

DEVELOPMENT APPLICATION – DA26-2022-2023 – SHORT-TERM ACCOMMODATION – 18 & 18A EDWARD STREET, TAMBO**EXECUTIVE SUMMARY**

The Applicants, Michele Frost & Kirri Charters, seek a Development Permit for Building Work and Material Change of Use for Short-term Accommodation (up to 13 guests) over land at 18 & 18A Edward Street, Tambo, formally described as Lot 61 TB217 and Lot 2 on RP610529. The Applicant is proposing to use the existing dwelling house for Short-term accommodation.

The existing dwelling house known as Oakwood House is a 5 bedroom house with sufficient room to accommodate 13 people at any one time.

Access to the site is via a driveway to 18A Edward Street which contains the Tambo Powerhouse which is a local heritage place. No work or alterations are proposed to the heritage place. The proposal provides onsite parking.

Under the *Blackall-Tambo Region Planning Scheme 2020* (the Planning Scheme), the subject site is in the Township Zone. The defined use that has been applied for, being a 'Short-term accommodation', is subject to Impact Assessment in the Township Zone.

A development application that is subject to Impact Assessment is assessed against the entire Planning Scheme and is required to be publicly notified for a minimum of 15 business days. During the public notification period, one (1) submission was received. The issues raised in the submission have been addressed in the decision report.

The proposal has been assessed against the entire Planning Scheme and is consistent with the intent of the zone code and all other relevant assessment benchmarks.

Based on an assessment of the proposal in accordance with the Impact Assessment process articulated in the *Planning Act 2016*, this decision report recommends approval of the development application, subject to the conditions stated herein.

RECOMMENDATION

THAT Blackall-Tambo Regional Council approves the application for a Development Permit for Material Change of Use for Short-term Accommodation (up to 13 guests) over land at 18 & 18A Edward Street, Tambo, formally described as Lot 61 TB217 and Lot 2 on RP610529, subject to the following conditions:

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.

- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Site Plan	DA26-2022-2023	-	30/03/2023 (Received date)

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.0 LIMITATIONS OF OPERATION

- 3.1 Guests of the Short-term accommodation are limited to a maximum stay of three (3) consecutive months at any one time.
- 3.2 The total number of guests at any one time must not exceed thirteen (13).
- 3.3 No pets are permitted to stay at the Short-term accommodation.
- 3.4 A minimum one (1) onsite car space is to be available at all times to guests.

4.0 SITE MANAGEMENT PLAN

- 4.1 Maintain and implement a site management plan for the Short-term accommodation. The site management plan is to include measures to manage operational aspects of the development including, but not limited to, hours of operation, noise management, site care and maintenance, complaints management and refuse management.

5.0 PRIVACY FENCE

- 5.1 Construct a 2m high privacy fence to the full length of the western boundary within 3 months of the date of this approval.

6.0 ENVIRONMENTAL HEALTH

- 6.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam, soot, wastewater, waste products, oil or otherwise.
- 6.2 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.

7.0 ASSET MANAGEMENT

- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

ADVISORY NOTES

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).

1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	18 and 18A Edward Street, Tambo QLD 4478
RPD	Lot 61 on TB217 and Lot 2 on RP610529
Site Area	2,629m ²
Landowners	Michele Frost and Kirri Charters
Existing use of land	Dwelling house and Local heritage building (Tambo Powerhouse)
Existing development approval	N/A
APPLICATION DETAILS	
Application No.	DA26-2022-2023
Applicant	Michele Frost and Kirri Charters
Application description	Development Permit for Building Work and Material Change of Use for Short-term Accommodation
Decision due date	28 June 2023
Main Issues/Resolution	Consistency of use in the Township zone – addressed in assessment report Submission – addressed in the assessment report
STATUTORY DETAILS	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020
Overlays	Nil
Zone	Township Zone
Precinct	N/A
Land use definition	Short-term accommodation
Category of Assessment	Impact Assessment

2.0 PROPOSAL BACKGROUND

TABLE 2 – OVERVIEW OF DEVELOPMENT ASSESSMENT PROCESS

Application properly made	13 April 2023
Confirmation notice issued	17 April 2023
Public notification period	28 April – 23 May 2023
Notice of compliance	24 May 2023
Decision due (decision stage)	28 June 2023

3.0 SITE AND SURROUNDS DESCRIPTION

The subject site is located at 18 & 18A Edward Street, Tambo, formally known as Lot 61 on TB217 & Lot 2 on RP610529. The subject site has an area of 2,629m², and has a 26m frontage to Edward Street.

