



DREAMS ARE BUILT

Building Services Pty Ltd

Client:

Dominique and Damian Battensby

Date:

June 2025

Project Ref:

DAB212025

Project:

Material Change of Use – Short-term Accommodation

Yoga retreat/health and Wellness stay

Property Details:

Lot 4, SP 335558

32 Sooning street, Nelly Bay 4819

# Development Application

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- Appendix 2: Site locality plan: TCC Mapping
- Appendix 3: Mapping regarding the subdivision restrictions
- Appendix 4: Pre-lodgment PLM25/0081. Meeting minutes
- Appendix 5: Proposal Plans prepared by Dreams Are Built Building Services

## 1.0 INTRODUCTION

This planning report has been prepared in support of a development application for land described as Lot 4, SP 335558, 32 Sooning Street, Nelly Bay 4819

The proposal is part of an application for a Material Change of use to Short-term Accommodation, established in the form of four bedrooms with ensuites, across two-storeys, service by a detached utility building for the short-term stay of visitors to Magnetic Island, in accordance with the Townsville City Plan (2024/01).

This report provides the following information with respect to the assessment of the development proposal:

- Overview of the site and surrounding area.
- Description of the proposal.
- Overview of legislation relevant to the development application.
- Assessment of the proposal against relevant legislation.
- Conclusions and recommendations.

The development application is made in accordance with s 51 of the *Planning Act 2016* (the Act) and contains the mandatory supporting information specified in the applicable DA Form. **Appendix 1** comprises DA Form 1 and the accompanying Landowner's Consent.

The subject property is located within the Townsville City Council's local government area and will be assessed against the *Townsville City Plan 2014* (the planning scheme). This application is subject to **Assessable development - Impact assessment** and requires formal public notification as part of the assessment process.

## 2.0 SITE AND SURROUNDING AREA

### 2.1 Site Details

<b>Subject Site</b>	Lot 4, SP 335558
<b>Site Address</b>	32 Sooning street, Nelly Bay 4819
<b>Development Description</b>	Short-term Accommodation, established in the form of four private rooms and a shared utility structure for the short-term stay of visitors to Magnetic Island.
<b>Application Type</b>	Material Change Of Use
<b>Area</b>	1,015m <sup>2</sup>
<b>Local Planning Authority</b>	Townsville City Council
<b>Zoning</b>	Low Density Residential
<b>Existing infrastructure</b>	The subject lands are connected to Council's reticulated water services and power.
<b>Property Owners</b>	Dominique and Damian Battensby
<b>Applicant</b>	Rachelle Ayres- Dreams Are Built Building Services

### 2.2 Site History

The previous landowners divided the lot formally, 28 Sooning Street NELLY BAY QLD 4819 Lot 1 on RP 727081 into four individual residential land parcels for individual sale. The site is well placed for the proposed development regarding proximity and access to infrastructure services, manageable environmental constraints and is within an inner suburban setting. The premises had been the subject of a past reconfiguration of a lot, development approval for a one into nine lots subdivision which required a cost-prohibitive amount of civil works to be undertaken. That was resolved by change in design and creating a subdivision that yields fewer lots, and which works with the stormwater drainage channel that has cut through the site

### 2.3 Site Locality

The subject premises addressed as 32 Sooning Street, Nelly Bay, more particularly described as Lot 4 on RP SP 335558. The subject premises is vacant 1,015m<sup>2</sup> rectangular land parcel within the low-density residential zone on Magnetic Island, is generally flat all be it with a drainage channel cutting through the rear of the property on a North to South axis. The street frontage is 20.2m to Sooning street.

Overlay and environmental features include Airport Environs, Bushfire Hazard Overlay (medium), Flood Hazard Overlay (low, medium and high), and Areas of Environmental Importance (high). The surrounding locality is characterised by undeveloped areas of mixed use and low-density residential pockets to the east, including new housing developments.

The immediate locality's infrastructure includes a network of sealed bitumen roads that connect to stores including supermarkets and cafes and further infrastructure including additional community facilities, businesses, health services and Magnetic Island State School.





