

DELEGATED ASSESSMENT REPORT

REFER TO:	Council's Delegate		
REPORT BY:	Daniel Wilson		
DECISION DUE BY:	6/11/2019	Doc ID: 12691567	File No: 1125430-1

APPLICATION DETAILS

Application Number & Proposed Development:	MCUI/11/2019 - Tourist Attraction and Market
Lodgement Date:	12 March 2019
Type of Approval sought:	Development Permit
Site Address:	124 Distillery Road, EAGLEBY QLD 4207
Real Property Description:	Lot 2 SP 102952
Site Area:	54,269.00m ²
Owner Details:	TONKEN OC PTY LTD (TRUSTEE)
Applicant Details:	Tonken Oc Pty Ltd Atf Tonken Oc Trust
Submissions closed:	28/06/2019
Number of Properly Made Submissions:	0 Properly Made Submissions

PLANNING CONSIDERATIONS

Regional Plan:	South East Queensland Regional Plan 2017
Planning Scheme:	Logan Planning Scheme 2015 v5.1
Zone (Precinct):	Specialised Centre Zone - Albert River Tourism Precinct
Assessment Benchmarks:	- Biodiversity Areas Overlay Code; - Flood Hazard Overlay Code; - Landslide Hazard and Steep Slope Area Overlay Code; - Waterway Corridors and Wetlands Overlay Code; - Specialised Centre Zone Code; - Filling and Excavation Code; - Infrastructure Code; - Landscape Code; - Management of Emissions and Hazardous Activities Code; and - Servicing, Access and Parking Code.
Overlays:	0101A - ACID SULFATE BELOW 5 METRES AHD Acid Sulfate Soils 0101B - ACID SULFATE ABOVE 5-20 METRES AHD Acid Sulfate Soils 0201A (BIODIV) PRIMARY VEGETATION MANAGEMENT AREA Biodiversity (Vegetation Management Area) 0201B (BIODIV) SECONDARY VEGETATION MANAGEMENT AREA Biodiversity (Vegetation Management Area) 0202B (BIODIV) BIODIVERSITY CORRIDOR Biodiversity (Corridor/Conservation Area) 0203E (BIODIV) GOSSIA GONOCCLADA AREA Biodiversity (Locally Significant Vegetation) 0204B (BIODIV) MATTERS OF LOCAL ENVIRONMENTAL SIGNIFICANCE Biodiversity Matters of Environmental Significance 0500A (FLOOD) INUNDATION AREAS Flooding & Inundation Areas

	• 0801D (LH/SS) 15 PERCENT OR GREATER SLOPE HAZARD AREA Landslide Hazard & Steep Slope • 1101A - ROAD TRANSPORT NOISE CORRIDOR Transport Noise Corridor • 1301A (WCW) RIVER WATERWAY AREA Waterway Corridors • 1303A (WCW) EROSION PRONE AREA Erosion Prone Area
Applicable Preliminary Approval:	Not Applicable
Category of Assessment:	Impact

REPORT OVERVIEW

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable application for a Development Permit for a **Material Change of Use** to establish a Tourist Attraction and Market at Lot 2 SP 102952, 124 Distillery Road, EAGLEBY QLD 4207.

The site was granted an approval in 2000 for a Brand Direct Retail Outlet Centre known as "The OC". As part of this approval, operational works were approved and completed over the site. Building construction for The OC commenced but was never completed, with the works being abandoned. The existing building on the site is mostly constructed, but will require rectification works to obtain the necessary building permits and approvals.

Since the abandonment of the OC, the applicant has applied for and had approved a warehouse, coffee roasting and office facilities which currently operate at the site. The proposal seeks to rectify and utilise approximately half of the gross floor area of the existing building located on the site. The proposed development is intended to complement the existing approved uses on site by providing a unique tourism, retail and manufacturing precinct.

The proposed development will be constructed in two stages. Stage 1 will include tourist attractions, markets and ancillary retail uses inside the existing building, while a small area within the south eastern portion of the car park will be utilised for food trucks and temporary market stalls. The tourism attraction uses will involve, but will not be limited to, a brewstillery, coffee roasting and tasting, chocolatier and a cheesery. These uses will allow for patrons to visit the site to experience and learn how artisan style foods and crafts are produced. The transition to Stage 2 will involve repurposing the internal market area into an exhibition hall area, which will provide an area for live entertainment. The market uses will continue to operate at a reduced scale within the outdoor food truck and market area.

When entirely operational on weekends and outside of standard business hours, the proposed development will provide for a total of 643 car parking spaces. During standard business hours, the proposed development will include 507 car parking spaces (allowing for 136 car parks to be utilised by existing approved uses on site).

The application is Impact Assessable, as the existing building is within 200m of the Albert River and exceeds the maximum building height of 10 metres prescribed for the Specialised Centre Zone in this area. The key areas for consideration for the proposal include the non-compliance with the maximum building height of the zone, providing adequate car parking for the proposed development, the management and mitigation of potential flood impacts on the site and providing flood free access for properties north of Distillery Road. These matters have been resolved in the following manner:

- **Building Height:** The proposed development will exceed the maximum building height of 10 metres, having a maximum building height of 15.4 metres. The proposed development involves the internal fitout of the existing building that was approved through a previous application. Furthermore, the existing building is responsive to the topography of the area and is setback approximately 35 metres from the property boundary of the nearest residential zone category and will therefore not adversely impact on the property in regards to privacy, amenity and overshadowing.
- **Car Parking:** The Logan Planning Scheme 2015 (the planning scheme) doesn't provide a prescribed car parking rate for Tourist Attraction uses as they are unique in nature. To demonstrate that sufficient car parking has been provided for the proposed development, the applicant has provided a Traffic Impact Assessment (TIA), which projects the maximum number of patrons and employees to be present at the same time of day. This analysis showed that there will be a maximum of 730 people present on site at any given time, but this does not determine that there is a demand for 730 car parking spaces. Considering a number of factors, such as ride sharing, private

coaches (for which allowance has been made on site), public transport, car-pooling and families sharing a car, it is considered that the 643 car parking spaces provided on site will be sufficient to cater for the demand that the proposed development will generate.

- **Flood Mitigation and Flood Free Access:** The subject site is affected by the Flood hazard overlay within the southern portion of the site. More specifically, this overlay affects the existing lower level car parking area, which will be approximately one metre below the defined 2% AEP river flood level. It is recommended that a Flood Emergency Management Plan be conditioned to be implemented, with flood warning and emergency signage to be installed within the lower level car parking area. Furthermore, during a flood event, six (6) properties to the north of Distillery Road do not have flood free access to a road that will provide residents with a safe route to Henry Hester Drive. An Infrastructure Agreement (124 Distillery Road, Eagleby Infrastructure Agreement 2019) has been executed between the applicant and Council, which secures passage through the site for these properties during a flood event. Conditions have also been recommended to ensure that an evacuation procedure for all properties north of Distillery Road, to gain flood free access through the site to Henry Hester Drive during any flood event, is implemented.

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) acting as the State Assessment and Referral Agency (SARA), as a concurrence agency. The trigger for this referral was the proposed tourist attraction with a gross floor (GFA) greater than 8,000m² and on a site greater than 5,000m². A response was received from DSDMIP on 3 July 2019, with conditions requiring a private coach set down area and 5-bay taxi rank to be provided.

Pursuant to the *Planning Act 2016*, this application was publicly notified for sixteen (16) business days from 7th June 2019 to 28th June 2019. Council received no Properly Made Submissions.

The applicant has demonstrated compliance with the applicable assessment benchmarks of the planning scheme and accordingly, it is recommended that this application be approved, subject to conditions.

REPORT DETAIL

BACKGROUND

Development application history over the site

On 13 March 2000, an approval was granted by the Gold Coast City Council for a Material Change of Use for a Tavern, Liquor Barn and Drive-Through Liquor Outlet, Shop (Brand Direct Retail Outlet), Catering Businesses (Drive-In, Take-Away and Food Premises) for premises located at 124 Distillery Road, Eagleby. This approval is known as "The OC" (MCUI/88/2007).

On 2 April 2007, the Planning and Environment Court granted an extension of the relevant period of the existing approval for a further two (2) years. The relevant period was extended until the 2 April 2009. The appeal to the Court was in response to Gold Coast City Council's initial refusal of the request to extend the relevant period.

On 17 December 2007, operational works associated with The OC approval was approved. Operational works occurred and were completed. Building works also commenced on the site, but have not been completed.

