



Proposal:

**Material Change of Use –
Community Residence**

Location:

**13 Mackellar Drive, Upper
Coomera (Lot 124 on SP313554)**

Applicant:

**Zammit Family Trust Pty Ltd C/-
PPlan**



Town Planning Report

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Author:	Reviewed By:	Date
Blair McPherson – Town Planner	Parker Sharp – Town Planner	28/02/2025

1.0 REPORT SUMMARY

1.1 Proposal

Proposal:	Single Storey Community Residence as shown on the submitted plans.
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1.2 Site Details

Applicant:	Zammit Family Trust Pty Ltd
Address:	13 Mackellar Drive, Upper Coomera
RPD:	Lot 124 on SP313554
Site Area:	402m ²
Easements:	Nil
Zone:	Emerging Community
Precinct:	Upper Coomera Precinct
Overlays:	Airport Environs Overlay PANS-OPS Dwelling House Overlay Environmental Significance Overlay Wetland and Waterways Buffer Area MLES – Wetlands and Waterways – Watercourse 30m Buffer Area Landslide Hazard Area Moderate
NALL/VPO/Local Law Matters:	Nil

1.3 Nature of Development Application

Type of Development:	Material Change of Use
Approval Type:	Development Permit
Proposed Use as Defined:	Community Residence
Category of Assessment:	Code
Trigger:	Community Residence in the Emerging Community zone which does not comply with all items specified in Schedule 6 of the <i>Planning Regulation 2017</i>
Assessment Manager:	Gold Coast City Council
Referral Agencies:	None
Related Applications:	COM/2019/82

1.4 Owner and Applicant Details

Applicant Name:	Zammit Family Trust Pty Ltd
Contact Name:	Blair McPherson - PPlan
Phone:	07 3707 6675
Email:	town.planning@pplan.com.au

2.0 SITE ANALYSIS

2.1 Site Details

The subject development site is the lot found at 13 MacKellar Drive, Upper Coomera or as it is formally described Lot 124 on SP313554. The site is rectangular in shape with a width of 12.5m and depth of 32m, totaling 402m² making it a small lot. As detailed by the *Gold Coast City Plan* the development site is zoned for Emerging Community and is within the Upper Coomera Precinct. As shown by the aerial imagery below the lot is currently clear of any residential development but has been prepared with earthworks and retaining structures to facilitate new construction. The locality of the site also consists of mostly undeveloped residential lots and the wider locality to the West and South is Rural and Environmental Management Zoned land and a mix of residential developments to the east including detached dwelling houses, dual occupancies and multiple dwellings.



Figure 1: Subject Development Site Aerial Image – Nearmaps (22nd December 2024)

2.1.1 Access

The lot has a frontage of 12.5m to the sealed road Mackellar Drive. As seen in the above figure the lots frontage is constrained by a stormwater drain inlet, sewer manhole at the left-hand side of the lot. A new crossover is proposed at the right-hand side which is to have a width of 3000mm.

2.1.2 Vegetation

The site has been cleared for residential purposes.

2.1.3 Topography

The site currently sits flat across its entirety due to works which were carried out in association with the prior subdivision. Some minor cut and fill works are required at the rear and front of the site which will result in a retaining wall at the rear which has a height of 400mm and will be in accordance with Condition 22 of the overarching approval.

2.1.4 Services

The development site is serviced with water and sewer connections made via the front of the lot.

