

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 5 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 APPLICATION SUMMARY

Application information	
Address	79 - 99 Courtney Drive, Upper Coomera
Lot and plan	Lots 188-192 RP173728 (future Lot 146)
Site area	Total site area – 188,490m ² (18.849ha) Future Lot 146 – 688m ²
Type of development and proposed use	Material change of use for Sales office
Categories of development and assessment	Accepted to code
Properly made date	5 June 2024
Decision due date	25 July 2024
Applicant and Applicant's consultancy team	• HB QLD Pty Ltd – Applicant • Zone Planning – Town Planning • Diva Works – Drawings • Zone Landscape Architects – Proposal Plans
Owner details	Hb QLD Pty Ltd
City Plan version	Version 11
Zone / Precinct	Emerging community (Upper Coomera precinct)
Overlays	• Airport environs • Bushfire hazard • Environmental significance • Landslide hazard
Referral agencies	Not applicable
Officer's recommendation	Approval, subject to conditions

3 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 79 - 99 Courtney Drive, Upper Coomera.

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 – Emerging community zone of the City Plan categorises the proposal as Accepted, subject to requirements. 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 5 for more details).

3.1 Brief description of proposed development

The proposal seeks to establish a prefabricated Sales office to facilitate the sale of house and land for an approved masterplan development, being a 5 into 208 lot subdivision at 79-99 Courtney Drive, Upper Coomera (COM/2019/82).

The key details of the proposal are outlined in the table below:

Development proposal	
Built form	Demountable display suite
Gross floor area	52m ²
Car parking	7 car parking spaces
Vehicle access	Single access to future road (Calli Avenue)
Hours of operation	8am to 6.30pm Monday to Sunday.
Number of staff	No more than 2 employees

The following drawings depict the proposed development:



Figure 1: Proposed perspective (Source: Diva Works)