On 5 December 2008, Logan City Council granted a further extension to "The OC" for the relevant period until 4 April 2010 (MCUI/88/2007/A).

On 18 August 2009, the Development Assessment Manager confirmed in a letter to the applicant that the relevant period quoted in the Decision Notice for MCUI/88/2007/A was incorrect, and that the application was current until 4 April 2013.

On 4 April 2013, a request to extend the relevant period was further approved for "The OC" for a further four (4) years to 4 April 2017.

On 11 November 2015, Council granted approval for a Development Permit for Material change of use to establish a Major Sport, Recreation and Entertainment Facility, Tourist Attraction, Market and Indoor Sport and Recreation over the subject site (COM/43/2015).

On 14 February 2017, Council granted approval for a Development Permit for Material change of use to establish a Warehouse (Storage) over part of the existing building located on the subject site (MCUI/43/2016). The Warehouse forms part of Stage 1 of the multi-staged approach to provide an integrated specialised mixed use tourism centre, focused on the Zarraffa's Coffee brand.

On 15 February 2017, Council granted approval for a Development Permit for Material change of use to establish a High impact industry (Coffee Roastery) over part of the existing building located on the subject site (MCUI/48/2016). The Roastery forms part of Stage 1 of the overall integrated Zarraffa's specialised mixed use tourism centre.

On 7 April 2017, Council granted a permissible change to the approval for the Warehouse (MCUI/43/2016/A). The purpose of the change was to increase the extent of the approved Warehouse land use across the full extent of the existing building on site and to formalise existing works on the site to current standards.

On 13 July 2017, Council granted an approval for a Development Permit for Material change of use to establish an Office over the subject site (MCUI/7/2017). The Office forms part of Stage 1 of the overall integrated Zarraffa's specialised mixed use tourism centre.

On 25 October 2017, Council granted a minor change to the approval for the High impact industry (MCUI/48/2016/A). The purpose of the change was to amend the stormwater pipe design and location in Distillery Road and redesign the vehicle crossover location and car park design to accommodate vehicle manoeuvring for B-double truck access from Distillery Road.

On 1 November 2017, Council granted a minor change to the approval for the Warehouse (MCUI/43/2016/B). The purpose of the change was to amend the stormwater pipe design and location in Distillery Road and redesign the vehicle crossover location and car park design to accommodate vehicle manoeuvring for B-double truck access from Distillery Road.

On 1 November 2017, Council granted a minor change to the approval for the Office (MCUI/7/2017/A). The purpose of the change was to amend the stormwater pipe design and location in Distillery Road and redesign the vehicle crossover location and car park design to accommodate vehicle manoeuvring for B-double truck access from Distillery Road.

On 24 September 2018, Council granted a minor change to the approval for the Office (MCUI/7/2017/B). The purpose of the change was to reduce the gross floor area for the Office and reduce the number of car parking spaces required to service the needs of the Office. This was undertaken to accommodate the footprint of the proposed food and drink outlet.

On 12 December 2018, Council granted an approval for a Development Permit for Material change of use to establish a Food and Drink Outlet (MCUC/354/2018) at the subject site. The use is to function as a licensed café within the existing building.

Previous applications for Tourist Attraction over the site

On 23 April 2018, an application was received for a Tourist Attraction on the subject site (MCUI/17/2018).

On 24 April 2018, an Action Notice was issued for the application, as it was not properly made. The Action Notice required the payment of the application fee and the provision of written consent from the owner of the premises to the making of the application.

On 8 May 2018, the Action Notice was responded to and complied with. The application was considered properly made on this day.

On 15 May 2018, a Confirmation Notice was issued for the application.

On 16 May 2018, a Referral Confirmation Notice was received from DSDMIP.

On 21 May 2018, an Information Request was issued to the applicant. The Information Request contained items relating to the proposed plan of development, land uses, pedestrian pathways, traffic impact assessment, access and parking, stormwater management, flooding and landscaping.

On 28 May 2018, an Information Request was issued by DSDMIP. The Information Request contained items relating to the traffic impact assessment, public passenger transport facilities and private/chartered coaches and buses.

On 23 November 2018, during the Information Request stage, Council received correspondence from the applicant that a change to the application will be made to include a Market as a proposed land use. The applicant indicated that this change is to be made in accordance with section 52(1) of the *Planning Act 2016*. This resulted in the application reverting to the Confirmation stage (new application reference: MCUI/17/2018/1).

On 26 November 2018, the applicant was issued an Action Notice to pay the applicable fee for a Market land use to be added to the application.

On 21 December 2018, the applicant requested an extension until 31 January 2019 to respond to the Action Notice.

On 2 January 2019, Council officers confirmed that the Action Notice response period was extended until 29 January 2019.

On 30 January 2019, the application lapsed, as the applicant failed to response to the Action Notice within the required timeframe.

CHRONOLOGY

On 12 March 2019, the application was lodged.

On 19 March 2019, a Confirmation Notice was issued to the applicant.

On 26 March 2019, an Information Request was issued to the applicant. The Information Request contained items relating to landscaping, access and parking (manoeuvring), stormwater management, car parking and flooding.

On 1 May 2019, Council issued the applicant with a notice advising that a State referral trigger was missed from the Confirmation Notice.

On 14 May 2019, Council received a Confirmation Notice from DSDMIP.

On 27 May 2019, DSDMIP issued a Referral Agency Information Request. The Referral Agency Information Request related to public passenger transport facilities and private/chartered coaches and buses.

On 4 June 2019, the applicant responded in full to both Information Requests issued by DSDMIP and Council.

On 5 June 2019, the applicant provided Council with a Notice of Intention to commence Public Notification.

On 7 June 2019, Public Notification commenced.

On 28 June 2019, Public Notification was completed with no Properly Made Submissions received.

On 1 July 2019, the applicant provided Council a Notice of Compliance with Public Notification.

On 2 July 2019, the application entered the Decision Stage.

On 3 July 2019, DSDMIP provided their Referral Agency Decision Notice, including conditions to be applied to any approval issued by Council.

On 15 July 2019, Council Officers requested further information from the applicant in relation to the proposed car parking provision.

On 22 July 2019, the applicant provided a response to the further information requested on 15 July 2019.

On 5 August 2019, Council Officers issued Draft Conditions to the applicant.

On 8 August 2019, the applicant requested and Council Officers agreed to an extension to the decision making period until 29 August 2019.

On 26 August 2019, the applicant requested and Council Officers agreed to an extension to the decision making period until 12 September 2019.

On 09 September 2019, the applicant requested and Council Officers agreed to an extension to the decision making period until 27 September 2019.

On 26 September 2019, the applicant and Council Officers agreed to an extension to the decision making period until 11 October 2019.

On 10 October 2019, the applicant and Council Officers agreed to an extension to the decision making period until 25 October 2019.

On 25 October 2019, the applicant and Council Officers agreed to an extension to the decision making period until 1 November 2019.

On 1 November 2019, the applicant and Council Officers agreed to an extension to the decision making period until 8 November 2019.

On 7 November 2019, the applicant and Council Officers agreed to an extension to the decision making period until 15 November 2019.

On 15 November 2019, the applicant and Council Officers agreed to an extension to the decision making period until 22 November 2019.

On 21 November 2019, the applicant and Council Officers agreed to an extension to the decision making period until 29 November 2019.

On 29 November 2019, the applicant and Council Officers agreed to an extension to the decision making period until 6 December 2019.

On 29 November 2019, the Infrastructure Agreement titled "124 Distillery Road, Eagleby Infrastructure Agreement 2019" was executed.

SITE DESCRIPTION

The subject site is described as Lot 2 SP 102952, with an area of 54,269.00m² (**Refer to Figure 1: Subject Site - Surrounding Development Context**).

The site currently operates as Zarraffa's Headquarters, which includes a warehouse, coffee roasting facilities, food and drink outlet and office.

The site is irregular in shape and has 194 metre and 390 metre road frontages to Distillery Road and Henry Hester Drive respectively. The south-eastern side of the site has a frontage to the Albert River of approximately 115 metres in length, with the Beenleigh Rum Distillery located immediately to the east. The Beenleigh Tavern is also located directly to the west of the subject site.

The subject site is relatively flat over the existing hardstand area, as there is an existing approved structure with a GFA of approximately 17,186m² and height of approximately 15.4 metres. There is a fall of approximately 7.0 metres from the existing hardstand area down to the boundary with the Albert River, which is at approximately 3 metres Australian Height Datum (AHD).

