



SOUTHERN DOWNS REGIONAL COUNCIL

SPECIAL MEETING OF COUNCIL

Dear Councillors

Your attendance is hereby requested at the Special Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Monday, 7 September 2015** at **9.00AM**.

Notice is hereby given of the business to be transacted at the meeting.

David Keenan

CHIEF EXECUTIVE OFFICER

3 September 2015

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1. **ATTENDANCE**
2. **APOLOGIES**
3. **DECLARATIONS OF CONFLICTS OF INTEREST**

4. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

4.1 Material Change of Use - CDS Investments No 1 Pty Ltd, 76-80 Percy Street, Warwick

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 7 September 2015
	Senior Planning Officer	File Ref: MCU01612

APPLICANT:	CDS Investments No 1 Pty Ltd
OWNER:	CDS Investments No 1 Pty Ltd
ADDRESS:	76 - 80 Percy Street, Warwick
RPD:	Lot 1 SP228238, Parish of Warwick, County of Merivale
ZONE:	Principal centre
LAND USE AREA:	2,794 square metres
PROPOSAL:	Short-term accommodation (Motel - 33 rooms)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	One
REFERRALS:	Department of Infrastructure, Local Government and Planning
FILE NUMBER:	MCU01612

Recommendation Summary

THAT the application for Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP228238, Parish of Warwick, County of Merivale, be approved subject to conditions.

Report

Previous Council consideration

A report addressing this application was presented for consideration to the August 2015 General Council meeting. The matter was deferred for further consideration at the September 2015 General Council Meeting. Specific issues regarding the proposal were raised during the August 2015 General Council meeting; in addition to the report the issues are addressed as follows:

1. Easements

In accordance with Section 263 of the *Sustainable Planning Act 2009*, landowners consent is not required from the owners of land which have the benefit of the easements, as the development is consistent with the terms of the easements. The easements over Lots 1 and 2 RP5847, and Lots 2 and 3 RP46877, are for access and the proposed development is consistent, therefore landowners consent is not required.

2. Access to Council's land known as Acacia Ave Carpark to the north

An existing constructed access from the Acacia Avenue Carpark to the subject land is in use (see image 1). Council previously provided written advice to former landowners, stating no objection to the continued use of part of Council's Acacia Avenue carpark for access purposes. Furthermore, this access is used by JJ Richards for refuse pick-up, and by businesses at 149, 151 and 153 Palmerin Street for employee parking and daily deliveries (see image 2).

Image 1: Existing constructed access from Acacia Street Carpark towards Percy Street



Image 2: JJ Richard refuse bin pick-up from the area.



It is not considered reasonable or feasible to remove this access, as such closure will remove / prevent shop owners and employees ability to park-off street, and hamper deliveries and refuse removal. An Advisory note has been included to ensure it is clear that access from Council's Acacia Avenue car park is not guaranteed into the future.

A condition had previously been included to ensure that a refuse removal vehicle can enter and exit the site in forward gear. This information is to be supplied as part of an Operational works application.

3. Heritage

The original report provided a detailed assessment of the proposed development against the Heritage overlay code.

As previously reasoned, the significant heritage character of Warwick's Principle centre is vested in Palmerin Street, not Percy Street. The proposed development on Percy Street and the local Heritage listed the Palace Hotel, on corner Palmerin and Percy Streets, are not in conflict with each other. The development site and the Palace Hotel are separated by the Thirsty Camel bottle shop (see photo 3), an industrial style building with a flat roof, painted in bold colours. There is a separation distance of 24.5 metres between the Palace Hotel and the proposed development, due to the bottleshop and the access.

Image 3: Street view, from The Thirsty Camel bottleshop to The Palace Hotel.



Image 4: Street view, from proposed development site towards bottleshop and hotel.



Image 5: Panorama view of development site in Percy Street



The Palace Hotel is the first prominent Local heritage place along Palmerin Street in the Principle centre zone, but the heritage character is not followed along Percy Street. The panorama photo (see photo 5) highlights the large variety of building styles, scales and building ages along this section of Percy Street. There is no coherent streetscape in this area. Therefore, a contemporary design such as that proposed is considered acceptable.

The layout and design of the proposed development is complementary to the recently approved development by the Baptist Church (50D Guy Street, Warwick). The elevations are as follows:



Considering the separation between the proposed motel and the Palace Hotel; the prominence of the Palace Hotel on the corner of Palmerin and Percy Streets; the varying setbacks of the proposed motel, and the forthcoming development by the Baptist Church, illustrates that there is no evidence that the skillion roofline will adversely influence this Local heritage place.

4. Economic development opportunity to Warwick

This proposed development will inject between \$6 million and \$7 million into the local economy during the construction phase, employing up to 50 trades people and labourers at that time. As detailed in the report, the motel will also permanently employ three people once operational. It is likely that the introduction of a new standard of accommodation may encourage other accommodation providers to consider reinvesting into existing businesses.

Please note that some conditions were amended since the August 2015 General Council meeting.

Report

The subject property has frontage and access to Acacia Avenue and Percy Street. The north eastern portion of the lot is encumbered by access easements, which provide access to the properties that have frontage to Palmerin Street, from Percy Street.

