
**EXPRESS DEVELOPMENT APPLICATION REPORT FOR AN ACCEPTED TO CODE
DEVELOPMENT APPLICATION FOR SALES OFFICE AT 79-99 COURTNEY DRIVE, UPPER
COOMERA (SPECIFICALLY APPROVED LOT 146 OF COM/2019/82)
FILE NO. City Officer use**

1 INFORMATION NOTE

This Accepted to Code development application has been assessed against certain assessment benchmarks, limited to the subject matter of the Required outcomes with which there is non-compliance.

This report addresses in section 6 the subject matter of the Required outcomes with which there is non-compliance.

Development conditions are only relative to the limited scope of assessment against the Required outcomes to ensure the basis for the development application is accurate.

2 PRE-SUBMISSION

Pre-submission application number	City Officer use
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3 APPLICATION SUMMARY

Application information	
Address	Approved Lot 146 of COM/2019/82, being within 79-99 Courtney Drive, Upper Coomera
Lot and plan	Approved Lot 146 of COM/2019/82 within Lots 188-192 RP173728
Site area	Approved Lot 146 = 686m ²
Properly made date	City Officer use
City Plan version	Version 11
Zone / Precinct	Emerging Communities Zone / Upper Coomera Precinct
Overlays	Landslide Hazard Bushfire Hazard Environmental Significant – Vegetation Management Waterway (Minor) Buffer
Type of development and proposed use	Material Change of Use for Sales Office
Categories of development and assessment	Code Assessment
Applicant and Applicant's consultancy team	HB QLD Pty Ltd – Applicant Zone Planning– Town Planning Zone Landscape Architects – Proposal Plans
Land owner	HB QLD Pty Ltd
Decision due date	City Officer use
Officer's recommendation	City Officer use

4 PROPOSAL

The purpose of this report is to assess an application for a development permit for a material change of use to establish a Sales Office at approved Lot 146 under COM/2018/82 within the master subdivision over the subject site of 79-99 Courtney Drive, Upper Coomera (Lots 188-192 RP173728).

The City Plan defines the proposed Sales Office as follows:

“The use of premises for the temporary display of land parcels or buildings that:

- a. are for sale or proposed to be sold; or*
- b. can be won as a prize in a competition.”*

Table 5.5.15 of the City Plan categorises the proposal as Accepted Development, subject to requirements. However, in this instance, the development is elevated to Code assessment because it does not comply with one or more of the Required Outcomes for certain codes (refer to section 6 for more details).

4.1 Brief description of proposed development

The proposal seeks to establish a prefabricated Sales Office building within the approved Lot 146 of COM/2019/82 to support the house and land sales for the master planned community being delivered under COM/2019/82. Specifically, the Sales Office will be positioned on the lot closest to entry point from Rangeview Road and, the currently under construction, Calli Avenue. The subject site is being created under Stage 1 of COM/2029/82 for which plan sealing is expected to occur in the near future.

The Sales Office is a display building showcasing the built form product available within the estate. This includes single access to Calli Avenue and offering 7 on-site parking spaces.

Landscape detail accompanies and includes turf and landscaped garden areas, retaining and hardstand embellishment and pathways. Please refer to Part 3 Plans.

5 SITE CONTEXT

5.1 Subject site and immediate context

On 10 August 2023, Council issued a combined development approval for a Reconfiguration of a Lot (5 into 208 Lots) and a Referral Agency Response (RAA) for the Design and Siting of Dwelling Houses (via a Plan of Development) over the subject site (COM/2019/82). This approval establishes a 208 residential Lot Subdivision with lots ranging in size from 400m² to 1,308m², and a number of environmental, recreation and drainage lots also being created.

The subject site is specifically approved as lot 146 within the wider master subdivision of 79-99 Courtney Drive, Upper Coomera. Please refer to the below.

- (2) *Accepted development that does not comply with one or more of the nominated required outcomes in the relevant parts of the applicable code(s) becomes code assessable development unless otherwise specified.*

The development application must be assessed in accordance with the requirements for code assessable development applications, subject to the limitation set out in section 5.3.3(4)b)(i) of the City Plan which states:

- (4) *Code assessable development:*
- (b) *that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3(2), must:*
- i. *be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2);*

Section 45(3) of the *Planning Act 2016* identifies:

- (3) *A **code assessment** is an assessment that must be carried out only –*
- (a) *against the assessment benchmarks in a categorising instrument for the development; and*
- (b) *having regard to any matters prescribed by regulation for this paragraph.*

The proposed development triggers code assessment and has been assessed in accordance with section 45(3) of the *Planning Act 2016*.