Vehicular access to the site is provided via Henry Hester Drive and Distillery Road. There are two easements burdening the subject site, including Easement D on SP144348 and Easement A on RP197858, which provide for right of way, services and temporary parking for the adjoining Beenleigh Tavern.

There are also a number of easements in favour of the subject site over the adjoining Beenleigh Tavern, which are as follows: Easement A on SP144347 for right of way, services and temporary parking, Easement B on SP144347 for right of way and Easement C on SP144346 for right of way (**Refer to Figure 2: Subject Site - Easements**).

The subject is located in the Specialised Centre Zone - Albert River Tourism Precinct of the planning scheme (**Refer to Figure 3: Subject Site - Zoning**). The subject site is also part of a much broader tourism precinct, with the Beenleigh Rum Distillery adjoining the site to the east, the Beenleigh Tavern to the north-west and all properties directly to the north of Distillery Road also being within the Albert River Tourism Precinct. The surrounding area also includes properties located within the Rural Zone, Mixed Use Zone, Community Facilities Zone and Low-medium Density Residential Zone. Each of the properties to the north of Distillery Road currently contain Dwelling Houses. The subject site also adjoins the Pacific Highway and the Logan River to the south (**Figure 4: Subject Site - Surrounding Development Context**).

The subject site is affected by the Acid Sulfate Soils Overlay, Biodiversity Areas Overlay, Flood Hazard Overlay, Landslide Hazard and Steep Slope Area Overlay, Transport Noise Corridor Overlay and Waterway Corridors and Wetlands Overlay. The most significant overlays affecting the site are the Flood Hazard Overlay and Waterway Corridors and Wetlands Overlay (**Refer to Figure 5 - Subject Site - Flood Hazard Overlay and Figure 6: Subject Site - Waterway Corridors and Wetlands Overlay**).