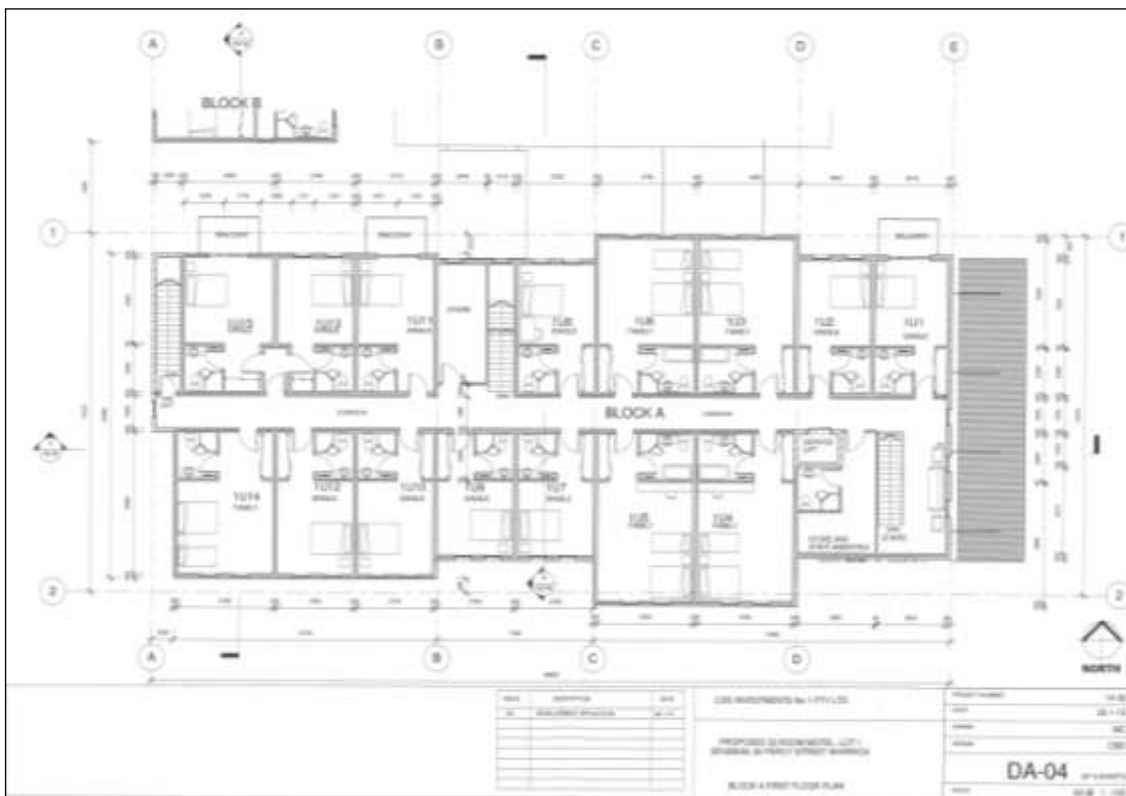
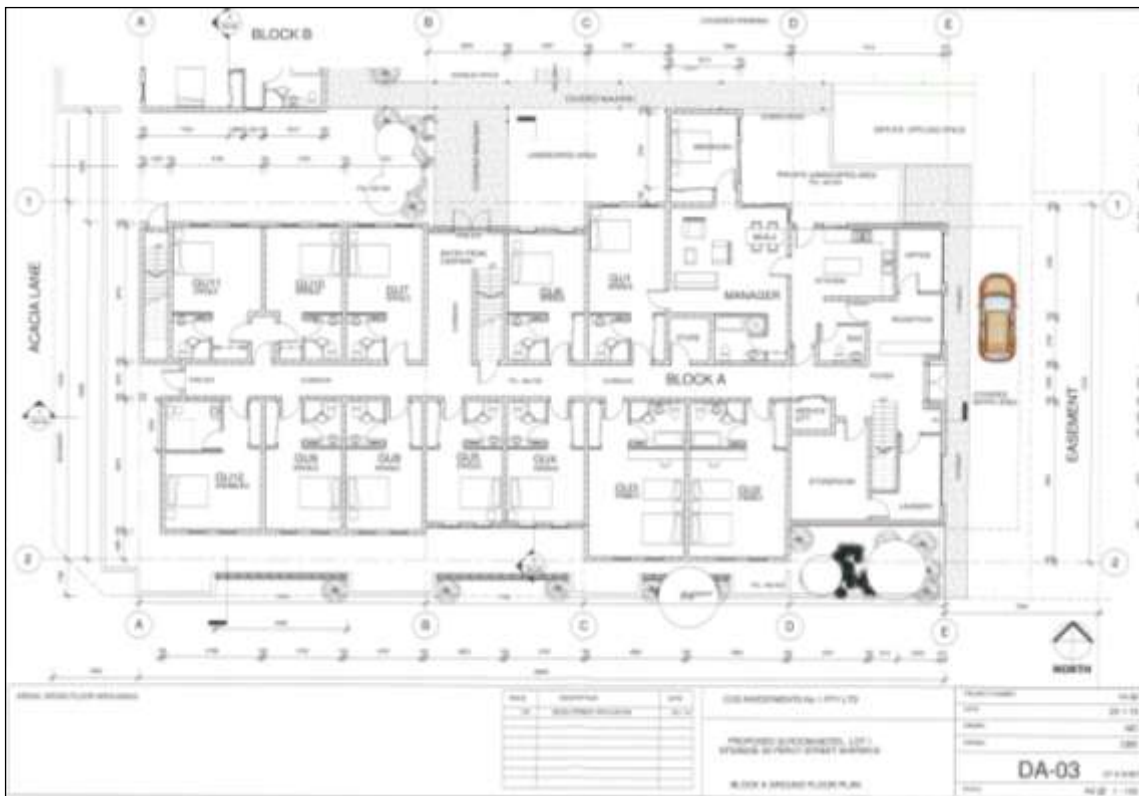


