



COUNCIL ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION FOR DEVELOPMENT APPROVAL

APPLICATION NO: MCU18/0345
AUTHOR: TIM MUMFORD - SENIOR DEVELOPMENT PLANNER
PROJECT DIRECTOR: KATRINA PATEY - PRINCIPAL DEVELOPMENT PLANNER

SUMMARY SHEET

Applicant:	Sunshine Beach Constructions Pty Ltd Tte
Owner:	Sunshine Beach Constructions Pty Ltd Tte
Consultant:	Pivotal Perspective Pty Ltd
Proposal:	Preliminary Approval for a Material Change of Use (Variation request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i> for Dual occupancies on 23 future residential lots in the Emerging community zone)
Properly Made Date:	14 December 2018
Decision Due Date:	3 June 2019
Number of Properly Made Submissions:	1 properly made submission objecting to the application
PROPERTY DETAILS	
Division:	5
Property Address:	50 Abbots Road PALMWOODS
RP Description:	Lot 4 RP 849406
Land Area:	18.3ha
Existing Use of Land:	The land is currently under construction for a new residential housing estate.
STATUTORY DETAILS	

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Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014</i> (10 December 2018)
SEQR Designation:	Urban Footprint
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Palmwoods Local Plan Area
Zone:	Emerging Community Zone
Assessment Type:	Impact Assessment
State Referral Agencies:	Concurrence – Department of State Development, Manufacturing, Infrastructure and Planning (SARA)
Referred Internal Specialists:	Not Applicable

PROPOSAL:

The application seeks approval for Preliminary Approval for a Material Change of Use (Variation request to vary the effect of the *Sunshine Coast Planning Scheme 2014* for Dual occupancies on 23 future residential lots in the Emerging community zone)

The variation approval proposes to vary the provisions of the *Sunshine Coast Council Planning Scheme 2014* Table of Assessment pertaining to the Palmwoods Local Plan Area's Emerging community zone enabling 23 duplex dwellings on 23 approved lots within the recently developed 'Habitat' estate at 50 Abbotts Road, Palmwoods.

Currently a Dual occupancy use is impact assessable development within the Emerging Community zone. This application seeks to vary the effect of the *Sunshine Coast Council Planning Scheme 2014* to nominate 23 lots within the approved subdivision to accommodate future Dual occupancy's and for them to be considered as either 'Accepted Development' where they comply with the Dual occupancy code or 'Code Assessment' where they are inconsistent with the acceptable outcomes of the Dual occupancy code.

The application nominates 11 lots greater than 800m² (Approved Lots 13, 29, 31, 34, 43, 45, 47, 49, 58, 61 and 87) and 12 lots that are less than 800m² in area (Approved Lots 7, 19, 25, 27, 51, 55, 67, 69, 70, 81, 89 and 108). The lots under 800m² are proposed as requiring Code Assessment as they do not meet the acceptable outcome for a minimum lot size of 800m² for Dual occupancy dwellings.

This change seeks to replicate a Low density residential zone for this estate so that the 23 nominated Dual occupancy lots can be assessed and undergo the same process that would apply to land within the Low density residential zone under the *Sunshine Coast Planning Scheme 2014*.

The proposal plan (Figure 1 below) identifies the nominated lots and identifies lots less than 800m² in blue and lots exceeding 800m² in pink.

