



TOWN PLANNING REPORT

Home-Based Business

14 Turill Street. Shailer Park 4128

Lot 128 on RP 891090

October 2023

CONTACT INFORMATION

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PROJECT INFORMATION

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REVISION HISTORY

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IMPORTANT NOTE

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EXECUTIVE SUMMARY

| SITE DETAILS | |
|----------------------------|---|
| Site Address | 14 Turill Street. Shailer Park 4128 |
| Real Property Description | Lot 128 on RP 891090 |
| Landowner | Jamie Norup |
| Site Area | 1,416m ² |
| Application Details | |
| Proposal Description | Home-Based Business |
| Approval Sought | Development Permit for Material Change of Use for Home-Based Business |
| Level of Assessment | Impact |
| Public Notification | 15 business days |
| Referrals | None identified |
| Assessment Framework | |
| Regional Plan | South East Queensland Regional Plan 2017 |
| Regional Plan Land Use | Urban Footprint |
| Local Government | Logan City Council |
| Planning Scheme | Logan Planning Scheme 2015 V9.0 |
| Area Classification/Zoning | Low density residential – Large suburban precinct |
| Local Plan | Not applicable |
| Overlays | <ul style="list-style-type: none"> ▪ Residential overlay |
| Applicant Details | |
| Applicant | Jamie Norup c/o- Viva Property Group |
| Contact Details | James Stott / Jason King E: info@vivapropertygroup.com.au |
| Our Reference | 230053 |

I. INTRODUCTION

Jamie Norup (the Applicant) has engaged Viva Property Group to seek development approval over land located at 14 Turill Street, Shailer Park 4128, formally described as Lot 128 on RP 891090 for:

- Development Permit for Home-Based Business.

The proposed development is subject to **Impact** assessment.

This application seeks to formalise an existing Home-based business use on site that involves the wholesale of engine parts and does not cater to walk-ins off the street. The Home-based business is considered to generally comply with the requirements of the Home-based business code.

This report addresses the merits of the proposal against the relevant provisions of the *Logan Planning Scheme 2015 V9.0* (the Planning Scheme), the *Planning Act 2016* (the Act) and other relevant legislation. Detailed analysis of the proposal against the local and state planning framework is included within this report and its attachments.

Accompanying this Town Planning Report is the supporting information identified in *Table 1* below.

TABLE 1 SUPPORTING INFORMATION

| DOCUMENT | AUTHOR | DATE |
|----------------|--------|----------------|
| Proposal Plans | REYER | September 2023 |

Approval is recommended subject to reasonable and relevant conditions.

2. SITE DESCRIPTION

2.1 SITE LOCATION

The subject site is located at 14 Turill Street, Shailer Park 4128, and is formally described as Lot 128 on RP 891090.

Figure 1 below provides an overview of the location of the subject site.



FIGURE 1 SITE LOCATION PLAN

2.2 SITE DETAILS

Key details of the subject site are outlined in *Table 2* below and detailed property searches are provided in *Appendix A*. A Cadastral Plan of the subject site is provided in *Figure 2*, and Aerial Photography is provided in *Figure 3*.

TABLE 2 SITE DETAILS

| SITE ANALYSIS | |
|------------------------------------|--|
| Existing Development | |
| Built Form | The subject site contains an existing Dwelling house and outbuildings. |
| Storeys | One |
| Vehicle Entry Points | Single vehicle crossover to Turill Street |
| Site Characteristics | |
| Topography | The subject site is generally level. |
| Vegetation | The subject site does not contain any protected vegetation. |
| Waterways | The subject site does not contain a waterway. |
| Wetlands | The subject site does not feature wetlands. |
| Contaminated Land | The subject site is not listed on the EMR or CLR. |
| Heritage Places | The subject site is not listed on the Local or State Heritage Registers. |
| Infrastructure and Services | |
| Road Frontages | Approximately 5m to Turill Street |
| Water Supply | Water supply will be as per existing site conditions. |
| Sewerage | Sewerage will be dealt with as per existing site conditions. |
| Stormwater | Stormwater will be able to be directed to a lawful point of discharge as per existing site conditions. |
| Electricity and Telecommunications | The site has existing electricity and telecommunications connections which will be able to service the proposed development. |