Figure 1: Subject Site



Figure 2: Subject Site - Easements



Figure 3: Subject Site - Zoning

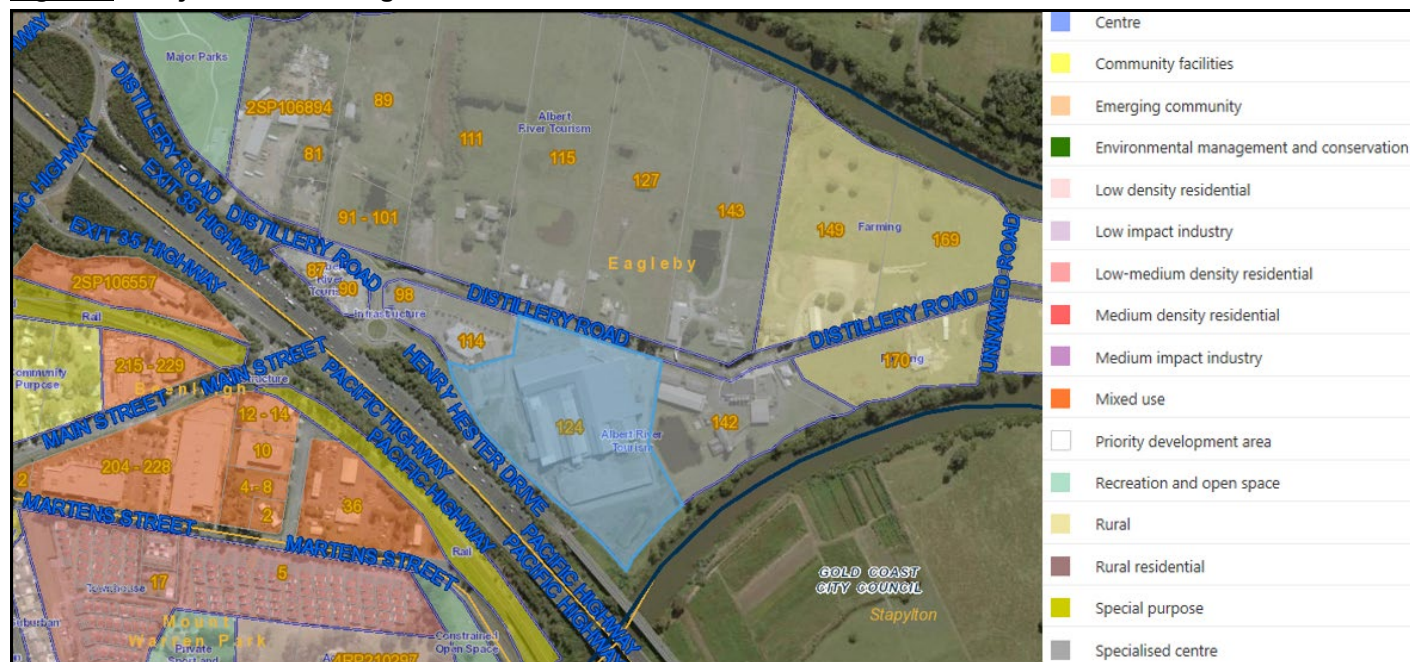


Figure 4: Subject Site - Surrounding Development Context

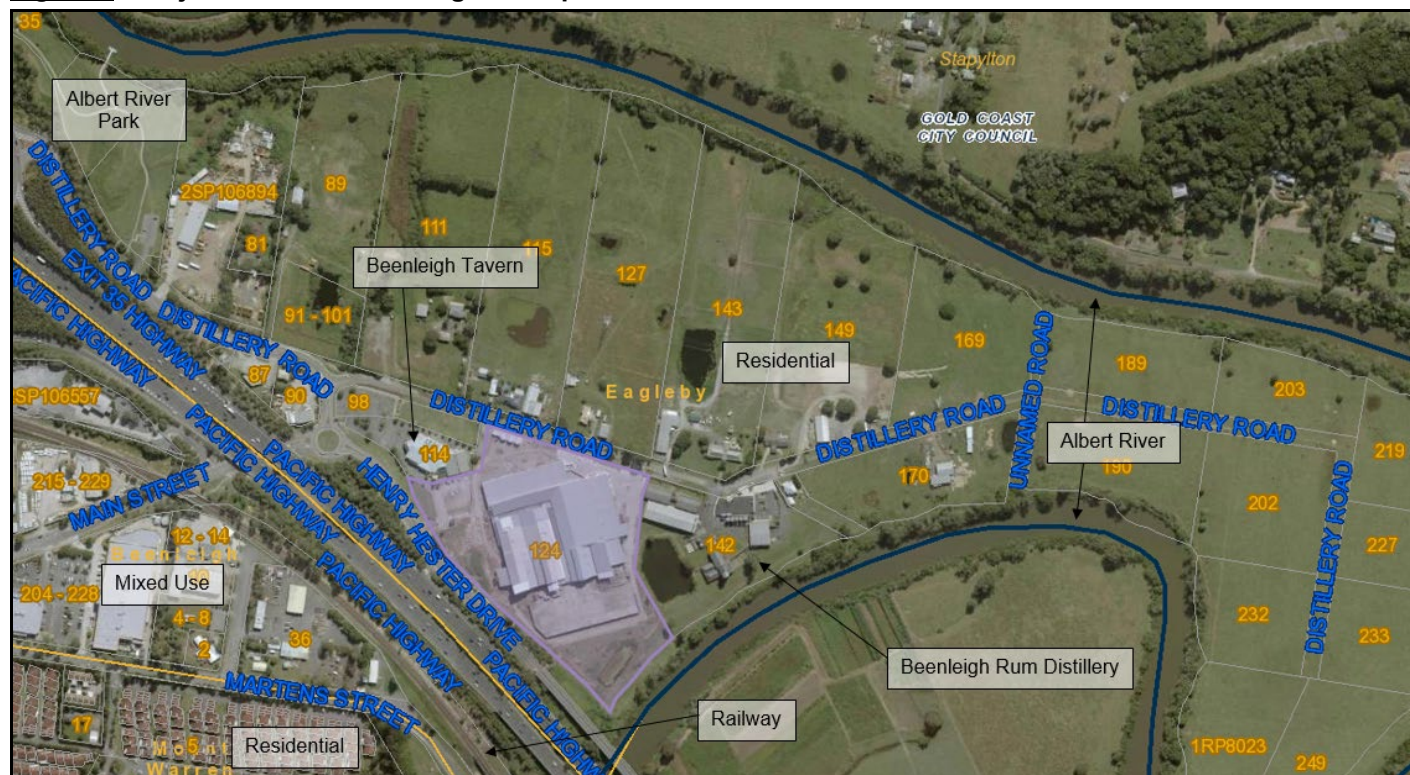
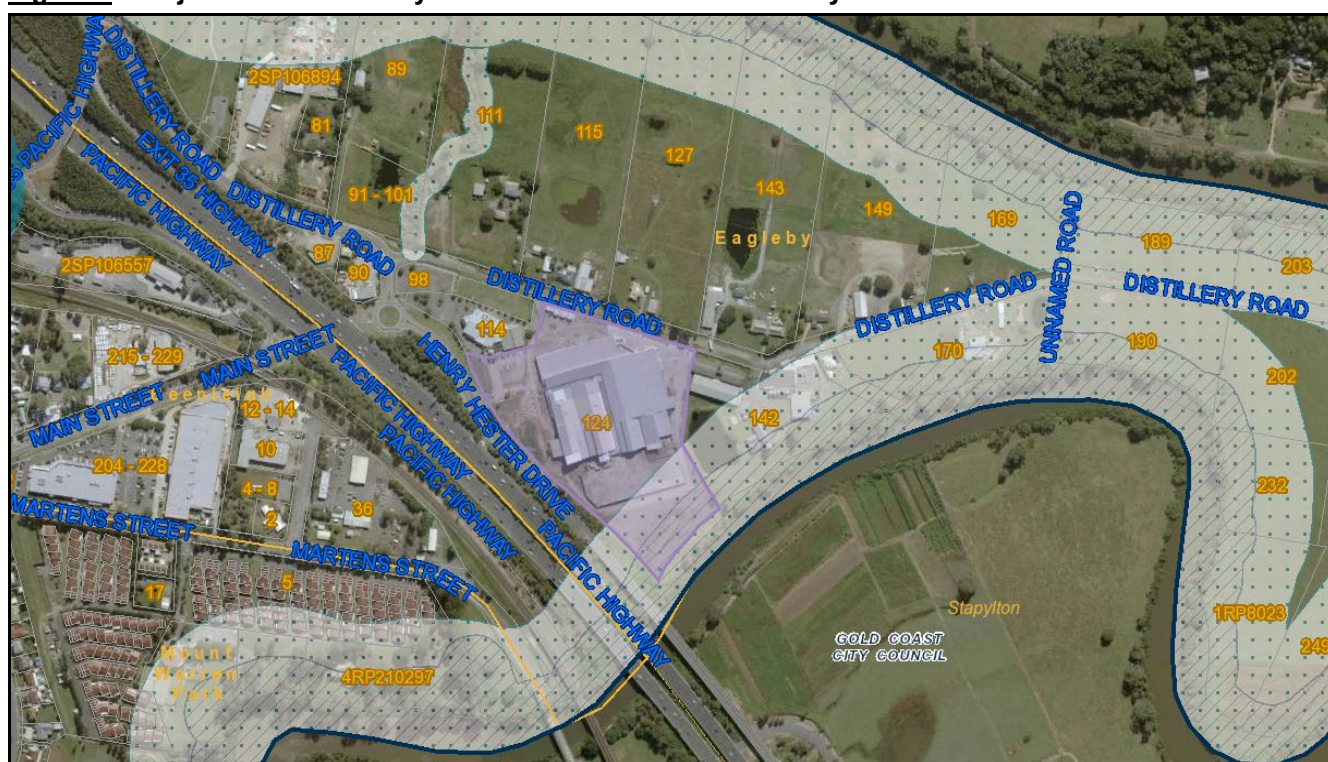


Figure 5: Subject Site - Flood Hazard Overlay



Figure 6: Subject Site - Waterway Corridors and Wetlands Overlay



DESCRIPTION OF PROPOSAL

Ultimate Development Proposal

The proposed development involves a Material Change of Use for a Tourist Attraction and Market at the subject site as part of an innovative tourism precinct for the region, utilising the existing building on the site (***Refer Figure 7: Site Plan***).

The proposed development will be constructed in two stages. Stage 1 will include tourist attractions, markets and ancillary restaurants and retail uses inside the existing building, while a small area within the south eastern portion of the car park will be utilised for food trucks and temporary market stalls. The tourism attraction uses will involve, but will not be limited to, a brewstillery, coffee roasting and tasting, chocolatier and a cheesery. These uses will allow for

patrons to visit the site to experience and learn how artisan style foods and crafts are produced. The transition to Stage 2 will involve repurposing the internal market area into an exhibition hall area, which will provide an area for live entertainment. The market uses will continue to operate at a reduced scale within the outdoor food truck and market area (**Refer to Figure 7: Site Plan, Figure 8: Stage 1 Floor Plan - Temporary and Figure 9: Stage 2 Floor Plan - Ultimate**).

The proposed development will generally operate between the hours of 7am to 7pm, with extended hours required for specific retailers/food trucks as per the following:

- Restaurants (likely to be split hours) – 12pm till midnight;
- Café – 6am to 6pm;
- Indoor Tourist Attraction and Market area – 7am to 7pm; and
- Food Trucks – 10am to 10pm (weekends), 6pm to 10pm weekdays.

A total of 643 car parking spaces is provided for the entire site as per previous approvals. Existing approved uses will utilise 136 of these car parking spaces during standard business hours. The proposed uses will therefore be allocated 507 car parking spaces during standard business hours throughout the working week. On weekends and outside of standard business hours, the proposed uses will be able to take advantage of the additional 136 car parking spaces and effectively utilise all 643 car parking spaces available on site. The proposed external market and food truck area will occupy 51 of these car parking spaces, resulting in 592 car parking spaces being available outside of standard business hours.

Of note, the proposed development will have no impact on the existing approvals over the site which includes Office, Warehouse, Food and Drink Outlet and High Impact Industry (Coffee Roastery). These uses will continue to operate at the premises within their approved operating hours.