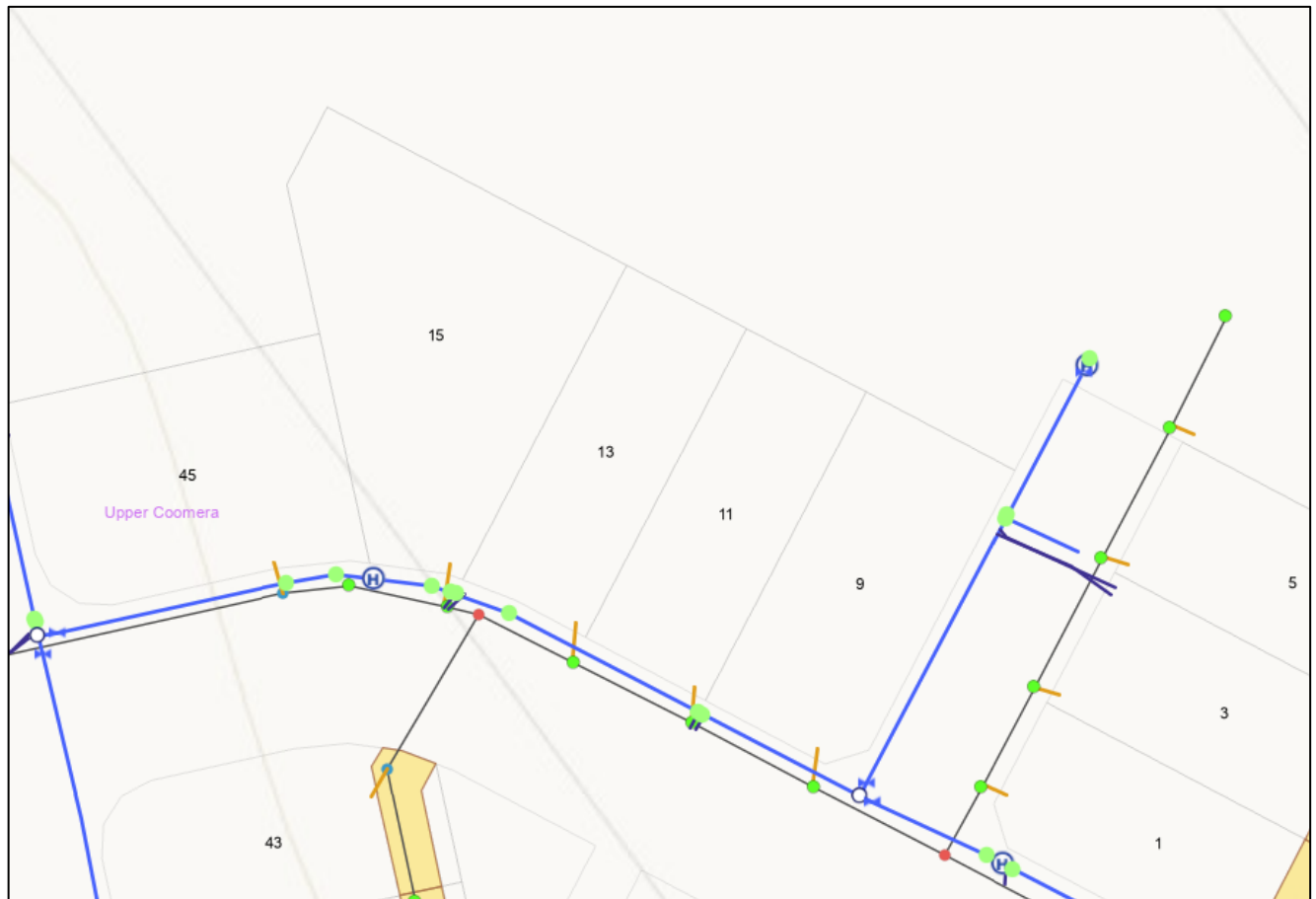


Figure 2: City of Gold Coast Infrastructure Assets Mapping – Gold Coast City Council (24th February 2025)

2.1.5 Constraints and Easements

The development site is noted as being impacted by four overlays of the *Gold Coast City Plan*; Airport Environs, Dwelling House, Environmental Significance and Landslide Hazard Overlays. The development site is clear of any vegetation, so no further assessment of the applicable overlay is required. The site is also identified as having very low landslide susceptibility rating in the Geotechnical Assessment provided by Pacific Geotech as part of COM/2019/82, no further assessment required.

No easements or covenants further burden or benefit the development site.

2.1.6 Site History

There is extensive development history relating the parent lot 79-99 Courtney Drive, Upper Coomera, however the only application which is relevant to the proposed development site is the combined application, COM/2019/82. As detailed in Section 2.1.5 the subject lot is noted as being constrained by the Environmental Significance and Landslide Hazard Overlays which were addressed as part of that application

3.0 PROPOSAL

3.1 Material Change of Use – Community Residence

This proposal is seeking a Development Permit – Material Change of Use to establish a Community Residence on the subject property 13 MacKellar Drive, Upper Coomera or as it is formally identified Lot 124 on SP313554. The development requires a Code Assessable Development Application as the proposed is non-compliant with all the requirements outlined in Schedule 6 of the *Planning Regulation 2017*, the noted non-compliance being that the site is zoned Emerging Community which is not a prescribed zone. The proposed residence is designed and to be constructed by Silkwood Homes and is similar to that of other developments in the direct and wider locality, presenting as a low-rise dwelling from the street.