The site is adjoined to the:

- north by a Edward Street
- south by dwelling houses
- east by a dwelling house
- west by a dwelling house.

The site contains an existing dwelling house that is intended to be used for Short-term accommodation and a Local heritage place, the Tambo Powerhouse. No changes are proposed to the heritage place.



Figure 1 – Aerial of subject site (Source: QLD Government DAMS Mapping)

4.0 DESCRIPTION OF PROPOSAL

The Applicant is proposing to use the existing dwelling house for Short-term accommodation. The existing dwelling house known as Oakwood House (see Figure 2 for floor plan) is a 5 bedroom house with sufficient room to accommodate 13 people at any one time.

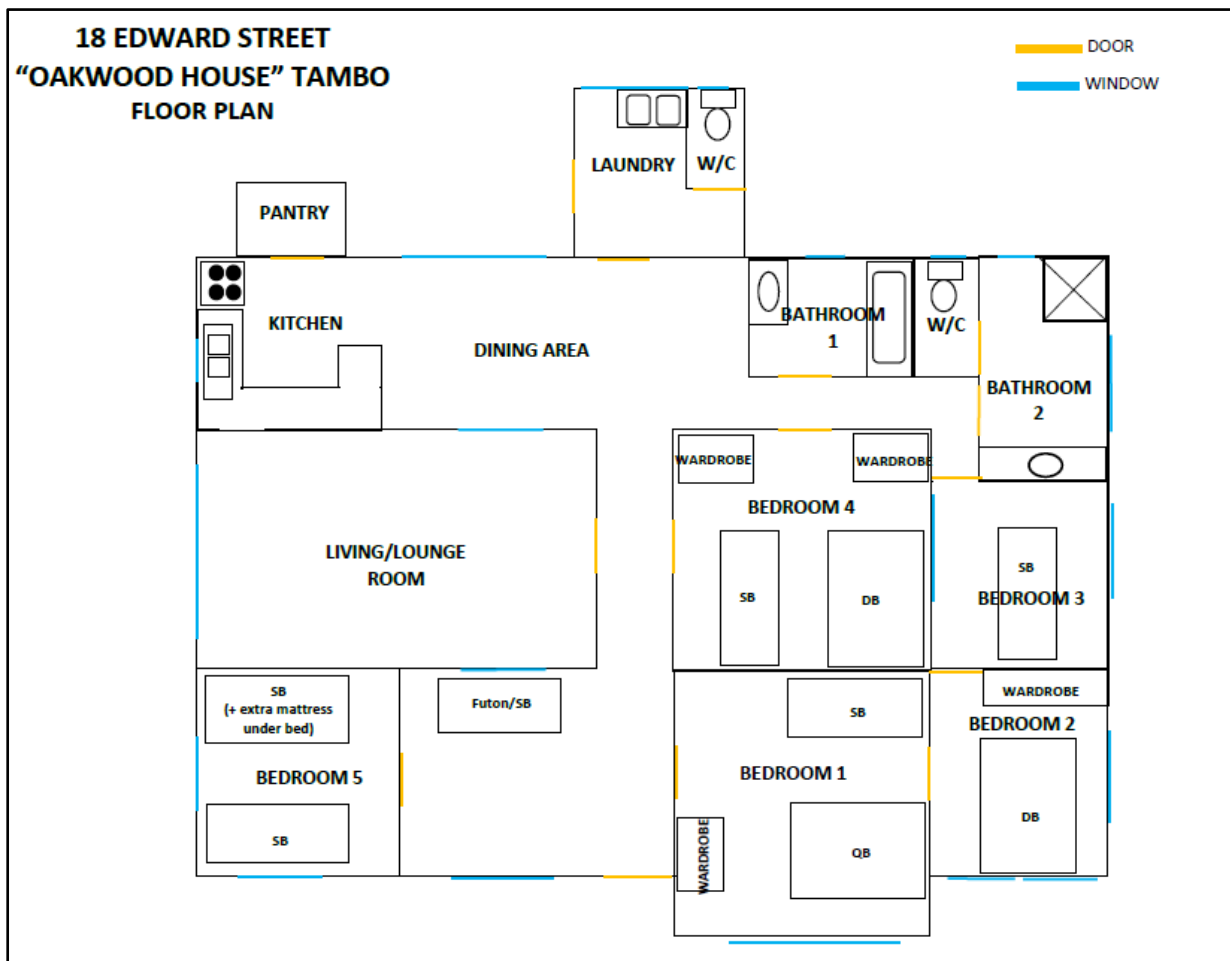


Figure 2 – Oakwood House floor plan (Source: applicant supplied)