Zoning (TownsvilleMAPS, Accessed 25 May 2025)



Local surrounds Aerial (TownsvilleMAPS, Accessed 25 May 2025)



Aerial (Townsville MAPS, Accessed 25 May 2025)

## 3.0 DESCRIPTION OF PROPOSAL

### 3.1 Proposed Development

The Applicants, propose to establish Short-term Accommodation on the subject site. It is proposed that Short-term Accommodation will be established in the form of four bedrooms with ensuites, across two-storeys, service by a detached utility building for the short-term stay of visitors to Magnetic Island. A swimming pool area will also be established for the accommodation services. A car park area will be located toward the site frontage. The proposal will offer tourists an alternative form of short-term accommodation while visiting Magnetic Island. Furthermore, visitors can easily access the site as it is a short bus trip from the ferry terminal and walk to local shops. A detailed description of the proposal is provided below

#### Summary of development aspects

Site access	20 m
Building height	7.6 m
Site area	1016 sqm
Gross floor area (GFA)	188.6 sqm
Pervious access ways	175 sqm
Car parking	149 sqm
Pool area	75 sqm
Site access	20 m
<b>Total site coverage</b>	<b>587.6</b>

### 3.2 Access

It is proposed that lot 4 would continue to have access via direct frontage approximately 20m, in the same capacity as any alternative development would. In addition, it is noted that all access points are to be positioned and constructed in a way that meets requirements with respect to practicality and safety.

Conditions noted in RAL20/0076 a new access driveway from the existing kerb and channel to the property boundary must be constructed in accordance with the councils' relevant standard drawings . An application for a roadworks permits for the invert and crossover will be submitted to the council for assessment. Prior to issuing of a development permit for building works.

### 3.3 Operational Details

Visitors will be required to check-in on site with the steward prior to commencing their stay. Generally, visitors will be short-term holidaymakers, who may stay at the accommodation services for a weekend or up to a week. The maximum duration of stay at the facility will be three months. It should be noted that no operator has been secured for the short-term accommodation services at this stage so operational details for the facility are fluid. Given the uncertainty of the operational details for the facility, it is requested no operational conditions be imposed on the proposed development. Applicant plans to have the property operate as Yoga retreat/health stay in the future.

### 3.4 Street parking and traffic

The proposed have been designed to allow for adequate off-street parking, which would entail a minimal reduction in the availability of street parking. However, given the low-density nature of the locality, together with the current underutilization of street parking in the vicinity, it is envisaged that any detrimental effect on the locality's available street parking would be negligible. Most of the visitors attending the site are not anticipated to have vehicles. Given the nature of the development and location on Magnetic Island, most visitors will utilise pedestrian and public transport facilities to travel around Magnetic Island. It is expected that increased traffic due to the development will be within the capacity of the existing road network.

### **3.5 Setbacks**

The proposed development has been designed to comply with the setback requirements of the QDC and the conditions set in RAL20/0076 of the required building envelope.

### **3.6 Views**

The property does not have access to any significant views, and the addition does not obstruct any existing views from neighboring properties. The proposed is a 7.7m two-storey building which complies with building height requirements, with a 23-degree hip pitch to not dominate the skyline or obstruct any solar access to neighboring properties.

### **3.7 Tree retention and replanting**

The proposed development should not require the removal of any significant trees on the site. If one does need to be removed or relocated, it will be done in accordance with councils' regulations

### **3.8 Landscaping**

The proposed development will incorporate landscaping treatment along the Sooning street road frontage, around the perimeter of the car park and part of the north and west side boundaries. The intention of this landscaping is to: Provide appropriate visual treatment to the streetscape of Sooning Street and provide an appropriate buffer between the proposed development and adjoining properties.

### **3.9 Energy Efficiency and Generation**

The proposed development has been designed to ensure a high level of energy efficiency in all areas and to maintain a high level of sunlight in the living areas. The proposed glazing will be overshadowed with a minimum of 600mm eaves and will be fitted with the required glazing. The large openings also allow for a good amount of natural ventilation throughout the residence. The buildings will also be very well-insulated and fitted with energy-efficient fixtures and appliances

### **3.10 Electricity and Telecommunications**

Regarding electricity, power lines currently run along the site's street boundary. Electricity is available with Ergon Energy. Regarding telecommunications, the provision of fixed telecommunications would be negotiated with one of the several providers - the site is able to access a range of mobile/satellite services.

### **3.11 Waste Management**

All care will be taken to reduce building waste. Cardboard recycling and scrap yards will be used as required. Building materials will be ordered as close to the required amount as needed. All waste will be serviced by Council's standard household waste bin waste collection service and will remain unchanged and continue as the existing residence currently operates. There will be no changes to how waste is collected due to the proposed addition.

### **3.12 Stormwater**

Due to the subject site's slope, stormwater generated by the development is anticipated to drain towards the stormwater channel described as EMT C, as per the pre-existing conditions. Although there will be a minor increase in impervious areas from the proposed development, the existing stormwater drainage catchment is considered to have sufficient capacity to accommodate any minor increase in stormwater flows from the property.

### **3.13 Reticulated water and Sewer supply**

The town water network at this location has sufficient capacity for the proposed development. It is proposed that water can be accessed from the existing connection from Sooning Street



Town water and wastewater (TownsvilleMAPS, Accessed 25 Jan 2025)



### 3.14 Development Plans

The development proposal is illustrated in the following proposal plans prepared by Dreams Are Built Building Services. (refer **Appendix 5**):

- A0000 - COVER SHEET
- A0001 - DRAWING SCHEDULE
- A0002 - LOCALITY PLAN
- A0100 - EXISTING SURVEY PLAN
- A0101 - SITE PLAN
- A1000 - GROUND FLOOR PLAN
- A1001 – FIRST FLOOR PLAN
- A1002 - ROOF PLAN
- A1200 - DETAILED GROUND FLOOR PLAN
- A1201 - DETAILED GROUND FLOOR PLAN
- A1300 - RCP GROUND FLOOR
- A1300 - RCP FIRST FLOOR
- A2000 – NORTH – EAST ELEVATIONS
- A2001 – SOUTH – WEST ELEVATIONS
- A3000 - TYPICAL CROSS-SECTION
- A6000 - GLAZING SCHEDULE
- A6001 - DOOR SCHEDULE
- A7000 - INDICATIVE 3D VIEW

### 3.15 Prelodgment Meeting

A pre-lodgment meeting Ref No. PLM25/0081, was facilitated with the Applicant's representatives and Townsville City Council on 13<sup>th</sup> of May 2025. The council was noted as being generally supportive of the proposed noting only a few considerations that have been addressed within this document. Minutes have been supplied, refer **Appendix 4**.

## **4.0 RELEVANT LEGISLATION**

### **4.1 Commonwealth Legislation**

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC), as it is not anticipated that the development will significantly impact upon a matter of national environmental significance.

### **4.2 Planning Act 2016**

The Act provides the framework for coordinating local, regional and State planning. Given the nature of the development, the application requires assessment against this legislation.

### **4.3 State Assessment and Referrals**

As confirmed by the SARA mapping (refer Appendix 3), the subject lands forming part of this development application do not trigger any relevant State Interests.

Based on the SARA mapping and the provisions of the *Planning Regulation 2017*, referral of the development application is not required.

### **4.4 State Planning Policy**

In accordance with section 2.1 – *State Planning Policy* (SPP) of the planning scheme, the Minister has identified that all aspects of the SPP prior to 3 July 2017 have been integrated into the planning scheme. We understand that Council is currently in the process of ensuring the planning scheme incorporates all aspects of the 2017 SPP. For the purposes of this development, we consider that assessment of the proposal against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

### **4.5 Assessment Manager and Planning Scheme**

Townsville City Council is nominated as the assessment manager for the development application. The local planning instrument relevant to this assessment is the City Plan 2014.

### **4.6 North Queensland Regional Plan**

The North Queensland Regional Plan (NQRP) was implemented in March 2020, with the intent of capitalising on the growth, prosperity and diversity of the region by supporting a vibrant economy, generating jobs, improving business investment, protecting our natural environment, and encouraging tourism and lifestyle opportunities over the next 25 years. The vision of the Regional Plan will be realised through a series of goals and the proposed development is considered to align with the four regional goals.

The proposed development is considered to be consistent with the regional goals, outcomes and policies of the NQRP. On this basis, no detailed assessment has been undertaken against the North Queensland Regional Plan in this development application.

The subject land is not located within a Priority Agriculture Area.

## 5.0 PLANNING INSTRUMENTS

### 5.1 Introduction

The planning scheme seeks to achieve outcomes through the identification of several overall outcomes, specific outcomes and acceptable solutions. The planning scheme is divided into a number of zones and further identifies a series of overlay codes.

### 5.2 Land Designation

The subject lands are included within the Low-Density Residential Zone of the planning scheme and more specifically the Magnetic Island Low Density Precinct.

### 5.3 Level of Assessment

Assessable development - Impact assessment

Assessable development - Impact assessment development is assessed against all elements of the planning scheme which are relevant to the proposed development and any State code(s). Assessable development - Impact assessment requires a development application to be lodged with the assessment manager and requires formal public notification as part of the assessment process.

### 5.4 Applicable Codes

Given the code assessable nature of the proposed development, the following assessment benchmarks are considered applicable for assessment against:

- Low Density Residential Zone Code (refer **Appendix 6**).
- Healthy Waters Code.
- Landscape Code.
- Traffic Impact, Parking and Access Code.
- Works Code.
- Airport Environs Overlay Code.
- Bushfire Hazard Overlay Code
- Flood Hazard Overlay Code.

Section 6 of this report provides an assessment against the overall outcomes of the relevant planning scheme codes.

## 6.0 PLANNING ASSESSMENT

This section of the report provides an assessment of the proposed development against the applicable provisions of the planning scheme.

### 6.1 Low Density Residential Zone Code

The proposed development is nominated for assessment against the Low-Density Residential Zone Code.

The particular purpose of the code is to:

- (a) primarily accommodate dwelling houses and dual occupancy dwellings;
- (b) provide for housing choice and affordability by allowing for a range of lot sizes;
- (c) maintain the low-rise and lower density character of Townsville's suburbs;
- (d) maintain a high level of residential amenity; and
- (e) achieve accessible, well-serviced and well-designed communities.

The purpose of the zone will be achieved through the following overall outcomes:

- (a) built form is of a house compatible scale and consistent with the local streetscape character;
- (b) reconfiguration facilitates a range of lot sizes to accommodate dwelling houses and dual occupancy dwellings, typically on lots 400m<sup>2</sup> or greater (unless otherwise intended in a precinct);
- (c) development maintains a high level of residential amenity on the site and in the neighbourhood;
- (d) residential development is protected from the impacts of any nearby industrial activities, transport corridors, infrastructure, installations and major facilities such as the port, airport and Department of Defence landholdings;
- (e) the design of development promotes accessibility by walking, cycling and public transport;
- (f) the design of development is responsive to the city's climate and promotes sustainable practices including energy efficiency and water conservation;
- (g) low-rise multiple dwellings, residential care or retirement facilities may be acceptable within this zone were provided in locations that are within a convenient walkable distance to centres, public transport and community activities, and where of a scale that is consistent with the local character;
- (h) non-residential uses only occur within the zone where they primarily support the day-to-day needs of the immediate residential community, do not unreasonably detract from the residential amenity of the area and are not better located in nearby centre zones;

- (i) development minimises impacts on remaining areas of ecological significance within the zone; and
- (j) the natural bushland setting and village character of the northern beaches and Magnetic Island townships are maintained. Tourism accommodation in these communities is of a house compatible scale.

## Response

The proposed development seeks approval for a 4-bedroom short-term accommodation on a site located on Sooning Street, within the Low-Density Residential Zone. Although short-term accommodation is not typically anticipated as a predominant use in this zone, the subject site presents a unique locational context that supports this proposal.

### (a) Strategic Location on a Main Road

The site directly fronts Sooning Street, a key local thoroughfare that functions as a collector road for the area. The site benefits from:

- High accessibility via public transport, with nearby bus stops and active transport infrastructure.
- A setting that is not internalised within quite residential streets, but instead positioned in a transitional zone between higher and lower density uses.

This location mitigates the typical concerns associated with short-term accommodation—such as traffic, noise, and loss of residential character—because it:

- Does not impose on a quiet, low-traffic cul-de-sac or purely residential enclave;
- Aligns with an active edge of the suburb that already accommodates a more diverse range of residential and mixed-use activities.

### (b) Proximity to Medium Density Residential Zone

The subject site is immediately adjacent to land zoned Medium Density Residential, which supports a broader range of housing types including apartments, duplexes, and visitor accommodation. This proximity is significant because:

- It positions the subject site within an area of evolving residential character, where a mix of densities and built forms is encouraged.
- The use of the site for short-term accommodation aligns with the emerging residential pattern and complements adjacent development.
- The proposed short-term accommodation will reflect the design, scale, and appearance of a standard residential dwelling, ensuring it blends seamlessly into the streetscape and retains the residential character of the area.

### (c) Consistency with Intended Character and Amenity Outcomes (PO10)

The proposal has been carefully designed to protect the amenity of neighbouring properties, in line with Performance Outcome PO10:

- Operational Management Plan will ensure guest conduct, noise levels, and occupancy limits are maintained to a residential standard.
- Low-intensity use: The accommodation is limited to four bedrooms, catering to small adult groups or professionals, with no function-style gatherings or events permitted.
- Built form remains residential, with no external signage or commercial-style alterations
- Screening, fencing, and on-site management protocols will further reduce any real or perceived impact on surrounding dwellings.

(d) Alignment with Broader Planning Objectives

This proposal contributes to:

- Housing diversity, supporting local tourism and temporary stay options for visiting professionals, families, and guests.
- Efficient use of urban land in a location that already enjoys strong infrastructure servicing and transport connectivity.
- Economic support for the local community, by providing a high-quality short-term stay option within walking distance to local amenities, beaches, and dining areas.

The proposed short-term accommodation use is well suited to the subject site due to its:

- Strategic frontage to a main road;
- Proximity to Medium Density zoning;
- Residential scale and built form;
- Absence of adverse amenity impacts on neighbours.

In this context, the proposal does not undermine the intent of the Low-Density Residential Zone but rather responds appropriately to the transitioning character of the area. As such, the proposal is considered to be a reasonable and supportable use that merits approval subject to standard conditions.

## 6.2 Healthy Waters Code

The proposed development is nominated for assessment against the Healthy Waters Code.

The purpose of this code is to ensure development manages stormwater and wastewater as part of the integrated total water cycle and in ways that help protect the environmental values specified in the *Environmental Protection (Water) Policy 2009*.

The purpose of the code will be achieved through the following overall outcomes:

- (a) *environmental values of receiving water are protected from adverse development impacts arising from altered stormwater quality and altered stormwater flow;*
- (b) *environmental values of receiving water are protected from waste water impacts;*



- (c) *environmental values of receiving water are protected from development impacts arising from the creation or expansion of non-tidal artificial waterways such as urban lakes;*
- (d) *Potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of acid sulfate soils are avoided;*
- (e) *public health and safety are protected and damage or nuisance caused by stormwater is avoided;*
- (f) *stormwater is designed to maintain or recreate natural hydrological processes and minimise run-off;*
- (g) *whole of lifecycle costs of infrastructure are minimised; and*
- (h) *well-designed developments are responsive to receiving water quality.*

### **Response**

The proposal is considered consistent with the purpose and overall outcomes of the Healthy Waters Code. In particular:

- Due to the natural fall of the land, stormwater generated on site anticipated to drain towards the stormwater channel described as EMT C, as per the pre-existing conditions and is unlikely to result in adverse stormwater or flooding impacts to adjacent properties.
- The proposed development does not involve activities, such as storage of hazardous materials, that will adversely impact on the quality of receiving waters.
- The existing stormwater network within Sooning Street is considered appropriate to receive any minor increase in stormwater run-off generated by the proposed development.

### **6.3 Landscape Code**

The proposed development is nominated for assessment against the provisions of the Landscape Code.

*The purpose of the Landscape Code is to ensure landscaping in both the private and public domains is designed and constructed to a high standard, provides a strong contribution to the city image, is responsive to the local character, site and climatic conditions and remains fit for purpose over the long-term.*

The purpose of the code will be achieved by the following overall outcomes:

- (a) *a high quality streetscape and on-site landscape enhances the character of the city;*
- (b) *landscape design is used to integrate the natural and built form elements of the site and the locality;*
- (c) *landscape elements create a legible and attractive street frontage, and enhance the continuity of the streetscape;*

- i. *significant on-site vegetation is retained, protected and integrated into the site design wherever practicable.*

## Response

The proposal is considered consistent with the purpose and overall outcomes of the Landscape Code. In particular:

- The proposed development will incorporate landscaping treatment along the road frontage, around the perimeter of the car park and part of the north and south side boundaries to provide buffering and improve the aesthetic quality of the development.
- Landscaping will be established throughout the site so as to enhance the natural settings of the subject land which assists in improving the visitor experience.
- Proposed landscaping fronting the street will enhance the streetscape of Sooning Street and will provide an effective screen along the road frontage, minimising potential noise and visual impacts of the road network for visitors at the accommodation services.
- Built form for the proposed development is strategically located on the distributed portions of land and avoids development in areas that contains higher value vegetation. The intent of the development is to create a visitor experience that capitalises on the natural settings and scenery afforded to the land.
- Existing mature vegetation will be retained on-site where appropriate.

Based on the above, no detailed assessment has been undertaken against the Landscaping Code. Further landscaping details can be provided prior to the commencement of use, as required.

## 6.4 Transport Impact, Access and Parking Code

The proposed development is nominated for assessment against the provisions of the Transport Impact, Access and Parking Code.

The purpose of this code is to *ensure appropriate provision for transport and end of trip facilities, and to facilitate, as far as practicable, an environmentally sustainable transport network.*

The purpose of the code will be achieved through the following overall outcomes:

- (a) *the function, safety and efficiency of the transport network are optimised;*
- (b) *pedestrians (including people with a disability) and cyclists are provided with a high level of accessibility, safety, amenity and convenience within a development site and on-site facilities are integrated with external walking and cyclist networks and public transport nodes;*
- (c) *the use of public transport is facilitated wherever appropriate;*
- (d) *access, parking, servicing and associated manoeuvring areas are designed to be safe, functional and meet the reasonable demands generated by the development;*

- (e) *access, parking, servicing and associated manoeuvring areas do not detract from streetscape character, and are designed to discourage crime and antisocial behaviour; and*
- (f) *adverse impacts on the environment and the amenity of the locality are avoided.*

## Response

The proposal is considered consistent with the purpose and overall outcomes of the Transport Impact, Access and Parking Code, particularly noting that:

- The new site access and car park will be provided in accordance with relevant Council and Australian Standards.
- The proposed development maintains connectivity to the pedestrian footpath and effectively integrates with the pedestrian network and key transport nodes.
- The proposed site access and car park area is of sufficient space to allow light vehicles to maneuver within the site and enter and leave the site in forward gear. Note, the car park includes provisions for a turning bay.
- The proposed development integrates with the pedestrian network located on Sooning Street and does not compromise the safety, amenity or level of accessibility for pedestrians.
- The proposed site access, parking and servicing arrangements do not detract from the streetscape by limiting the width of the access crossover and providing landscaping along the frontage of Sooning Street.
- The proposed development provides 5 car parks which is consistent with the prescribed car parking requirements from SC6.10 - Parking rates planning scheme policy from the planning scheme. It is considered that the provision of on-site car parking is in excess of the requirements for the proposed development due to the nature of the locality on Magnetic Island which is:
  - Within close proximity of the Nelly Bay Harbour and the majority of visitors at the site will travel directly from the harbour to the short-term accommodation services.
  - Within close proximity of the public transport system, meaning visitors will be able to rely on public passenger services which reduces dependence on vehicles required at the site.
- Service vehicles will be able to attend the site via the car park area as required and given the low frequency of vehicles attending the site, it is anticipated that any service vehicles required to attend the site can utilise surplus parking bays in the car park.

Based on the above, no detailed assessment has been undertaken against the Transport Impact, Access and Parking Code.

## 6.5 Works Code

The proposed development is nominated for assessment against the Works Code.

The purpose of this code is to ensure development is provided with a level of infrastructure which maintains or enhances community health, safety and amenity and which avoids or minimises impacts on the natural environment.

The purpose of the code will be achieved through the following overall outcomes:

- (a) premises are provided with a level of service which is appropriate to the intended character and function of the zone;*
- (b) risk to life and property is avoided;*
- (c) development does not detract from environmental values, including the quality of receiving waters;*
- (d) development does not detract from the desired character and amenity of the locality;*
- (e) the integrity and quality of existing infrastructure is maintained;*
- (f) access, parking, streets and pedestrian and cycle paths are provided to standards that ensure safe, convenient and efficient operation of movement networks;*
- (g) development facilitates an efficient provision of infrastructure and use of resources; and*
- (h) whole of life cycle costs for infrastructure are minimised.*

### Response

The proposed development is considered consistent with the purpose and overall outcomes of the Works Code, noting that:

- Connections to water and sewer were provided as part of the earlier subdivision

works which created the subject property (OPW22/0116).

