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29 November 2024

The Assessment Manager
State Assessment Referral Agency – SEQ North Regional Office
Department of State Development and Infrastructure
PO Box 1129
Maroochydore QLD 4558

Delivery via: MyDAS2 Portal

Dear Sir / Madam,

APPLICATION TO CHANGE EXISTING DEVELOPMENT APPROVAL AT LOT 1 ANZAC AVENUE, MANGO HILL (COUNCIL REF.: DA2021/5090 & SARA REF.: 2201-26825 SRA)

In accordance with Sections 78 and 81 of the *Planning Act 2016* (the 'Planning Act') and on behalf of *80 and 82 Prospect Terrace Pty Ltd* ('The Applicant'), we hereby make a request to change an existing development approval over land at Lot 1 Anzac Avenue, Mango Hill (Minor Change).

The development approval comprises the following components:

- Development Permit for a Material Change of Use for Short-Term Accommodation, Function Facility, Health Care Services, Garden Centre and Market; and
- Development Permit for Carrying out Building Work on a State Heritage Place.

The changes necessitate amendments to the Decision Notice issued by Moreton Bay Regional Council (MBRC) on 23 November 2022 (Council Ref.: DA2021/5089).

Of note, the original application required referral to the State Assessment and Referral Agency ('SARA') as a Concurrence Agency for State heritage and transport matters. Given the Concurrence Agency response issued on 29 September 2022 (SARA Ref: 2201-26825 SRA) makes reference to the approved plans, the changes further necessitate amendments to the Concurrence Agency response.

Accordingly, SARA is therefore the responsible entity to consider the Minor Change application in this instance.

The following documents accompany this application:

- **Attachment A –** Planning Act Form 5 – Change Application Form;
- **Attachment B –** Signed Owner's Consent;
- **Attachment C –** Title Search Documents;
- **Attachment D –** Current Development Approval;

- **Attachment E –** Revised Plans of Development;
- **Attachment F** – Revised Traffic Impact Assessment, prepared by Pekol Traffic & Transport
- **Attachment G –** Moreton Bay Regional Council Minor Change Letter; and
- **Attachment H –** Affected Entity Letter.

1. EXISTING APPROVAL

On 23 November 2022, Moreton Bay Regional Council granted a development approval (Council Ref.: DA/2021/5089) over the site by way of a Decision Notice for the following aspects:

- Development Permit for a Material Change of Use for Short-Term Accommodation, Function Facility, Health Care Services, Garden Centre and Market; and
- Development Permit for Carrying out Building Work on a State Heritage Place.

The approved development provides for an innovative, mixed-use development, comprising of four (4), yet interconnected precincts:

- **Home, Garden and Naturopathy Centre** – A 5,272m^2 home, garden and health care (naturopathy) and centre and function facility across three (3) storeys (and 12.9 metres above natural ground level when measured to the roofline). The naturopathy clinic is a tenancy within the centre that occupies 457m^2 of total GFA. The function facility is located at the rooftop (occupying 433m^2 of total GFA) and includes an event/function space and a commercial kitchen.
- **Short-Term Accommodation and Wellbeing Retreat** – A 5,186m^2 eco-hotel, comprising 112 rooms across five (5) storeys for short-term stay and ancillary natural therapies and day spa;
- **Educational Gardens, Markets and Event Spaces** – A range of recreational spaces that is proposed to be run by the community, including a 737m^2 market area (for up to 30 market stalls and 10 food trucks), as well as cabanas, a band stand and a wildlife rehabilitation aviary facility; and
- **Revegetation Corridor** – Approximately 7,921m^2 of the land at the north-western part of the site is dedicated for creek restoration and revegetation purposes.

Ancillary and supporting uses are accommodated within the public realm to complement the dominant uses, including community wildlife and nature walk, lawn spaces, children play's area and education centre.

The development is serviced by 233 carparking spaces which are located within the basement and at-grade along the corner of Anzac Avenue and Kinsellas Road West.