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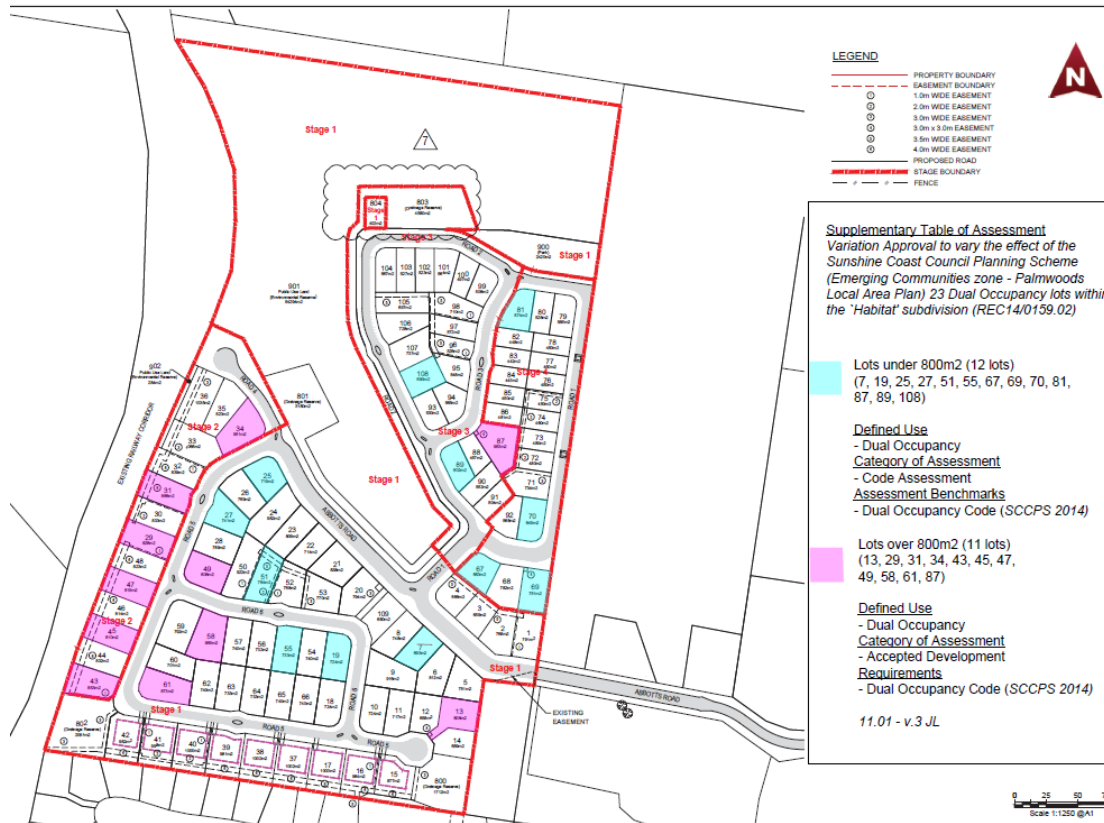


Figure 1 – Proposed Plan

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	18.3 ha
Existing Use of Land:	The land is currently under construction for a new residential housing estate.
Road Frontage:	The proposed duplexes would have frontage to varying roads within the newly developed estate.
Significant Site Features:	Nil. The lots are currently developed in accordance with the existing subdivision approval.
Topography:	Undulating. All of the lots have flat building envelopes with the retaining and earthworks having been completed by the master developer for the habitat estate.
Surrounding Land Uses:	The estate is currently under construction and is characterised by low density residential houses.

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Figure 2 and 4 below show the location of the subject site in relation to its surrounds:



Figure 2 – Location and Surrounds Plan

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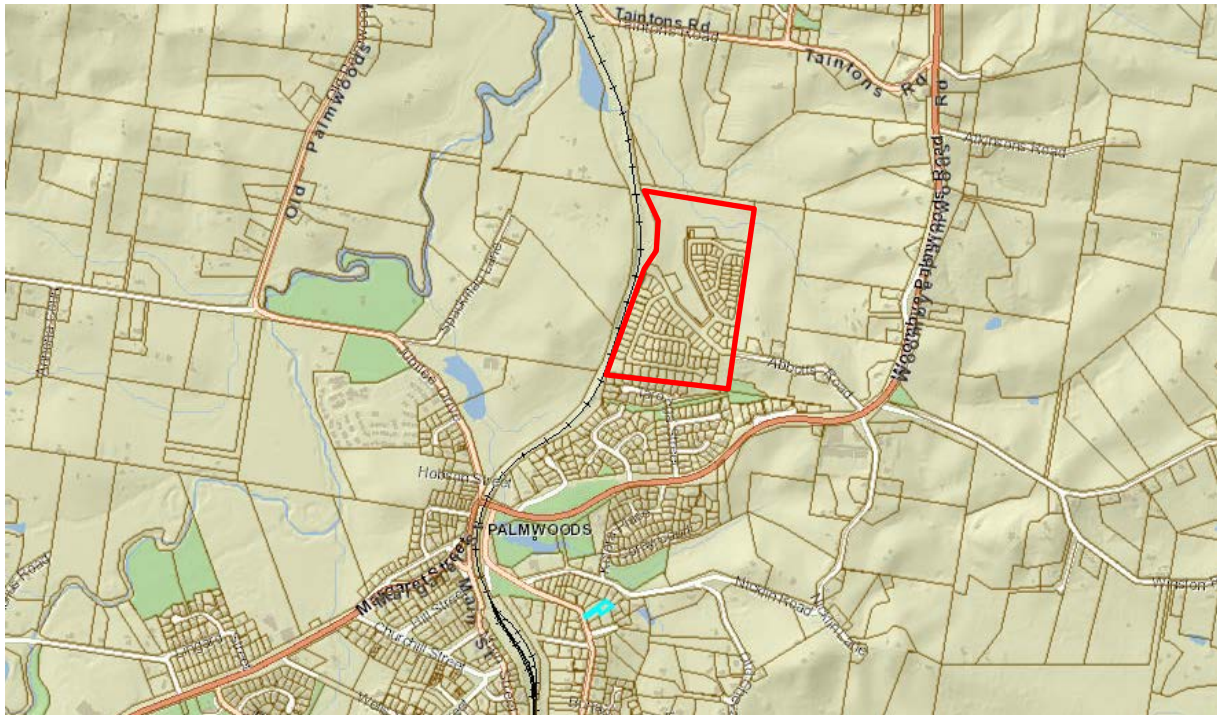


Figure 3 – Location Plan

Development History of Site

The subject site has an existing subdivision approval to create 109 residential lots, 4 drainage reserve lots and 3 park lots which is currently under construction named 'habitat' (Council reference REC14/0159.02).

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

PLANNING REGULATION 2017 DETAILS	
Applicable Assessment Benchmarks:	Nil.

State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

Assessment Benchmarks Related to the Planning Scheme

The following sections relate to the provisions of the Planning Scheme.

PLANNING SCHEME DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014 (10 December 2018)</i>
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Palmwoods Local Plan Area
Zone:	Emerging Community Zone
Consistent/Inconsistent Use:	Not Applicable Variation Approval only to vary the effect of the planning scheme.
Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • <i>Emerging Community Zone Code</i> • <i>Palmwoods Local Plan Code</i> • <i>Dual Occupancy Code</i> • <i>Landscape Code</i> • <i>Nuisance Code</i> • <i>Safety And Security Code</i>

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	<ul style="list-style-type: none"> • <i>Stormwater Management Code</i> • <i>Sustainable Design Code</i> • <i>Transport And Parking Code</i> • <i>Waste Management Code</i> • <i>Works, Services And Infrastructure Code</i> • <i>Acid Sulfate soils overlay code</i> • <i>Biodiversity, waterways and wetlands overlay code</i> • <i>Bushfire hazard overlay code</i><i>Flood hazard overlay code</i> • <i>Height of buildings and structures overlay code</i> • <i>Landslide hazard and steep land overlay code</i> • <i>Regional infrastructure overlay code</i> • <i>Scenic amenity overlay code</i> • <i>The Strategic Framework of the Sunshine Coast Planning Scheme 2014</i>
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Strategic Framework

The Strategic Framework is an Assessment Benchmark for Impact Assessable applications and considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The application has been assessed against each of the matters above and found to be generally consistent with each matter.

Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Zoning

The parent land associated with the approved residential estate 'Habitat' is within the Emerging community zone. The purpose of this zone is to support urban development and enable structure planning to occur for large green field development sites and to ensure the orderly development of these areas for urban development. The site has been assessed and approved for a low density residential housing estate which is currently under construction. The lot sizes and character of the approved development is akin to a Low density residential zone but does include more of a variety of lot sizes ranging from 442m² to 1066m². Now that this area has been developed, the *Sunshine Coast Planning Scheme 2014* will ultimately need to be updated to reflect the approved developed and this area will adopt a Low density residential zone in line with the approval at some point in the future.

The *Sunshine Coast Planning Scheme 2014* has recognised Dual occupancy dwellings as a consistent and acceptable form of housing within the Low density residential zone. It is therefore practical to allow Dual occupancy's within this approved estate to be considered in the same way that a Dual occupancy is treated within the Low density residential zone. This is also consistent with the purpose and overall outcomes of the Emerging community zone which requires *an appropriate mix of land uses and housing types to be provided*.

The Emerging community zone makes most development impact assessable and specifically seeks for master planning to occur and seeks to ensure that the future potential of the land to be used for *urban purposes* is not compromised and that sporadic or premature development is avoided.

The Purpose and overall outcomes of the Emerging community zone code intends for development to be *undertaken in accordance with a plan of development which is implemented via a variation approval or an amendment to the planning scheme*. The existing approval for this residential estate underwent a master planning process for the area, but did not include a variation approval element to vary the levels of assessment for future development within the approved estate. This application seeks to provide that variation approval for the nominated lots. This is a more practical way to deliver the mix of residential types that is generally permitted and accepted by the current planning scheme for these areas. The alternative would be for future purchasers to undergo individual impact assessable applications for each duplex in an ad-hoc manner.

It should be noted that approved Lot 25 has already had a development application for a duplex approved by Council via an impact assessable Material Change of Use application (reference MCU19/0039). This approach to delivering duplex's in this estate by nominating the suitable locations up front by the master developer, is a more orderly and planned approach for moving forward with Dual occupancy within this estate, rather than an ad hoc and sporadic approach of individuals lodging duplex applications on a one by one basis. This also gives the community and future purchasers of land within the estate a better

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understanding of which lots are likely to accommodate duplexes and ensures that dual occupancies are scattered throughout the estate and not clumped.

Effect on the Planning Scheme

The application proposes a Supplementary Table of Assessment which varies the level of assessment for Dual occupancy dwellings on the nominated lots (a total of 23 lots). The below table would replace the planning scheme for Dual occupancy dwellings, making them either accepted development or code assessable development where they comply with the Dual occupancy Code.

The effect on the planning scheme would relate to Dual occupancy's on the identified approved lots only and all other development in this estate would remain subject to the standard planning scheme tables of assessment.

Supplementary Table of Assessment		
Defined Use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	Accepted Development where located on lots 13, 29, 31, 34, 43, 45, 47, 49, 58, 61 87 and complying with the acceptable outcome of the Dual occupancy code.	<ul style="list-style-type: none"> Dual occupancy code
	Code Assessment where located on lots 7, 19, 25, 27, 51, 55, 67, 69, 70, 81, 89, 108.	<ul style="list-style-type: none"> Dual occupancy code
	Impact assessment if not otherwise specified	<ul style="list-style-type: none"> The planning scheme

The proposed variation has no effect on the planning scheme requirements for the detailed design of future Dual occupancy dwellings on the lots. This application only varies the level of assessment and all future Dual occupancy's will still be required to meet the development controls of the Dual occupancy code which ensures that the planning scheme continues to control site cover, density, setbacks, built form, private open space, landscaping, car parking and waste storage requirements of future buildings.