Figure 7: Site Plan

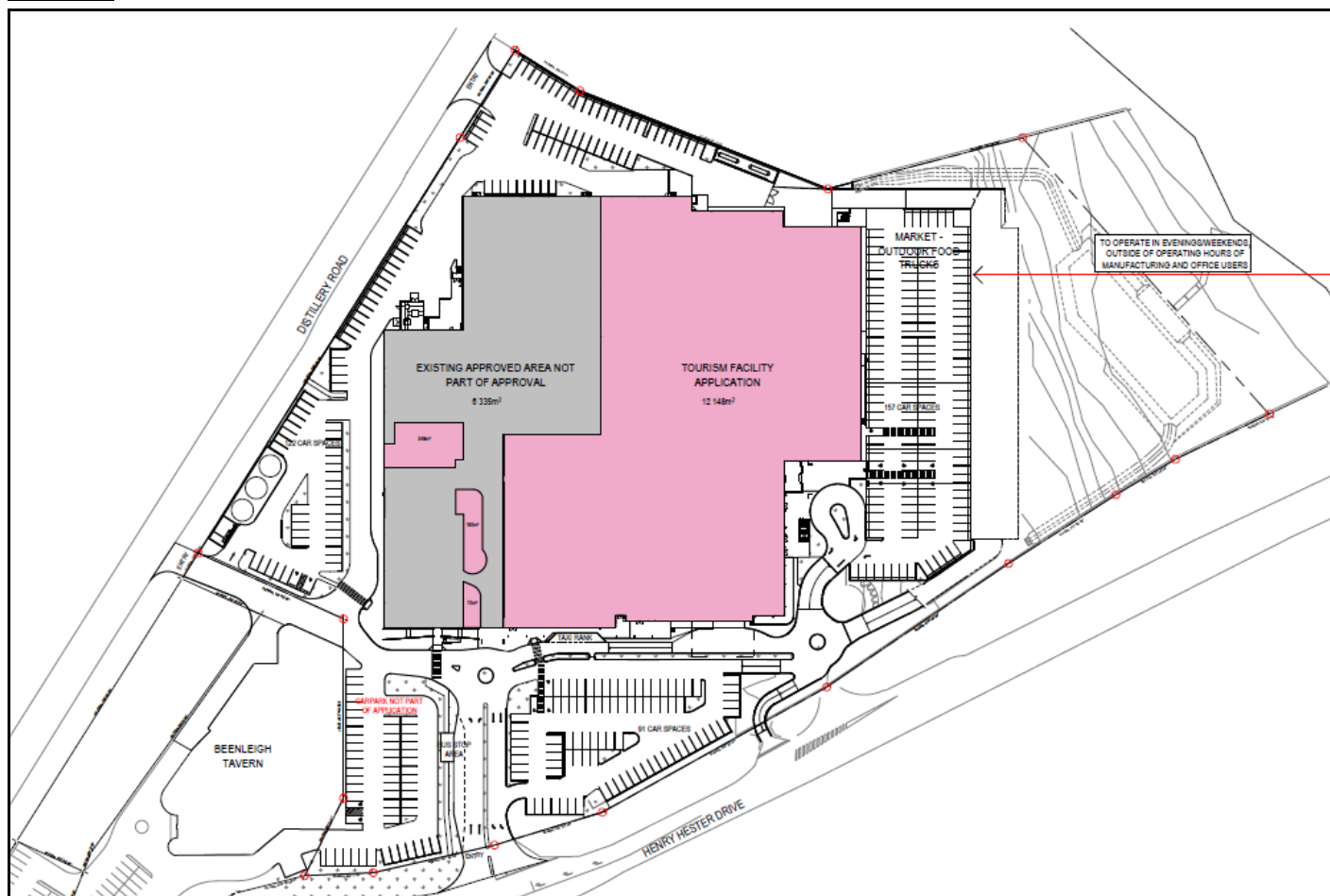


Figure 8: Stage 1 Floor Plan - Temporary



Figure 9: Stage 2 Floor Plan - Ultimate



PLANNING CONSIDERATIONS

This application is Impact Assessable and has been assessed, in accordance with s45 of the *Planning Act 2016* against the following:

- the South East Queensland Regional Plan 2017;
- the State Planning Policy, part E, to the extent part E is not identified in the planning scheme;
- the Planning Regulation;
- all relevant temporary local planning instrument;
- all relevant variation approvals;
- the Logan Planning Scheme 2015; and
- the Local Government Infrastructure Plan.

South East Queensland Regional Plan 2017

The subject site is located within the "Urban Footprint" of the *South East Queensland Regional Plan 2017*.

The intent of the Urban Footprint is to identify "... land within which the region's urban development needs to 2041 can be accommodated in a way consistent with the goals, elements and strategies of *ShapingSEQ*". This proposal is consistent with same.

State Planning Policy

All State Planning Policy provisions are currently reflected within the Logan Planning Scheme 2015, with the exception of Strategic ports and Strategic airports and aviation facilities. These matters are not impacted upon by this application.

Structure Plan

There are no declared Structure Plans within the Planning Scheme area.

Master Plan

There are no declared Master Plans within the Planning Scheme area.

A temporary local planning instrument

Not Applicable.

Variation Approval

Not Applicable.

Any development approval for, and any lawful use of, premises the subject of the application:

- COM/43/2015 - Major sport, Recreation and Entertainment facility, Tourist attraction, Market and Indoor sport and Recreation
- MCUI/43/2016/B - Warehouse
- MCUI/48/2016/A -High impact industry (Coffee Roastery)
- MCUI/7/2017/B - Office
- MCUC/354/2018 - Food and Drink Outlet (Licensed Café)

For further information regarding these approvals, please see the Background section of this report.

The following is an assessment of the application against the assessment benchmarks of the Logan Planning Scheme 2015.

Zone Code	Development Codes	Overlays
Specialised Centre Zone Code.	- Filling and Excavation Code; - Infrastructure Code; - Landscape Code; - Management of Emissions and Hazardous Activities Code; and - Servicing, Access and Parking Code.	- Biodiversity Areas Overlay Code; - Flood Hazard Overlay Code; - Landslide Hazard and Steep Slope Area Overlay Code; and - Waterway Corridors and Wetlands Overlay Code.

Please note, the subject application is Impact Assessable, as the existing building is within 200m of the Albert River and exceeds the maximum building height of 10 metres prescribed within the Table of Assessment for the Specialised Centre Zone.

Zone Code

The development has been assessed against all of the applicable Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Specialised Centre Zone Code as follows:

Specialised Centre Zone Code

The site is located within the Specialised Centre Zone – Albert River Tourism Precinct. The purpose of the Specialised Centre Zone is to provide for one (1) or more specialised uses including, for example, conference centres, entertainment centres, education and research facilities or university campuses. The Albert River Tourism Precinct is envisaged to be developed for tourism activities to compliment the Beenleigh Town Centre and surrounding centres. Both Tourism Activity and Market uses are accepted land uses within the Specialised Centre Zone – Albert River Tourism Precinct. The proposed development complies with all AOs and POs of the Specialised Centre Zone Code with the exception of the following:

Performance Outcome 12

Albert River Tourism Precinct - Building Height	
PO12	AO12
A building has a height that is consistent with the intended predominant uses, built form and streetscape for the precinct having regard to: (a) the functional requirements of the use; (b) the topography of the area and site slope; (c) avoids overshadowing of premises in the residential zone category; (d) transitions to the residential zone category land to protect: (i) visual amenity; (ii) privacy; (iii) solar access.	A building in the Albert river tourism precinct has a maximum height of: (a) 25 metres south of Distillery Road; (b) 15 metres north of Distillery Road; (c) 10 metres within 200 metres of the Albert River.

Officers Comments:

AO12 requires that a building is to be a maximum of 10 metres within 200 metres of the Albert River. As the existing building has a maximum building height of 15.4 metres within the 200 metre buffer of the Albert River, compliance cannot be demonstrated. Compliance with PO12 is therefore required.

The proposed development involves the internal fitout of the existing building that was approved through a previous application. The existing building is also responsive to the topography of the area and is setback approximately 35 metres from the property boundary of the nearest residential zone category and will therefore not adversely impact on

the property in regards to privacy, amenity and overshadowing. Therefore, the existing building is considered to comply with PO12 of the Specialised Centre Zone Code, as it applies to the Albert River Tourism Precinct.

Development Codes

The development has been assessed against all of the applicable AOs and POs of the identified Development Codes as follows:

Filling and Excavation Code

The purpose of the Filling and Excavation Code is to protect premises, people and natural processes from adverse impacts associated with filling or excavation. The development has been assessed against the AOs and POs of the Filling and Excavation Code and complies. Furthermore, no filling and excavation is proposed on the subject site as part of the proposed development, as the proposal will utilise the existing building on the subject site.

Infrastructure code

The purpose of the Infrastructure Code is to ensure that infrastructure is provided to service development. The site is already serviced by all necessary infrastructure and only includes the internal fitout of an existing building. Approval conditions have also been recommended to ensure compliance with the Infrastructure Code, which relate to ensuring the development is connected to the relevant infrastructure including stormwater basins, electricity and telecommunications, sewer and water, etc. Of note, the proposed development will connect directly into existing infrastructure networks that were assessed and approved as part of previous approvals.

The development has been assessed against all of the AOs and POs from the Infrastructure code and complies with the exception of AO3, as discussed below:

Performance Outcome 3

Risk to people and premises	
PO3	AO3
Development is located to protect existing and planned infrastructure networks.	Development is located outside: (a) planned widening of a road or a new road identified in Table 7.3.1.1—Road encroachment maps of planning scheme policy 5—Infrastructure; (b) planned public transport network identified on Figure 3.4.1.3.1—Public transport network in planning scheme policy 5— Infrastructure; (c) a planned cycle network identified on Figure 3.4.1.2.1— Cycle network in planning scheme policy 5—Infrastructure; (d) a planned network identified in Local government infrastructure plan map—LGIP- 07.00 Plan for trunk parks infrastructure in Schedule 3—Local government infrastructure plan mapping and tables.

Officers Comments:

The subject site has frontage to Distillery Road, which has been identified within Planning Scheme Policy 5 - Infrastructure as an industrial collector road. In order to achieve the required standard of an industrial collector road (24 metres wide) and comply with AO3, the subject site will require a 2 metre strip of land along the Distillery Road frontage of the site to be dedicated to Council as road reserve. The proposed development has not provided for this and therefore cannot comply with AO3. Compliance with PO3 is required to be demonstrated.

PO3 requires development to be located to protect existing and planned infrastructure networks. Council's Technical Services officers have confirmed that, as part of any future upgrade of Distillery Road to an industrial collector standard, the required pavement width will fit adequately within the current road reserve. Council has also entered into an Infrastructure Agreement with the applicant, requiring the payment of a financial contribution to Council for the future upgrade of the Distillery Road pavement along the frontage of the subject site, to be made prior to the earlier of the commencement of a use in Stage 2 or timing specified by Council in an approval. The proposed development is therefore located to protect the existing and planned infrastructure works for Distillery Road and complies with PO3 of the Infrastructure Code.

