

**Draft Sunshine Coast Planning Scheme**  
Review of Submissions  
**Region Wide Key Issues Paper No. 7:**  
**Dwelling house provisions**

<b>Key issue:</b>	<b>Provisions relating to dwelling houses</b>
No. of submissions:	37
Major issues raised:	Dwelling house code provisions Overlay code provisions relevant to dwelling houses

## 1.0 INTRODUCTION

33 submissions raised concerns about the provisions in the draft planning scheme that regulate dwelling houses. Whilst primarily relating to the assessment criteria contained in the Dwelling house code, submitters also raised concerns about other provisions of the draft planning scheme that impact on dwelling houses, including the Bushfire hazard overlay code, Flood hazard overlay code and the Landslide hazard and steep land overlay code.

A number of submissions have expressed concern that:-

- there is no additional building height allowance for dwelling houses on sloping sites;
- the siting and setback requirements for dwelling houses and associated domestic outbuildings are impractical or are overly restrictive;
- the approach adopted for regulating the size, height and finishes of freestanding domestic outbuildings is overly restrictive and will lead to a significant number of referrals to the Council;
- the provisions for secondary dwellings are too restrictive and represent a significant impediment to facilitating housing diversity;
- on-site car parking requirements are inadequate for dwelling houses on smaller lots, whereas, other submitters consider that the parking rates are excessive and not in line with the Council's sustainable transport strategy;
- outdoor lighting provisions will be difficult to administer and enforce;
- there is no provision for an additional dwelling house to be established on larger rural properties for use by relatives, farm workers or an on-site manager/caretaker;
- the minimum on-site water storage capacity to be used exclusively for fire fighting purposes is excessive and should be reduced;
- a more realistic allowance is required for filling operations outside the plan area of dwelling houses in flood hazard areas; and
- filling and excavating on steep land should be provided for within 1.5m of site boundaries.

Four submissions offered support to the following provisions of the draft planning scheme:-

- the proposed removal of the requirement for a dwelling house to provide a vegetated buffer to a waterway or wetland in order to remain self-assessable development (as per Element 6A1.1 of the Code for the Development of Detached Houses and Display Homes in the current Maroochy Plan 2000); and

- the proposed reduction in the self-assessable side and rear boundary setbacks for a dwelling house where located on a lot in the Rural zone with an area of more than 2ha (noting that AO6.1 of the Dwelling house code in the draft planning scheme has a minimum side and rear boundary setback of 10m compared to the current Maroochy Plan 2000 that prescribes a minimum side and rear boundary setback of 20m).

A number of submissions also included detailed drafting suggestions to improve the clarity and intent of the provisions in the draft planning scheme relating to dwelling houses, with a particular focus on the Dwelling house code. These detailed drafting suggestions have been considered in the review of the Dwelling house code and are not addressed in this discussion paper.

## **2.0 ISSUE – BUILDING HEIGHT ON SLOPING SITES**

### **2.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

In the Detached house code, Caloundra City Plan 2004 specifies a maximum building height of 8.5m above ground level regardless of slope. Where it is proposed to exceed this building height, impact assessment is triggered.

#### Maroochy Plan 2000

According to the Maroochy Plan 2000, the Code for the development of detached houses and display homes specifies that buildings and structures are not higher than:-

- 2 storeys; and
- other than in the Blackall Range Planning Area:-
  - 10.0m on land with a slope of 15% or more, as identified in the Steep and Unstable Land Special Management Area (Regulatory Map 1.3); or
  - 8.5m otherwise.

Similar to the Caloundra City Plan 2004, if these building heights are proposed to be exceeded, impact assessment is triggered.

### **2.2 Draft Sunshine Coast Planning Scheme provisions**

Similar to the Caloundra City Plan 2004, the draft planning scheme does not provide a variable building height for dwelling houses where located on sloping sites (with a uniform building height of 8.5m being applicable). Where exceeding this building height, the dwelling house will be subject to impact assessment in accordance with the Height of buildings and structures overlay.

### **2.3 Consideration of issue**

Potentially adverse character and amenity impacts associated with building height remains a significant issue for many Sunshine Coast residents.

It is considered that adopting a variable building height for dwelling houses on sloping sites (as per the current Maroochy Plan 2000) does not necessarily help facilitate more flexible and innovative approaches to the design and construction of dwelling houses. Further, there is no evidence to suggest that the prevailing 8.5m building height for dwelling houses in the former Caloundra City local government area has resulted in sub-optimal built form outcomes, particularly on sloping sites. To the contrary, it could be argued that the specification of an 8.5m height limit encourages the stepping of houses or the adoption of split level designs on sloping sites, resulting in a building form that more sensitively responds to site topography.