As detailed in the Proposal Plans, the dwelling is identified as containing three bedrooms (two participants and one for OOA), three bathrooms, open plan living/kitchen/dining, additional lounge space, outdoor alfresco and attached two car garage. Externally the dwelling is to be finished with mostly face brickwork on the left, right and rear elevations. The front façade of the dwelling will consist of mostly rendered brickwork with a small component of feature weatherboard cladding on the component of the façade beneath the porch. The roof form will consist of several hips finished with corrugated sheet metal at a pitch of 22.5 degrees.

It is noted that COM/2019/82 does include approval of a Plan of Development which set the design requirements for Dwelling Houses within the estate. While it is understood that in this case a Community Residence does not need to comply with these requirements the proposed is in accordance with the Plan of Development in its entirety.

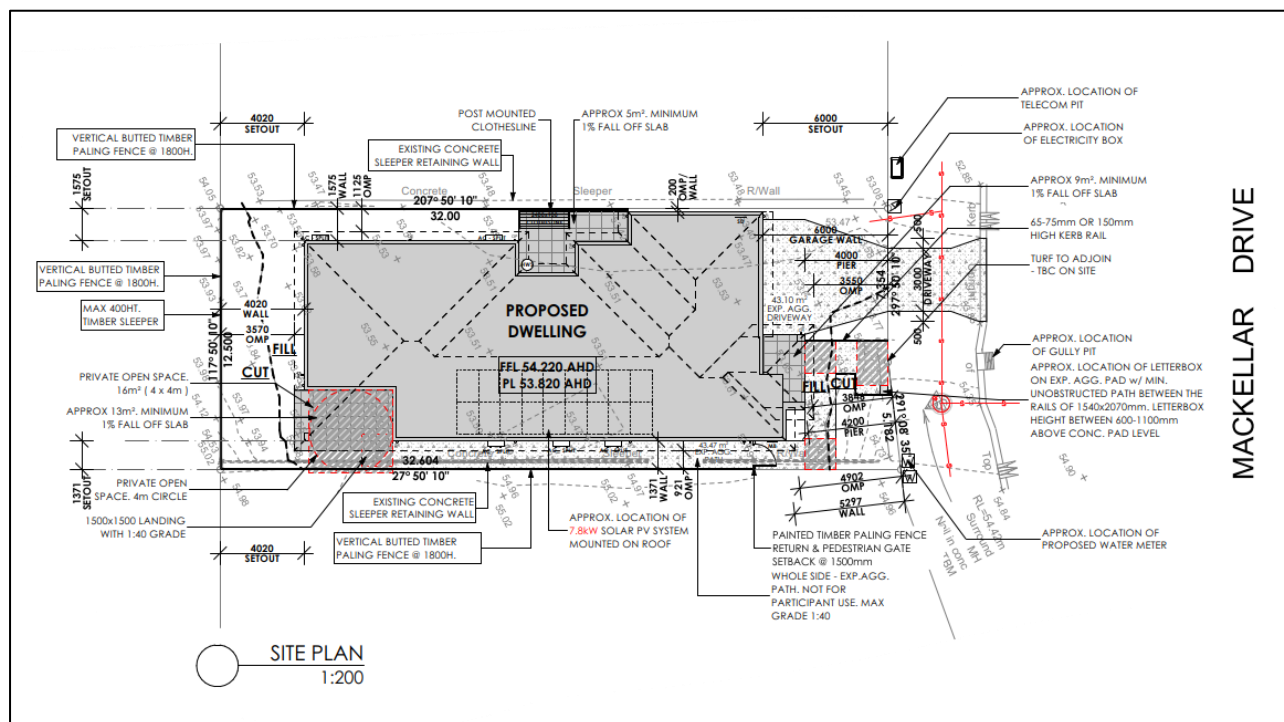


Figure 3: Proposed Development Site Plan – Silkwood Homes (17th February 2025)

4.0 ASSESSMENT BENCHMARKS AND COMPLIANCE

In accordance with the *Planning Act 2016*, the application must be assessed against the following assessment benchmarks.