Landscape Code

The purpose of the Landscape Code is to enhance visual amenity of the built and natural environment. Conditions have been recommended requesting the provision of detailed landscape drawings with a subsequent operational works application to ensure compliance with the Landscape Code.

Management of Emissions and Hazardous Activities Code

The purpose of the Management of Emissions and Hazardous Activities Code is to manage impacts of emissions on sensitive land uses and minimise the health and safety risks on the community from development involving hazardous materials. Council's Environment Assessment Officers have assessed the proposed development and have recommended conditions to ensure compliance with the code as it relates to acoustic and lighting attenuation. The proposed development will not involve the handling of hazardous materials.

Servicing, Access and Parking Code

The purpose of the Servicing, Access and Parking Code is to ensure that development satisfies the demand for parking and provides safe, functional and legible parking, access and servicing. The proposed development provides for a car parking layout design that is in accordance with Planning Scheme Policy 5 - Infrastructure and provides for articulated vehicles to service and manoeuvre throughout the site. Of note, the car parking areas associated with this application have been approved as part of previous approvals and conditions have been recommended to ensure that these car parking areas are constructed in accordance with Planning Scheme Policy 5 - Infrastructure.

The development has been assessed against all of the AOs and POs of the Servicing, Access and Parking Code and complies with the exception of the following:

Performance Outcome 1

Provision of Parking Spaces for Vehicles	
PO1	AO1
Vehicle parking, loading and servicing and pick up/set down areas are provided that satisfy the expected demand for the number and type of vehicles likely to be generated by a use having regard to: (a) the particular circumstances of the premises including the: (i) nature, intensity and hours of operation of the use; (ii) desirability of providing a car park and attracting vehicles to the premises; (iii) maximum number of employees and customers to be on the premises at any one time; (iv) size, levels and dimensions of the premises; (b) the proximity of the premises to an existing or future Parking station, other available car park or public transport facility.	Vehicle parking, vehicle washing, loading and servicing and pick up/set down areas are provided: (a) for a use listed in Table 9.4.7.3.2—Vehicle parking and servicing, to comply with columns 2 to 5 of Table 9.4.7.3.2—Vehicle parking and servicing; (b) for a use not listed in Table 9.4.7.3.2—Vehicle parking and servicing, in accordance with a car parking assessment report to be provided to the local government and prepared in accordance with Part 2 of planning scheme policy 5—Infrastructure. Editor's note—For building work, Car parking for people with a disability is to be provided in accordance with Table D3.5—Carparking spaces for people with a disability in the Building Code of Australia.

Officers Comments:

The proposed development provides for 643 car parking spaces across the entire site, consisting of 136 car parking spaces for the existing approved land uses and an additional 507 car parking spaces. Car parking provisions for a Market are listed under Table 9.4.7.3.2 of the Servicing, Access and Parking Code as per AO1 above; however, a Tourism Attraction is not listed and does not contain nominated car parking rates or provisions. To identify the likely car parking demand for the proposed development as an overall concept, comprising both the Tourist Attraction and Market uses, and to demonstrate compliance with PO1 above, the applicant has provided a Traffic Engineering Report prepared by TTM. The car parking demand for each stage of the proposed development, as estimated by TTM, is discussed further below.

Stage 1:

Stage 1 of the proposed development will include GFA attributable to both the Tourist Attraction and Market land uses. The Traffic Engineering Report prepared by TTM applied a car parking rate for the Tourist Attraction component of the

proposed development equivalent to a Shopping Centre land use, which is prescribed within Table 9.4.7.3.2 of the Servicing, Access and Parking Code as having a rate of 1 space per 17m² of GFA. The Market use rate of 1 space per 5m² of GFA, as per Table 9.4.7.3.2 of the Servicing, Access and Parking Code has also been applied to the proposal. Using this methodology, a total of 724 car parking spaces is required for Stage 1 of the proposed development (**Refer Figure 11: Calculated Parking Supply**).

Figure 11: Calculated Parking Supply

Land Use	Council Requirement	Extent (GFA)	Requirement
Tourist Attraction	1 space/ 17m ² of GFA*	5,212m ²	306
Market	1 space/5m ² of GFA	2,091m ²	418
Total			724

* LCC does not specify a parking rate for tourism – closest rate applied is shopping centre

Stage 2:

Stage 2 will result in the entirety of the GFA being occupied by the Tourism Attraction land use. As stated previously, the proposed Market use within Stage 2 will be located entirely externally to the building, having no GFA, within an area of the car park that comprises 51 car parking spaces. Applying the Shopping Centre car parking rate across the entire 7,303m² of GFA for the Tourist Attraction use, a car parking demand of 430 car parking spaces was identified.

The applicant also provided information regarding the amount of people expected on site at any given time, within both Stage 1 and Stage 2 of the proposed development. This involved the max number of employees, contractors and visitors expected at the site in the worst case scenario (**Refer Table 1: Expected Employees on Site and Table 2: Expected Visitors on Site**).

Table 1: Expected Employees and Visitors on Site

Land Use	Max No. of Employees and Contractors
Manufacturing (Existing Roastery)	10
Office (Existing)	50
Café (Existing)	5
Tourist Attraction (Proposed)	95
Market (Internal Proposed)	40
Market (External Proposed)	30
Total: 230 Employees	

Table 2: Expected Visitors on Site

Land Use	Max No. of Visitors
Manufacturing (Existing Roastery)	NIL
Office (Existing)	NIL
Café (Existing)	50
Tourist Attraction (Proposed)	250
Market (Internal Proposed)	150 (Only part of Stage 1)
Market (External Proposed)	50
Total: 500 visitors	

The total expected number of people present on site will be approximately 730 in the worst case scenario (Stage 1 Market use in operation). If all employees and visitors were to drive to the site, this would result in a car parking demand of 730 car parking spaces being required; however, this is not considered reasonable as there are a number of factors that need to be considered to determine an accurate car parking demand. This includes, but is not limited to:

- people taking other modes of transport (private coach, taxi, ride share etc.);
- a bus set down area is provided, which will be able to transport multiple people to and from the site and will drastically reduce the expected demand;
- the maximum amount of visitors present on site will only be on weekends or after business hours;
- there will be limited to no Food and Drink Outlet, High Impact Industry (Coffee Roastery) and Office employees on weekends or after business hours; and
- families are very likely to visit the site, of which up to 5 people could car pool.

Each of these factors would result in the car parking demand for the development being much lower than 730 car parking spaces.

A total of 643 car parking spaces is provided for the entire site as per previous approvals. Existing approved uses will utilise 136 of these car parking spaces during standard business hours. The proposed uses will therefore be allocated 507 car parking spaces during standard business hours throughout the working week. On weekends and outside of standard business hours, the proposed uses will be able to take advantage of the additional 136 car parking spaces and effectively utilise all 643 car parking spaces available on site. The proposed external market and food truck area

will occupy 51 of these car parking spaces, resulting in 592 car parking spaces being available outside of standard business hours and when the external market and food truck area is operational. In consideration of the above factors that would provide alternative transport means to the proposed development, the proposed car parking is considered to be sufficient to meet the likely demand of the proposed development. Council's Technical Services officers have reviewed the report prepared by TTM and agree that sufficient car parking spaces have been provided to service the proposed development and existing approved uses on the site.

The applicant has therefore demonstrated compliance with PO1 of the Servicing, Access and Parking Code.

Overlay Codes

The development has been assessed against all of the applicable Performance Outcomes of the identified Overlay Codes as follows:

Acid Sulfate Soils Overlay Code

The purpose of Acid Sulfate Soils Overlay Code is to ensure that acid sulfate soils do not adversely affect the natural and built environment and human health and safety. The development application does not trigger assessment against the Acid Sulfate Soils Overlay Code, as the Applicant proposes to utilise the existing building and no further excavation or filling of any material of more than 100m³ is required for the proposed development.

Biodiversity Areas Overlay Code

The purpose of the Biodiversity Areas Overlay Code is to connect biodiversity corridors, protect and enhance habitat values and ecosystem functions, and protect scenic amenity values. The rear portion of the site is mapped within both the primary and secondary vegetation management areas. An assessment against the Biodiversity Areas Overlay Code is not relevant, as the proposed development involves the internal fitout of an existing building on site and no work is proposed within the mapped Biodiversity Areas Overlay.