For dwelling houses that are proposed to exceed the maximum building height of 8.5m (regardless of site topography), it is considered reasonable that an impact assessable development application is required to be submitted to the Council to enable a more rigorous assessment of potential impacts, make surrounding residents aware of the proposal and provide an opportunity for submissions to be made.

On balance, it is therefore considered that the proposed maximum building height of 8.5m in the Dwelling house code, as per the public notification version of the draft planning scheme, should be retained.

### 3.0 ISSUE – SITING AND SETBACK REQUIREMENTS

#### 3.1 Existing planning scheme provisions

##### Caloundra City Plan 2004

The Caloundra City Plan 2004 only regulates frontage setbacks in the Rural precinct (for houses and associated buildings) and in other precincts for garages and carports. These provisions are summarised in the table below.

Element	Setback requirements
Frontage setbacks in the Rural precinct	If on a lot greater than 2 hectares, the detached house and associated buildings are setback at least:- <ul style="list-style-type: none"> <li>• 40m from any State-controlled road</li> <li>• 50m from any extractive industry haul route</li> <li>• 20m from any other road</li> </ul>
	If on a lot up to 2 hectares in area:- <ul style="list-style-type: none"> <li>• the detached house and associated buildings are set back at least 10m from any road; and</li> <li>• an extension to an existing building is no closer to the road frontage than the existing building and in no case is less than 6m.</li> </ul>
Frontage setbacks for garages and carports	The minimum road boundary setback for carports and garages (other than in the Rural precinct) is 6m.

The Caloundra City Plan 2004 does not regulate side and rear boundary setbacks for dwelling houses and associated domestic outbuildings. Therefore, apart from the circumstances outlined in the above table, the setbacks specified in the Queensland Development Code (QDC) apply to dwelling houses and associated outbuildings.

##### Maroochy Plan 2000

In comparison to the Caloundra City Plan 2004, the Maroochy Plan 2000 has a more “hands on” approach to the regulation of front, rear and side boundary setbacks for dwelling houses and associated domestic outbuildings.

In particular, in an urban residential precinct, minimum frontage setbacks for dwelling houses vary depending on the setbacks of adjacent dwellings and whether the lot is a corner lot. Minimum frontage setbacks for garages and carports are 6m and 4.5m respectively (including corner lots). No side or rear boundary setbacks are prescribed for the urban residential precincts.

Minimum boundary setbacks for dwelling houses and outbuildings in the Rural and Sustainable rural residential precincts are generally as follows:-

- minimum frontage setback of 10m in the Sustainable rural residential precinct;

- variable minimum side and rear boundary setbacks in the Sustainable rural residential precinct depending on building height;
- minimum frontage setback of 20m (40m where fronting a State-controlled road) in a Rural precinct; and
- on sites up to 2ha in a Rural precinct, minimum side and rear boundary setback of 3m; and
- on sites more than 2ha in a Rural precinct, minimum side and rear boundary setback of 20m for residential buildings and 10m for all other buildings.

### 3.2 Draft Sunshine Coast Planning Scheme provisions

Siting and setback requirements in the draft planning scheme for dwelling houses and associated outbuildings are summarised in the table below.

Element	Minimum setback requirement
Frontage setback for garage, carport or shed (other than where located in the Rural zone or Rural residential zone)	<ul style="list-style-type: none"> <li>• 6m.</li> </ul>
Frontage setback for dwelling house (other than a garage, carport or shed) in a Residential zone	<ul style="list-style-type: none"> <li>• 4.5m from any street frontage;</li> <li>• the difference between the setback of the dwelling house and any dwelling on an adjoining lot is not more than 1m.</li> </ul>
Frontage setback for a Dwelling house in the Rural zone on a lot more than 2ha	<ul style="list-style-type: none"> <li>• 40m from a State-controlled road;</li> <li>• 20m from any other road.</li> </ul>
Frontage setback for a Dwelling house in the Rural zone on a lot not more than 2ha or in the Rural residential zone	<ul style="list-style-type: none"> <li>• 10m from any road.</li> </ul>
Side and rear boundary setbacks in the Rural zone	<ul style="list-style-type: none"> <li>• 3m where the lot has an area of 2ha or less;</li> <li>• 10m where the lot has an area of more than 2ha.</li> </ul>
Side and rear boundary setbacks in the Rural residential zone	<ul style="list-style-type: none"> <li>• 3m.</li> </ul>

### 3.3 Consideration of issue

Submitters have generally raised concerns that the setbacks prescribed in the Dwelling house code are difficult to administer, are excessive compared to the existing planning schemes or the QDC, and do not encourage flexibility in housing design and diversity.