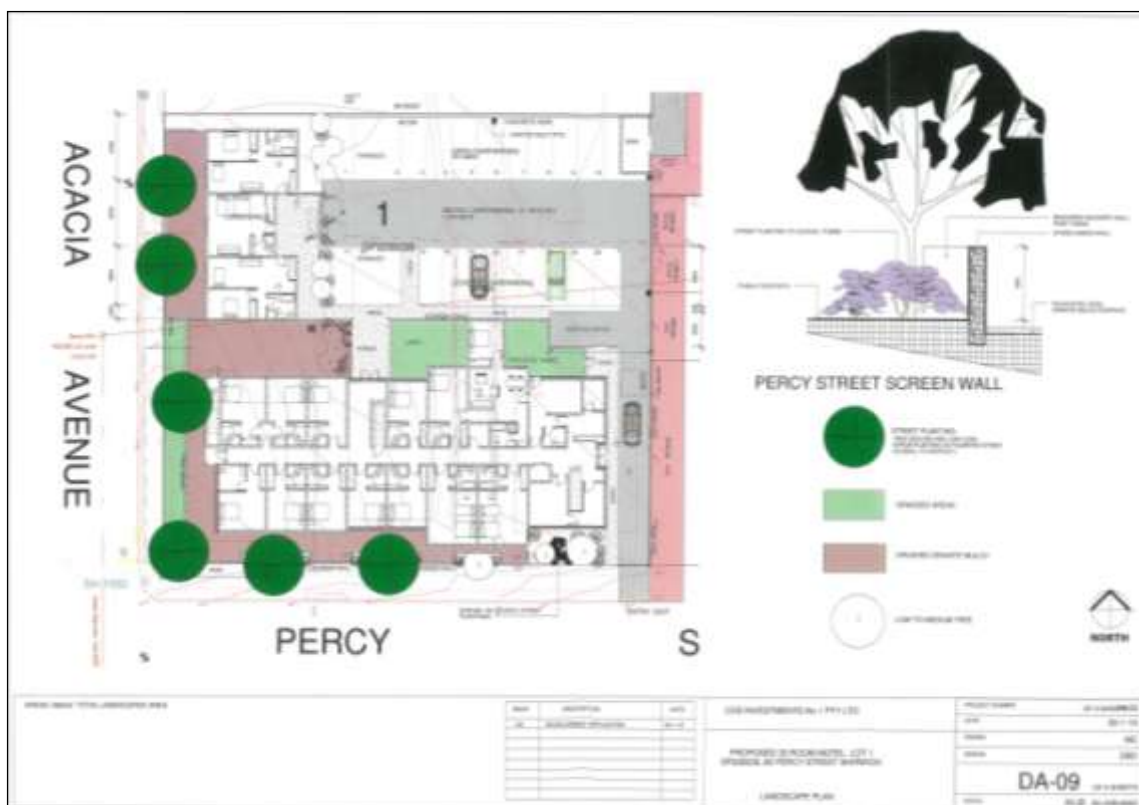
The applicant

proposes to demolish the existing residential buildings, and construct a two storey, 33 bedroom motel with manager's residence, comprising of two separate blocks. Block A will have frontage on both Acacia Avenue and Percy Street, while Block B will only have frontage on Acacia Avenue.

The development will have a gross floor area of 1,596 square metres.







It is anticipated that the proposed development will generate new employment to the city, including that of a manager, two permanent employees and four part time employees.

Referral

The application required referral to the Department of Infrastructure, Local Government and Planning (DILGP) as a Concurrence agency, as the development involved accommodation activities designed to accommodate more than 75 people. The DILGP have no requirements with regards to the application.

Submissions

One (1) submission was received to the application. The issues raised in the submission are as follows:

Consideration of adjoining uses

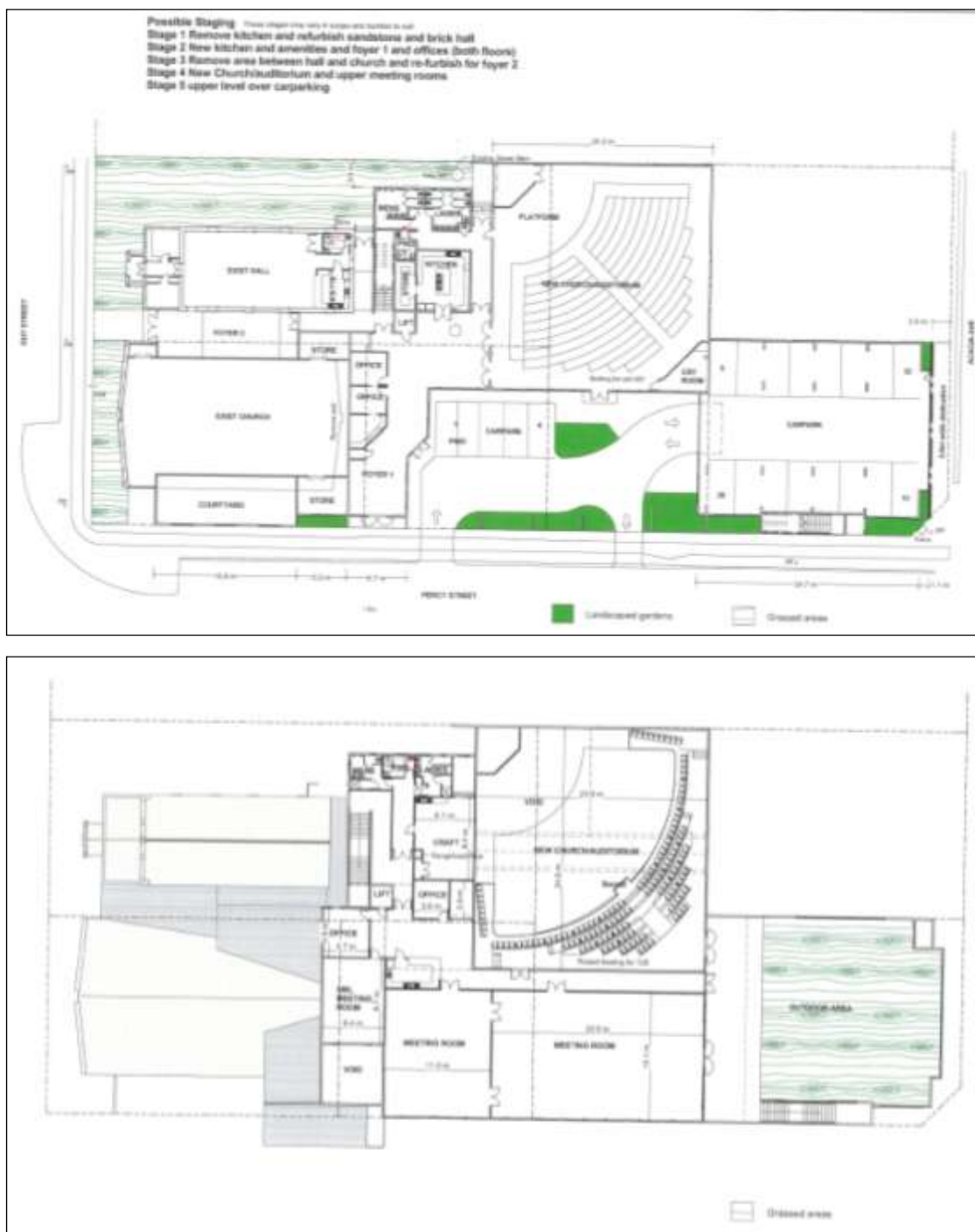
- That Council considers the longstanding prior usage of the church facilities and property adjacent to the proposed development, and ask that any change of use approved under the development application does not negatively impact on the ongoing use of the church facilities.
- That Council considers what impact the proposed development may have on the Development Permit granted to the Church on 18 June 2015 (File ref: MCU\01648).
- That Council considers the impact of this development with regards to the use of the church property for children's activities. Specifically, the grassed areas at the eastern end of the church property, which is used regularly as play areas for young children and youth. Given that there is no way of controlling who utilises the accommodation, and given the increase in traffic flow through Acacia Avenue, we therefore ask that in considering this development, weight is given to ensuring there are no adverse affects on our ability to safeguard our children in this space.

Comment: The layout of the proposed development is complementary to the recently approved development by the Baptist Church (50D Guy Street, Warwick). The Acacia Avenue frontage of Block A does not contain any windows, therefore not presenting an issue with overlooking. Landscaping, including the use of trees that will offer screening once mature, is used to reduce the

bulk. Block B does contain windows within the Acacia Avenue frontage, however Block B is located toward the north, which does not affect the Baptist Church proposal.

Due to the layout and design of the buildings, it is acknowledged that the risk of overlooking is no greater as a result of the proposed development as currently exists from the boundaries of the site. The proposed development will not have vehicular or pedestrian access to Acacia Avenue.

It is considered that the proposed development would complement the approved plans of the Baptist Church, which are as follows:



Assessment against the Planning Scheme

This application required assessment against the Principal centre zone code, the Carparking and loading code, the Landscaping code, the Outdoor lighting code, the Physical infrastructure code, and the Heritage overlay code.

Principal centre zone code

The purpose of the Principal zone is to provide for tourist accommodation where it is located above street level and contributes to the vitality of the centre.

The purpose of the zone is achieved through the following overall outcomes:

- (b) Residential development and tourist accommodation is provided where a high standard of residential amenity can be achieved. All accommodation is located above ground level in order to maintain the vitality of the centre.
- (c) Development in a Principal centre ensures a well-designed and functioning urban structure by:
 - (i) Building on the existing strengths of the centre;
 - (ii) Complementing existing land uses and activity;
 - (iii) Sustaining and developing existing local businesses; and
 - (iv) Responding to local economic need and demand.
- (d) Development provides a high level of amenity and is reflective of the surrounding character of the area.
- (f) Buildings adjacent to those listed in the Local heritage register have a built form and include features that ensure that the building respects and complements the heritage values on the adjacent site.

It could be considered that the strict controls on design are more relevant in Palmerin Street and the other streets of the Warwick Principal centre zone where more architecturally significant buildings and streetscapes exist.

The proposed development involves accommodation on ground level; however the proposed development is not located on Palmerin Street and is located in an area where retail and commercial development are not prominent. A large variety of building styles, sizes, building scales and building ages is found along this section of Percy Street. There is no coherent streetscape in this area, therefore, a contemporary design such as that proposed can be considered acceptable.

There is a primary school located opposite, with the subject property adjoining a place of worship and a hotel. There is a small cluster of commercial premises located on the corner of Percy Street and Guy Street; however the area contains a mix of uses.

The subject land is currently occupied by three, single storey residences, therefore the proposed development is of similar residential use, however results in a significant increase in scale, thus providing a greater yield for the land, which is appropriate within the Principle centre.