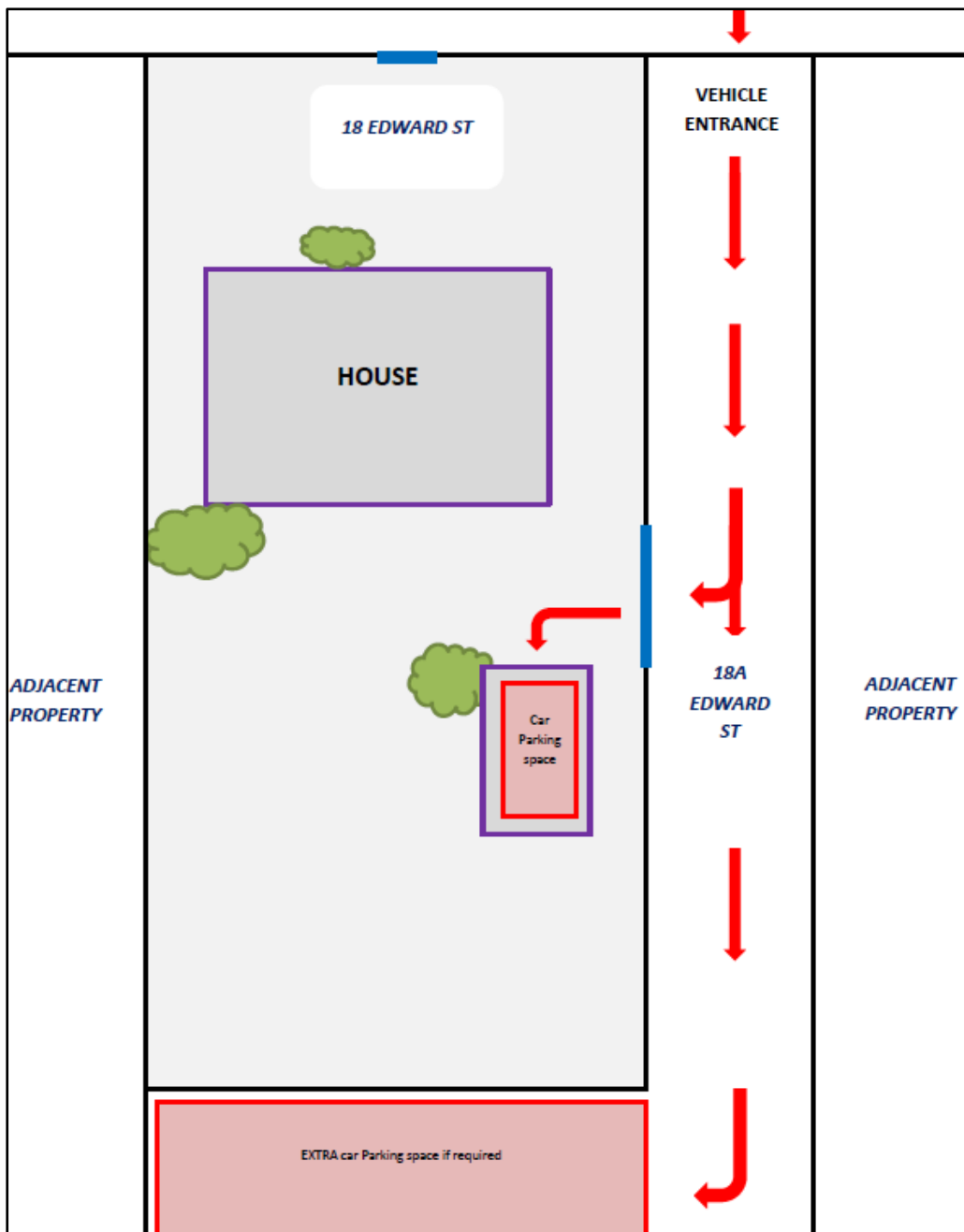


Figure 3 – Site plan (Source: applicant supplied)

The dwelling will be advertised on Air BnB and will be let for short term stays.

The combined site area is 2,629m². The applicant has applied over 18A Edward Street to allow access to the site and the parking area. Access to the site is via a driveway to 18A Edward Street which contains the Tambo Powerhouse which is a local heritage place. No work or alterations are proposed to the heritage place. The proposal provides onsite parking at the rear of the existing dwelling house.