From the outset, it should be noted that the setbacks prescribed in the Dwelling house code are the default position where no plan of development otherwise applies to the site. In this regard, a development approval for a small lot subdivision may include a plan of development that prescribes alternative siting and setback requirements to the Dwelling house code. In such instances, the siting and setback requirements prescribed in the approved plan of development would prevail over the planning scheme. This approach ensures that a variety of housing forms are facilitated in an integrated manner in emerging residential neighbourhoods, whilst a uniform setback is applied in more established residential areas.

Having regard to the concerns raised by submitters, the merits of the various setback provisions in the draft planning scheme are discussed in further detail below.

#### Frontage setbacks in a residential zone

Where possible, a simplified approach to frontage setbacks in residential zones is considered desirable. In particular, rather than relying on the relativity of setbacks of adjacent dwellings, it

is considered that a uniform minimum frontage setback should be applied. In this regard, a 4.5m frontage setback for dwelling houses is considered appropriate for the ground storey. However, it is considered that a larger minimum frontage setback (i.e. 6m) should be prescribed for levels above the ground storey.

The frontage setbacks prescribed in the Dwelling house code for garages, carports and sheds in a residential zone are generally consistent with the approach in the existing planning schemes. Outbuildings not complying with these frontage setbacks will require a concurrence agency referral to the Council for assessment against the corresponding performance outcomes of the Dwelling house code which is considered appropriate.

#### Frontage setbacks in the Rural residential and Rural zones

A number of submitters made the point that rural properties often have more than one road frontage and this should be recognised in the frontage setback requirements. However, given the generally larger lot sizes that exist in the Rural zone, complying with the frontage setbacks for a rural lot with more than one road frontage is not generally considered problematic. In addition, the substantially lesser frontage setback prescribed for rural lots with an area of less than 2ha also provides a higher degree of flexibility for siting of a dwelling house and associated outbuildings on a site with more than one road frontage.

As a result, no modification to the frontage setbacks for the Rural and Rural residential zones is considered necessary. However, these provisions should be clarified to make it clear that the prescribed frontage setbacks apply to a dwelling house and any associated garage, carport or shed.

#### Side and rear boundary setbacks in the Rural residential and Rural zones

It is noted that the Caloundra City Plan 2004 does not currently prescribe side and rear boundary setbacks for dwelling houses and associated outbuildings in the Rural residential and Rural zones, whereas the Maroochy Plan 2000 does.

Whilst the side and rear boundary setbacks in the draft planning scheme for dwelling houses in the Rural and Rural residential zones are generally comparable to those in the current Maroochy Plan 2000, it is noted that a substantially lesser setback applies to residential buildings on sites greater than 2ha in the Rural zone. This will provide greater flexibility in siting options for dwelling houses on larger rural lots.

On balance, as is the case for frontage setbacks, it is considered reasonable that a larger setback to side and rear boundaries should apply to dwelling houses and associated outbuildings on Rural and Rural residential zoned properties. In particular, community expectations are generally greater in terms of privacy and separation to neighbours in these non-urban settings. As a result, no modifications to the side and rear boundary setbacks for the Rural and Rural residential zones is considered necessary. However, as is the case with frontage setbacks, these provisions should be clarified to make it clear that the prescribed side and rear boundary setbacks apply to a dwelling house and any associated garage, carport or shed.

## **4.0 ISSUE – DOMESTIC OUTBUILDINGS**

### **4.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

Apart from some front boundary setback requirements and a maximum width for garages and carports on narrow lots, the Detached House Code of the Caloundra City Plan 2004 does not include any other specific provisions in relation to sheds, garages or carports.

However, there is an existing 'amenity and aesthetics' resolution in operation in the former Caloundra City local government area that specifies the circumstances under which Class 10a buildings (e.g. garages, sheds or carports) will require an assessment by the Council to assess the impacts of these buildings upon the existing or likely amenity and aesthetic characteristics of a locality.

#### Maroochy Plan 2000

The Code for Development of Detached Houses and Display Homes in the Maroochy Plan 2000 prescribes front boundary setbacks, side and rear boundary setbacks (in the Sustainable Rural Residential Precinct and Rural Precincts) and a maximum width for garage doors facing the street in Residential Precincts (excluding the Sustainable Rural Residential Precinct).

#### **4.2 Draft Sunshine Coast Planning Scheme provisions**

Similar to the existing planning schemes, the draft planning scheme prescribes front boundary setbacks for garages, carports and sheds as well as requirements for garage doors facing the street. In residential zones, the draft planning scheme also prescribes a maximum height, maximum total floor area and for external colours to be used that are the same as or similar to the colour of any dwelling house on the same site.