South East Queensland Regional Plan	SEQ Regional Plan Triggers <i>Urban Footprint</i>
State Planning Policy	NATURAL HAZARDS RISK AND RESILIENCE Flood hazard area - local government flood mapping area
Temporary Local Planning Instruments	Not applicable.
Variation Approval	Not applicable.
Planning Scheme	<i>Gold Coast City Plan (v11)</i>

5.0 ASSESSMENT OF STATE PLANNING PROVISIONS

5.1 Planning Act 2016

The proposed development is Code Assessable under the provisions of the *Planning Act 2016*, as such requires and assessment against all relevant assessment benchmarks to the full extent even where not integrated appropriately in the Local Planning Scheme.

5.2 State Planning Policies

The Queensland Government's interactive mapping system for State Planning Policies identifies the following flags for assessment over the subject development site. As per Part 2.1 of the *Gold Coast City Plan*, all aspects of the State Planning Policy have been integrated into the Planning Scheme. No further assessment is required.

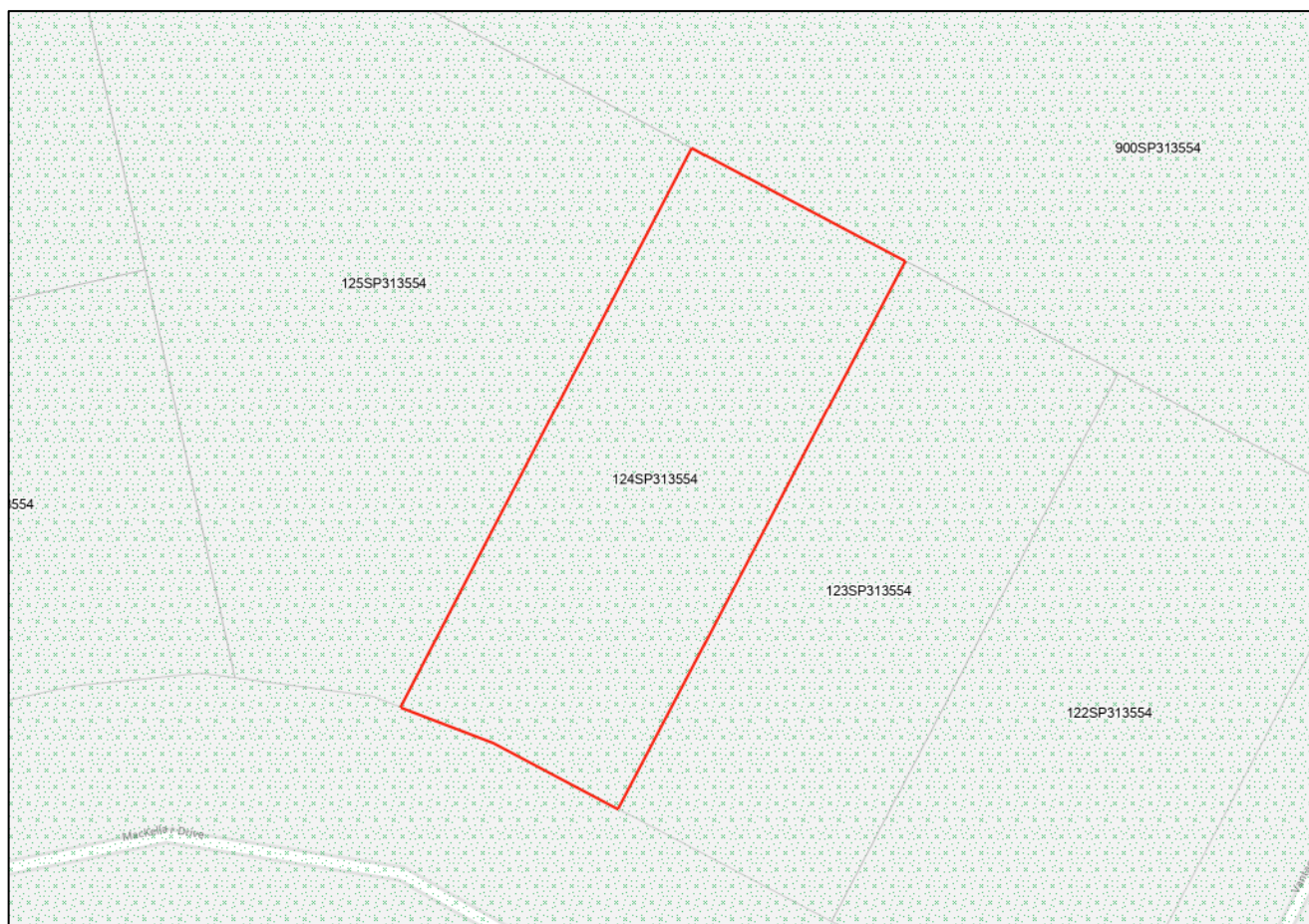


Figure 6: State Planning Policy Mapping for 13 MacKellar Drive, Upper Coomera - Department of State Development, Infrastructure and Planning (27th February 2025)

5.3 State Referral Agencies

The Queensland Government's interactive mapping system for the State Referral Agencies identifies the following flags for referral relating to the subject development site. No referral is required for this application under Schedule 10 of the *Planning Regulation 2017*.