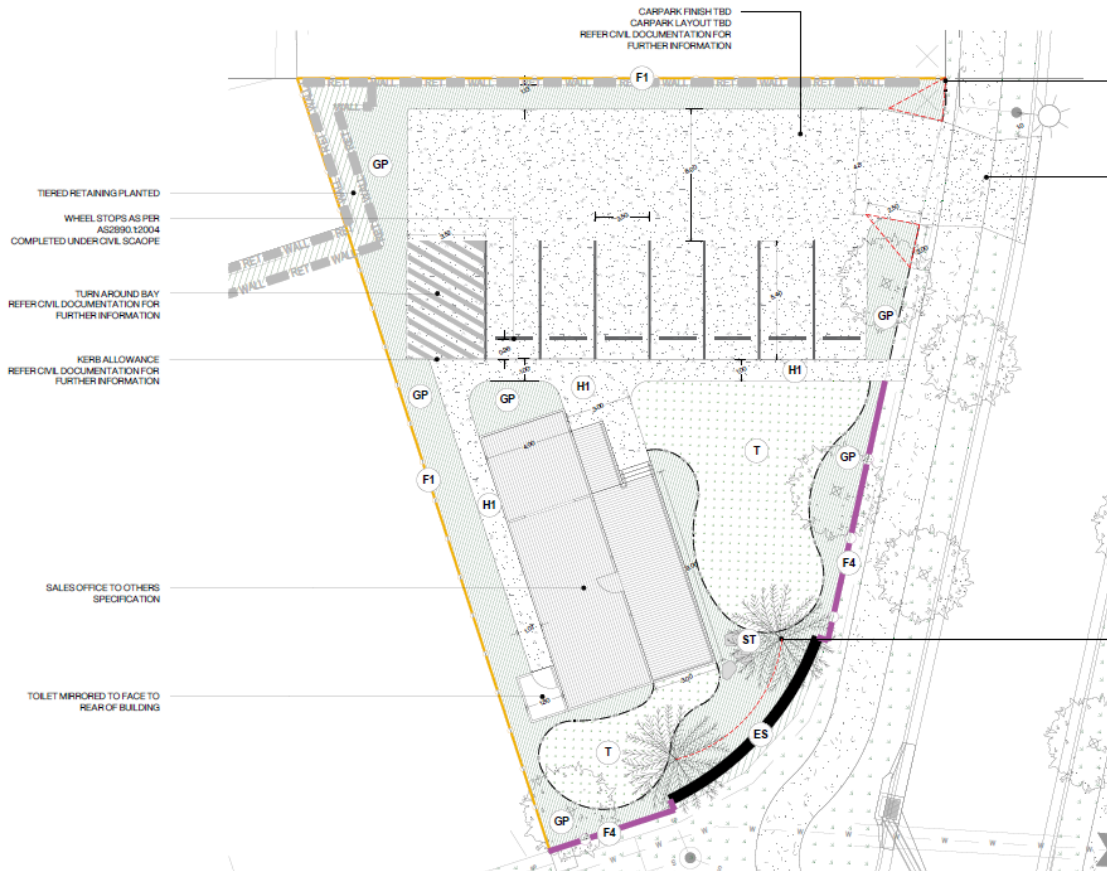


Figure 2: Proposed site plan (Source: Zone Landscape Architects)

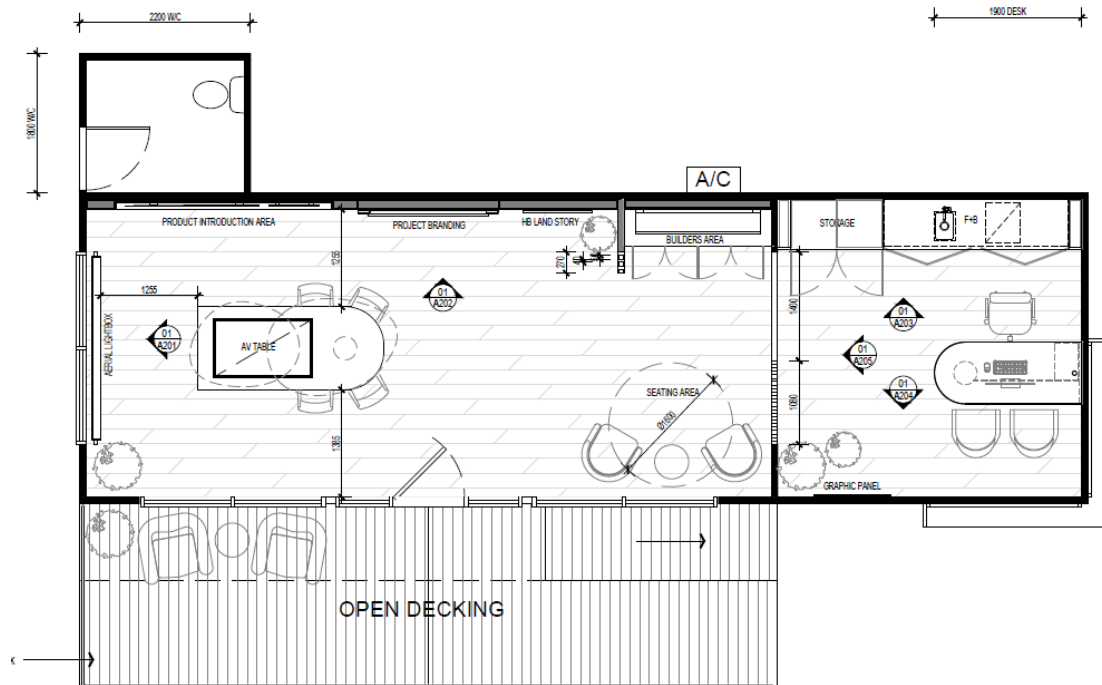


Figure 3: Proposed floor plan (Source: Diva Works)

4 SITE CONTEXT

4.1 Subject site and immediate context

On 10 August 2023, a Development permit for 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) was approved. This approval established a 5 stage, 208 lot residential subdivision with lots ranging in size from 400m² to 1,308m², and a number of environmental, recreation and drainage lots also being created.

The proposed Sales office to be established on future Lot 146, as shown below:



Figure 4: Staging plan showing location of Sales office (Source: Zone Landscape Architects)

The subject site is located in the Gold Coast suburb of Upper Coomera and is well positioned in regard to urban infrastructure, transport options, schools, sporting facilities, employment opportunities, retail options and recreational amenity all of which has been relatively established as part of this growth area. The property is located at the end of Courtney Drive and adjoins urban residential development to the east and rural and environmental designated land to the west.



Figure 5: Mapping of subject site (Source: P & R Mapping)

5 PLANNING ASSESSMENT

5.1 State Planning instruments

The application has been assessed against the following instruments:

Instrument	Comment
State Planning Policy	The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
Planning Regulation 2017	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the Planning Regulation 2017.