6.1 Assessment against the assessment benchmarks applicable to the subject matter of the Required outcomes with which there is non-compliance

Under the City Plan, for accepted to code development, compliance with a code can be achieved by either compliance with the Purpose and Overall outcomes of the code, or the Performance outcomes of the code where non-compliant with the Required outcomes.

The tables of assessment in Part 5 of City Plan identify the applicable assessment benchmarks for the proposal outlined in the table below:

Zone code	Overlay codes	Development codes
Emerging Communities Zone	Landslide Hazard Bushfire Hazard Environmental Significant – Vegetation Management Waterway (Minor) Buffer	General development provisions code Healthy waters code Sales office code Transport code

The development complies with all the relevant Required outcomes with the exception of the assessment benchmarks applicable to the subject matter of the Required outcomes outlined in the table below:

Code	Required outcome	Subject matter of Required outcome
Emerging Communities Zone Code	RO1	Setbacks
Emerging Communities Zone Code	RO2	Site Cover

Code	Required outcome	Subject matter of Required outcome
Transport Code	RO8	Public Pathways
Environmental Significance Overlay Code	RO2	Wetlands and Waterways

Assessment has been undertaken against either the applicable Performance outcome or Overall outcome and Purpose for the subject matter of each non-compliant Required outcome below:

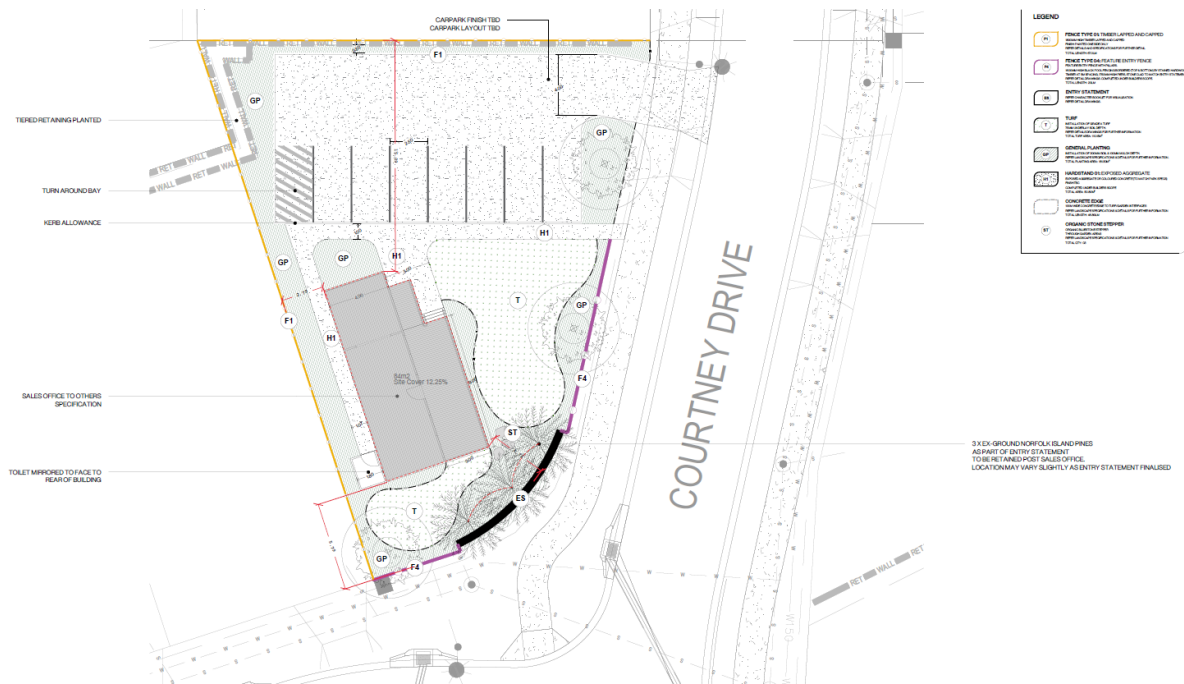
Front setback – Emerging Communities Zone.