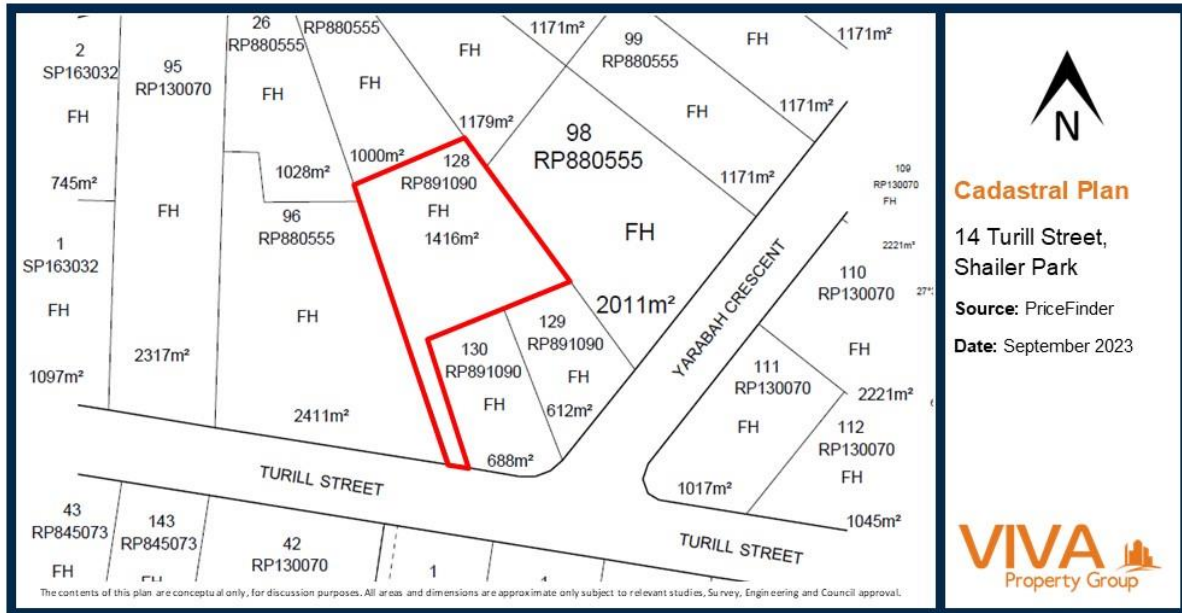


FIGURE 2 CADASTRAL PLAN



FIGURE 3 AERIAL PHOTOGRAPH

2.3 SURROUNDING LAND USES

Development surrounding the subject site primarily consists of Low density residential development in the form of detached housing.

2.4 OWNER'S CONSENT

The subject site is owned in Fee Simple by Jamie Norup. A Certificate of Title is provided within *Appendix A*. In accordance with s.51 of the Act, owner's consent is not required for this application.

3. BACKGROUND

3.1 PREVIOUS APPROVALS

3.2 PREVIOUS APPROVALS

There are no previous approvals in relation to this application.

3.3 PRELODGEEMENT MEETINGS

No prelodgement meetings have been held in relation to this application.

4. PROPOSAL DESCRIPTION

4.1 GENERAL DESCRIPTION

This application seeks to formalise an existing Home-based business use on site that involves the wholesale of engine parts and does not cater to walk-ins off the street.

The Home-based business is consistent with the requirements of the Home-based business code. The Home-based business operates in the following manner:

- Total GFA 136m²
- 5-10 customers coming to site per week;
- Up to 1 non-resident staff member on site at any one time;
- Appointment only, no walk-ins off the street;
- Sales predominantly made via mail/packages rather than on-site customers;
- 90% of product brought to site;
- Delivery to site once per month;
- Largest sized vehicle generally associated with the use is a Van; and
- Occasional Van and SRV delivery.

The proposed development is depicted in *Figure 4* below.