#### **4.3 Consideration of issue**

Submitters have raised concerns that the regulation of the floor area and building height of sheds, garages and carports will lead to excessive and unnecessary referrals to the Council as these buildings are often higher than 3.6m and larger than 56m<sup>2</sup> in order to accommodate domestic storage needs (such as accommodation for boats and caravans).

In response, it is considered that the provisions in the Dwelling house code for garages, carports and sheds provides for a reasonably generous allowance for these types of buildings. It is also noted that the size and height restrictions only apply to a residential zone. In the Rural residential zone and Rural zone, where such buildings are typically larger, no such restrictions apply.

However, from a review of the provisions in the Dwelling house code relating to garages, carports and sheds, it is considered that the following amendments and clarifications should be made:-

- clarify that the provisions regulating the height and size of garages only apply to these buildings where they are freestanding (i.e. not attached to the dwelling house);
- remove the reference to colour schemes for garages, carports and sheds to match the dwelling house given the subjectivity of this issue and enforcement difficulties (e.g. the colour scheme of a house will change over the life of the building and is not subject to regulation); and
- clarify that the requirements relating to garage doors that face the street does not apply to dwelling houses in the Rural residential zone or Rural zone (where larger front boundary setbacks apply).

### **5.0 ISSUE – SECONDARY DWELLINGS**

#### **5.1 Existing planning scheme provisions**

##### Caloundra City Plan 2004

The Detached House Code of the Caloundra City Plan 2004 includes provisions for an "annexed unit" being a small secondary dwelling unit in association with a detached house. The acceptable solutions in the code prescribe that the annexed unit:-

- is sited on a lot with a minimum area of 500m<sup>2</sup>;
- has a flood area (GFA) not exceeding 60m<sup>2</sup> (excluding vehicle accommodation); and
- shares a common wall with the detached house and shares a common roof or, alternatively, is separated by no more than 2 metres and attached by a covered walkway from the detached house.

#### Maroochy Plan 2000

Similar to the Caloundra City Plan 2004, the Maroochy Plan 2000 includes provisions for “annexed units” in the Code for the Development of Detached Houses and Display Homes. The acceptable solutions in the code, which are more extensive than the Caloundra City Plan 2004, prescribe that the annexed unit:-

- is sited on a lot with a minimum area ranging from 600m<sup>2</sup> to 1,200m<sup>2</sup> depending on the precinct in which the proposed annexed unit is to be located;
- does not to have a separate title to that of the detached house;
- has no more than 1 bedroom and a total GFA of 45m<sup>2</sup>;
- has a total site cover not exceeding 50% (in conjunction with the detached house); and
- is located within, under or attached to the detached house.

#### **5.2 Draft Sunshine Coast Planning Scheme provisions**

In effect, a “secondary dwelling” under the draft planning scheme has the same meaning as an “annexed unit” under the existing planning schemes.

The acceptable outcomes in the Dwelling House Code prescribe that a secondary dwelling:-

- does not exceed a GFA of 60m<sup>2</sup>;
- shares a common wall and roof with the dwelling house or, alternatively, is attached to the dwelling house by a covered walkway not longer than 2m in an urban zone or 6m in a non-urban zone; and
- is located under, to the side, or at the rear of the main dwelling.

Where not complying with the above acceptable outcomes, a secondary dwelling would be subject to code assessment.

#### **5.3 Consideration of issue**

Secondary dwellings provide a legitimate and important form of housing within established and emerging residential neighbourhoods. For example, a secondary dwelling in the form of a “granny flat” provides an effective way of accommodating an ageing population and also has benefits associated with maintaining the family unit and encouraging interaction between younger and older generations. However, at the same time, it is acknowledged that secondary dwellings need to be sensitively integrated into residential neighbourhoods to maintain residential character and amenity.

It is considered that the draft planning scheme should, to the extent possible, facilitate the establishment of secondary dwellings within residential neighbourhoods, subject to some basic design parameters.

In this regard, it is considered that there is an opportunity for the provisions in the draft planning scheme to be modified to help further facilitate this form of housing, including:-

- increasing the maximum allowable GFA for rural and rural residential areas;
- removing the requirement for a secondary dwelling to be physically attached to the main dwelling house;
- removing the requirement that a secondary dwelling can only be sited under, to the side or at the rear of the main dwelling;
- in urban areas requiring secondary dwellings to be located on sites with a minimum lot size of 500m<sup>2</sup>;
- the total site cover of both the primary dwelling and the secondary dwelling combined does not exceed 50%;
- in some character areas and some Local Plan areas the secondary dwelling does not exceed 4 metres in height; and
- 1 additional car park to be provided for the secondary dwelling.