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome																						
PO1 Setbacks: (a) assist in the protection of adjacent amenity; (b) provide a level of privacy expected in the locality; (c) allow for access around the building; (d) contribute to the desired streetscape character for the locality; and (e) allow for on-site car parking.	RO1 Setbacks are as follows: <table> <tr> <th>Setback</th><th>Minimum distances measured in metres (m)</th></tr> <tr> <td>Front</td><td>10m</td></tr> <tr> <td>Side and rear</td><td>6m</td></tr> <tr> <td>OR</td><td></td></tr> </table> For a Dwelling house on a lot created through a residential subdivision approval, the setbacks are as follows, unless the earlier approval specifies otherwise: <table> <tr> <th>Setback</th><th>Minimum distances measured in metres (m)</th></tr> <tr> <td>Front</td><td>6m</td></tr> <tr> <td>Side and rear</td><td> <table> <tr> <th>Height</th><th>Setback</th></tr> <tr> <td>up to 4.5m</td><td>1.5m</td></tr> <tr> <td>between 4.5m – 7.5m</td><td>2m</td></tr> <tr> <td>exceeding 7.5m</td><td>an extra 0.5m is added for every 3m in height or part thereof over 7.5m</td></tr> </table> </td></tr> </table>	Setback	Minimum distances measured in metres (m)	Front	10m	Side and rear	6m	OR		Setback	Minimum distances measured in metres (m)	Front	6m	Side and rear	<table> <tr> <th>Height</th><th>Setback</th></tr> <tr> <td>up to 4.5m</td><td>1.5m</td></tr> <tr> <td>between 4.5m – 7.5m</td><td>2m</td></tr> <tr> <td>exceeding 7.5m</td><td>an extra 0.5m is added for every 3m in height or part thereof over 7.5m</td></tr> </table>	Height	Setback	up to 4.5m	1.5m	between 4.5m – 7.5m	2m	exceeding 7.5m	an extra 0.5m is added for every 3m in height or part thereof over 7.5m
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The proposal seeks approval for a single storey sales office within an approved lot created by the underlying subdivision COM/2019/82. Further, the structure itself is a temporary prefabricated building that will be placed in this location for the purpose of marketing and sales of lots within the estate. The proposal offers ample parking on-site and landscaping to ensure it is attractive and functional for its purpose. The setbacks therefore being less than the applied emerging communities' provisions are largely irrelevant as there are no impacts on the area. Of note, the sales office will also be a temporary structure and ultimately removed to allow for a house to be developed on the site in future.

The site plan of the proposal is offered below, where it is evident that suitable setbacks, ample parking and landscaping are achieved.



Notwithstanding, the proposal achieves the Performance outcomes as identified below:

(a) assist in the protection of adjacent amenity;

The site is internalised within a wider site that results in negligible offsite/adjoining amenity impacts. Further the neighbouring sites being created within the estate are vacant at present and unlikely to be developed while the sales office is operational. In any event, typical setbacks have been adopted in accordance with the provisions of the underlying approval. Including 4m front setbacks and 2.5m side setbacks, commensurate with the allowable 4m front and 1m site setback provisions of the underlying approval COM/2019/82.

(b) provide a level of privacy expected in the locality:

As discussed, there are no developed or expected adjoining uses that would raise concerns of privacy impacts. The sales office does not result in any privacy impacts, being only used through typical business hours, with negligible overlooking of neighbouring sites. Standard dividing fencing, setbacks and the like protect privacy of the locality.

(c) allow for access around the building;

The proposal facilitates access around the building.

(d) contribute to the desired streetscape character for the locality; and

As a temporary use of the site (sales office), the proposal will have a negligible lasting effect on the streetscape character. Notwithstanding the low rise nature of the built form within a generous landscape setting contributes positively to the streetscape in any event.

(e) allow for on-site car parking.

The proposal achieves the prescribed parking rates of Transport Code under the City Plan.

Based on the above assessment it is considered the development complies with PO1 of the Emerging Communities Zone

Site Cover – Emerging Communities Zone.

The Required outcome and corresponding Performance Outcome is provided below:

The Required outcome and corresponding Performance outcome or Overall outcome and Purpose is provided below:

Performance outcome	Required outcome
PO2 Site cover: (a) for interim activities: (i) limits the built form to protect the future urban development potential of the land; (ii) maintains the low intensity character; and (iii) provides areas for on-site sewerage facilities; or (b) for a Dwelling house created by a residential subdivision approval: (i) is balanced between built form and green areas for landscaped private open space; and (ii) contributes towards neighbourhood character. Note: Interim activities comprise of low intensity activities such as Dwelling houses, Community residences, Home based businesses and Caretakers accommodation which do not compromise the future urban development potential of the land for new communities.	RO2 Site cover does not exceed 5%.