Flood Hazard Overlay Code

The purpose of the Flood Hazard Overlay Code is to ensure development is compatible with the nature of the natural flood hazard; does not cause injury, loss of life or damage to premises and property due to flooding or storm tide inundation; and does not increase the emergency management burden on neighbours, the community or the local government. The development has been assessed against all of the AOs and POs from the Flood hazard Overlay Code and complies with the exception of the following:

Performance Outcomes 2 and 5

Risk to people and premises	
PO2	AO2
Development must not increase the level of risk of injury to life or risk of damage to property or adversely affect flood evacuation procedures.	Development: - does not result in any of the following: - an increase in the number of people at risk from flooding up to and including the defined flood event; or - an increase in the number of people that need evacuation up to and including the defined flood event; or - an increase in the number of premises or infrastructure at risk from flooding up to and including the defined flood event; or - existing flood warning times being reduced for flood events up to and including the defined flood event; or - an adverse impact on the ability of traffic to use evacuation routes or unreasonably increase traffic volumes on evacuation routes; or - is located entirely within a development envelope area approved by an earlier development approval.

PO5	AO5
A car park other than a Parking station is only located below the flood level during the defined flood event where there is no increase in risk to: a. pedestrian and vehicular safety; b. a building or other structure. Note—Section 4.1—Guidelines for satisfying flood hazard overlay code in planning scheme policy 5—Infrastructure provides guidance to achieve this outcome.	No acceptable outcome provided.

Officers Comments:

The southern portion of the subject site is affected by the Flood Hazard Overlay. More specifically, it affects the existing lower level car parking area located towards the rear of the site, which will be approximately 1 metre below the defined 2% AEP river flood level (7.5m Australian Height Datum). The proposed development will not be able to comply with AO2 above, as it will result in an increase in the number of people at risk from flooding up to and including the defined flood event, as well as increasing the number of people that need evacuation during a flood event. Compliance with PO2 is therefore required to be demonstrated.

The proposed car parking area will not be affected by any events greater than 2% AEP. Furthermore, the lower car parking area has been approved as part of the original "OC" approval (MCUI/88/2007). Despite this, the proposed development will still result in an increase in the level of risk to people and vehicles, by allowing for the use of a car parking area that is affected by the 2% AEP event. Compliance with PO2 and PO5 as above has therefore not been demonstrated and compliance with the purpose of the Flood Hazard Overlay Code is required to be demonstrated.

The purpose of the Flood Hazard Overlay Code, as detailed above, is to be achieved through the overall outcomes of the code. The overall outcomes of the Flood Hazard Overlay Code states that development does not result in people and premises being at an unacceptable risk during a defined flood event, does not exacerbate the extent or severity of flooding or flood risk, protects and enhances the flood resilience (safety) of the community, including properties and does not add to the emergency management or evacuation burden during and after a flooding event.

Conditions have been recommended requiring a Flood Emergency Management Plan to be implemented for the proposed development, with flood warning and emergency signage to be installed within the lower level car parking area. Furthermore, during a flood event, six (6) properties to the north of Distillery Road do not have flood free access to a road that will provide residents with a safe route to Henry Hester Drive. An Infrastructure Agreement has been executed between the applicant and Council, which secures passage through the site for these properties during a flood event. Conditions have also been recommended to ensure that an evacuation procedure for all properties north of Distillery Road, to gain flood free access through the site to Henry Hester Drive during any flood event, is implemented. The proposed development therefore will not result in an unacceptable level of risk to people and premises during a flood event, will not exacerbate the extent of flood risk and will improve the flood resilience and emergency management procedures for the proposed development and surrounding properties. Compliance with the overall outcomes and therefore, purpose, of the Flood Hazard Overlay Code has therefore been demonstrated.

Landslide Hazard and Steep Slope Area Overlay Code

The purpose of the Landslide Hazard and Steep Slope Area Overlay Code is to protect the geological stability of premises, protect people and premises from the risk of landslide and maintain the visual amenity of the area. Although the application triggers assessment against the Landslide Hazard and Steep Slope Area Overlay Code, the proposed development involves the internal fitout of an existing building on site only and will not include any work within the mapped landslide hazard area. Therefore, the proposed development complies with all applicable provisions within the Landslide Hazard and Steep Slope Area Overlay Code.

Waterway Corridors and Wetlands Overlay Code

The purpose of the Waterway Corridors and Wetlands Overlay Code is to protect and enhance the ecological values, bank stability and scenic amenity of waterway corridors and wetlands and their riparian areas. The rear of the site is located within the mapped waterway buffer for the Albert River. Although the application triggers assessment against the Waterway Corridors and Wetlands Overlay Code, the proposed development involves the internal fitout of an existing building on site only and will not include any work within the mapped waterway corridor. Therefore, the proposed development complies with all applicable provisions within the Waterway Corridors and Wetlands Overlay Code.

STRATEGIC FRAMEWORK

An assessment of the proposal has been undertaken against the Strategic Framework to determine if compliance with the planning scheme can be demonstrated. The Strategic Framework of the planning scheme identifies the policy direction and forms the basis for ensuring appropriate development occurs in the City. The strategic intent states:

By 2031, Logan reflects the spatial elements identified in Figure 3.1—Strategic intent and will accommodate over 420,000 people and 130,000 jobs.

The policy is structured over eleven (11) themes. Although each theme has its own section, the Strategic Framework is to be read in its entirety as the policy direction for the planning scheme. An assessment against each theme has been provided below:

Settlement pattern

The strategic intent of the Settlement pattern theme is that *"by 2031, Logan reflects the spatial elements identified in Figure 3.1—Strategic intent and will accommodate over 420,000 people and 130,000 jobs."* Figure 3.1 identifies the extent of mapped Urban Footprint, RLRPA, Rural Living Area and future urban areas. The subject site is identified as being located within the Urban Footprint.

Section 3.3.1 (1) of the Strategic Framework states that the urban footprint provides high quality places for people to live, work, learn and play and accommodates predominantly urban development. The proposed development is for an urban purpose and will provide a place for the general public to work, learn crafts and other artisan style skills and visit for entertainment purposes. Therefore, the proposed development is considered to be aligned with the strategic intent of the Settlement pattern theme.

Residential

The strategic intent of the Residential theme is that *"residential development provides a range of housing sizes, types and tenures. Residential density is provided at an intensity that is compatible with the local context, public transport provision and infrastructure capacity."* The strategic outcomes of the Residential theme further state that Logan has a sufficient housing supply, including a range of housing types, to meet the community's projected housing needs and create socially diverse neighbourhoods. The proposed development does not include any residential components and proposes to develop land included in the Specialised Centre Zone for the purpose of tourism activities. This theme is therefore not relevant to the assessment of the proposal.

Centres

The strategic intent of the Centres theme is that *"Logan has a hierarchy and network of interrelated centres comprising principal centres, major centres, district centres, neighbourhood centres, and specialised centres. Centres are vibrant, accessible and integrated places."* The intent of Specialised Centres, within which the site is located, is to complement existing centres, accommodate a specific range of uses and not accommodate supermarkets or other convenience retail activities. Six distinct precincts are also provided for within Specialised Centres, one of which is the Albert River Tourism Precinct. The proposed development will provide for a number of land uses that are entirely consistent with the intended land uses identified for the Albert River Tourism Precinct. Furthermore, the overall purpose and integrated function of the proposed development is to act as a tourism attraction/hub for unique artisan style activities. No supermarkets or convenience retail activities are proposed. The proposed development is therefore consistent with the intent of Specialised Centres and more specifically, the Albert River Tourism Precinct.

Employment

The strategic intent of the Employment theme is that *"Logan has a strong, resilient and diversified economy based on Logan's locational advantages to provide high levels of employment growth to achieve 65 percent employment self-containment by 2031."* Section 3.6.2 (1) also states that a wide range of employment based uses are provided throughout the city to promote employment growth and economic activity. It is anticipated by the applicant that the proposed development will generate approximately 230 jobs upon completion. The proposal will therefore contribute to the employment generation goals of the planning scheme.

Community

The strategic intent of the Community theme is that *"Logan's community is well serviced and supported by community infrastructure. Open space and recreation uses and facilities are provided throughout Logan to meet the needs of the community. Local culture, heritage, and character is protected and enhanced to reinforce local community identity."*

The specific outcomes of the Community theme also state that community infrastructure is well located and accessible to public transport, as well as being co-located and integrated with compatible uses. Section 3.7.1 (1) of the Strategic Framework states that the community is well serviced and supported by community infrastructure. The proposed development does not include the provision of any community facilities; however, the intent of the underlying zoning for the site is the provision of tourism activities. This theme is therefore not considered relevant to the proposed development.