The proposed development will be complementary to the uses located within the Principal centre zone, and may result in an increased surveillance in the area and reinvigorate the central business district outside of normal business hours.

The subject land adjoins a number of heritage listed buildings on its eastern boundary. The proposed development will not share a common wall with any of the buildings, and ensures that the design complements the heritage character.

Whilst economics is not a planning consideration, it should be noted that the proposed development will support the central business district in Warwick, create new employment and has the potential to support growth within the area.

It should be noted that the lane dedication, along Acacia Avenue, as part of a realignment of boundaries application, originally approved on 28 August 2008.

The proposed development complies with the requirements of the Code with regards to the following categories: Landscaping, Refuse management and storage, Views and Rail.

Siting, layout, building form and design, and Public spaces and pedestrian areas

The proposed development is located on the corner of Percy Street and Acacia Avenue. The Code requires that pedestrian entrance points and windows are located to address each frontage. All

access to the site is located within the eastern portion of the property, with access from Percy Street via a driveway and pathway. Due to the use of the development, its entrance to the two blocks is internally located. The associated Performance outcomes states as follows:

PO5 Where located on a corner site or on a site with terminating important vistas building design expresses and emphasises the importance of its location through architectural expression and landscape treatments (including roof form, entrance location, orientation, decorative treatments and detailing).

PO9 Commercial and business uses provide active street frontages.

The maximum height in the Principle centre zone is three storeys; the proposed development is two storeys, complementing the approved extensions to the Baptist Church, and the existing buildings in Palmerin Street. The contemporary design of the building can appear bulky on the corner of Percy Street and Acacia Avenue, however the proposed landscaping will be used to reduce the perception of bulk. There are a number of offsets within the building design which provides variation and will positively contribute to the streetscape.

The orientation of the development to Percy Street is desirable, and provides for surveillance and active street frontages.

It is considered that the proposed development complies with the Performance outcomes.

Public spaces and pedestrian areas:

The Code requires awnings to be provided over footpaths. The applicant does not propose any awnings over the footpath. The associated Performance outcome states as follows:

PO11 Pedestrian paths are comfortable and safe to use, adequately sheltered and provided to give convenient and safe access to car parking areas and any development located at the rear of the site.

There are no awnings provided from other buildings or fully constructed footpaths within either Percy Street or Acacia Avenue, except for the Palace Hotel on the corner of Palmerin Street. Therefore, the inclusion for the subject land would be inconsistent with the streetscape.

There are no street trees provided along either the Percy Street or Acacia Avenue frontage, however with the width of the verge and then the pedestrian pathway along Percy Street, there is limited area for street trees. The applicant proposes substantial landscaping within the recesses in the boundary along both frontages. This landscaping is considered appropriate and will positively contribute to the streetscape.

It should be a condition of any approval that the footpath along the Percy Street frontage be constructed for the full width, in accordance with the Warwick streetscape general design, to match Percy Street, at the intersection with Palmerin Street.

Parking, servicing and access:

The Code requires access to carparking to be from rear access lanes where available. Access to the site and associated carpark is from Percy Street, as opposed to Acacia Avenue.

The applicant has indicated that it would be difficult to take access from Acacia Avenue given the distance to the intersection with Percy Street. The associated Performance outcome states as follows:

PO12 Car parking areas, service areas and access driveways are located where they will not unduly intrude upon pedestrian use of footpaths and will not dominate the streetscape.

There is a pedestrian pathway along the Percy Street frontage of the site, with the entrance to the site being directly accessible from the footpath. It is considered that the access to the site will not adversely impact on the use of the footpath. The entrance is proposed to ensure there is adequate sight distance to the footpath and Percy Street.

There are already two crossovers to access the subject land, therefore there will be a decrease in the number of access points from Percy Street.

The inclusion of the landscaping along the Percy Street frontage will ensure the building does not dominate the frontage. It is considered that the proposed development complies with the Performance outcome.

Uses

The Code requires accommodation uses to be located above ground level. The associated Performance outcomes state as follows:

PO17 All uses are located designed and operated to reinforce the role of the zone as a socially, cultural and economically vibrant place in which higher order services and facilities to meet the needs of the region are available and in which there is a high level of daytime and night time activity.

PO20 Accommodation activities including multiple dwellings are located above ground level. The density of development is consistent with the purpose of the centre as a vibrant and diverse area.

The applicant has detailed that:

The location of this motel will transform the area by introducing patrons to the central business district [through] dining and entertainment venues. The adjoining Palace Hotel will directly benefit from this proposal and the redevelopment of the current bottle shop and storage areas is envisaged to capitalise on upgrading the rear of the site.

The motel design exhibits ground floor accommodation which is not conforming to the current code. The intent of the code is for first floor accommodation only which is understandable in areas of traditional streetscapes such as Palmerin Street. This proposed development is located within an area of transition and does not contribute directly to the retail commercial area of the business district. The alternative of additional commercial space or mixed usage is not visible in the current or foreseeable climate and this variation to the current code is offered.

The proposed development will reinforce the Principal centre zone by economic means and it will complement the uses within the central business district.

As previously detailed, there are currently three, single storey residences located on the subject land. The proposed development has the potential to reinvigorate the central business district of Warwick, outside of normal business hours, and will also provide an increased opportunity for surveillance.

It is considered that the proposed development complies with Performance outcome 17.

The proposed development cannot achieve compliance with PO20, as the accommodation activity is located at ground level. Considering the current retail activity in Percy Street off Palmerin Street, it is doubtful whether this proposal will have a negative impact on retail in the Principle centre.

Heritage overlay code

The proposed development complies with the Code with regards to the following category: Siting,

In relation to Built form, the Code requires development to have a sympathetic roof form to the adjoining Local heritage place. The development has a skillion style roof, whereas the adjoining heritage building, being the Palace Hotel, has a pitched roof. The associated Performance outcome states as follows:

PO13 The built form is respectful to and sympathetic to the adjoining Local heritage place.

The proposed development and the Local heritage place are separated by the bottleshop, which has a flat roof line. Therefore, whilst the land adjoins, there is a varying roofline between the buildings.

As there is a large variety of building styles, scales and ages along this section of Percy Street, no coherent streetscape exist in this area. Therefore, a contemporary design such as that proposed can be considered acceptable.

Given the separation distance between the buildings, the skillion roofline will not adversely impact on the Local heritage place.

Carparking and loading code

The Code requires one space per guest room, plus one space per 50 square metres of gross floor area of any dining room or meeting room.

The applicant has proposed 33 carparking spaces, plus one service space. There is no dining room or meeting room proposed as part of the application.

The proposed development complies with the Code.

Landscaping code

The proposed landscaping layout is considered appropriate.

Outdoor lighting code

The proposed development can be conditioned to comply with the Code.

Physical infrastructure code

The proposed development can be connected to all urban services.

Adopted Infrastructure Charges

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Accommodation short term	All	\$2500/suite	\$82,500	\$30,000	\$52,500
TOTAL:					\$52,500

Office use only			
Network	Proportion of Charge	Charge/ Network	Receipt Code
Roads	20%	\$10,500	RC241
Parks	10%	\$5,250	RC243
Water	35%	\$18,375	RC244
Sewerage	35%	\$18,375	RC245
Stormwater	-	NA	RC242

The adopted infrastructure charge is payable prior to the change of use of the land happening in accordance with Section 648H of the *Sustainable Planning Act 2009*.

Conclusion

The applicant proposes to demolish the existing residential buildings, and construct a two storey, 33 bedroom motel with manager's residence, comprising of two separate blocks. Block A will have frontage on both Acacia Avenue and Percy Street, while Block B will only have frontage on Acacia Avenue.

It is anticipated that the proposed development will generate new employment to the city, including that of a manager, two permanent employees and four part time employees.

There is a large variety of building styles, scales and ages along this section of Percy Street, and no coherent streetscape exist in this area. Therefore, a contemporary design such as that proposed can be considered acceptable.

The subject land is currently occupied by three, single storey residences, therefore the proposed development is of similar residential use, however results in a significant increase in scale, thus providing a greater yield for the land, which is appropriate within the Principle centre.

The proposed development will be complementary to the uses located within the Principal centre zone, and may result in an increased surveillance in the area and reinvigorate the central business district outside of normal business hours.

The proposed development should be approved subject to conditions.

Options

Option 1: THAT the officer's recommendation be adopted;

Option 2: THAT an alternative recommendation over Option 1 be adopted;

Option 3: THAT the application be refused with reasons.

Recommendation

- A. THAT the application for a Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP228238, Parish of Warwick, County of Merivale, be approved despite the conflict with the planning scheme for the following reasons:

The proposed development is for a two storey motel, which cannot comply with Performance outcome 20 of the Principal centre zone code, which required accommodation within this zone to be located above ground level.

The purpose of the code includes that "all accommodation is located above ground level in order to maintain the vitality of the centre". As the proposed development involves the demolition of three, single storey residences, the use of the land remains residential. The increase in use results in a higher yield for the property, which is desirable within the Principle centre.

The proposed development involves accommodation on ground level, however the proposed development is not located on the main street, being Palmerin Street and is located in an area where retail and commercial development is not prominent. There is a large variety of building styles, scales and ages along this section of Percy Street. There is no coherent streetscape in this area. Therefore, a contemporary design such as that proposed can be considered acceptable.

The proposed development has the potential to reinvigorate the central business district of Warwick, outside of normal business hours, and will also provide an increased opportunity for surveillance.

It can be considered that the residential use the property is complementary to the commercial and cultural use of the surrounding properties.

- B. THAT the application for Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP228238, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	DA-02	20 January 2015
Block A Ground Floor Plan	DA-03	20 January 2015
Block A First Floor Plan	DA-04	20 January 2015
Block B Floor Plans	DA-05	20 January 2015
Elevations 1	DA-06	20 January 2015
Elevations 2	DA-07	20 January 2015
Sections	DA-08	20 January 2015
Landscape Plan	DA-09	20 January 2015

2. The development may proceed in stages, provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

Land Use and Planning Controls

3. The approved accommodation must be used for short term guests only. Excluding those persons residing in the manager's residence, the approved motel units must not be occupied by persons for the purpose of permanent accommodation.

4. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Easements and Covenants

5. If required, the existing easement is to be amended to allow for access and carparking associated with the motel.

Building and Site Design

6. The design, colours and materials of the building and pavement are to be in accordance with the commercial character of the area. . Variation is to be achieved through the use of colours, materials, and architectural treatments along the Acacia Avenue frontage of Block A. **Details of the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The building and pavement is to be constructed in the approved design, colours and materials.
7. To ensure privacy is protected between adjoining properties, the windows located on the Acacia Avenue building elevation of Block B must either:
 - (i) be fitted with translucent glazing; or
 - (ii) be fitted with a fixed external screen.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
11. The refuse storage area is to be of hardstand construction and within a screened enclosure constructed from solid materials with a height of at least 1.8 metres.
12. Advertising Devices relating to the Short term accommodation may **only** be erected on the subject land, i.e. Lot 1 SP228238. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the commercial character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
13. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development.
14. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.

Fencing, Landscaping and Buffers

15. Landscaped areas are to be provided on the site in accordance with Plan No. DA-09, dated 20 January 2015.
16. Advanced tree plantings (i.e. minimum height of 1.5 metres at the time of planting) are to be provided as shown as "street planting" on Plan No. DA-09, dated 20 January 2015.

17. **A Landscaping schedule is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The Landscaping schedule must include details of the location, height and species of plants, and the irrigation system. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping schedule.

Car Parking and Vehicle Access

18. A concrete industrial crossing is to be constructed at the Percy Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
19. Car parking shall be provided on site in accordance Plan No. DA-02, dated 20 January 2015.
20. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained. This includes the sealing of the access easements located within Lots 1 and 2 RP5847, and Lots 2 and 3 RP46877.
21. The refuse collection vehicle is to be able to enter and exit the site in forward gear, to collect refuse from the skip bin area. Turning paths to demonstrate this movement can be achieved is to be submitted for approval with the Operational works application.
22. All loading and unloading of goods related to the development, i.e. laundry, must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks and Stormwater Drainage

23. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
24. Appropriate line marking is to be carried out along Percy Street to delineate the new angled carparking spaces, taking into consideration the driveway entrance.
25. Any redundant vehicle crossings are to be reinstated back to kerbing, matching the existing, and the footpath reinstated.
26. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a legal point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).
27. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to legal points of discharge, which may include adjoining properties, shall be provided to Council, at the developer's cost.
28. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Queensland. (Council's Planning Department can provide details regarding Council's standard.)

Water Supply and Sewerage

29. A reticulated water supply system, up to and including water meters, is to be provided to service the development. This system is to be connected to Council's water supply system.
30. A sewerage reticulation system is to be provided to service the development. This system is to be connected to Council's wastewater sewerage system.
31. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure, alternative arrangements should be sought, i.e. realignment of the sewer.

Pedestrian Works

32. The Percy Street frontage of the proposed development is to be constructed in accordance with the Warwick streetscape general design, to match Percy Street, near the intersection with Palmerin Street. The construction of the footpath will include gold honed concrete footpath, black coloured service trench adjacent to the property boundaries, and flying saucer lighting. All design and product details are to be submitted and approved by the Director Engineering Services. (Council's Engineering Services Department can provide details regarding the Warwick streetscape general design).

Note: Tree planting and road furniture are not required.

Operational Works

33. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

Adopted Infrastructure Charges Notice

34. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to the decision notice.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) There is no guarantee that the land to the north will be used as a carpark indefinitely, or that the carpark will continue to operation in the current manner. In the future, access to Lot 1 SP228238 may not be available from the north.
- (iii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iv) If food is to be prepared for guests, an application for a licence under the *Food Act 2006* are to be submitted to Council prior to any food being provided to guests. Applications for Design Approval and Approval to Operate (including applications for licence under the *Food Act 2006*) are to be submitted to and approved by Council for the food premise, prior to the issue of a Development Permit for Building Work.
- (v) An application must be submitted and approved by Council for a permit under the Local Law for rental accommodation.
- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the demolition or removal of the buildings. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application.

- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (viii) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. **A Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (ix) Council's approval is required to build over the sewers. Council will be a concurrence agency for the building application in accordance with the *Sustainable Planning Regulation*. The development must comply with MP 1.4 of the *Queensland Development Code – Building over or near relevant infrastructure*, and therefore must demonstrate compliance with the following Performance outcomes:
 - P1 A building or structure -
 - (a) does not adversely affect the operation of the relevant infrastructure; and
 - (b) does not place a load on the infrastructure that adversely affects its structure; and
 - (c) is constructed and located so its integrity is unlikely to be affected as a result of the infrastructure -
 - (i) being maintained or replaced; or
 - (ii) failing to function properly.
 - P2 When completed, a building or structure allows -
 - (a) gas that builds up in relevant infrastructure to escape in a way that ensures individuals in close proximity to the maintenance cover for the infrastructure are not harmed by the gas ; and
 - (b) the relevant service provider the access above the infrastructure for inspecting, maintaining or replacing the infrastructure.
- (x) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A plan showing ingress and egress wheel and swept turning paths for the refuse collection vehicle;
 - A Stormwater Management Plan;
 - An Erosion and Sediment Control Plan;

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

Aboriginal Cultural Heritage

- (xi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Schedule 2 - Department of Infrastructure, Local Government and Planning conditions as a Concurrence agency

Nil.

Attachments

1. Submitter Letter - Warwick Baptist Church [View](#)



Warwick Baptist Church

**"A PEOPLE ... EMPOWERED BY GOD,
IMPACTING OUR COMMUNITY"**

PO Box 210, Warwick 4370
Phone (07) 4661 7677
Email info@warwickbaptist.net

**Southern Downs Regional Council
PO Box 26
Warwick 4370**

21 July 2015

RE: Development Application MCU01612

Dear Sir,

I write in response to the proposed development, at Lot 76-80 Percy St Warwick, as outlined in Development Application MCU01612.