The original application was subject to Impact Assessment and required referral to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) as a Concurrence Agency for State heritage and State transport matters.

The original development approval has a six (6) year (72 month) currency period. Given the Applicant waived its appeal rights upon receipt of the development approval on 29 November 2022, the currency period is expected to expire on 29 November 2028. The existing development approval therefore remains current and can be changed.

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2. PROPOSED CHANGES

This change application relates to amendments to the approved development in response to market challenges and ongoing detailed design.

Generally, the changes relate to minor alterations to design relevant to Council's approval. These amendments relate to introduction of staging, minor refinements to the approved built form, adjustments to the approved yield of the eco-hotel (Short-Term Accommodation) and consequential amendments to car parking layout and access arrangements.

A detailed summary of these proposed changes is provided in the Moreton Bay Regional Council change application, which is attached for reference in **Attachment F**.

The proposed amendments to the car parking layout and access arrangements are considered most relevant to State interests contained in the existing SARA approval. A summary of the relevant proposed changes is outlined below.

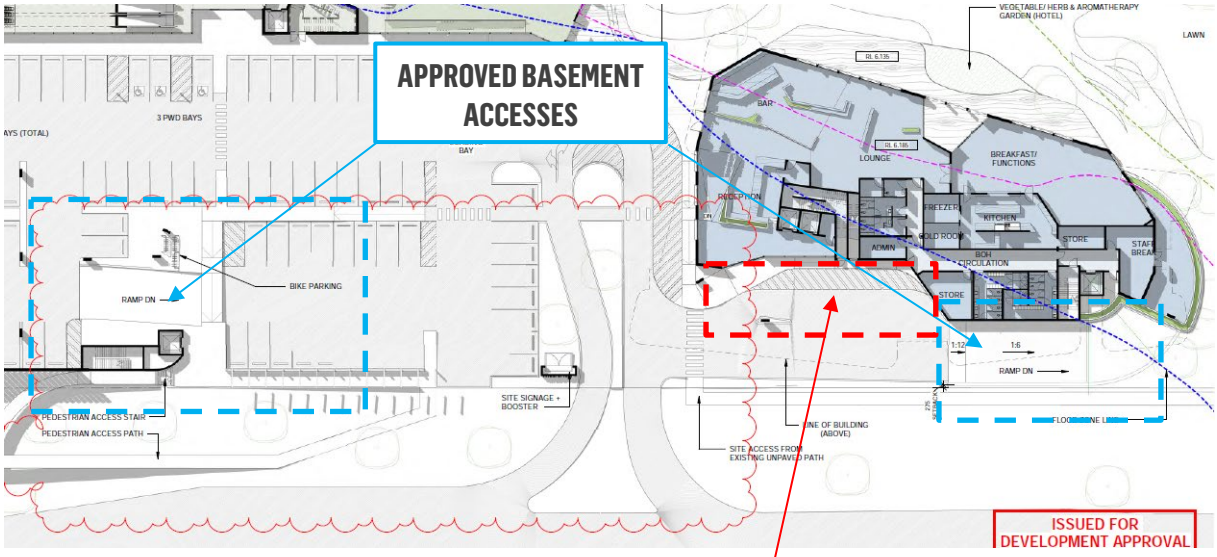
2.1. ACCESS AND PARKING ARRANGEMENTS

As a consequence of the built form and layout changes to the Short-Term Accommodation (eco-hotel) building, changes are required to the approved access and parking arrangements. Notably, these amendments only affect access and parking related to Anzac Avenue frontage. No changes to the access arrangements along Kinsellas Road West (previously Light Horse Court) are proposed as part of this application.