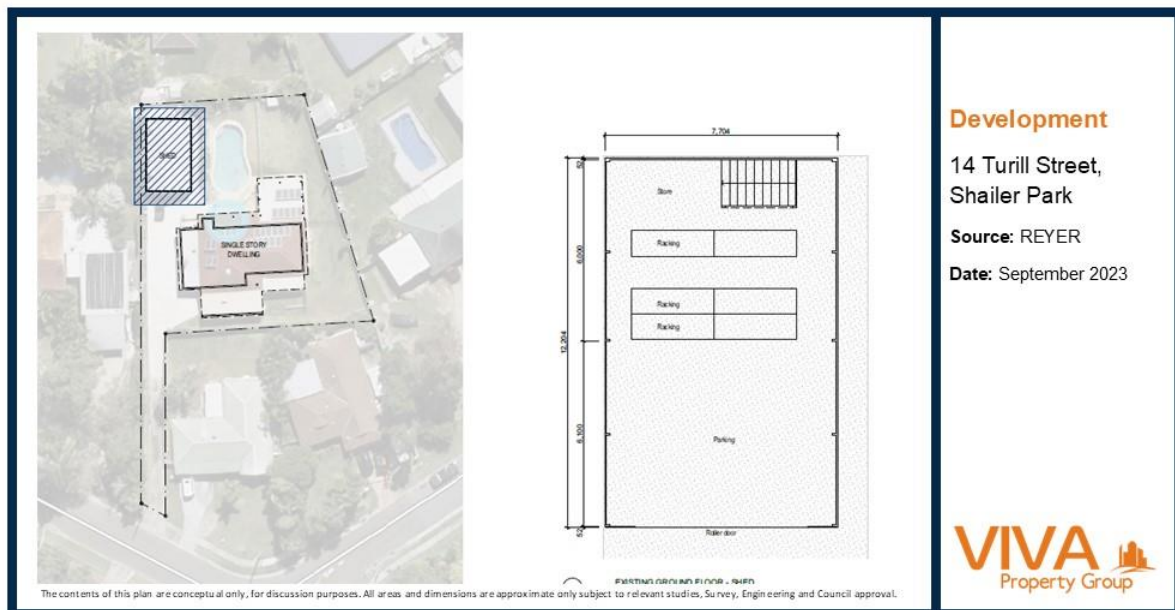


FIGURE 4 PROPOSED DEVELOPMENT

The general development statistics are set out below in *Table 3*. Detailed proposal plans are provided in *Appendix B*.

TABLE 3 PROPOSAL OUTLINE

| DEVELOPMENT STATISTICS | |
|-------------------------------|---|
| Home-Based Business | |
| Proposed Use | Home-based business |
| Site Cover | As per existing site conditions. |
| GFA | 136m ² |
| Number of Storeys | One |
| Front Setback | As per existing site conditions. |
| Rear Setback | As per existing site conditions. |
| Side Setbacks | As per existing site conditions. |
| Landscaping | Not assessable. |
| Car Parking | Compliant with the requirements of the <i>Home-based business code</i> . |
| Bicycle Parking | Not applicable |
| Vehicle Entry Points | Existing crossover to the Turill Street |
| Service Vehicle | Not applicable |
| Refuse Storage and Collection | Refuse will be stored in bins within a suitable area on site and will be collected as per existing site arrangements. |

4.2 ENGINEERING AND SERVICES

1.1.1 BULK EARTHWORKS

The development seeks the formalisation of the existing Home-based business use on site. Bulk earthworks are not proposed.

1.1.2 SEWER

Sewer connection will be as per existing site conditions.

1.1.3 WATER

Water supply will be as per existing site conditions.

1.1.4 ELECTRICITY

The subject site has an existing electricity connection which will be able to service the proposed development.

1.1.5 TELECOMMUNICATIONS

The subject site has existing telecommunications connections which will be able to service the proposed development.

1.1.6 STORMWATER

Stormwater will be discharged to a lawful point of discharge as per existing site conditions.

4.3 TRANSPORT, ACCESS, PARKING AND SERVICING

1.1.7 ACCESS

Access will be as per existing site conditions.

4.4 STAGING

The proposed development will be undertaken over a single stage.

5. STATUTORY REQUIREMENTS AND ASSESSMENT

This section provides an overview of the legislative context of the application under the provisions of the *Planning Act 2016*.

5.1 STATUTORY PROVISIONS

Table 4 below provides an overview of the State and local statutory provisions relevant to this proposal.

TABLE 4 SUMMARY OF STATUTORY PROVISIONS

| SUMMARY OF STATUTORY PROVISIONS | |
|--|---|
| Type of Approval | Development Permit for Material Change of Use for Home-Based Business |
| Defined Use | Home-based business |
| Level of Assessment | Impact |
| Public Notification | None |
| Referrals | None identified |
| Relevant sections of State Planning Policy | Safety and resilience to hazards |

5.2 STATE PLANNING REQUIREMENTS AND ASSESSMENT

A review of the current State planning regulatory requirements has been undertaken. It is considered that the proposed development is generally compliant with all requirements. No conflicts have been identified.

5.2.1 REGIONAL PLAN

The subject site is located within the area that is covered by the *South East Queensland Regional Plan 2017* (Regional Plan). As prescribed in Section 26 of the Planning Regulation, the assessment of the proposed development must be carried out against certain assessment benchmarks, including the Regional Plan.

It is noted that the subject site is mapped within the Urban Footprint Land Use Area of the Regional Plan. The Urban Footprint is intended to accommodate urban development to support the region's ongoing growth and, as such, it is considered that no further assessment against the Regional Plan is required.