Attachment A provides a copy of the proposal plan referenced in the recommendation.

5.0 PLANNING ASSESSMENT

In accordance with section 45 (5) of the *Planning Act 2016* (the Act), Impact Assessment is an assessment that:

- (a) **must be** carried out—

- (i) against the assessment benchmarks in a categorising instrument for the development; and
 - (ii) having regard to any matters prescribed by regulation for this subparagraph; and
- (b) **may be** carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Examples of another relevant matter— a planning need

This framework for assessing impact assessable applications is clarified as follows –

The categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*. The entire planning scheme must be assessed as relevant to the application. In this instance, relevant assessment benchmarks are encompassed by the Strategic Framework, the Township Zone Code, General Development Code, and corresponding mapping and planning scheme policies. These benchmarks are addressed in section 5.2.

Where a conflict may be evident between the application and above assessment benchmarks, Council can consider any other relevant matter, such as planning need, to override the conflict and justify the non-compliance. This typically relates to matters that Council deems to be in the public interest, as opposed to personal circumstances.

The *Planning Regulation 2017* (sections 29-31) prescribes additional assessment benchmarks and other general assessment matters, which are addressed as follows:

The Central West Regional Plan and the State Planning Policy

The Regional Plan and SPP are identified as being appropriately integrated in the Planning Scheme and therefore do not require further assessment. The assessment of the proposal against the Planning Scheme in section 5.2 below also functions as an assessment of these State Planning Instruments.

The Local Government Infrastructure Plan

By Council resolution, there is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, this assessment benchmark does not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

Schedules 9 and 10 of the Planning Regulation

Schedule 9 relates to building work under the Building Act, which is not relevant to this application for material change of use but may be relevant to a subsequent building work application for the construction of the development.

Under Schedule 10, there were no referral triggers relevant to the application.

Approval history / lawful use of the premises and adjoining premises

The site currently contains an existing dwelling house and the Tambo Powerhouse, it is considered that both buildings were lawfully established.

While the approval history of adjoining premises has not been investigated in detail, a general understanding of existing surrounding uses has been considered in this planning assessment and has informed the recommendation with a view to ensuring a compatible land use pattern if the development is approved.

Common material

The application material and subsequent correspondence with Council officers and the applicant has been considered in the preparation of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the development.

5.1.1 Public Notification

The development application required Impact Assessment, which means public notification of the application was required. Public notification was undertaken by Council on behalf of the Applicant.

One (1) properly made submission was received during the public notification. The following table includes the issues raised and how they have been addressed:

Matter raised in submission	Response to matter raised
The site is already being used for short-term accommodation.	When Council was made aware that the site was being used for Short-term accommodation it advised the landowner that a development application was required to be lodged. The landowner has lodged a development application which has been assessed by Council.
Concerns with issues caused by pets of people staying at short-term accommodation.	Council has imposed a condition that does not permit pets to stay at the Short-term accommodation.
The submitter advised that if approved conditions should be included to not allow dogs and include a 2m high privacy fence.	Council has imposed a condition that does not permit pets to stay at the Short-term accommodation. A condition has also been imposed that requires the construction of a 2m high privacy fence for the full length of the western boundary.
Impacts on short term rental accommodation in Tambo and shortage in long term rentals.	Council has assessed this application based on the assessment benchmarks contained within the Blackall-Tambo Region Planning Scheme 2020. Applications are assessed on merit and on a site by site basis. It is considered that the proposal will provide a different short term accommodation option for the town of Tambo.
Asbestos issues in defunct powerhouse.	Although the application includes the lot that contains the Tambo Powerhouse building, no works are proposed to that building. The applicant has applied over that site to provide access to the Short-term accommodation and access to the parking area for the Short-term accommodation.
Amenity impacts.	A condition has been included for a Site Management Plan to be developed for the site. The Site Management Plan requires measures to be included to manage operational aspects of the development including, but not limited to, hours of operation, noise management, site care and maintenance, complaints management and refuse management.

5.1.2 Internal Officer Comments

The application was not internally referred as the proposal will be carried out in an existing building that is serviced by necessary urban services.

5.2 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

Under the Planning Scheme the development constitutes a Material Change of Use, which is defined in the Planning Act as:

- a) the start of a new use of the premises;**
- b) the re-establishment on the premises of a use that has been abandoned;*
- c) a material increase in the intensity or scale of the use of the premises.*

The commencement of Short-term accommodation will result in the start of a new premises on the site. Short-term accommodation is defined below:

Short-term accommodation:

(a) means the use of premises for—

- (i) providing accommodation of less than 3 consecutive months to tourists or travellers; or*
- (ii) a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but*

(b) does not include a hotel, nature-based tourism, resort complex or tourist park.

In accordance with Table 4.4.1 of the Planning Scheme, Short-term accommodation in the Township Zone is subject to Impact Assessment, where the combined number of guests exceeds six (6).

In accordance with Table 4.5.1 of the Planning Scheme, the relevant assessment benchmarks for the development application is the Planning Scheme. When assessing this application, particular consideration has been given to the following assessment benchmarks:

- Strategic Framework
- Township Zone Code
- General Development Code

5.2.1 Assessment of Strategic Framework

The Strategic Framework sets the policy direction for the Planning Scheme. As per the Strategic Framework Map in Figure 5, the subject site is designated as 'Urban Land', being within the township area (coloured pink) of Tambo.

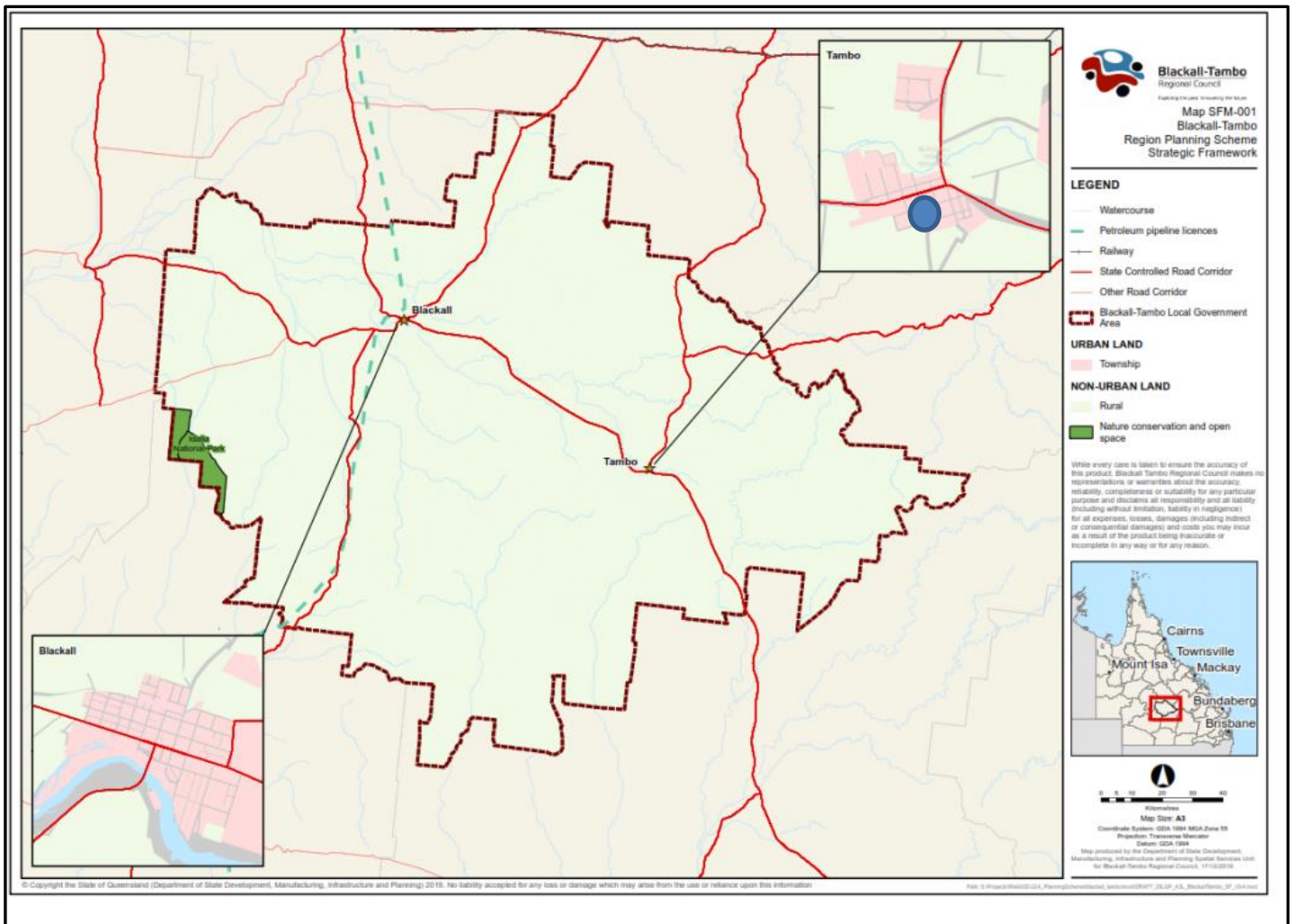


Figure 4: Site (denoted in blue) on Strategic Framework Map (Source: Blackall-Tambo Regional Planning Scheme)