The proposal seeks a modest site cover of 12.25% with the estate envisioning 50% broadly as suitable for future Dwelling Houses. Despite this, where not a dwelling house, the Zone Code seeks a site cover of 5%. Despite this, it is considered that the low site cover offers ample parking and landscaping to serve the sales office function and contributes positively towards the streetscape. The proposal achieves the Performance outcomes as identified below:

Site cover:

(a) for interim activities:

- (i) limits the built form to protect the future urban development potential of the land;**
- (ii) maintains the low intensity character; and**
- (iii) provides areas for on-site sewerage facilities;**

The proposal is simply for a temporary use as a sales office. The proposal does not compromise the future dwelling use of the site or potential of the land and provides for setbacks and site cover commensurate with the future dwelling houses intended to be built on surrounding lots.

The prefabricated building will be placed in a generous landscape setting and is low rise/low intensity in nature. It will also be connected to the sewer infrastructure instated as part of the subdivision creating the allotments.

Based on the above assessment it is considered that the development complies with PO2 of the Emerging Communities Zone Code.

Active Transport Network – Transport Code

The Required outcome and corresponding Performance outcome or Overall outcome and Purpose is provided below:

Performance outcome	Required outcome
PO9 Public pathways are provided: (a) within the road reserve, adjacent to, and for the full length of the sites road frontage; and (b) in accordance with SC6.12 City Plan policy – Land development guidelines . Note: This PO does not apply to the following uses: • Dwelling house; • Dual occupancy; or • Multiple dwelling (where there are 3 dwellings).	RO8 Pathways are provided within the road reserve, directly adjacent to, and for the full length of the site's road frontage, in accordance with SC6.12 City Plan policy – Land development guidelines, Section 2 – Transport network standards. Note: This AO does not apply to the following uses: • Dwelling house; • Dual occupancy; or • Multiple dwelling (where there are 3 dwellings).

As a technical non-compliance the proposal does not provide pedestrian pathways for the full frontage as prescribed, as these are being instated as part of the underlying subdivision works.

So prior to the use commencing, there will be public pathways instated as have been assessed and approved under COM/2019/82.

Therefore, the proposal acknowledges a technical non-compliance, though it is confirmed that a suitable pedestrian pathway will be achieved and will be instated prior to commencement of the sales office use. Thus achieving the purpose of the Transport Code in this regard.

Based on the above assessment it is considered that the development complies with Purpose of the of the Transport Code

Wetlands and Waterways – Waterway Setback

Approved Lot 146 is slightly encumbered by the Waterway (minor) setback buffer area. As such, the proposal cannot achieve compliance with RO2 of the Environmental Significance Code.

However, in this instance, it is noted that the proposal and all ecological matters have been considered and addressed as part of the underlying subdivision approval COM/2019/82 and therefore do not warrant any further assessment of development which will occur on approved Lot 146.

7 INFRASTRUCTURE CHARGES City Officer use

The final estimated infrastructure charge is **insert details**.

City officer to insert extract of infrastructure charges notice.

8 REFERRALS City Officer use

8.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions identified below:

Internal referral area	Conditions/Comments (if not included within report)
Arborist	insert details
Office of the City Architect	
Environmental Assessment	
Geotechnical Engineering	

City Standards (Health and Regulatory Services)	
Hydraulics and Water Quality	
Landscape Assessment	
Operational Works	
Plumbing and Drainage	
Queensland Fire Rescue	
Subdivision Engineering	
Transport Assessment	
Water and Waste	

Note to applicant:

The development condition package will also include a 'scope of approval' and 'approved drawings' development conditions.

9 CONCLUSION

The application has been made in support of a Material Change of Use for a Sales Office over approved Lot 146 under COM/2018/82 and within the master subject site of 79-99 Courtney Drive, Upper Coomera (Lots 188-192 RP173728)

Overall, the development is of a temporary nature and results in nil to negligible impacts on surrounding amenity. The sales office serves a crucial function in the marketing and sale of the created allotments and is of a scale and appearance commensurate with the intended development of the area.

Assessment reveals the proposal has addressed the relevant Performance Outcomes or Purpose of the assessment benchmarks relevant to the subject matter of the Required outcomes where non-compliance was identified.

City Officer use

It is recommended the application be approved, subject to conditions.

10 NOTIFICATIONS City Officer use

The following property notifications will be applied:

- insert standard notifications

11 RECOMMENDATION City Officer use

It is recommended that Council resolves as follows:

That under Delegated Authority, the Executive Coordinator Planning Assessment of City Development approves (with conditions) the issue of a development permit for a material change of use for an Accepted to code assessment for a **insert land use** in accordance with the Attachment entitled: Decision notice – Accepted to code assessment approval (with conditions).

Author:

insert name

insert title

insert date

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment