



City of Ipswich

**IPSWICH
CITY
COUNCIL**

AGENDA

of the

COUNCIL SPECIAL MEETING

**Held in the Council Chambers
8th floor – 1 Nicholas Street
IPSWICH QLD 4305**

**On Tuesday, 6 September 2022
At 3.00 pm**

The purpose of the meeting is to consider:

1. Development Application - 6610/2022/MCU - Recommendation - PARMAC Property Investments PTY LTD - Fast Food Premises (KFC) AT Goodna

BUSINESS

- 1. OPENING OF MEETING:
- 2. WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY:
- 3. OPENING PRAYER:
- 4. APOLOGIES AND LEAVE OF ABSENCE:
- 5. DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA:
- 6. OFFICER’S REPORT:
 - 6.1 DEVELOPMENT APPLICATION - 6610/2022/MCU -
RECOMMENDATION - PARMAC PROPERTY INVESTMENTS PTY LTD -
FAST FOOD PREMISES (KFC) AT GOODNA.....5

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Doc ID No: A8271285

ITEM: 6.1

SUBJECT: DEVELOPMENT APPLICATION - 6610/2022/MCU - RECOMMENDATION -
PARMAC PROPERTY INVESTMENTS PTY LTD - FAST FOOD PREMISES (KFC) AT
GOODNA

AUTHOR: PLANNER (DEVELOPMENT)

DATE: 1 SEPTEMBER 2022

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a Material Change of Use - Business Use (Fast Food Premises) at 16 Queen Street, Goodna.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed development generally complies with the assessment benchmarks or can be conditioned to comply.

RECOMMENDATION/S

That Council resolve to approve development application no. 6610/2022/MCU being a Material Change of Use – Business Use (Fast Food Premises), subject to conditions as contained in Attachment 1 of this report.

RELATED PARTIES

The related parties to this application are:

- Applicant – Parmac Property Investments Pty Ltd
- Owner - Mr D G McGreevy and Mr K F McGreevy
- Relevant Consultants –
 - Parmac Property Group (Planning Report)
 - Interworks Architects (Architectural Plans)
 - Acoustic Works (Acoustic Assessment)
 - TTM Consulting (Traffic Impact Assessment)
 - KRM Civil Engineering (Civil Engineering Report & Plans)
 - Baird & Hayes (Survey Plan)

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	16 Queen Street, GOODNA QLD 4300
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Material Change of Use - Business Use (Fast Food Premises)
ZONE:	MC4S8 – Major Centres
OVERLAYS:	Heritage – Identified Places Historic Miscellaneous Heritage
APPLICANT:	Parmac Property Investments Pty Ltd
OWNER:	Mr D G McGreevy and Mr K F McGreevy
EXISTING OR PROPOSED TRADING NAMES:	KFC
APPLICATION NO:	6610/2022/MCU
AREA:	2,023m ²
REFERRAL AGENCIES:	Not applicable
EXISTING USE:	Single Residential
PREVIOUS RELATED APPROVALS:	Not applicable
DATE RECEIVED:	8 July 2022
DECISION PERIOD START DATE:	5 August 2022
EXPECTED DETERMINATION DATE:	7 September 2022

SITE LOCATION:



Figure 1 – Locality Plan

SITE DETAILS AND SURROUNDING LAND USES:

The subject site is a 2,023m² allotment situated within the Goodna Secondary Business Area (sub area MC4S8 - Queen Street East) of the Major Centres Zone in Goodna. The site is bound by existing mixed commercial development to the north and south, whilst an unimproved lot (located within the Character Mixed Use Zone) lies immediately to the east.

The lot generally slopes towards the north-east, with an overall fall of approximately 4.5m. Access to the site is currently obtained by a single vehicle crossover from Queen Street.

At present, the site is improved by a Single Residential dwelling and ancillary structures (Figure 2). The dwelling is a single-storey chamferboard house set on timber stumps and is identified as a 'Place of Interest' under Schedule 3 of the *Ipswich Planning Scheme*. The Ipswich Heritage Study 1991 and the heritage marker which was installed by Council on the site in 2012 identify the dwelling as 'Carroll House', which was once the home of Mary and John Carroll, who purchased the land in 1906 (when it was a larger block, around 1 acre in area). Two sons of Mary and John Carroll were Edward and Daniel, who were theatrical and cinema managers and later joined with others to form the cinema company Birch, Carroll and Coyle. Mary Carroll entertained guests of her sons within Carroll House.



Figure 2 – Current Elevation of the Locality (Source: Google Street View – Image Capture Nov. 2021)

No other development constraints are identified over the site under Council mapping, although civil engineering plans provided by the applicant identify a natural overland flow path across a portion of the south-eastern corner of the site.

PROPOSAL:

The applicant is seeking approval for a Material Change of Use of premises for a Business Use (Fast Food Premises), which is identified in the submitted building elevations as ‘KFC’. The fast food premises incorporate 272m² of gross floor area (including approximately 67m² of customer floorspace), fifteen (15) car parking spaces (including two (2) tandem staff car parking spaces and one (1) PWD space), bike racks, and a drive-through facility to accommodate twelve (12) queuing vehicles (see Figures 3 and 4) .

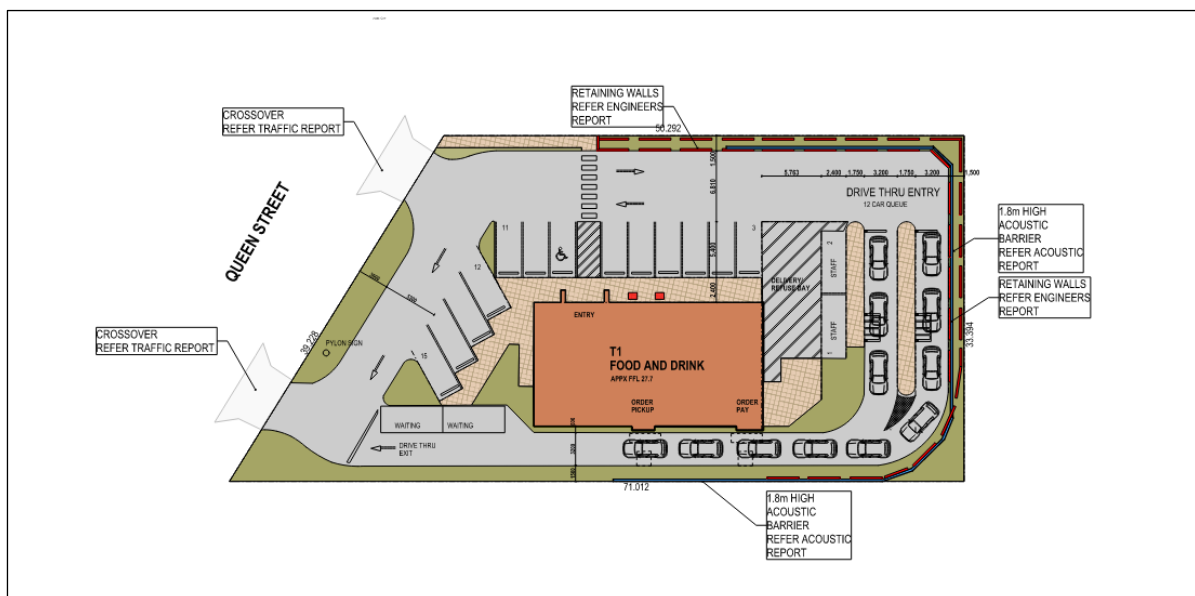


Figure 3 – Proposed Site Plan



Figure 4 – Proposed Elevations

The fast food premises is proposed to be operated 24 hours per day, 7 days per week, with 6 employees assumed to be onsite at any given time.

Vehicular access to the proposed development is proposed via two (2), 6.0m-wide access driveways, with ingress from the northern crossover and egress from the southern crossover.

The applicant has proposed to relocate the existing dwelling from the subject site to another location within the Ipswich local government area (nominating a site within a character area in Rosewood).

OTHER RELEVANT INFORMATION:

The original heritage listing of the subject site included the whole allotment plus the adjoining footpath and all established trees; however, the property is currently identified in Schedule 3 ‘Identified Place of Interest’, rather than Schedule 2 ‘Character Places’. Note 11.3.3A of the Character Places Overlay Code identifies circumstances in which the planning scheme designates a place as an ‘Identified Place of Interest’ rather than a ‘Character Place’.

In this instance, the place of interest is “...located in an area where the stated planning expectation is that the land could be developed at a significantly higher intensity than offered by the existing building...”.

The Major Centres Zone within Goodna, by virtue of its location adjacent to the Ipswich Motorway and proximate to the gateway to the Logan Motorway, attracts significant passing trade and is intended (pursuant to the Major Centres Zone Code of the Planning Scheme) to be developed as a “...vibrant mixed use centre serving the immediate Goodna/Gailes area and Ipswich’s north eastern suburbs” (Note 4.9.4F of the Major Centres Zone Code). Furthermore, the *South East Queensland Regional Plan 2017* identifies the Goodna Centre as one of the key locations in South East Queensland to focus density (growth by

consolidation), with the intention that the area will become “...more compact, mixed use, connected and active...” (*South East Queensland Regional Plan 2017* p. 130).

Note 11.3.3A of the Character Places Overlay Code also identifies that the planning scheme encourages the conservation of ‘Identified Places of Interest’ but does not compel their conservation or retention ‘in situ’. Accordingly, Table 11.3.2 of the Character Places Overlay Code identifies the removal or relocation of a building listed in Schedule 3 as exempt works (i.e. does not require a planning approval), provided the building is retained within the local government area and the local government is provided with a report containing photographs and measured drawings which document the location and condition of the building prior to its removal or relocation.

It is noted within the above-referenced Code that –

“where possible, Schedule 3 buildings should be retained on site, in a manner which also retains or enhances their streetscape presence. Alternatively, such buildings should be—

(a) relocated as close as possible to the original site and oriented and restored as far as possible to retain or enhance their original streetscape presence and overall setting; or

(b) relocated within a Character Zone and oriented and restored as far as possible to retain or enhance their original streetscape presence and overall setting.”

The applicant was not able to identify a suitable relocation site within Goodna; however, they identified an alternative site within the Character Housing Low Density Zone in Rosewood. Whilst the removal of the dwelling is considered to be exempt development (subject to compliance with the conditions of the Character Places Overlay Code), the establishment of the dwelling on the alternative site will require a separate application for Material Change of Use for a Single Residential dwelling, which does not form part of this application. Notwithstanding, it is recommended to include a condition in this development approval requiring the applicant to:

- nominate the proposed site of relocation (either within Goodna, or a Character Zone within the Ipswich local government area), demonstrating that the dwelling will be oriented and restored as far as possible to retain or enhance its original streetscape presence and overall setting;
- provide a report documenting the location and condition of the building prior to its removal or relocation (as required by the Character Places Overlay Code); and
- provide a copy of any relevant development permit required to be obtained for the establishment of the dwelling on the site of relocation, prior to the issue of building works approval for the relocation of the dwelling.

The Major Centres Zone Code of the *Ipswich Planning Scheme 2006* identifies that the sub area in which the land is located is intended to comprise uses that support the Primary Business Area, including “...retailing/ commercial/community uses and recreational/entertainment activities...” (section 4.9.4(4)(q)(ii)). As such, the proposed

Business Use is considered in principle to be compatible with the Planning Scheme's intention for the sub area.

Queen Street is an approximately 11.0m-wide main street arterial road, on which road resurfacing and rehabilitation works were completed by Council earlier this year. The applicant has designed the development to avoid multiple access points along Queen Street (noting that one ingress and one egress driveway are proposed) and to ensure the safe and efficient operation of the road network.

It is acknowledged that Queen Street is a high-traffic area (being located within a Major Centre Zone); however, Council has planned upgrades to the road network within the vicinity of the site, including a 'capacity enhancement' upgrade to the intersection of Alice and Queen Streets to the south of the development site, for which design is scheduled to be commenced in the 2024-2025 financial year (as identified in iGO – The City of Ipswich Transport Plan). Other upgrades are also planned at future dates (yet to be determined) to incorporate signalisation at the intersections Queen Street and Little Street, and at the current Smiths Road/Church Street/Mill Street/Queen Street roundabout.

There is an existing 1.2m wide concrete footpath across the frontage of the subject land, with a 2.5m wide concrete footpath adjoining to the north. In accordance with Council's Planning Scheme Policy 3, this development will require frontage roadworks, including the upgrade of the existing footpath from 1.2m to 2m in accordance with Council's Standard Drawing SR.19, to match the existing path to the north of the site.

The applicant has proposed fifteen (15) car parking spaces for the development. Whilst the proposal represents a shortfall of two (2) spaces according to Table 12.9.1 of the Parking Code, the Planning Scheme provides dispensation for parking rate reduction for major centres. Given the proximity of the development to major public transport facilities and that a significant portion of customers are likely to utilise the drive-thru facility, the shortfall is considered acceptable in this instance. It is also noted that the proposed drive-thru facility complies with the Parking Code with respect to vehicles queuing and the entrance to the facility is located at the rear of the site which will enable additional vehicles to queue on site. Notwithstanding this, the proposal plans do not include covered waiting bays in accordance with the Parking Code and it is recommended to include a condition requiring the applicant to construct an appropriate cover over the proposed waiting bays.

As a result of the proposed development, there is an increase in impervious area which requires stormwater quantity and quality management. The applicant has proposed to raise (fill) sections of the site to facilitate drainage to the lawful point of discharge (i.e. Queen Street). A stormwater management report submitted by the applicant identifies stormwater mitigation measures to maintain the stormwater flows to a pre-development scenario, including provision of a 71.6m³ underground stormwater detention and treatment tank.

The applicant provided an acoustic report for the proposed development which recommended acoustic treatment in the form of acoustic fencing of a height 1.8m above the carpark pad level along, or proximate to, the full extent of the eastern boundary and partway along the northern and southern boundaries.

The proposed onsite earthworks will necessitate retaining walls, predominantly along the eastern boundary of the site, but also extending along the northern and southern boundaries. The applicant proposed to tier the retaining to reduce the overall height and locate the acoustic barrier atop the internal retaining wall; however, the proposal would obscure and inhibit maintenance of the onsite landscaping along the property boundaries and possibly create a concealment point, contrary to CPTED principles. As such, it is recommended that the applicant provide an amended proposal plan utilising a single tier retaining wall on the property boundaries, with the acoustic barrier to be located on top and softened by internal landscaping.

ASSESSMENT BENCHMARKS:

The application is Code Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(3)(a) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	Urban Areas Code (Part 4) Character Places Overlays Code (Part 11, division 3) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Planning Scheme Policy 3 General Works Implementation Guideline No. 24 Stormwater Management

The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment has given regard to the relevant matters identified in section 27 of the *Planning Regulation 2017* and in accordance with section 45(3)(b) of the *Planning Act 2016*.

The assessment has given regard to the following matters:

Relevant matter	Given regard to
Planning Regulation 2017, s27(1)(d)	The regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

VARIATION REQUEST:

Not applicable.

VARIATION APPROVAL:

Not applicable.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a 'notice about the decision' is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council's decision.

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

Pursuant to section 119 of the *Planning Act 2016*, an infrastructure charges notice has been given for roadworks totalling \$18,493.00.

These infrastructure charges are calculated based on the lesser of the charge rates stipulated in Schedule 2 (trunk infrastructure network charges) of Council's Adopted Infrastructure Charges Resolution or the maximum adopted charge calculated under the *Planning Act 2016* and the *Planning Regulation 2017*. In this particular instance, infrastructure charges have been calculated based on the maximum adopted charge for the infrastructure.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendation A states that Council resolve to approve development application no. 6610/2022/MCU, subject to conditions as contained in Attachment 1 of this report.
(b) What human rights are affected?	No human rights are affected by this decision because the applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . Furthermore, the application is subject to code assessment and therefore properly made submissions cannot be made about the application, pursuant to the <i>Planning Act 2016</i> .
(c) How are the human rights limited?	Not applicable.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

There are no resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

REFERRAL AGENCY

Not applicable.

INTERNAL CONSULTATION

The application and common material were presented to Council's Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. At this meeting, it was determined that internal referral was required to the Engineering, Health and Environment Branch, the City Design Branch and the Infrastructure & Environment Department (Transport Planning Branch).

The Engineering & Environment report, dated 25 August 2022, was prepared and has been incorporated into the recommendation with recommended conditions relating to: Utility Services; Access, Parking and Manoeuvring Areas; Roadworks; Stormwater Quantity Management; Earthworks; Design Standards; Design Certifications; Further Works; Stormwater Quality; Stormwater Maintenance Plan; Hours of Operation; Acoustic Design Management; Acoustic Management; Waste Storage and Collection; Gas Bottles; and Air Quality (Odour).

EXTERNAL CONSULTATION

Not applicable.





DEVELOPMENT SUBMISSIONS

The development application is code assessable and, as such, public notification was not required to be undertaken by the applicant. However, a number of submissions were received from members of the public in relation to the proposed development, which have been considered in the assessment of the application insofar as they pertain to the relevant assessment benchmarks. The submissions primarily related to the Schedule 3 dwelling on the site, the need for an additional KFC in the vicinity, and concerns about traffic impacts. These matters have been addressed elsewhere in this assessment report.

CONCLUSION

An assessment of the proposed Material Change of Use - Business Use (Fast Food Premises) at 16 Queen Street, Goodna has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft DA Plans Approved ↓ 
2.	Draft Infrastructure Charges Notice ↓ 
3.	Draft Statement of Reasons ↓ 
4.	Draft Decision Notice ↓ 

Mechelle Thomson

PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Tim Foote

DEVELOPMENT ASSESSMENT EAST MANAGER

I concur with the recommendations contained in this report.

Anthony Bowles

MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER PLANNING AND REGULATORY SERVICES

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