While the separated, one-way entrance and exit arrangements from Anzac Avenue remain unchanged, the at-grade carpark immediately to the left upon entering the site has been reconfigured (refer to **Figures 1** and **2**). Specifically, the basement car park's access has been consolidated into a singular ramp directly accessed from the site's entrance loop. Although the ramp location and car park layout have been amended, the number of car parking spaces provided at grade remains unchanged at 128 spaces. However, there are proposed changes to the overall car parking supply, which is discussed in **Section 2.7**.

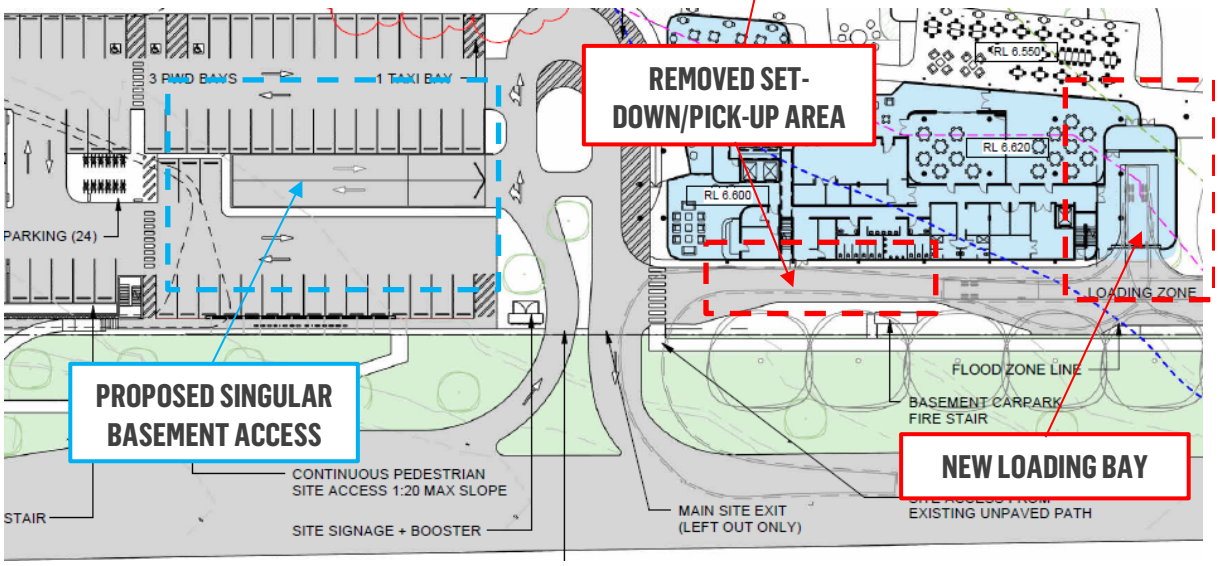
For further details, please refer to **Attachment E – Revised Plans of Development**.

Figure 1 – Approved Ground Floor (Site Plan)



Source: Open Architecture Studio

Figure 2 – Proposed Ground Floor Plan (Site Plan)



Source: Open Architecture Studio

2.2. BASEMENT DESIGN

The design and layout of the basement has also been reconfigured. The consolidation of the two approved basement ramps into a single ramp has allowed for additional car parking spaces to be provided, and additional manoeuvrability throughout the basement.

Other minor changes to the layout of the basement are proposed, including changes to the lift, stairwell, water tank and storage locations (and other utility functions) have also been relocated.

For further details, please refer to **Attachment E – Revised Plans of Development**.

2.3. SITE SERVICING

The application also proposes minor amendments to the loading and servicing arrangements as a result of the architectural design changes to the Short-Term Accommodation building.

The consolidation of the basement ramps (as discussed above) has enabled the opportunity to provide a dedicated, undercover, secure loading dock along the Anzac Avenue frontage, to directly service the Short-Term Accommodation (eco-hotel) building (refer to **Figures 1** and **2** above). As a consequence, the approved set-down and drop off area along the southern elevation of the Short-Term Accommodation (eco-hotel) building has been removed entirely as it is no longer required. Due to reduced traffic flow within this area as a byproduct of the removed basement access ramp, the extent of hardstand area has also been reduced.

