



# **ORDINARY MEETING OF COUNCIL**

## **SUPPLEMENTARY AGENDA**

**16 MAY 2018**

**ORDINARY MEETING OF  
COUNCIL SUPPLEMENTARY  
AGENDA  
16 MAY 2018**

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**11. ORGANISATIONAL DEVELOPMENT AND PLANNING REPORTS**

**11.5 Application to Change the Development Approval for the Backpacker Development at Philps Road, Grantham) on Lot 2 RP204243 and Lot 1 SP270097 at 75 Philps Road, Grantham**

**Date:** 14 May 2018  
**Author:** Mark Westaway, Contract - Senior Planner  
**Responsible Officer:** Dan McPherson, Executive Manager Organisational Development & Planning

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**Summary:**

The application seeks approval for a Minor Change to Approval for Material Change of Use for Short Term Accommodation and Relocatable Home Park (MCU2017/0014) at 75 Philps Road, Grantham.

The change involves the substitution of a new set of plans and elevations to reflect how the developer now wishes to proceed with the development. It is recommended that the application to change the development approval be approved.

**Officer's Recommendation:**

**THAT Council approve the application to change the development permit for material change of use for Short Term Accommodation and Relocatable Home Park (MCU2017/0014) over land located at 75 Philps Road, Grantham, being Lot 2 RP204243 and Lot 1 SP270097 in accordance with the following:**

**A. Amending Conditions 1 and 5 to read as follows:**

**1. The development shall be undertaken generally in accordance with the following plans and drawings:**

- (a) Drawing No. 005 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (b) Drawing No. 006 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (c) Drawing No. 007 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (d) Drawing No. 008 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (e) Drawing No. 009 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (f) Drawing No. 010 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (g) Drawing No. 011 Revision DA04 prepared by wallacebrice architecture and dated January 2018;**
- (h) Drawing No. 012 Revision DA05 prepared by wallacebrice architecture and dated March 2018;**
- (i) Drawing No. 013 Revision DA04 prepared by wallacebrice architecture and dated**

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**January 2018;**

**(j) Drawing No. 014 Revision DA05 prepared by wallacebrice architecture and dated March 2018;**

**This condition shall be met at all times.**

**“5. Lot 1 SP270097 and Lot 2 RP204243 are to be amalgamated. This condition shall be met prior to the commencement of the use of Stage 1.**

**Alternatively, a statutory covenant must be entered into over Lot 1 SP270097 and Lot 2 RP204243 prior to the commencement of the use of Stage 1 to ensure both lots remain in the same ownership, binding the owner and successors in title to retain the lots in one ownership. The owner is to prepare, lodge and register a covenant under Section 97(3) of the Land Titles Act 1994 over both lots. Council is to review the covenant prior to lodgement of the Covenant.”**

**B. Issuing an amended Infrastructure Charges Notice.**

**Report**

**1. Introduction**

The application seeks approval for a Minor Change to Approval for Material Change of Use for Short Term Accommodation and Relocatable Home Park (MCU2017/0014). This application was lodged and properly made on 2 May 2018.

The developer of the backpacker development at 75 Philps Road, Grantham has made application for a change to the development approval by the substitution of a new set of plans and elevations for those attached to the approval. The application has been made under s.78 of the Planning Act 2016.

**2. Background**

At its Ordinary Meeting on 14 June 2017 Council approved a development permit for material change of use for Short Term Accommodation and Relocatable Home Park (MCU2017/0014) over land located at 75 Philps Road, Grantham, being Lot 2 RP204243 and Lot 1 SP270097. At that meeting, Council agreed to a 100% waiver of infrastructure charges in accordance with Council's Development Incentives - infrastructure Charges Policy.

At its Ordinary Meeting on 28 June 2017 Council agreed to issue a Negotiated Decision Notice for the development which varied and removed a number of conditions.

At its Ordinary Meeting on 8 November 2017 Council subsequently approved an application to Change the Development Application for Short Term Accommodation and Relocatable Home Park.

Works have commenced on site. As of 16 March 2018, being the latest aerial photography available, a number of buildings are located on site in accord with the following image below.

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Source: Nearmap.com.

### **3. Report**

#### **3.1 Statutory Process**

The applicant has made an application for a minor change to a development approval under s78 and s81 of the *Planning Act 2016*. A request to make a minor change to a development approval can only be made in circumstances where that change meets the definition of a 'minor change' in the *Act*.

The proposed change to the development approval requested by the applicant is determined to constitute a minor change on the grounds that:

- The change would not result in a substantially different development as it only results in alterations to the staging of the development, and minimal changes [less than 1%] to the total numbers of beds proposed on site.
- The change would not cause the inclusion of prohibited development.
- The change would not require the application to be referred to any referral agencies.
- The change would not require public notification to be undertaken.

On this basis, the application is considered to be a minor change to a development approval.

### **3.2 Assessment**

The application seeks to amend the approved plans and amend condition 5, which will not create any inconsistencies as the original planning scheme is still in force.

An assessment in relation to each of the submitted change requests is provided below.

#### **Condition 1 – Approved Plan**

The set of existing approved plans is provided as Attachment 1 and the changed plans for which approval is being sought are provided as Attachment 2.

Condition 1 reads as follows:

1. The development shall be undertaken generally in accordance with the following plans and drawings:
  - (a) Drawing No. 001 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (b) Drawing No. 002 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (c) Drawing No. 003 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (d) Drawing No. 004 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (e) Drawing No. 005 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (f) Drawing No. 006 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (g) Drawing No. 007 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (h) Drawing No. 008 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (i) Drawing No. 009 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (j) Drawing No. 010 Revision DA02 prepared by wallacebrice architecture and dated April 2017;
  - (k) Drawing No. 011 Revision DA02 prepared by wallacebrice architecture and dated April 2017; and
  - (l) Drawing No. 012 Revision DA02 prepared by wallacebrice architecture and dated April 2017.

This condition shall be met at all times.

#### **Applicant's Request**

WallaceBrice Architecture has prepared fully inclusive Amended Design Plans which depict the new site layout and updated development data. The requested changes to the approved plans are as follows:

- Type 5 buildings removed (previously located in the north of the development – four Type 5's have been replaced by a Type 4 and four Type 2's);
- Increase of Type 4 buildings (additional 4 units = 96 beds);



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- Addition of Stages 3 - 5 to establish Type 2 & Type 4 buildings;
- Layout of eastern manufactured housing area amended;
- Addition of Sewer Treatment Plan in the site's north;
- Designation of 4x Person with Disability units;
- Addition of Building G (Mud Room); and
- Slight relocation of Buildings B, E & F.

Therefore the applicant seeks to **delete** the Table of Approved Plans and have it **replaced** by the suite of new plans lodged with the request.

### **Assessment**

Agree

A summary of the differences between the development as it is currently approved and the changed development for which approval is being sought are as follows:

1. The applicant proposes to carry out the development in five (5) stages rather than the two (2) stages previously approved.
2. While the general footprint of the development remains unchanged, two Type 4 and two Type 2 buildings have been proposed closer to the carpark and communal facilities. Four Type 2 buildings are proposed to replace three Type 5 buildings at the north end of the site. As a result of this, the centre point of the residential development has moved slightly southwards. (This can be seen by comparing Plans 001 & 002 in Attachment 1 with Plans 005 & 006 in Attachment 2.)
3. The following changes have been proposed for the Accommodation Buildings:
  - (a) The floor template for Building Type 1 remains unchanged. The roof pitch has been increased from 5° to 14° and the building is shown with more pronounced eaves. This results in these buildings having a maximum height of approximately 5.2m, approximately 0.7m higher than the previously approved building. It is considered this is only a minor change to the building. (This can be seen by comparing Plan 003 in Attachment 1 with Plan 007 in Attachment 2.)
  - (b) The floor template for Building Type 2 remains unchanged. The roof pitch has been increased from 5° to 14° and the building is shown with more pronounced eaves. This results in these buildings having a maximum height of approximately 5.4m, approximately 0.9m higher than the previously approved building. It is considered this is only a minor change to the building. (This can be seen by comparing Plan 004 in Attachment 1 with Plan 008 in Attachment 2.)
  - (c) The floor template for Building Type 3 remains unchanged,
  - (d) The floor template for Building Type 4 remains generally unchanged, however an amended design has been provided that includes accessible accommodation for persons with a disability (PWD). The building is shown with

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more pronounced eaves at the ends of the building. (This can be seen by comparing Plan 006 in Attachment 1 with Plan 010 in Attachment 2.)

The PWD module includes 6 accessible accommodation units rather than the 4 mentioned by the applicant, but only one accessible bathroom, leaving the balance of the 42 beds in this cabin with 6 showers, 4 toilets and 4 basins. The roof pitch has been retained at 5°.

- (e) Building Type 5 is no longer included in the amended design.
- (f) The manufactured housing is proposed to be served by two internal driveways on either side of the proposed access driveway. The proposed access driveway that will service the entire development was approved as part of the original approval and connects to Philps Road at the southeast corner of the site. The manufactured housing to the east of the proposed access driveway has been realigned to generally address the existing driveway. (This can be seen by comparing Plan 002 in Attachment 1 with Plan 010 in Attachment 2.)

The existing driveway will be closed off from Philps Road as it currently gains access to Philps Road across another property.

4. The following changes have been proposed for the Communal facilities:

- (a) The footprint of Building B (Bar/Café/Social Space) has increased from 370m<sup>2</sup> to 491m<sup>2</sup>. The shape of the building changes as a part of the proposal. The new building proposes a rectangular form with decks on both sides, but does not include any Dance/Function Amenity component. The previous building proposed a deck on one side, with a Dance/Function/Amenities building. (This can be seen by comparing Plan 009 in Attachment 1 with Plan 012 in Attachment 2.)
- (b) The footprint of Building C (Dining/Self Cook) has decreased from 442m<sup>2</sup> to 405m<sup>2</sup>. (This can be seen by comparing Plans 001 and 011 in Attachment 1 with Plan 014 in Attachment 2.) This building is being constructed as part of Stage 1, and as a result will provide ablution facilities for Buildings B and C.
- (c) The footprint of Building E (Dance/Function/Amens) has changed slightly, being previously attached to Building B, and being constructed as part of Stage 2. Building E is now proposed to be a small standalone building. . (This can be seen by comparing Plan 009 in Attachment 1 with Plan 013 in Attachment 2.)
- (d) The footprint of Building F (Laundry) has changed slightly, being previously attached to Building C. Building F is now proposed to be a small standalone building, attached to the proposed Mud Room. (Refer Plan 013 in Attachment 2.)
- (e) Building G (Mud Room) is a new building, which will be attached to the Laundry. (Refer Plan 013 in Attachment 2.)

It is considered the development proposed within the new suite of plans provides an improved design solution for the site. It is therefore recommended the plans referred to in Condition 1



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be replaced with the amended plans submitted with the application and the condition be worded as follows:

1. The development shall be undertaken generally in accordance with the following plans and drawings:
  - (a) *Drawing No. 005 Revision DA04 prepared by wallacebrice architecture and dated January 2018;*
  - (b) *Drawing No. 006 Revision DA04 prepared by wallacebrice architecture and dated January 2018;*
  - (c) *Drawing No. 007 Revision DA04 prepared by wallacebrice architecture and dated January 2018;*
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  - (i) *Drawing No. 013 Revision DA04 prepared by wallacebrice architecture and dated January 2018;*
  - (j) *Drawing No. 014 Revision DA05 prepared by wallacebrice architecture and dated March 2018;*

***This condition shall be met at all times.***

**Condition 5 – Amalgamation of Lots**

Condition 5 reads as follows:

*“Lot 1 SP270097 and Lot 2 RP204243 are to be amalgamated. This condition shall be met prior to the commencement of the use of Stage 1.”*

**Applicant’s Request**

The applicant has sought to delete Condition 5 for the following reason:

*“In relation to Condition 5, the applicant notes that keeping the lots as separate titles is crucial to the viability of the project. It is considered that amalgamating the lots is not necessary in realizing the appropriate outcome for the site, as the development has been strategically designed to avoid the common boundary intersecting any built form. It is also noted that both lots will be retained under the same ownership, so no conflicts will arise and the land use approval will be over (involve) the two (2) subject allotments.*

*As such, we request that Condition 5 be **deleted**.”*

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## Assessment

Agree in Part

Typically, Council would require a development comprising multiple residential tenancies to be contained on one lot. The applicant's request relates to the potential for a significant increase in infrastructure costs if the lots are amalgamated. While it is unlikely that one of the lots would be sold independently, Council's concern is that a sale to a separate owner would result in issues with respect to access, services and communal facilities. As an alternative, it is recommended that a covenant binding both lots in the same ownership is imposed.

It is considered the following wording would achieve the intent of the applicant's request by providing an alternative mechanism regarding the land tenure, and provide flexibility for Council while still referencing what Council would ideally require in this circumstance. The amended wording of this condition has been discussed with the applicant. The applicant is in agreement with the proposed amended wording of the condition as follows:

- "5. Lot 1 SP270097 and Lot 2 RP204243 are to be amalgamated. This condition shall be met prior to the commencement of the use of Stage 1.

***Alternatively, a statutory covenant must be entered into over Lot 1 SP270097 and Lot 2 RP204243 prior to the commencement of the use of Stage 1 to ensure both lots remain in the same ownership, binding the owner and successors in title to retain the lots in one ownership. The owner is to prepare, lodge and register a covenant under Section 97(3) of the Land Titles Act 1994 over both lots. Council is to review the covenant prior to lodgement of the Covenant."***

## Adopted Infrastructure Charges Resolution

The proposed change to development increases the numbers of building proposed on site. Council has previously resolved to waive infrastructure charges in accordance with the Development Incentives Policy; however it is recommended that an amended Infrastructure Charges Notice be issued.

Charge Type	Description	Demand Units	Rate	TOTAL
<b>PROPOSED DEMAND – Stage 1</b>				
Charge	Short-term accommodation (3 or +)	15	\$6,250.00	\$93,750.00
Charge	Relocatable home park (1 or 2)	1	\$5,400.00	\$5,400.00
TOTAL PROPOSED DEMAND				\$99,150.00
<b>PROPOSED DEMAND – Stage 2</b>				
Charge	Short-term accommodation (3 or +)	3	\$6,250.00	\$18,750.00
Charge	Relocatable home park (1 or 2)	53	\$5,400.00	\$286,200.00
TOTAL PROPOSED DEMAND				\$304,950.00
<b>PROPOSED DEMAND – Stage 3</b>				
Charge	Short-term accommodation (3 or +)	2	\$6,250.00	\$12,500.00
TOTAL PROPOSED DEMAND				\$12,500.00

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PROPOSED DEMAND – Stage 4				
Charge	Short-term accommodation (3 or +)	3	\$6,250.00	\$18,750.00
TOTAL PROPOSED DEMAND				\$18,750.00
PROPOSED DEMAND – Stage 5				
Charge	Short-term accommodation (3 or +)	3	\$6,250.00	\$18,750.00
TOTAL PROPOSED DEMAND				\$18,750.00
TOTAL PROPOSED DEMAND FOR ALL STAGES				\$454,100.00
EXISTING DEMAND				
Credit	Vacant lots (to be calculated against Stage 1)	2	-\$12,500.00	-\$25,000.00
TOTAL EXISTING DEMAND CREDIT				-\$25,000.00
<b>TOTAL PAYABLE</b>				<b>\$429,100.00</b>

**4. Policy and Legal Implications**

There is no policy or legal implications arising from the recommendation provided in this report.

**5. Financial and Resource Implications**

There are no financial or resource implications arising from the recommendation in this report. Due to the increase in the number of buildings (but the number of beds generally remaining the same), the proposed change would result in an increase in infrastructure charges from \$372,850 to \$429,100, however with respect to this development, at the meeting of 14 June 2017, Council had previously resolved to apply a discount of 100% of Council's infrastructure charges in accordance with Development Incentives – Infrastructure Charges Policy pursuant to paragraph 16 on the basis that the development provides a substantial economic community benefit to the Lockyer Valley.

**6. Delegations/Authorisations**

There are no implications for delegations or authorisations arising from the recommendation provided in this report.

**7. Communication and Engagement**

Council's decision on the change application will be given to the applicant and the State Assessment and Referral Agency in accordance with s.83 of the *Planning Act 2016*.

**8. Conclusion**

Despite the changes proposed the development remains one which provides accommodation for in the order of 550 backpackers which is supported by facilities including a Communal Recreation building, a Dining/Self Cook building, a Bar/Cafe/Social Space building with a

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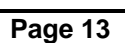
Dining/Function/Amenities space and laundry facilities. The minor change application is considered acceptable and therefore a recommendation for approval is provided.

**9. Action/s**

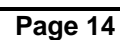
1. That Council agrees to the changes to conditions as set out in the Officer's Recommendation.
2. The Council's decision is communicated to the applicant in accordance with the requirements of the *Planning Act 2016*.

**Attachments**

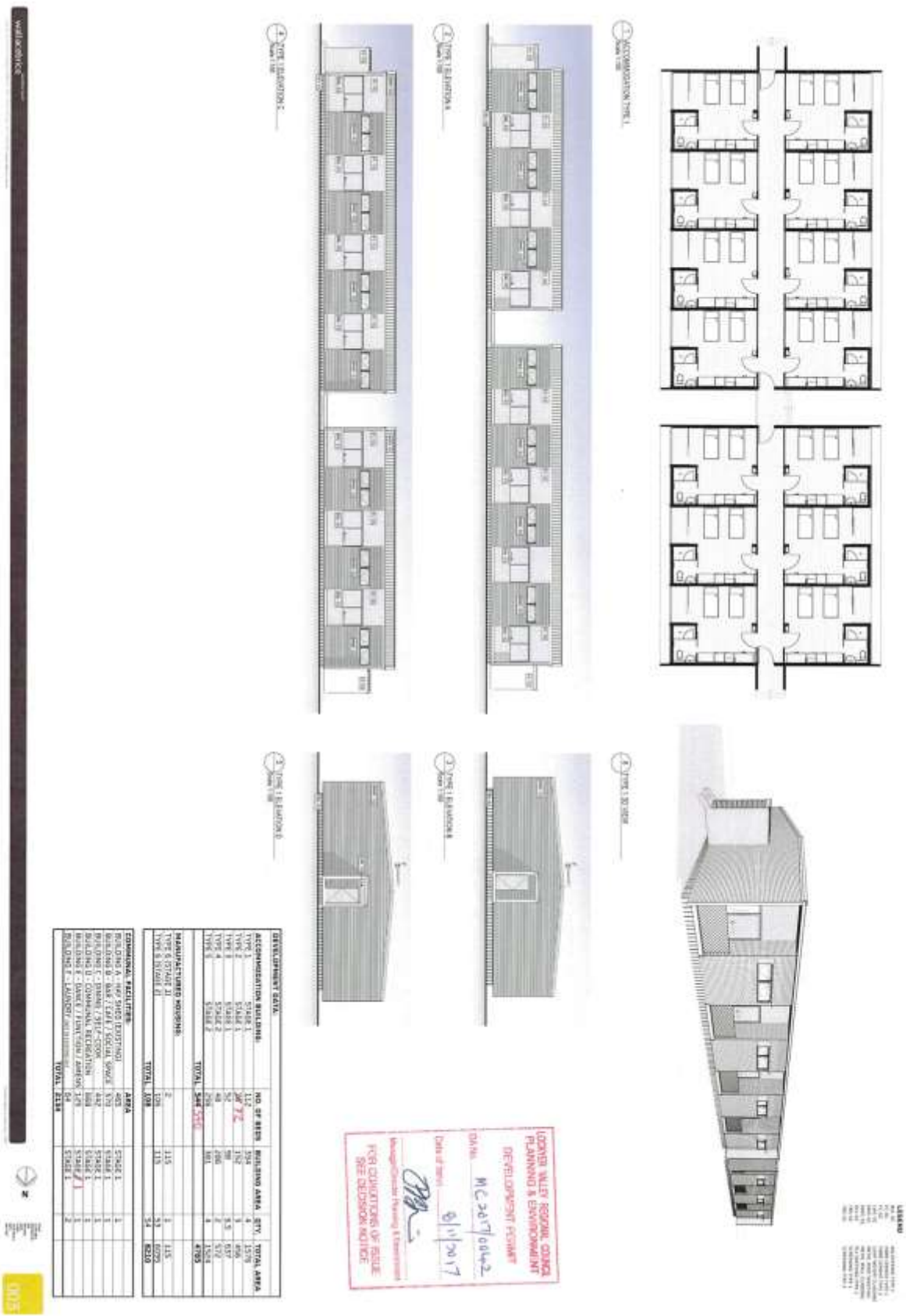
- [1View](#) Grantham Backpackers Development - MC20180032 Previously Approved Plans 10 Pages  
[2View](#) Grantham Backpackers Development - MC20180032 Amended Plans 10 Pages





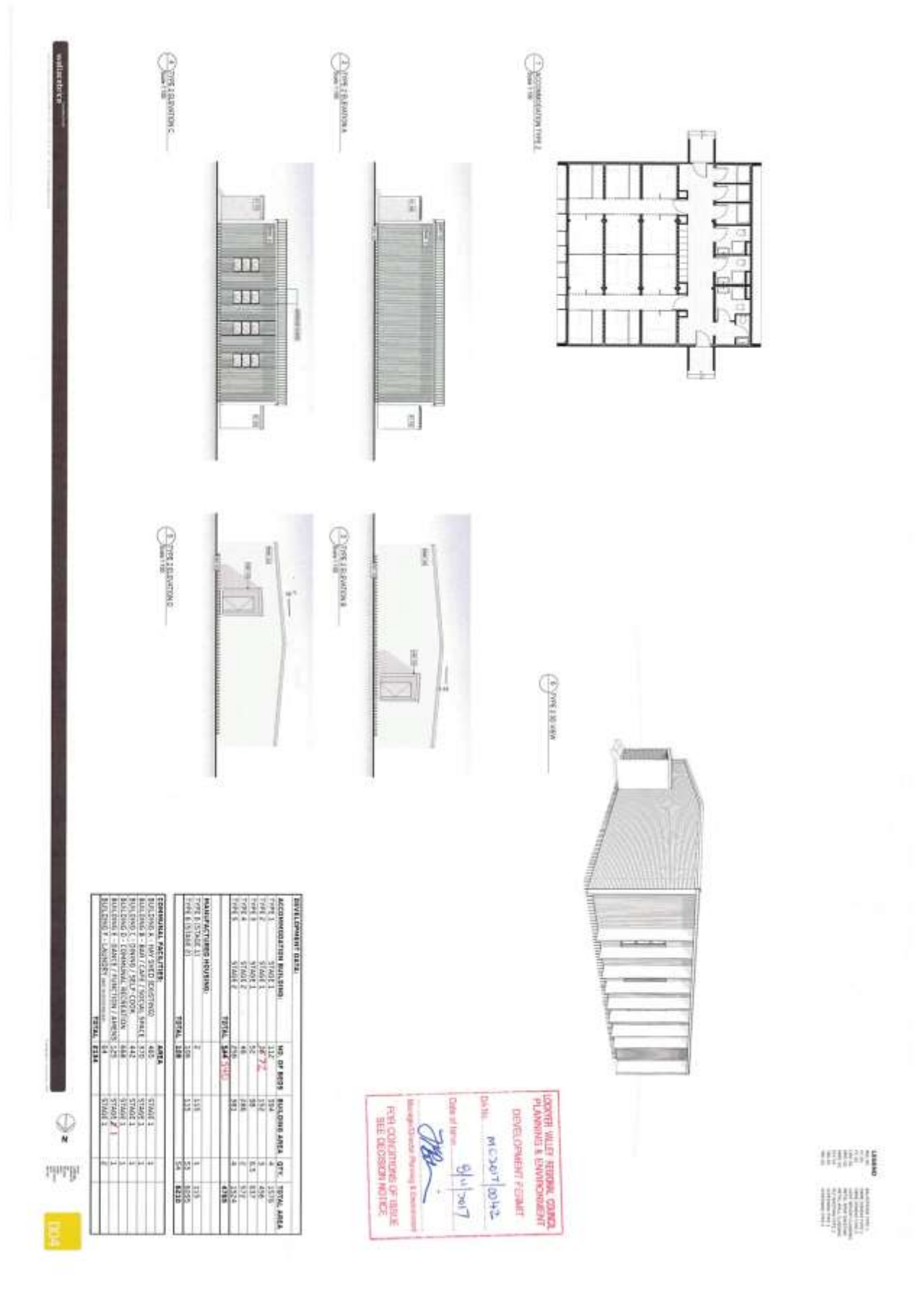


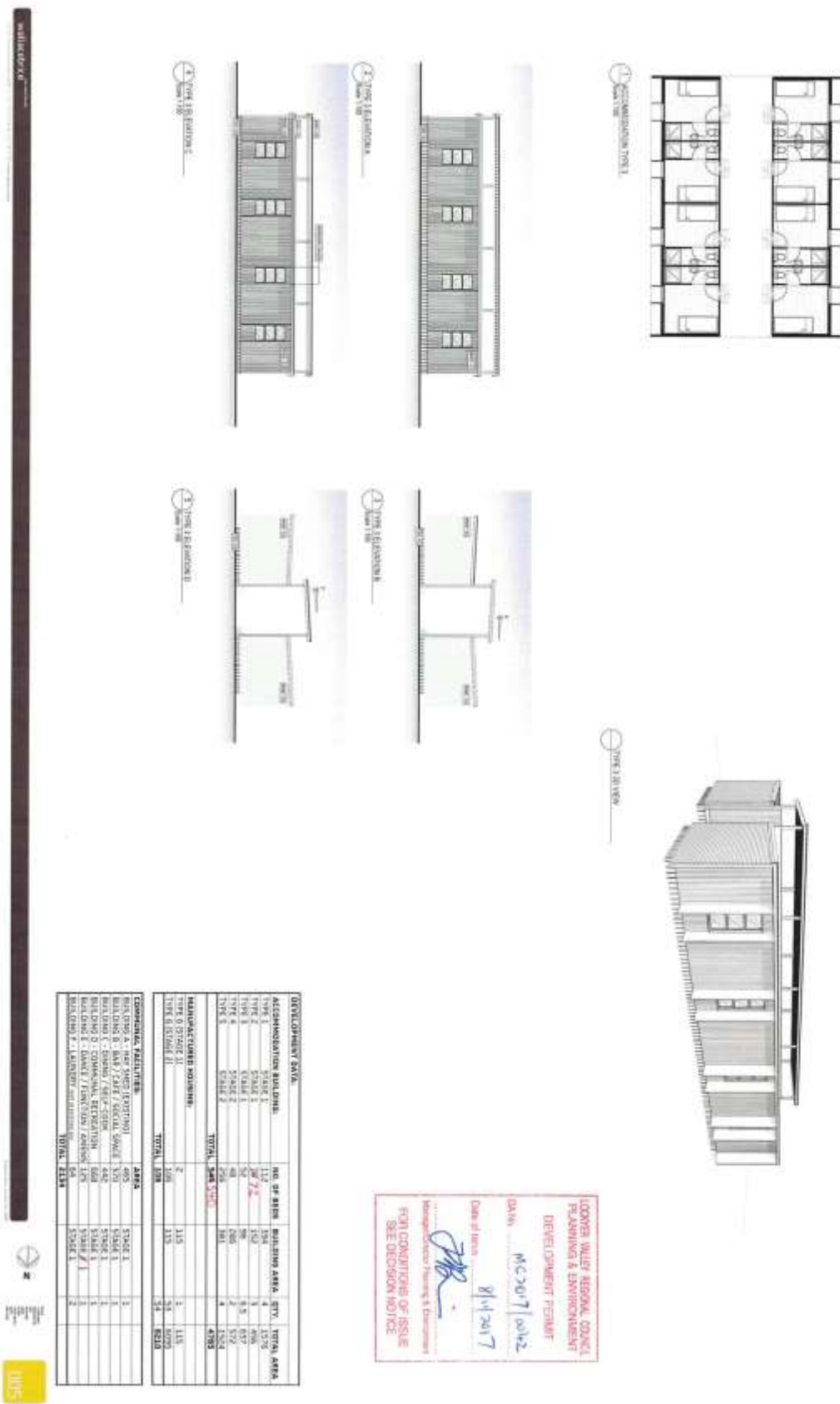


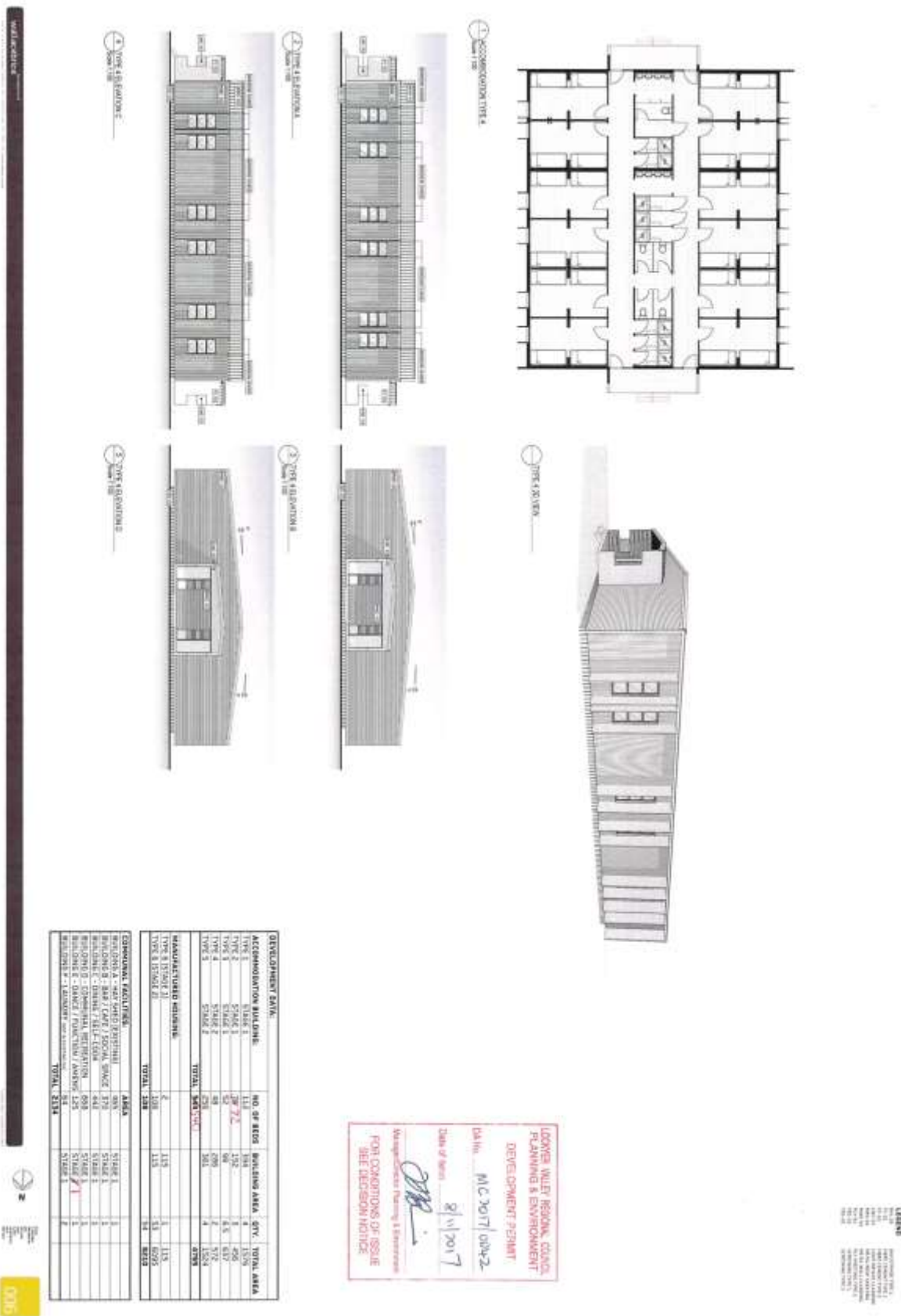


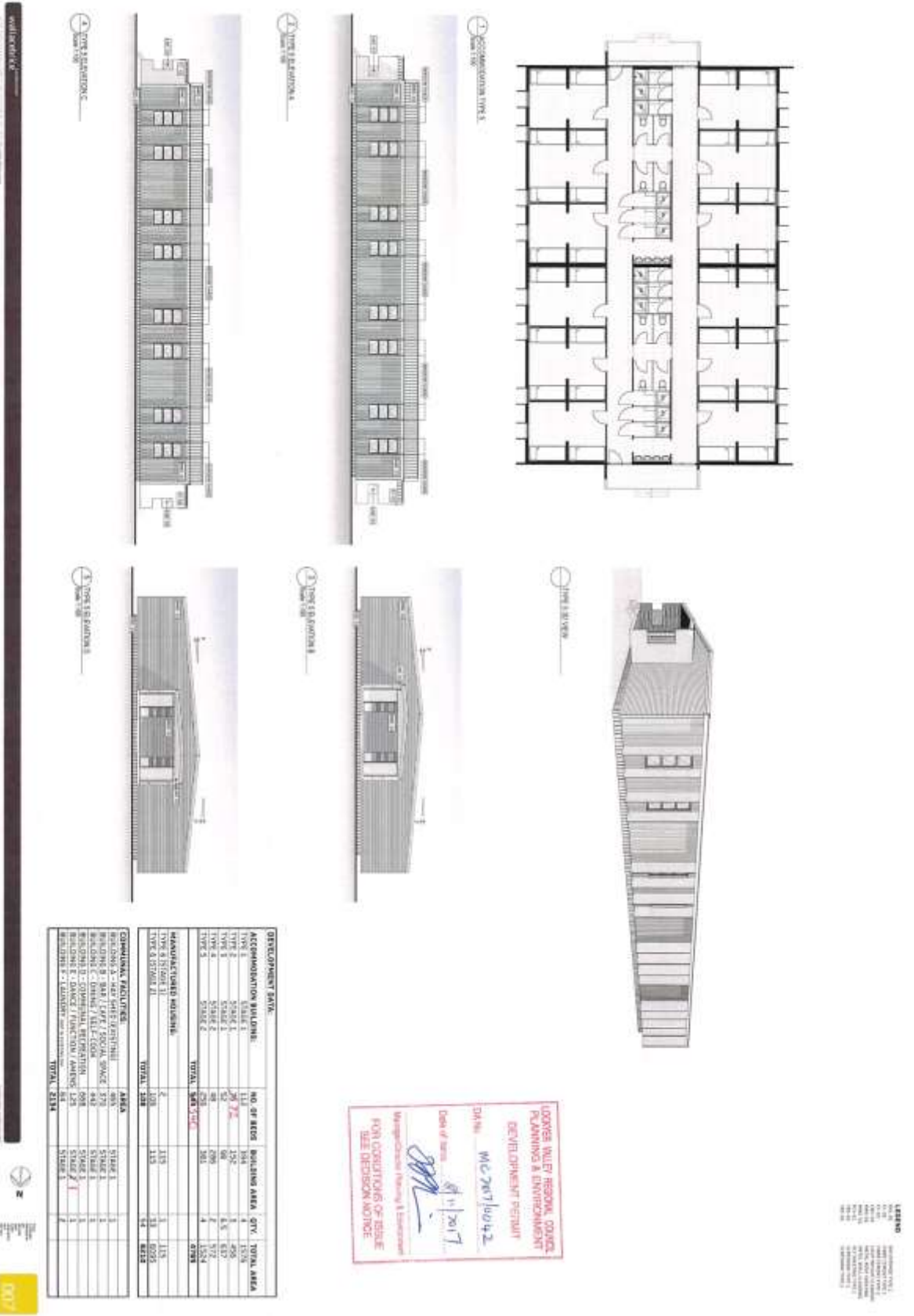
DEVELOPMENT DATA			
RECOMMENDATION BUILDING	NO. OF BEDS	RECOMMENDATION AREA, SQ. M.	TOTAL AREA
TYPE 1	112	524	1579
TYPE 2	72	312	967
TYPE 3	56	256	783
TYPE 4	28	128	391
TYPE 5	14	64	196
TYPE 6	7	32	98
TOTAL	289	1286	3954
MANAGEMENT INFORMATION			
TYPE 1	112	524	1579
TYPE 2	72	312	967
TYPE 3	56	256	783
TYPE 4	28	128	391
TYPE 5	14	64	196
TYPE 6	7	32	98
TOTAL	289	1286	3954

LOANED, ALLEY ROAD, CORNER  
PLANNING & ENVIRONMENT  
DEVELOPMENT PERMIT  
DATE: 01/10/17  
MC20180032  
FOR CONDITIONS OF ISSUE  
SEE DECISION NOTICE





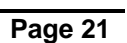


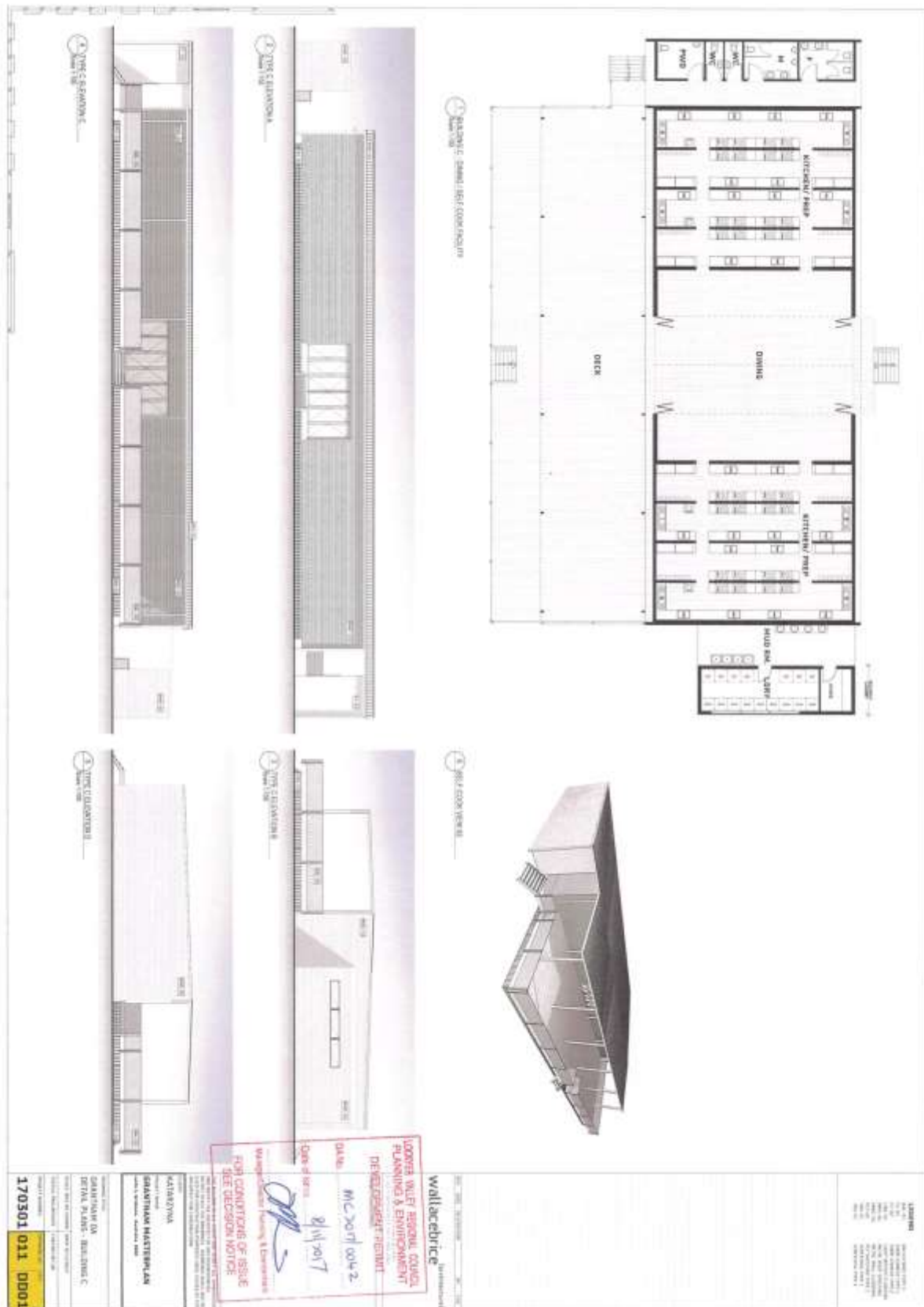


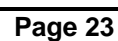




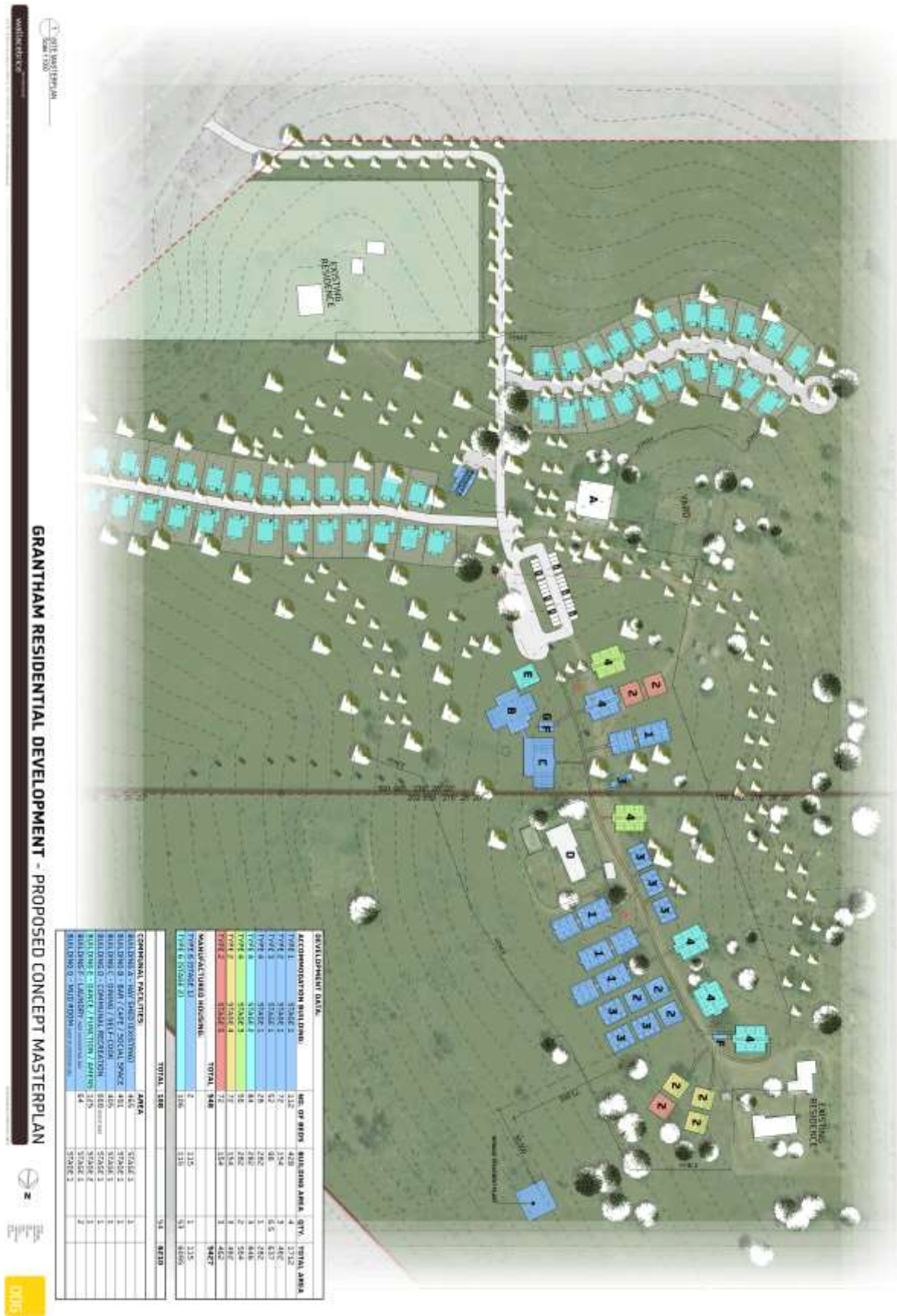


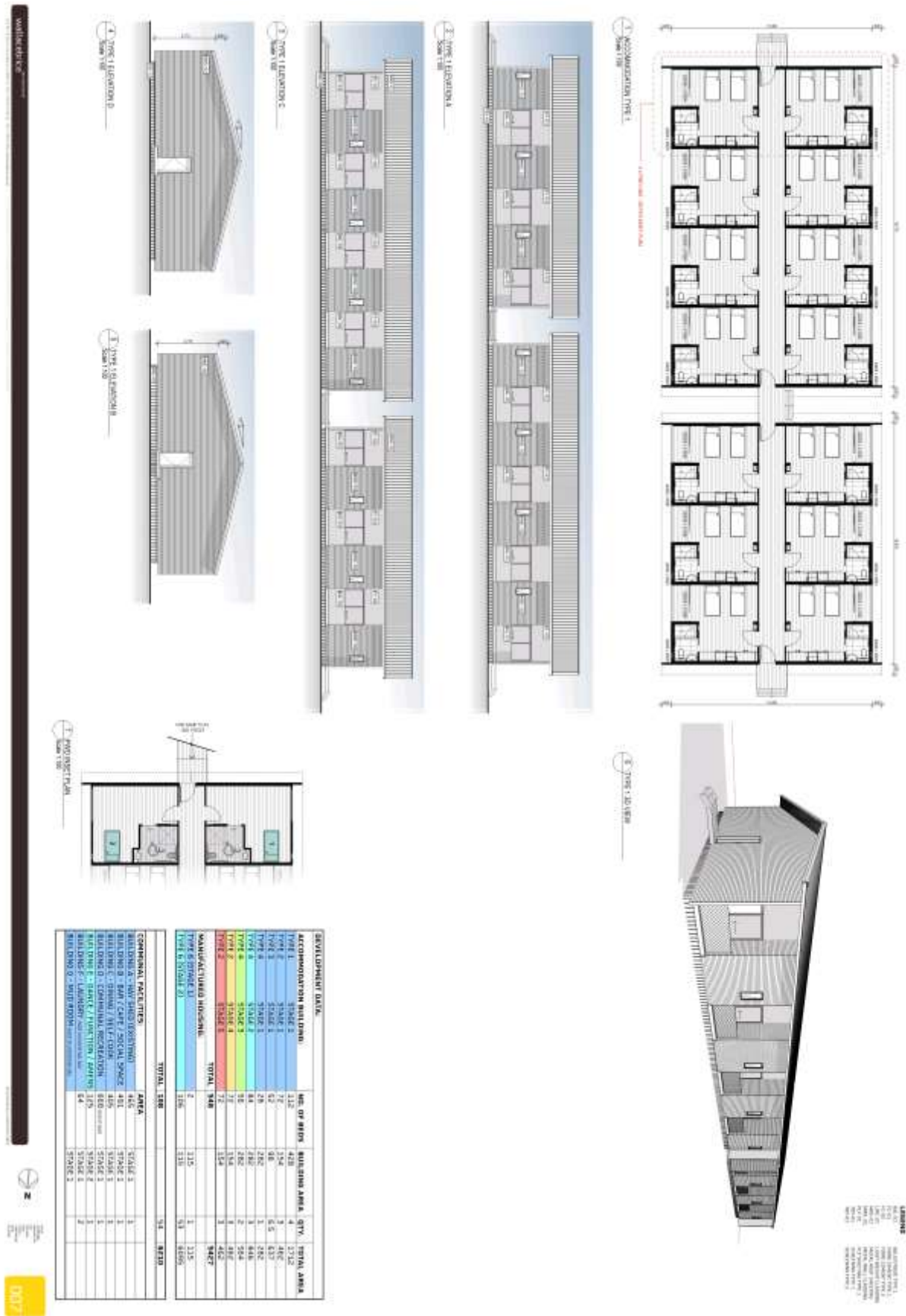


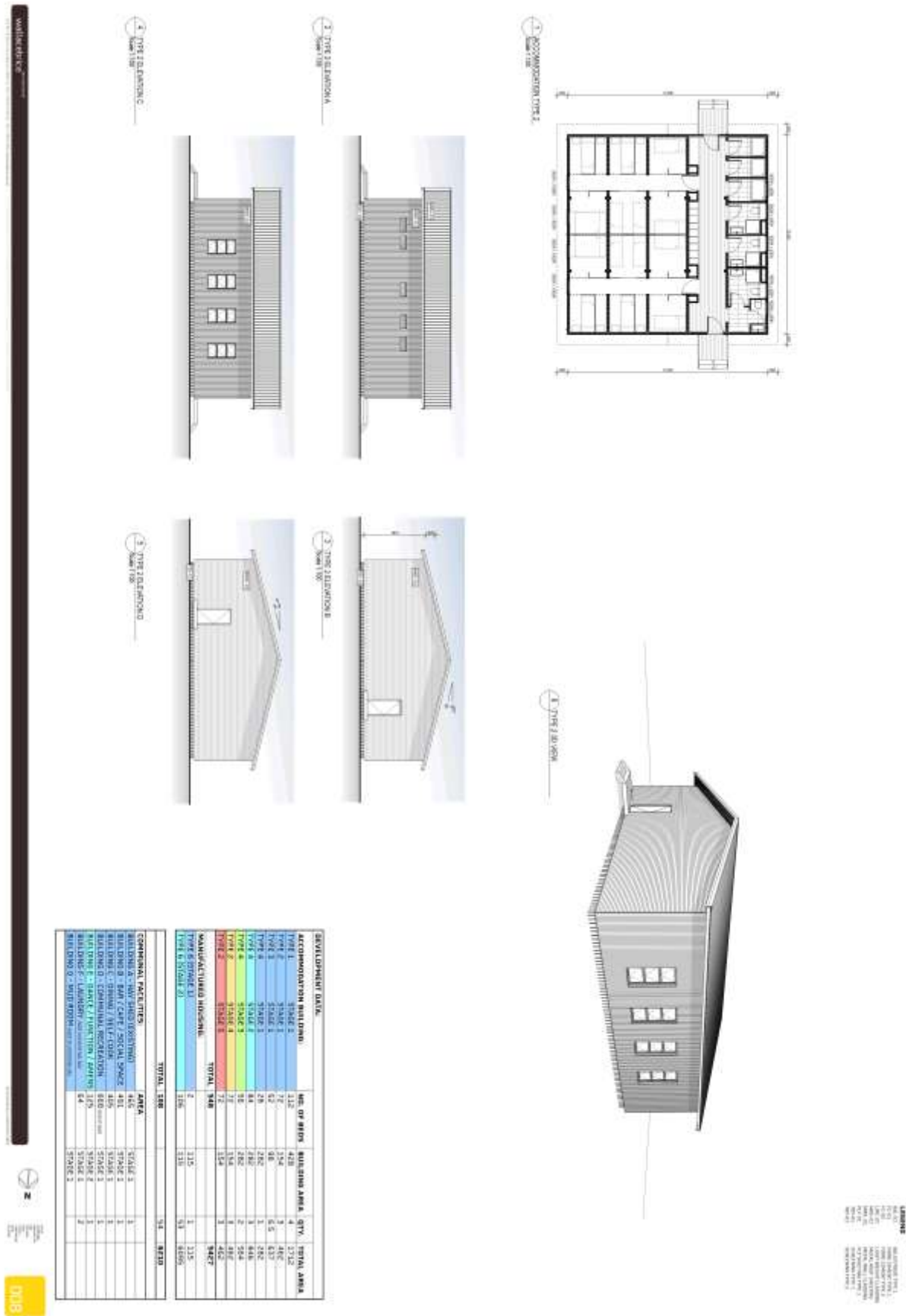




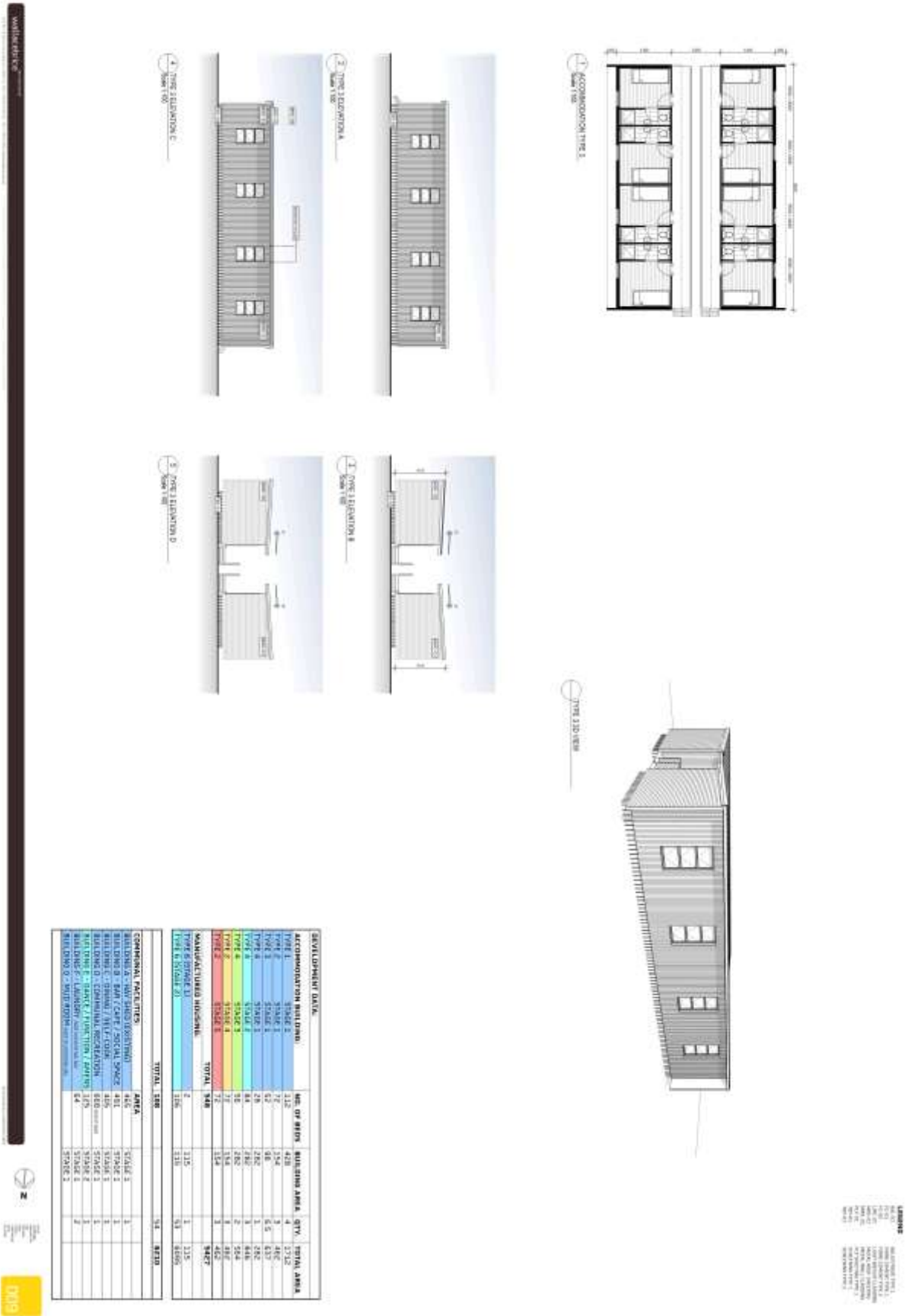


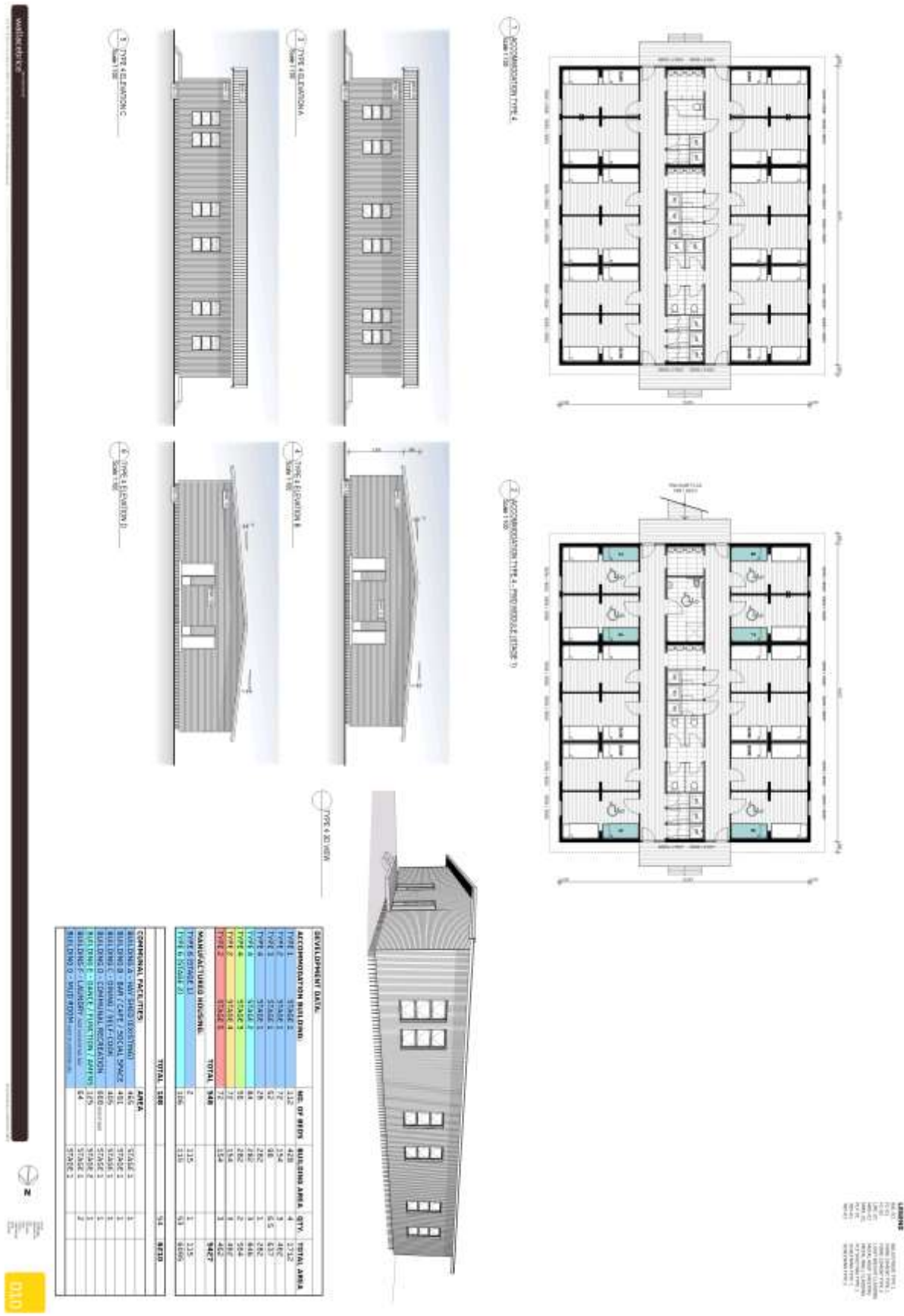


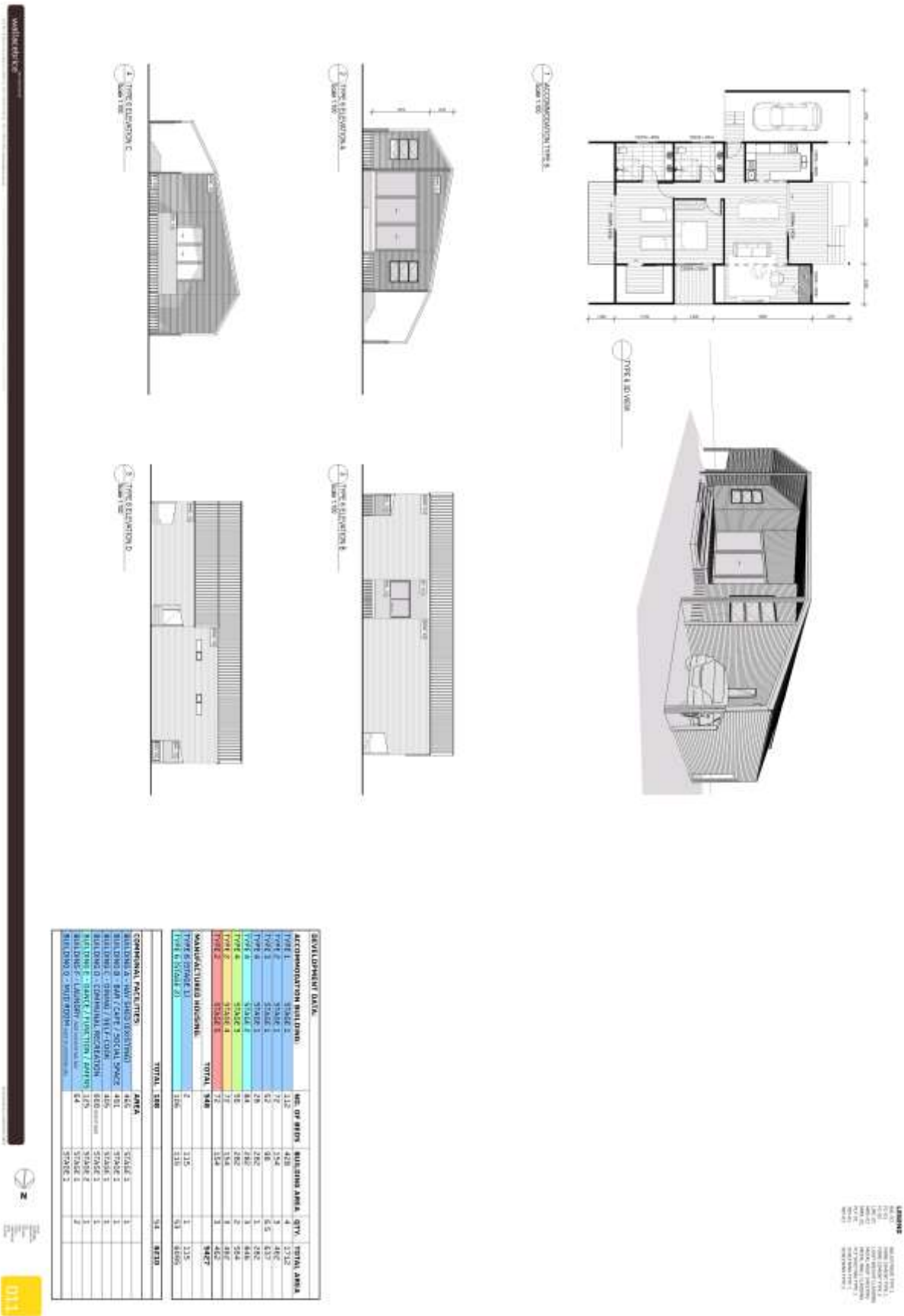


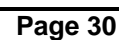












013

DEVELOPMENT DATA				
ACCOMMODATION BUILDING				
TYPE	NO. OF BEDS	BUILDING AREA, QTY.	TOTAL AREA	
TYPE 1	12	4	48	
TYPE 2	12	4	48	
TYPE 3	12	4	48	
TYPE 4	12	4	48	
TYPE 5	12	4	48	
TYPE 6	12	4	48	
TYPE 7	12	4	48	
TYPE 8	12	4	48	
TYPE 9	12	4	48	
TYPE 10	12	4	48	
TYPE 11	12	4	48	
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