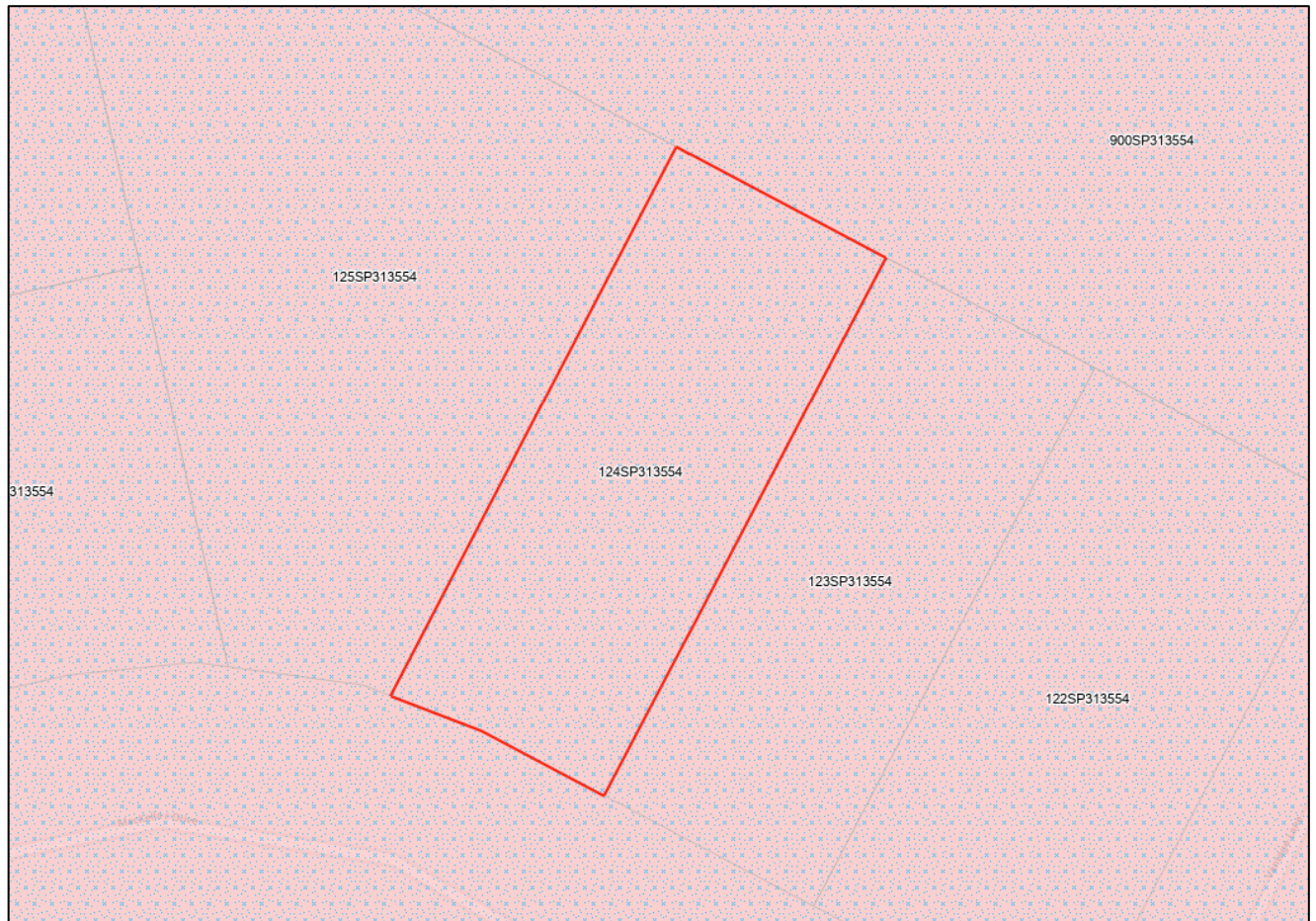


Figure 7: Development Assessment Mapping for 13 MacKellar Drive, Upper Coomera - Department of State Development, Infrastructure and Planning (27th February 2025)