Rural

The strategic intent of the Rural theme is that *"Rural land, including Agricultural Land Classification Class A and Class B land, continues to support sustainable rural production and the diverse activities associated with an active rural economy, providing social, economic and environmental benefits to the region. A range of rural enterprises complement rural production and provide employment, economic development and ancillary tourism opportunities on rural land."* The subject site is not identified as rural land and the Rural theme is therefore not applicable to the assessment of the proposed development.

Natural environment

The strategic intent of the Natural environment theme is that *"The natural environment is protected and enhanced. No net loss of biodiversity and ecological values is achieved by protecting and enhancing flora and fauna species, large viable areas of habitat and connecting corridors, vegetation, waterways, wetlands and ridgelines and a sustainable and viable population of koalas. The ecosystems of waterway corridors, wetlands, and their riparian areas are protected and enhanced."*

The strategic outcomes of the Natural environment theme also state that biodiversity corridors provide and connect intact habitats across Logan and no net loss of biodiversity and ecological values is achieved by protecting and enhancing flora and fauna species and their associated habitats, large viable areas of habitat and connecting corridors and waterways and vegetation that function as links and corridors. The southern portion of the subject site is located within a mapped waterway area and primary and secondary vegetation management areas. The mapped waterway and environmentally protected areas within the subject site will be preserved, as no works are proposed within these areas as part of the proposed development.

Natural hazards

The strategic intent of the Natural hazards element is that *"People and premises are protected from and are resilient to the potential risks associated with natural hazards."* The specific outcomes further support this outcome, stating that people and premises are to be protected from and resilient to natural hazards, having regard to flooding and inundation, bushfire and landslide, amongst other hazards. A use that is vulnerable to natural hazards is also not to be located in a natural hazard area or designed to effectively mitigate the potential effects of the natural hazard.

The existing lower level car parking area located towards the rear of the site, is mapped as being affected by the Flood Hazard Overlay. Conditions have been recommended requiring a Flood Emergency Management Plan to be implemented for the proposed development, with flood warning and emergency signage to be installed within the lower level car parking area. Furthermore, during a flood event, six (6) properties to the north of Distillery Road do not have flood free access to a road that will provide residents with a safe route to Henry Hester Drive. An Infrastructure Agreement has been executed between the applicant and Council, which secures passage through the site for these properties during a flood event. Conditions have also been recommended to ensure that an evacuation procedure for all properties north of Distillery Road, to gain flood free access through the site to Henry Hester Drive during any flood event, is implemented. The proposed development will therefore protect people from flood hazards affecting the site and improve the flood resilience and emergency management procedures for the proposed development and surrounding properties.

Design, place making and amenity

The strategic intent of the Design, place making and amenity element is that *"Logan has a high quality, well designed built environment that provides places for people that are attractive, functional, safe and accessible. The built and natural environment provides people with a high level of amenity, where the qualities of the environment enhance the physical and social wellbeing of people."* The strategic outcomes further state that the built environment provides people with a high level of amenity and the qualities of the environment enhance the physical and social wellbeing of people. The proposed development provides for a high quality finished product including building articulation through wood and aluminium awning/façade treatments, a large prominent entrance, landscaped outdoor eating areas, glass panels and a sleek modern design, all of which will enhance the built environment of the Albert River Tourism

Precinct. The proposed tourism activities will not impact on the amenity of adjoining properties and conditions relating to appropriate hours of operation and general emissions will ensure that all potential amenity impacts are mitigated.

Transport

The strategic intent of the Transport element is that *"Development is designed to encourage walking, cycling and the use of public transport, and reduce reliance on private vehicles. High quality pedestrian and cycle infrastructure is provided in locations of good accessibility. An efficient public transport network is provided and integrated with development. An efficient road hierarchy and network is provided and integrated with development."*

The strategic outcomes for the Transport element also state that an efficient public transport and road hierarchy and network is provided, which supports high quality pedestrian and cycle infrastructure and encourages these activities, reducing reliance on private vehicles. The specific outcomes further state that transport corridors provide public transport accessibility and development is to be integrated with existing or future public passenger transport facilities. The community is to be connected to an efficient road network, which is designed to optimise efficiency of the network, minimise travel times and efficiently connect the community with active and public transport options, whilst providing safe property access and giving priority to public transport.

The proposed development includes provision for all modes of transport, including taxi bays and set-down areas for private coaches. Of note, the set down area for private coaches has been designed in accordance with Translink's bus stop provisions so that the site can be used for a public bus route in the future if needed.

Infrastructure

The strategic intent of the Infrastructure theme is that *"Efficient, cost effective, functional and sustainable infrastructure networks are provided and integrated with development. Key infrastructure sites and corridors are protected. Stormwater is managed in accordance with total water cycle management and water sensitive urban design principles. Waste is reduced to the greatest extent practicable, and managed and disposed of sustainably."*

The specific outcomes of the Infrastructure theme state that the community is appropriately serviced by all infrastructure networks. Infrastructure is also required to meet the desired standards of service for each trunk network identified by Council, be provided cost effectively and only outside the priority infrastructure area where it is provided as part of a development and not be funded by the local government. The specific outcomes also state that infrastructure maximises the efficiency of the networks and coordinates the release of land for urban development with infrastructure provision and where a network is planned but does not yet exist, development provides the planned infrastructure and connects to it.

The proposed development includes the internal fitout of an existing building. Approval conditions have been recommended to ensure the development is connected to the relevant infrastructure including stormwater basins, electricity and telecommunications, sewer and water etc. Of note, the proposed development will connect directly into existing infrastructure which were approved as part of previous approvals.

By way of an executed Infrastructure Agreement, the applicant is also required to provide a financial contribution to Council for the future upgrade of the Distillery Road pavement.

PUBLIC NOTIFICATION

In accordance with Part 4 (Public Notification) of the Development Assessment Rules, the applicant has informed Council that public notification was undertaken in accordance with s53 of the *Planning Act 2016*.

Start Date:	07/06/2019
End Date:	28/06/2019
Date of Final Notice:	01/07/2019
Number of Properly Made Submissions:	0 (support) 0 (objection/s)

REFERRALS

Referral Agencies

Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)

The DSDMIP - was identified as a Referral Agency for the subject application as the development proposes a tourist attraction with a GFA greater than 8,000m² and on a site greater than 5,000m². More specifically, the referral trigger is under:

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 of the Planning Regulation 2017 – Aspect of development stated in schedule 20 - Material Change of Use of premises near a state transport corridor or that is a future state transport corridor.

DSDMIP provided conditions on 3 July 2019 to support any approval that might be issued by Council, which related to providing a private coach set-down area and a dedicated taxi rank on site.

The reasons for DSDMIPs decision is as follows:

- The development will not compromise the safe and efficient operation and integrity of the nearby state-controlled road; and
- The development will ensure that public passenger transport is provided that will cater for all patron types.

Internal Referrals

This application was referred to the following internal Council Branches/Units for consideration and approval conditions of development:

- Development Assessment (Engineering);
- Technical Services Team;
 - Hydraulic engineering;
 - Landscaping;
 - Traffic; and
 - Environment.
- Water Infrastructure Branch.

CONCLUSION

After considering the development application against the applicable legislation and planning instruments, it is recommended that the development application be approved, subject to conditions.

RECOMMENDATION

IT IS RECOMMENDED:-

That the Development Application be approved, subject to conditions and a Development Permit for a **Material Change of Use** to establish a Tourist Attraction and Market at 124 Distillery Road, EAGLEBY QLD 4207 more accurately described as Lot 2 SP 102952 be issued in accordance with the attached conditions.

***INTEGRATED PLANNING ACT 1997, SUSTAINABLE PLANNING ACT 2009 AND PLANNING ACT 2016 -
DEVELOPMENT ASSESSMENT AND DISPUTE RESOLUTION***

DECISION

I am satisfied having considered the above application, matters set out in this submission and the recommendation of the officer, this application complies with relevant standards and the *Planning Act 2016* (where applicable) and approved, subject to conditions the application for the reasons outlined in the decision notice.

Dated the 2nd day of December 2019

Jessica Binch
Senior Planning Officer - Major Developments
Major Developments and Appeals
Strategy and Sustainability