Palmwoods Local Plan Code

Although Dual occupancy dwellings are generally identified as consistent and accepted uses within low density residential areas within Palmwoods, the Palmwoods local plan code also identifies the intent for Palmwoods to maintain a *country town feel* and be *typified by low-rise dwelling houses*. The performance outcome of the Palmwoods local plan code also identifies an intent the local plan area to be or the low density residential and emerging community zone to be provide predominantly low density housing. Whilst the *Sunshine Coast Planning Scheme 2014* considers Dual occupancy's as a form of low density housing and has subsequently made them accepted development within low density residential zones, it is considered that for this location within Palmwoods, the

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extent of Dual occupancy should be limited so that they do not form the predominate housing type and do not dominate the locality. This application has identified 23 of the 109 approved residential lots as suitable for Dual occupancy's. This equates to around 21% of the lots within the estate. This is an appropriate amount and is clearly subservient to detached houses as the dominate form of housing with in the estate and is consistent with the numbers permitted within other master planned estates on the sunshine coast.

The proposed variation approval is consistent with the intent for the Palmwoods local plan area code.

Overlays and constraints

The existing approval that creates the proposed lots has already assessed all of the relevant planning scheme overlays and constraints for the land. No further assessment is necessary.

Assessment Benchmarks Related to a Variation Approval

The application is for a Variation request to vary the effect of the *Sunshine Coast Planning Scheme 2014* for Dual Occupancies on 23 future residential lots in the Emerging community zone.

The approval would vary the effect of the planning scheme for a Dual occupancy on particular approved lots to be either accepted development or code assessable as follows:

Supplementary Table of Assessment		
Defined Use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	Accepted Development where located on lots 13, 29, 31, 34, 43, 45, 47, 49, 58, 61 87 and complying with the acceptable outcome of the Dual occupancy code	<ul style="list-style-type: none"> Dual occupancy code
	Code Assessment where located on lots 7, 19, 25, 27, 51, 55, 67, 69, 70, 81, 89, 108	<ul style="list-style-type: none"> Dual occupancy code
	Impact assessment if not otherwise specified	<ul style="list-style-type: none"> The planning scheme

The effect of this approval affect Dual occupancy lots on the nominated lots only. The Planning Scheme applies to all other development in the estate.

Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

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Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.

South East Queensland Regional Plan (SEQRP)

The development is located within the Urban Footprint of the SEQRP. Having regard to the SEQRP, the development is consistent with the outcomes expressed and sought to be achieved by the SEQRP.

State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme 2014* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the planning scheme.

The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests.

CONSULTATION:

Referral Agencies

The application was referred to the following referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Department of State Development, Manufacturing, Infrastructure and Planning (SARA)

The department is a concurrence agency for Clearing native vegetation and State transport corridors and future State transport corridors. The department responded by letter dated 25 February 2019 providing conditions for approval. The conditions will apply to any approval that is granted.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was publicly notified for 30 days between 6 February 2019 and 25 March 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 1 submission was received, and is determined to be 'properly made' in accordance with the *Planning Act 2016*.

The following table provides a description of the matters raised in the submission together with a statement of how those matters were dealt with in reaching a decision:

ISSUES	COMMENTS
Change to the character of the area	The site was approved for a new residential estate as intended by the <i>Sunshine Coast Planning Scheme 2014</i> for the Emerging community zone. The subdivision approval allowed the development of a new master planned residential estate with a general character consistent with that of a low density residential zone. Within low density residential zoned land, both detached houses and duplex dwellings are accepted development and are consistent with the intended pattern, scale and density of residential development that is envisaged. The proposal to nominate some Dual occupancy lots within the approved estate does not change the low density residential character intended for this area.
The proposal would result in additional traffic to the local streets which do not manage with current traffic volumes.	The proposal would result in additional traffic to the area. However, the additional traffic generated by the proposed Dual occupancy lots is consistent with the anticipated traffic generation for this estate and would remain within the carrying capacity of the existing approved road network.
The development contributes to the destruction of the environment	This application seeks to enable Dual occupancy dwellings to be nominated on approve lots within the existing approved residential estate. The Dual occupancy dwellings are proposed on existing lots and would not result in any additional impact on the natural environment.

CONCLUSION:

The proposed development sufficiently complies with the requirements of the Planning Scheme and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application is therefore recommended for approval.