6.0 LOCAL PLANNING PROVISIONS

6.1 Defined Use

The proposed use is defined under the *Gold Coast City Plan* as *Community Residence*:

- a. *The use of premises for residential accommodation for:*
 - i. *no more than:*
 - A. *six children, if the accommodation is provided as part of a program or service under the Youth Justice Act 1992; or*
 - B. *six persons who require assistance or support with daily living needs; and*
 - ii. *no more than one support worker; and*
- b. *includes a building or structure that is reasonably associated with the use in (a).*

6.2 Zone Code and Level of Assessment

The subject site is zoned Emerging Community and therefore the development of a *Community Residence* in this zone is Accepted Development subject to Requirements as detailed:

Residential activities	Accepted subject to requirements	
	Community residence	As specified in Schedule 6 of the Regulation.

6.3 Overlays

Under the *Gold Coast City Plan*, the following overlays are applicable to the subject site. None of which have applicable benchmarks.

Development	Categories of development and assessment	Assessment benchmarks
Airport environs overlay		
Not applicable.	The overlay does not change the level of assessment.	Not applicable.
Dwelling house character overlay		
Not applicable.	The overlay does not change the level of assessment.	Not applicable.
Environmental significance – wetlands and waterways overlay		
Any material change of use n.e.i, reconfiguration of a lot or operational work on a site containing, or within a defined buffer distance from, any 'Wetlands and waterway' category, other than 'Canals and Lakes' as identified on the Environmental significance – wetlands and waterways overlay map.	No change to the categories of development and assessment if not otherwise specified above	Environmental significance overlay code
Landslide hazard overlay		
Any material change of use n.e.i on an allotment partially or completely encumbered by 'Landslide hazard' as identified on the Landslide hazard overlay map	No change to the categories of development and assessment if not otherwise specified above	Landslide hazard overlay code

7.0 SUMMARY AND RECOMMENDATION

This report accompanies an application seeking approval for a Development Permit for a *Material Change of Use* for a new Community Residence at the subject property at 13 MacKellar Drive, Upper Coomer or as it is formally described Lot 124 on SP313554. The proposed development requires a Code Assessable Development Application as it cannot satisfy all the identified requirements prescribed by Schedule 6, Part 2, Section 6 of the *Planning Regulation 2017*. The proposed Community Residence largely complies with the prescribed requirements except for the requirement requiring development be within a prescribed zone. The proposed residence is otherwise compliant with the requirements of the approved Plan of Development which relate to Dwelling Houses in the estate, therefore, warrants approval subject to relevant and reasonable conditions.

APPENDIX 1

Assessment of Schedule 6 Part 2 – Provisions for Material Change of Use - Community Residence as prescribed by Planning Regulation 2017

Material Change of Use for Community Residence	
(1) A material change of use of premises for a community residence, if—	
a) the premises are included in a prescribed zone under a local categorising instrument; and	Does not Comply The proposed development site is not within a prescribed zone as detailed by (2)(a)(i) – (vi) as it is within the Emerging Community Zone as such cannot comply with Item (a). The proposed development will still appear visually like a single storey dwelling house so will not upset the intended character within the locality. It could be argued that item 2(b) is satisfied as in this case, the land is intended for residential development similar to those prescribed zones.
b) no more than 7 support workers attend the residence in a 24-hour period; and	Complies The proposed Community Residence will not have more than 7 support workers attend the site within a 24-hour period. Council to condition this accordingly.
c) at least 2 car parks are provided on the premises for use by residents and visitors; and	Complies The proposed garage is sufficient in size for a single vehicle to park and still provide for suitable separation from internal walls to provide access for residents, see Circulation Plan on Sheet 5. The second space will be provided in tandem on the proposed driveway.
d) at least 1 of the car parks stated in paragraph (c) is suitable for persons with disabilities; and	Complies The proposed covered space is suitable for use by a person who requires unobstructed access to the dwelling. See Circulation Plan on Sheet 5 a 5.4m x 3.8m parking space has been provided.
e) at least 1 car park is provided on the premises for use by support workers.	Complies The tandem parking space is to be used by a support worker when they visit the site.



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