As a church, we have no significant objection to the proposed development as we understand it, however, we request that council to be mindful of the following issues as it makes its decision:

- 1. That Council considers the longstanding prior usage of the church facilities and property adjacent to the proposed development, and ask that any change of use approved under the development application does not negatively impact on our ongoing use of our facilities.**
- 2. That council considers what impact the proposed development may have on the Development Approval granted to the church on 18 June 2015 (MCU01648).**
- 3. That council considers the impact of this development with regards to the use of our property for children's activities. Specifically, the grassed areas at the eastern end of our property are used regularly as play areas for young children and youth. Given that there is no way of controlling who utilises the accommodation, and given the increase in traffic flow through Acacia Ave, we therefore ask that in considering this development, weight is given to ensuring there are no adverse affects on our ability to safeguard our children in this space.**


Thank you for your consideration in these matters. Should Council wish to discuss any of the above further, please contact me on the above numbers.

Yours Sincerely,

**Rev. Darren Muller
Senior Pastor**

4.2 Material Change of Use - Scott and Jan Wilson, 55 George Street, Hendon

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 7 September 2015
	Senior Planning Officer	File Ref: MCU01667

APPLICANT:	Scott and Jan Wilson
OWNER:	Guy S Gasson
ADDRESS:	55 George Street, Hendon
RPD:	Lot 22 M3483, Parish of Leslie, County of Merivale
ZONE:	Rural (Basalt quality grazing precinct)
LAND USE AREA:	21.2 hectares
PROPOSAL:	Dual occupancy (Second dwelling)
LEVEL OF ASSESSMENT:	Code
SUBMITTERS:	Not Applicable
REFERRALS:	Nil
FILE NUMBER:	MCU01667

Recommendation Summary

THAT the application for Material Change of Use for the purpose of a Dual occupancy (Second dwelling) on land at 55 George Street, Hendon described as Lot 22 ML3483, Parish of Hendon, County of Merivale, be approved subject to conditions.

Report

Previous Council consideration

A report addressing this application was presented for consideration to the August 2015 General Council meeting. The matter was deferred for further consideration at the September 2015 General Council Meeting. Concerns were raised during the August 2015 General Council Meeting regarding the location of the Dual occupancy within the 1,000 metre setback to the existing piggery located at 48 Gregory Street, Hendon.

The applicant has amended the application, and now proposes the Dual occupancy to be located at least 1,022 metres to the south of the existing piggery.



Please note that some conditions were amended since the August 2015 General Council meeting.

Report

The subject site has frontage and access to Goomburra Street, however is bounded by two unmade road reserves on the southern and western sides.



The applicant proposes to construct a second dwelling on the property.

This application is Code Assessable and could be dealt with under delegation, however given that the application has previously been presented to Council, due to the location of the property in relation to the existing piggery, it is required that the subsequent report be presented to Council.

Assessment against the Planning Scheme

This application required assessment against the Residential uses code, and the Physical infrastructure code.

The proposed development complies with the Rural zone Code with regards to the following criteria categories: General, Access, Amenity, public health and safety , Scenic amenity, Conservation of good quality agricultural land and Conservation of rural land.

Residential use code

The proposed development complies with the Code with regards to Site, Access, and Environmental protection.

In relation to the Rural zone, the Code requires a 60 metre setback to side and rear boundaries. The subject dwelling is located within the setback, and therefore is to comply with the following Performance outcomes:

PO7 Dwelling houses and dual occupancy are located, designed and constructed to minimise the potential for conflict with existing or potential uses on adjoining land. This includes the potential of odour, spray drift, noise and dust associated with horticulture.

The location of the subject second dwelling is 30 metres from the western boundary.

The setback to the western boundary is to an unmade road reserve, which is heavily treed. The land to the west is used for grazing purposes.

It is considered that the proposed setbacks and mitigation measures will reduce the effects of noise, dust, odour, and other impacts arising from the piggery or any adjoining rural uses.

Physical infrastructure code

The Code requires the provision of an on-site water supply, and the on-site disposal of waste water. Conditions should be imposed on any approval requiring this infrastructure.

Conclusion

The applicant proposes to construct a second dwelling house on land that is within 60 metres of the western boundary.

The proposed development can meet the Performance outcomes of the Residential uses code.

Options

Option 1: THAT the officer's recommendation be adopted;

Option 2: THAT an alternative recommendation over Option 1 be adopted;

Option 3: THAT the application be refused with reasons.

Recommendation

THAT the application for Material Change of Use for the purpose of a Dual occupancy (Second dwelling) on land at 55 George Street, Hendon described as Lot 22 ML3483, Parish of Hendon, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	NA	3 September 2015

Car Parking and Vehicle Access

2. Vehicle access to the Dual occupancy is to be at the same location as the existing lawful entrance, on the gravel constructed section of George Street.
3. The internal driveway is to be of an all-weather standard.

Water Supply and Sewerage

4. On-site water storage is to be provided for the proposed new dwelling as follows:
 - (a) two bedrooms or less – 45,000 litres ; or
 - (b) more than two bedrooms - 67,500 litres.
5. All waste water generated from this property must be disposed of by means of an on-site sewerage facility (OSSF) in accordance with the AS/NZS 1547:2012, *Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (iii) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing**.
- (iv) The odour attenuation measures used in the construction of this dwelling may not eliminate the odour impacts from existing piggery at Gregory Street, Hendon, therefore the residents of this dwelling may still be impacted.
- (v) Council will not be sealing George Street as a result of any dust complaints received.

Aboriginal Cultural Heritage

- (vi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of

care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Attachments

Nil

5. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

5.1 BCS - Proposed Permit to Occupy - Council Work's Depot, Allora

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.