It is considered that the proposed development is consistent with the intent of the Regional Plan.

5.2.2 STATE PLANNING POLICY

The State Planning Policy was released on 3 July 2017. Under Section 26 of the Planning Regulation, the State Planning Policy is an assessment benchmark that the Assessment Manager must have regard to if not appropriately integrated into the Planning Scheme.

It is noted that the State Planning Policy has been appropriately integrated into the Planning Scheme and, therefore, no further assessment against the SPP is required. This is demonstrated in Table 5 below.

TABLE 5 ASSESSMENT OF STATE PLANNING POLICY

| STATE PLANNING POLICY TRIGGER ASSESSMENT | | |
|--|--------------------------------|----------|
| State Planning Policy Section | Represented in Planning Scheme | Relevant |
| Liveable communities and housing | Yes | No |
| Economic growth | Yes | No |
| Environment and heritage | Yes | No |
| Safety and resilience to hazards | Yes | Yes |
| Infrastructure | Yes | No |

5.2.3 REFERRALS AND STATE DEVELOPMENT ASSESSMENT PROVISIONS

Referral matters for this proposal have been assessed against the Regulation.

No referrals have been identified as being applicable to this application.

5.3 LOCAL PLANNING REQUIREMENTS AND ASSESSMENT

The *Logan Planning Scheme 2015 V9.0* (Planning Scheme) is applicable to this application. The relevant provisions of the Planning Scheme are identified and addressed below.

5.3.1 DEFINED USE

The proposed development involves a Home-based business. This is defined in the Planning Scheme as follows:

Home-based business means the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.

5.3.2 LEVEL OF ASSESSMENT

The proposed development is subject to **Impact** Assessment in accordance with Part 5 of the Planning Scheme as outlined in *Table 6* below.

TABLE 6 LEVEL OF ASSESSMENT

| ASSESSMENT TRIGGER | TABLE | LEVEL OF ASSESSMENT |
|--|-----------|---------------------|
| Home-Based Business | | |
| Low density residential zone – Large Suburban Precinct | 5.5.5.1 | Impact |
| All aspects of development | | |
| Residential overlay | 5.10.10.1 | Not Applicable |

5.3.3 LOCAL PLAN

The subject site is not mapped within a Local Plan area.

No further assessment is required.

5.3.4 ZONE

Under the Planning Scheme, the subject site is mapped as being within the Low density residential – Large suburban precinct. The subject site adjoins other Low density residential – Large suburban precinct zoned land. Local zoning around the site is illustrated in *Figure 5* below.

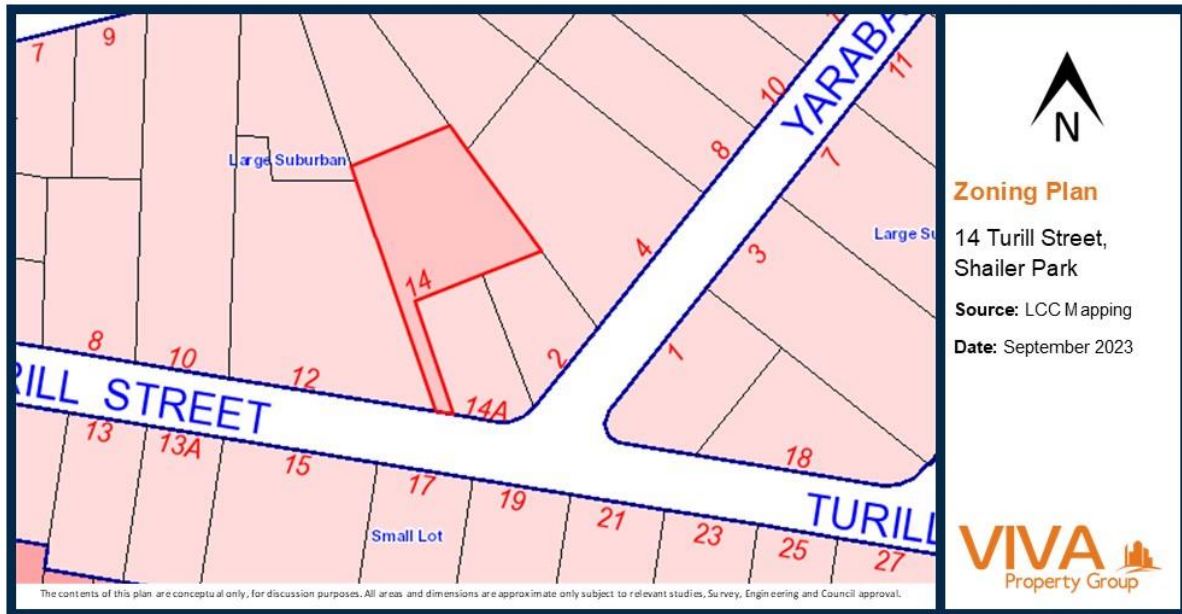


FIGURE 5 ZONING PLAN

In accordance with Table 5.5.5.1, the proposed development is Impact Assessable development within the zone; however, the proposed development does not trigger assessment against the *Low density residential zone code*. No further assessment is required.