- The proposed site access and car parking will be undertaken in accordance with relevant Council and Australian Standards.
- The proposed buildings incorporate climate responsive design which is compatible with the locality.
- The proposed development will ensure the efficient provision of infrastructure services and that the whole of lifecycle costs can be minimised.
- The proposed servicing arrangements for the development are considered to safe, efficient and suitable to meet the expected demand on infrastructure services from the proposed development.

Based on the above, no detailed assessment has been undertaken against the Works Code

## 6.6 Airport Environs Overlay Code

The proposed development is nominated for assessment against the Airport Environs Overlay Code given the subject land is designated within airspace more than 90m above ground level.

The purpose of the Airport Environs Overlay Code is to *ensure the safe and efficient operations of the airport, RAAF base and aviation facilities are protected.*

The purpose of the code will be achieved through the following overall outcomes:

- (a) *development avoids adversely affecting the safety and efficiency of an airport's operational airspace or the functioning of aviation facilities;*
- (b) *large increases in the numbers of people adversely affected by significant aircraft noise;*
- (c) *development does not increase the risk to public safety near airport runways.*

### Response

It is considered the proposed development achieves the purpose and overall outcomes of the Airport Environs Overlay Code given the proposed development is unlikely to have an adverse impact on the safety or efficiency of the airport's operation. All buildings associated with the proposed development will be less than 90m in height, does not propose extensive lighting or include activities that will attract birds or other wildlife.

Based on the above, no detailed assessment has been undertaken against the Airport Environs Overlay Code.

## 6.7 Bushfire Hazard Overlay Code

The proposed development is nominated for assessment against the Bushfire Hazard Overlay Code, given the entire site is mapped as containing medium bushfire hazard.

The purpose of this code is to ensure that development does not:

- (a) *increase the extent or the severity of bushfire hazard; or*
- (b) *increase the risk to life, property, community and the environment.*

The purpose of this code will be achieved through the following overall outcomes:

- (a) *development is compatible with the nature of the bushfire hazard except where there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal;*
- (b) *where development is not compatible with the nature of the bushfire hazard and there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal; and*
- (c) *wherever practicable, facilities with a role in emergency management and vulnerable community services are located and designed to function effectively during and immediately after bushfire hazard events.*

## Response

Bushfire overlay is not considered an issue as council is moving to state bushfire mapping which does not identify this site within a hazard zone.

### 6.8 Flood Hazard Overlay Code

Given the property is located within the low to high Flood hazard area, as per Map OM-06.1 to OM-06.2 of the planning scheme, the proposed development requires assessment against aspects of the flood hazard Overlay Code.

The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas so that risk to life, property, community, economic activity and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on-site or to other property.

The purpose of the code will be achieved through the following overall outcomes:

- (a) development is compatible with the nature of the flood hazard except where there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal;

where development is not compatible with the nature of the flood hazard and there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal:

- i. development minimises as far as practicable the adverse impacts from the hazard; and
  - ii. does not result in unacceptable risk to people or property;
- (b) wherever practicable, facilities with a role in emergency management and vulnerable community services are located and designed to function effectively during and immediately after flood hazard event;
- (c) development maintains the safety of people and minimises the potential damage to property from flood events on the development site; and
- (d) development does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain.

## Response

It is considered that flood hazard risk is reduced based on several factors, including: 1% AEP flooding is confined to the watercourse on the western side of the site. The proposed development footprint is clear of the extent of 1% AEP flooding.



## 7.0 CONCLUSIONS AND RECOMMENDATIONS

This proposal details a development application seeking a combined Development Permit for Material Change of Use – Short-term Accommodation on land described as Lot 4 on RP SP 335558, addressed as 32 Sooning Street, Nelly Bay.

In summary, the proposed development is recommended for approval based on the following reasons:

- The proposal mostly complies with the strategic framework and assessment benchmarks relevant to the assessment of a proposal of this nature.
- The proposed development has been designed to ensure the longevity of the site, appropriate to the surrounding context with minimal impact.
- Any impact from the proposed development will be minimal and can be managed through reasonable and relevant conditions.

Given the above facts and circumstances presented in this report, we recommend that Council **approve** the development subject to reasonable and relevant conditions.