5.2 Assessment pursuant to section 5.3.3(2) of City Plan

Where a table of assessment in Part 5 of City Plan categorises development as “accepted subject to requirements”, the development must comply with the Required outcomes set out in the applicable codes which are listed in the table of assessment.

Section 5.3.3(2) of City Plan states:

- (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*.

5.3 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 community zone	- Airport environs - Bushfire hazard - Environmental significance - Landslide hazard	- General development provisions code - Healthy waters code - Sales office code - Transport code

The development complies with all the relevant Required outcomes identified in the codes above, 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 community zone code	Required outcome RO1	Setbacks
	Required outcome RO2	Site cover
Transport code	Required outcome RO1	Car parking supply
	Required outcome RO8	Public pathways
Environmental significance overlay code	Required outcome 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:

Emerging community zone code – Setbacks

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> </table>	Setback	Minimum distances measured in metres (m)	Front	10m	Side and rear	6m
Setback	Minimum distances measured in metres (m)						
Front	10m						
Side and rear	6m						

Officers comment:

The proposed development includes a 3.7m setback to the front boundary in lieu of 10m. As such, the development does not comply with Required outcome RO1, and assessment is elevated against Performance outcome PO1. In accordance with Performance outcome PO1, setbacks:

(a) assist in the protection of adjacent amenity;

The proposal is for a temporary Sales office, which is likely to be removed from the site prior to the development of the adjoining sites. Notwithstanding, the proposed setbacks are generally consistent with the approved Plan of Development (POD) over the subject site.

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

The proposed Sales office is to be established in Stage 1 of the approved 5-stage development. The Sales office will likely adjoin vacant lots for the life of the development. Notwithstanding, the proposal incorporates appropriate landscaping, hours of operation and built form to ensure the development provides a level of privacy expected for a newly constructed residential estate.

(c) allow for access around the building;

The proposed setbacks allow for 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. Adequate deep planting is provided along the frontage. This planting is capable of accommodating a canopy tree while maintaining a 3 m separation from building line, contributing to the streetscape character. The garden bed is proposed along the frontage to contributing positively to the streetscape character.

(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 Performance outcome PO1 of the Emerging Communities Zone

Emerging community zone code – Site cover

The Required outcome and corresponding Performance outcome 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. 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%.

Officers comment:

The proposal includes a site cover of 12.25%, which exceeds the 5% prescribed by Required outcome RO2 of the Emerging communities zone. As such, assessment is elevated against Performance outcome PO2. In accordance with Performance outcome PO2, site cover for interim activities:

(i) limits the built form to protect the future urban development potential of the land;

The proposal is for a temporary Sales office. The built form is demountable and does not compromise the future use of the site for its intended urban development purpose, as established through the underlying approval.

(ii) maintains the low intensity character; and

The prefabricated building will be placed in a generous landscape setting and is low rise/low intensity in nature.

(iii) provides areas for on-site sewerage facilities;

Conditions of approval will be recommended which require the sealing of Stage 1 prior to the commencement of works associated with the proposed Sales office. This will ensure all relevant infrastructure (including sewer) will be delivered prior to the construction of the proposed Sales office.

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

Transport code – Public pathways

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome
PO8 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 RO does not apply to the following uses: • Dwelling house; • Dual occupancy; or • Multiple dwelling (where there are 3 dwellings).

Officers comment:

The proposed development does not provide pedestrian pathways for the full frontage in accordance with Required outcome RO8 or Performance outcome PO8. Notwithstanding, Conditions of approval will be recommended which require the sealing of Stage 1 prior to the commencement of works associated with the proposed Sales office. This will ensure all relevant infrastructure (including footpaths) will be delivered prior to the construction of the proposed Sales office.

Based on the above assessment it is considered that the development can be conditioned to comply with Performance outcome PO1 of the of the Transport Code.

Car parking supply – Transport Code

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome				
PO1 Development provides off-street car parking to accommodate the parking demand and allows for various modes of travel to reduce dependency on private vehicle usage. Note: For an increase in scale or intensity of an existing lawful use, this PO and AO applies to the extent of the increase, provided existing car parking areas are not reduced or disturbed.	RO1 Off- street car parking spaces are provided in accordance with the identified relevant table as follows: <table border="1"> <thead> <tr> <th>Location</th><th>Off-street car parking rate</th></tr> </thead> <tbody> <tr> <td>All other zones</td><td>Table 9.4.13-3: Car parking rates – all zones except Centre zone or Special purpose zone – Special development area precinct – Southport Priority development Area</td></tr> </tbody> </table>	Location	Off-street car parking rate	All other zones	Table 9.4.13-3: Car parking rates – all zones except Centre zone or Special purpose zone – Special development area precinct – Southport Priority development Area
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All other zones	Table 9.4.13-3: Car parking rates – all zones except Centre zone or Special purpose zone – Special development area precinct – Southport Priority development Area				

Officers comment:

To meet Required outcome RO1 of the Transport code, car parking spaces must be provided in accordance with the relevant rates identified in Table 9.4.13-3 of the Transport code. The table below summarises the proposal's car parking requirements:

Land use	City Plan parking rate	Minimum car parking required to meet RO1 of Transport code	Total car parking proposed
Sales office	5 spaces	5 spaces	7 spaces
TOTAL			7 spaces

Per the table above, the proposal is required to provide a minimum of five (5) car parking spaces. The drawings provided show seven (7) car parking spaces. The development complies with Required outcome RO1 of the Transport code.

Environmental significance overlay code – Wetlands and waterways

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome
PO5 Buffers are provided to wetlands and waterways identified on the Environmental significance – wetlands and waterways overlay map to ensure the: (a) protection of matters of environmental significance mapped onsite or identified through an ecological site assessment; unimpeded movement of fauna along the waterway; water quality is maintained; bank stability; and protection of property and infrastructure. Note: The buffer width for wetlands is measured from the outer, landward boundary of the mapped wetland, as shown on Environmental significance – wetlands and waterways overlay map. Note: Recommendations provided in an ecological site assessment (prepared in accordance with SC6.7 City Plan policy – Ecological site assessments) is Council's preferred method for determining alternative buffer widths. Note Artificial waterways are to be addressed through the Coastal erosion hazard overlay code and map. Where a waterbody contains both natural and artificial banks, the natural banks are to be assessed in accordance with this performance outcome.	RO2 Development does not occur within the following areas: a) 100m from the mapped boundary of a State significant aquatic area, as identified on Environmental significance – wetlands and waterways overlay map; b) 100m from the outer landward boundary of a State significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; c) 100m from the outer landward boundary of a Local significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; d) 60m from the outer bank of a major waterway identified on Environmental significance – wetlands and waterways overlay map.; or e) 30m from the outer bank of a waterway identified on Environmental significance – wetlands and waterways overlay map. Note: Non-compliance with RO2 requires assessment against PO5.

Officers comment:

Future Lot 146 is slightly encumbered by the Waterway (minor) setback buffer area in accordance with the Environmental significance overlay map. As such, the proposal cannot achieve compliance with Required outcome RO2 of the Environmental significance overlay code.

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). Assessment against these outcomes is not considered relevant to the assessment of a temporary Sales office.

6 INFRASTRUCTURE CHARGES

The Developer Contributions team have confirmed that no infrastructure charges will be applicable for the subject application, as long as a condition of approval is recommended requiring the removal of the Sales Office from the site within two (2) years.

7 REFERRALS

7.1 Technical advisors

This application has been assessed by internal technical advisors who have provided comments and reasonable and relevant conditions. If not previously included, technical advisor comments and an overview of the recommended conditions are provided in the table below:

Technical advisor area	Conditions/Comments (if not included within report)
Hydraulics and Water Quality	• Overland flow paths and hydraulic alterations • Erosion and sediment control
Landscape Assessment	• Landscaping works • Existing structures and services
Operational Works	• Rectification of Council's infrastructure • Existing infrastructure, structures and services • Vehicle crossings • Construction of vehicle crossing
Plumbing and Drainage	• Plumbing and drainage works
Water and Waste	• Timing • Approved drawings • Rectification of Council's infrastructure • Sewer connection • Water connection

7.2 External referrals

There is no concurrence or advice agency(s) triggered by this development application.

8 CONCLUSION

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 79 - 99 Courtney Drive, Upper Coomera.

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

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

9 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Manager Planning Assessment approve the issue of a development permit for a material change of use for an Accepted to code assessment for a Sales office at 79 - 99 Courtney Drive, Upper Coomera, in accordance with the Attachment entitled: Decision notice – approval.

Author:

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Planner

June 2024

Authorised by:

Roger Sharpe

Manager Planning Assessment