For further details, please refer to **Attachment E – Revised Plans of Development**.

2.4. CAR PARKING SUPPLY

Ongoing detailed design review has identified an opportunity to provide an additional 35 car parking spaces, increasing the total supply from 233 to 268 spaces.

Efficiencies have been achieved through the basement layout reconfiguration, where 24 tandem carparking spaces are proposed to enable additional spaces to be provided. The proposed tandem spaces are intended to be utilised by staff members and can be conditioned accordingly.

For further details, please refer to **Attachment E – Revised Plans of Development.**

3. TRAFFIC ASSESSMENT

PTT has undertaken an assessment of the proposed changes to car parking, site servicing and access arrangements, which is enclosed within **Attachment F – Revised Traffic Impact Assessment**. The outcomes of the assessment concluded that the revised design will not result in any additional impacts on the surrounding road network than what was assessed under the existing approval.

4. PROPOSED CHANGES TO DEVELOPMENT APPROVAL

The following section outlines the proposed changes to the approval package. Specifically, p~~urple and strikethrough~~ indicates wording to be deleted and blue and underlined indicates proposed amendments.

4.1. DRAWINGS AND DOCUMENTS

Table 1 sets out the amendments required to the list of approved plans and documents to reflect the proposed changes and ensure any approval issued acknowledges the correct plans.

Table 1 – Proposed Amendments to SARA Approved Plans and Documents

Drawing or Document	Number	Plan Date
Street Tree Strategy Plan	Landscape Concept Design, Issue C	23-AUG-2022
Site – Ground Floor Plan – Overall	A-S-11-02, Revision ~~3~~ 6	~~26-AUG-2022~~ 26.11.24
Proposed Access and Bus Stop Relocation, prepared by PTT Traffic and Transport Engineering	24-474-006~~, Revision A~~	~~23-AUG-2022~~ 15.11.24

4.2. CONDITIONS

The proposed changes require amendments to the following conditions of the existing development approval to reflect updates to the plans. These changes are outlined in **Table 2** below.

Table 2 – Proposed Amendments to SARA Conditions

Condition	Timing
Condition 1 The replacement plantings must be generally in accordance with the following plan: (a) Street Tree Strategy Plan, prepared by LatStudios, dated 23.08.2022, reference Landscape Concept Design, Issue C.	Prior to the issue of the Certificate of Classification/Final Inspection Certificate or prior to the commencement of use, whichever comes first, and to be maintained at all times.
Condition 7 (a) The road access location is to be located generally in accordance with the plan, Site – Ground Floor Plan – Overall, prepared by Open Architecture Studio, dated ~~2022.08.26~~ 2024.11.26, reference A-S-11-02, revision ~~3~~ 6. (b) Road access works comprising Auxiliary Left Turn (AUL) left in and left out must be provided at the road access location generally in accordance with the plan, Site – Ground Floor Plan – Overall, prepared by Open	(a) At all times. (b) - (d) Prior to the commencement of use and to be maintained at all times.

Condition	Timing
Architecture Studio, ~~2022.08.26~~ 2024.11.26, reference A-S-11-02, revision ~~3~~ 6. (c) Pedestrian crossing, including centre median break, at the access location must be provided linking the proposed pathway extension to the north to the southern section of pathway and bus stop. (d) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual.	
Condition 7 (a) The existing bus stop, 'Anzac Ave at Kinsellas Road, Mango Hill' (ID: 310699), adjacent to the site in Anzac Avenue, must be relocated to the location shown on the plan, Proposed Access and Bus Stop Relocation, prepared by PTT Traffic and Transport Engineering, dated ~~23/08/2022~~ 15/11/2024, reference 22-474-00~~6~~9, ~~revision A~~. …	(a) and (b) Prior to the commencement of use.

5. ASSESSMENT OF MINOR CHANGE

Consideration has been given to the relevant matters for assessing a Minor Change in the *Planning Act 2016* (the 'Act'), having regard to the definition of Minor Change in Schedule 2 and the assessment criteria in Section 81.

5.1. MINOR CHANGE CRITERIA

A Minor Change is defined under Schedule 2 of the *Planning Act 2016* as follows:

> *"Minor Change means that…*
>
> *… (b) for a development approval –*
>
> *(i) would not result in substantially different development; and*
>
> *(ii) if a development application for the development, including the change, were made when the change application is made would not cause—*
>
> *(A) the inclusion of prohibited development in the application; or*

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agency to assess the application against; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application."

The proposed changes meet each of the criteria stated in this definition. This is demonstrated in **Section 4.2** to **Section 4.5** of this correspondence.

5.2. SUBSTANTIALLY DIFFERENT DEVELOPMENT

In respect to part (b)(i) of the definition of Minor Change, guidance about the term 'substantially different development' is provided in Schedule 1 of the Development Assessment Rules. An assessment of the proposed changes against the substantially different development criteria is included in the **Table 3** below.

Table 3 – Substantially Different Criteria Response

Guideline Criteria	**Response**
Involves a new use	This minor change application does not seek to introduce a new land use beyond those which were originally approved.
Results in the application applying to a new parcel of land.	This minor change application does not involve introduction of a new land parcel.
Dramatically changes the built form in terms of scale, bulk and appearance.	This minor change application involves minor refinements to the overall architectural presentation of the development, introduction of staging, and consequential adjustments to car parking and access arrangements. Nonetheless, the proposed changes do not dramatically change the built form in terms of scale, bulk and appearance for the following reasons: ▪ The proposed development continues to present as an innovative, mixed-use development, comprising of four (4) interconnected precincts.

Guideline Criteria	Response
	▪ The introduction of staging does not have a material effect on the appearance of the development when completed. The proposed staging has been carefully considered to ensure the development is not only operational but presents as visually attractive during all stages of construction. ▪ The development remains sited generally in accordance with what was originally approved. ▪ The overall maximum building height of the development remains 5 storeys and RL 26.5m when measured to the highest point. ▪ The amended façade treatment and presentation of the development is an aesthetic change only and does not result in any additional encroachments into the setbacks beyond that which were originally approved. ▪ The internal layout changes are limited to the Short-Term Accommodation (eco-hotel) building, which are in response to detailed design review and market factors. The ancillary uses are to remain for hotel guests only and will not be open to the public in accordance with the conditions of the existing approval. ▪ The amendments to the development's landscaping are minor and are only required due to the design changes of the Short-Term Accommodation (eco-hotel). The total landscaping area remains unchanged despite the changes.
Changes the ability of the proposed development to operate as intended.	This minor change application does not propose to remove or change any of the development's consequential elements which would

Guideline Criteria	Response
	compromise the ability for the development to operate as intended. The introduction of staging boundaries does not alter the development's characteristics beyond allowing the development to be delivered over three (3) stages.
Removes a component that is integral to the operation of the development	This minor change application does not propose to remove any components of the existing development approval.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed changes have been assessed in an updated Traffic Impact Assessment. The findings of this assessment concluded that the proposed amendments will not result in any additional impacts to the surrounding road network beyond that which were originally anticipated in the original approval. The key transport metrics, including the quantum of carparking, bicycle parking and site accesses remain generally consistent with that which was originally approved. For further information, please refer to **Attachment G – Revised Traffic Impact Assessment**.
Introduces new impacts or increases the severity of known impacts.	This minor change application does not introduce or increase the severity of known impacts.
Removes an incentive or offset component that would have balanced a negative impact of the development.	The approved development did not involve an incentive or offset. Accordingly, this 'test' is not relevant to the assessment of this Minor Change.
Impacts on infrastructure provision.	This Minor Change application does not propose any amendments which result in impacts on the provision of infrastructure, nor do they result in a considerable increase to the

Guideline Criteria	Response
	demand on the infrastructure which was previously considered. Notwithstanding the Minor Change process under the Planning Act 2016 provides an opportunity for Council to amend the infrastructure charge notice to reflect the change in yield and gross floor area.

The above assessment demonstrates that the proposed changes will not result in substantially different development.

5.3. PROHIBITED DEVELOPMENT

The proposed changes do not involve the introduction of any prohibited development into the development. Accordingly, the changes comply with the criterion (b)(ii)(A) of the Minor Change definition.

5.4. REFERRAL AGENCIES

In respect to parts (b)(ii)(B), (C) and (D) of the definition of Minor Change, the original application was referred to the State Assessment and Referral Agency (SARA) for State transport and heritage matters.

If the development application, including the changes were to be made now, the development application would not require referral to any additional referral agencies. The changes would not trigger a need for any referral agency to have regard to any additional referral matters.

The above demonstrates that the proposed changes comply with the criteria stated in parts (b)(ii)(B), (C) and (D) of the minor change definition.

5.5. PUBLIC NOTIFICATION

Public notification was required for the original application, with no properly made submissions received. According to the assessment of the original application, the approved development achieved compliance with the applicable performance outcomes of the relevant codes of Moreton Bay Regional Planning Scheme 2016 and did not result in conflict with the Planning Scheme, which required the demonstration of relevant matters to justify a decision to approve the development.

The application, if remade with the proposed changes, would also be impact assessable. Given the minor scale of the proposed changes, it is not considered that new submissions would be made. Therefore, the change application does not require public notification.

6. APPLICATION FEE

In accordance with Schedule 15, Item 1(b) of the Planning Regulation 2017, a change application for a minor change to a development approval requires a fee of **$1,817.00**. The fee will be paid via SARA's Notice to Pay system.

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7. PRE-REQUEST RESPONSE NOTICES

There are no pre-request response notices associated with this change application.

8. AFFECTED ENTITIES

Section 80(2)(c) of the Planning Act confirms that the following are affected entities for a development approval decided by the Minister:

> *"...the assessment manager, and any referral agencies for the development application, other than the chief executive."*

Given Moreton Bay Regional Council was the assessment manager for the application, Council is therefore an affected entity as SARA is the responsible entity.

A copy of this minor change will be given to Council in accordance with Section 80(1) of the Planning Act.

Please find enclosed a copy of the notice to affected entity correspondence within **Attachment G**.

9. CONCLUSION

The proposed changes fulfil the criteria of a Minor Change as defined in Schedule 2 of the Planning Act, and do not result in a substantially different development, as outlined in Schedule 1 of the Development Assessment Rules.

Our assessment also demonstrates that the request to change the approval ought to be approved by SARA, as the responsible entity, having regard to the relevant matter prescribed in section 81(3) of the Planning Act. The development, including the proposed changes, comply with the outcomes sought by the relevant planning instruments and associated assessment benchmarks. Therefore, the proposed amendments do not impact on the overall function of the uses or result in dramatic changes to the approved built form.

We trust the supplied documentation is sufficient for SARA to undertake an assessment of this request. If you have any questions, please do not hesitate to contact **Melanie Kwok (Associate Director)** on (07) 3007 3800.

Yours sincerely,



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APPENDIX A PLANNING ACT FORM 5 – CHANGE APPLICATION FORM

APPENDIX B SIGNED OWNER'S CONSENT

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APPENDIX C TITLE SEARCH DOCUMENTS

APPENDIX D CURRENT DEVELOPMENT APPROVAL

APPENDIX E REVISED PLANS OF DEVELOPMENT

APPENDIX F REVISED TRAFFIC IMPACT ASSESSMENT

APPENDIX G MORETON BAY REGIONAL COUNCIL MINOR CHANGE LETTER

APPENDIX H AFFECTED ENTITY LETTER