5.3.5 OVERLAYS

No overlays are applicable to the proposed development. The only overlay over the site is the Residential overlay, and the Residential overlay only applies to development for Dwelling houses and Residential activities. This is demonstrated in *Table 7* below. No further assessment is required.

TABLE 7 OVERLAY MAPS

| OVERLAY | RELEVANT SUB-CATEGORY | APPLICABLE |
|---------------------|-----------------------|------------|
| Residential overlay | Residential overlay | No |

5.3.6 OTHER DEVELOPMENT CODES

In accordance with Table 5.5.5.1, the proposed development triggers assessment against the following other development codes:

- Reservicing, access and parking code.

A full assessment of the proposed development against the *Reservicing, access and parking code* is provided within *Appendix C*.

5.3.7 APPLICABLE ASPECTS OF PLANNING SCHEME

Based on the assessment outlined above, the sections and codes of the Planning Scheme that are identified as being applicable to the proposed development are outlined in *Table 8* below.

TABLE 8 APPLICABLE PLANNING SCHEME CODES

| APPLICABLE CODE/SECTION | LOCATION OF RESPONSE |
|------------------------------------|----------------------|
| Primary Codes | |
| Home-based business code | <i>Appendix C</i> |
| Servicing, access and parking code | <i>Appendix C</i> |

6. PLANNING CONSIDERATIONS

6.1 COMPATIBILITY WITH THE RESIDENTIAL CHARACTER OF THE AREA

It is acknowledged that AO1 of the *Home-based business code* seeks to limit a Home-based business use to certain uses which do not include the wholesale of engine parts (which would fall under the definition of *Warehouse* under the Planning Scheme). However, it is considered that the proposed Home-based business is compatible with the residential character of the area and, therefore, is able to demonstrate compliance with PO1 of the *Home-based business code* and is an appropriate development outcome for the site.

Specifically, it is noted that the Home-based business will not introduce any readily discernible additional impacts as compared to a typical Dwelling house due to the following factors:

- The Home-based business will be undertaken within existing lawfully constructed buildings on site and, therefore, will not result in any additional building height, overlooking, site cover, or reduced boundary setbacks;
- Sales of the product are generally made and completed via mail/packages rather than on-site sales;
- Given the main method of sale, there is generally no more than 5-10 customer visits to the site per week which will generate vehicle movements generally consistent with community expectations for the amount of vehicles travelling to and from a typical Dwelling house per week;
- The Home-based business will be able to comply with the relevant acoustic planning criteria and allowable hours of operation as prescribed under the *Home-based business code* (i.e. no customer visitation outside of the hours of 7am to 6pm Monday to Saturday, and no loading or unloading of vehicles outside of the hours of 7am to 6pm Monday to Saturday);
- The Home-based business will not involve any staff that are not permanent residents of the existing Dwelling house on site; and
- The largest size vehicle on-site associated with the Home-based business is generally a van, with occasional deliveries via SRV (approximately once per month) which is consistent with the allowable vehicle sizes under AO3 of the *Home-based business code*.

Given the above assessment, it can be seen that the proposed Home-based business will effectively function with no greater intensity than a Dwelling house and is therefore compatible with the residential character of the area and is considered to demonstrate compliance with PO1 of the *Home-based business code*.

7. CONCLUSION

This Town Planning Report supports a Development Application made by Jamie Norup to Logan City Council for the formalisation of the existing Home-based business use on site.

The site is located at 14 Turill Street, Shailer Park 4128, and is formally described as Lot 128 on RP 891090.

The application seeks approval for:

- Development Permit for Material Change of Use for Home-Based Business.

As demonstrated in this Town Planning Report and the supporting technical appendices, the proposed development is generally consistent with the intent of the Planning Scheme and other relevant instruments.

Approval is recommended subject to reasonable and relevant conditions.

APPENDIX A SEARCHES

Compiled by

VIVA PROPERTY GROUP



APPENDIX B PROPOSAL PLANS

Prepared by
REYER



APPENDIX C CODE RESPONSES

Prepared by

VIVA PROPERTY GROUP