The proposal is consistent with Strategic Intent statements relating to infill development in the township areas that result in high quality and inclusive living environments that meet a broad range of community needs and occur in serviceable locations. The Short-term accommodation will contribute to the Region’s tourism industry by adding an additional and different option for tourists. Relevant extracts from the Planning Scheme are as follows -

‘The planning scheme seeks to provide for development which meets and is relevant to community needs...’

‘The planning scheme builds upon the region’s established communities, existing natural and historical features and traditional economic strengths, which include agriculture and tourism’.

Infill and renewal development within the established towns of Blackall and Tambo is encouraged’

The proposal is consistent with the Strategic Intent statements relating cultural heritage. The Tambo Powerhouse is being retained in situ and will not be impacted. The relevant extract from the Planning Scheme are as follows -

‘Development must conserve the physical features, fabric and contents that contribute to the cultural heritage significance of the local heritage place and avoids changes to the setting or context of the local heritage place...’

On this basis, there is no conflict between the development and the Strategic Framework as it relates to the site and the proposal development. Relevant extracts from the Planning Scheme are as follows -

5.2.2 Assessment of Codes

The following codes are relevant to the proposed development.

Township Zone Code

The site is located in the Township Zone, as shown on the Zone Map for Tambo in Figure 5.



Figure 5: Site (denoted in blue) located within Township Zone (Source: Blackall-Tambo Regional Planning Scheme)

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the Township Zone Code. In particular:

- The Purpose of the Township zone allows for and short-term accommodation, if appropriate for the area. The proposal is considered appropriate for the area due to the fact it results in the reuse of an existing dwelling house therefore being consistent with the intended bulk and scale of surrounding development. Conditions have also been imposed to manage any associated impacts
- Conditions have been imposed to ensure any impacts associated with the Short-term accommodation are appropriately managed
- The proposal will not compromise the safety or efficiency of the local road network
- The development, being contained in an existing dwelling, is of a scale that is consistent with the predominant built form in the locality
- With the imposition of conditions, the development will not cause adverse impacts on residential amenity in terms of privacy, safety, noise, odour and fumes, lighting and traffic generation
- The development will provide accommodation that is of a reasonable standard
- Conditions have been included to manage any impacts, including the provision of a Site Management Plan which will manage operational aspects of the development.

General Development Code

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the General Development Code. In particular:

- The existing dwelling has a site cover that is below the permitted 50%,
- The existing dwelling has setbacks that are consistent with QDC requirements
- The site contains existing trees, no further landscaping is required for this proposal
- The proposal provides sufficient carparking for the scale of development. Parking is provided at the rear of the existing dwelling
- The site has existing access form Edward Street
- The development is connected to all necessary urban services
- The site is not impacted by flooding
- The site is not located within a Bushfire prone area.

In summary, this planning assessment demonstrates that the development is consistent with the relevant assessment benchmarks of the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance in terms of land use, amenity and servicing.

6.0 CONCLUSION

This Impact assessable Development Application for a Development Permit for Building Work and Material Change of Use for Short-term Accommodation over land at 18 & 18A Edward Street, Tambo, formally described as Lot 61 TB217 and Lot 2 on RP610529, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the Planning Act for applications requiring Impact assessment, which demonstrates the proposal's consistency with the Planning Scheme and other relevant assessment matters.

In accordance with the requirements for a decision notice under section 63 the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- a) The Purpose of the Township zone allows for and short-term accommodation, if appropriate for the area. The proposal is considered appropriate for the area due to the fact it results in the reuse of an existing dwelling house therefore being consistent with the bulk and scale of surrounding development.
- b) Conditions have been imposed to ensure any impacts associated with the Short-term accommodation are appropriately managed
- c) The development is connected to reticulated water and sewer as well as telecommunications and electricity services
- d) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

Assessment Officer (Author): Tim O'Leary Principal Planner (Reel Planning) 13 June 2023	
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Attachment A – Proposal Plan
Attachment B – Submission
Attachment C – Submission Summary

Attachment B - Submission Summary

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