<td>1</td>
<td>2 bedroom dwelling</td>
<td>$9,300.00</td>
<td>$9,300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$22,321.00</strong></td>
</tr>
</tbody>
</table>

**Existing Credit**

<table>
<thead>
<tr>
<th>Use</th>
<th>No. of units</th>
<th>Unit of Measure</th>
<th>Charge Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Category - Dwelling unit</td>
<td>1</td>
<td>3 or more bedroom</td>
<td>$13,021.00</td>
<td>$13,021.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$13,021.00</strong></td>
</tr>
</tbody>
</table>

**Proposed Demand** $22,321.00 less **Existing Credit** $13,021.00 = **$9,300.00**
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.

Referrals

Internal

Health, Building and Environment – Building and Plumbing
Council’s Building and Plumbing sections have assessed the application and advised that applications for plumbing works and building works will need to be lodged with Council for assessment.

Development Assessment - Engineering
Council’s Development Assessment - Engineering section have assessed the application and advised they have no objections to the proposal subject to the implementation of conditions contained in the Director’s Recommendation.

Referral Agencies

A review of the referral triggers outlined in Schedule 7 of the Sustainable Planning Regulations 2009 has been undertaken which has identified that there are no applicable agencies.

Queensland Urban Utilities (QUU)

The site is in an area serviced by reticulated water managed by Queensland Urban Utilities (QUU). The Director’s Recommendation states further development permits are required for Plumbing and Drainage prior to undertaking any plumbing and drainage works on the subject site.

Submissions

Council received one (1) properly made submission which included some concerns relating to the proposal. The submitter formally withdrew their submission however requested that the issues raised in their submission be addressed as part of the assessment of the application. The principle concerns of the submitter related to stormwater and onsite effluent generated by the proposed development.
Submitter’s Issues/Concerns

The issues raised in the withdrawn submission have been addressed below as requested by the submitter for Council’s consideration and accompanied by an appropriate Officer comment.

Submitter Concerns:

1. The development will increase impervious land areas and damage downstream properties through increased stormwater runoff.

Officer comments:

Council's engineer has assessed the proposal and provided conditions included in the Director's Recommendation which require drainage from the development to not adversely impact upon adjacent properties. A condition has also been included requiring the discharge of stormwater to a legal point of discharge. Therefore, any downstream affected owner who is concerned with stormwater runoff generated by the proposed development could request an investigation by Council's Compliance Team.

Submitter Concerns:

2. The onsite effluent disposal system may not be sufficient or may not be maintained correctly creating amenity and hygiene issues for downstream properties.

Officer comments:

Council's Engineer has included a condition in the Director's Recommendation which requires any proposed onsite effluent disposal system to comply with relevant State and Federal requirements. Any proposed onsite effluent disposal system will need to be assessed as part of an application for Plumbing and Drainage works.

Conclusion

A development application has been received seeking approval for a Development Permit for a Material Change of Use to establish a Relatives Accommodation on land located at 14A Stacey Drive, Boonah and described as Lot 261 SP 242016.

The proposed development has demonstrated general compliance with the relevant provisions of the Planning Scheme and it is further considered to be generally consistent with the existing character and amenity of the locality.

Therefore, it is recommended that Council resolve to approve the Development Application for Relatives Accommodation, subject to reasonable and relevant conditions.
Director’s Recommendation

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

<table>
<thead>
<tr>
<th>Lot and Plan:</th>
<th>Lot 261 SP242016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address:</td>
<td>14A Stacey Drive, Boonah</td>
</tr>
<tr>
<td>Site area:</td>
<td>4,588m²</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development Permit for Material Change of Use to establish a Relatives Accommodation</td>
</tr>
</tbody>
</table>

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) A Property Access Location approval and Works in Road Reserve approval are required prior to the construction of any proposed access point.

2. Conditions of Approval:

a) A Development Permit is given for Material Change of Use, subject to the following conditions:

Approved Plans

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

<table>
<thead>
<tr>
<th>Plan/Drawing</th>
<th>Prepared by</th>
<th>Plan/Dwg No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevations</td>
<td>W. H. Wilson</td>
<td>Dwg No. W 13589</td>
<td>26/08/2016</td>
</tr>
</tbody>
</table>

General

2) **DEFINITION COMPLIANCE AND EXCLUSIONS** - The approved use and associated ancillary activities shall at all times comply with the definition of Relatives Accommodation as identified under Schedule 1 Dictionary, Part 1: Defined Uses of the Boonah Shire Planning Scheme 2006.
Access and Roads

3) **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval for lots accessing a Council controlled road is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Council’s Director Infrastructure Services. The access provisions shall be maintained in good condition for the lifetime of the proposed use. Only one (1) access point onto Stacey Drive is permitted to service the two (2) dwellings.

4) **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertaking any access/road construction works.

5) **ACCESS DRIVEWAY - GRAVEL** - The Applicant is to make provision for the establishment of an all-weather internal access driveway facilitating access to the proposed dwellings. The internal access driveway will be designed and constructed to a minimum base course gravel standard or approved equivalent standard to the satisfaction of Council’s Director, Infrastructure Services or equivalent acting reasonably. The driveway must be trafficable in all weather conditions and maintained in good condition for its lifetime.

6) **CAR PARKING ON-SITE** - All resident and visitor vehicles will be parked wholly within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.

Earthworks Design and Management

7) **DRIVEWAY AND ALLOTMENT EARTHWORKS** – All driveway and allotment earthworks will be undertaken in accordance with Council's Design and Construction Manual. The works required by this condition are to be completed prior to the occupation of the approved use.

8) **RETAINING WALLS** – The design and construction of any retaining wall greater than 1m in height is to be structurally certified by a Registered Professional Engineer Queensland. Any retaining wall higher than 1m will require approval as part of a Building Application. The works required by this condition are to be completed prior to the occupation of the approved use.

Stormwater Drainage

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

10) **STORMWATER DISCHARGE AND DISPOSAL** - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the *Queensland Urban Drainage Manual* (QUDM).
11) **MINIMISE EROSION** - The Applicant is to provide for the implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering adjacent properties / drainage lines and/or watercourses as a result of either the development works / building works.

**Wastewater**

12) **WASTEWATER DISPOSAL - GENERAL** - The wastewater disposal system(s) are to conform with the provisions of the “Queensland Development Code”, the “Queensland Plumbing and Wastewater (QPW) Code” and AS1547-2000 On-Site Domestic Wastewater Management. Details of 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.

**Electrical Works**

13) **ELECTRICITY** - The Applicant is to make provision of a suitable electricity supply from the State electricity grid through the State authorised supplier (Energex) to the approved development or production of evidence of satisfactory arrangements for such supply having been made. The works required by this condition are to be completed prior to the occupation of the approved use.

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

   a) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land 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 restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.

   c) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *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.

e) **BIOSECURITY QUEENSLAND** - should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants).

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) A Property Access Location approval and Works in Road Reserve approval are required prior to the construction of any proposed access point.

5. **Administrative Action:**

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

**Attachments**

1. Proposal Plans.
2. Site Map.
3. Dekho Map.
Attachment 1 - Proposal Plans
Attachment 2 - Site Map
Attachment 3 - Dekho Map
4. INFRASTRUCTURE SERVICES

Nil.