Submitters also requested that the provisions relating to allowable GFA should be amended to clarify that this only includes habitable areas within the enclosing walls of the secondary dwelling. No amendment to this provision is required, as the administrative definition of GFA in Schedule 1 of the draft planning scheme excludes areas used for the parking of vehicles and unenclosed private balconies (whether roofed or not).

## **6.0 ISSUE – ON-SITE CAR PARKING**

### **6.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

The Detached House Code of the Caloundra City Plan 2004 specifies that at least 2 on-site car parking spaces are provided, one of which is capable of being covered. The required parking spaces may be provided in tandem.

#### Maroochy Plan 2000

The Code for the Development of Detached Houses and Display Homes in the Maroochy Plan 2000 specifies 2 on-site parking spaces, which may be provided in tandem.

### **6.2 Draft Sunshine Coast Planning Scheme provisions**

The draft planning scheme requires that car parking associated with a dwelling house is provided in accordance with the following:-

- for a lot exceeding 300m<sup>2</sup> – 2 spaces minimum, with at least 1 space capable of being covered and the spaces may be provided in tandem; and
- for a lot not exceeding 300m<sup>2</sup> – 1 covered space minimum.

### **6.3 Consideration of issue**

Concerns have been raised by a small number of submitters that the minimum on-site parking requirement for dwelling houses on lots not exceeding 300m<sup>2</sup> (i.e. a minimum of 1 covered space) will lead to on-street car parking problems and congestion.

In contrast, a small number of submitters have suggested that car parking rates for dwelling houses should be lowered as they are considered excessive and do not align with the Council's Sustainable Transport Strategy 2011-2031.



In response to this issue, it is considered that dwelling houses on small lots should be facilitated in appropriate locations to encourage urban consolidation and make the most efficient use of available urban land. A requirement to provide more than 1 on-site car parking space for lots not exceeding 300m<sup>2</sup> is considered excessive and would consume valuable space that could otherwise be occupied by habitable living areas, open space and/or landscaping. At the same time, there is nothing preventing a dwelling house on a lot not exceeding 300m<sup>2</sup> to be provided with more than 1 on-site parking space if desired.

A further reduction in car parking rates for dwelling houses is not considered appropriate, particularly given that the second car parking space on a lot exceeding 300m<sup>2</sup> can be provided in tandem. Dispensing with car parking requirements altogether for dwelling houses is not considered a desirable outcome and is not supported.

Therefore, the variable approach to minimum on-site car parking requirements (dependent on lot size) is considered a reasonable compromise and no modification to the Dwelling house code is proposed.

## **7.0 ISSUE – OUTDOOR LIGHTING**

### **7.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

The Detached House Code of the Caloundra City Plan 2004 includes provisions for private tennis court lighting and other lighting in association with a detached house. These provisions include a quantifiable standard for lighting spill beyond the property boundary and restrictions on the type of flood lighting that is used.

#### Maroochy Plan 2000

The Code for the Development of Detached Houses and Display Homes in the Maroochy Plan 2000 also includes quantifiable standards to regulate light emissions from private tennis courts (but not other lighting sources).

### **7.2 Draft Sunshine Coast Planning Scheme provisions**

The Dwelling house code of the draft planning scheme includes provisions for tennis courts and sports courts, including a separation requirement to adjacent dwellings where incorporating lighting. The code also includes provisions for any external lighting generally associated with a dwelling house.

### **7.3 Consideration of issue**

Both existing planning schemes currently regulate private tennis courts (and any associated outdoor lighting) via the respective dwelling house codes. In a residential situation, it is considered appropriate that the planning scheme should attempt to regulate private tennis courts (either where proposed as part of a new dwelling house or subsequent to the dwelling house being established).

However, it is debateable whether external lighting, more generally, can effectively be regulated by a planning scheme, especially in situations where such lighting is installed after a dwelling house is established.

In particular, the installation of external lighting associated with a dwelling house may not constitute “development” as defined in *the Sustainable Planning Act 2009*. Due to potential compliance and enforcement difficulties, it is considered that provisions relating to external lighting should be limited to private tennis courts and sports courts associated with a dwelling house.

## **8.0 ISSUE – ADDITIONAL DWELLING HOUSE IN RURAL AREAS**

### **8.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

The Caloundra City Plan 2004 does not include provisions for an additional dwelling house to be provided in the Rural precinct. The only circumstances under which a second dwelling unit could be established in the Rural precinct are as follows:-

- the provision of an annexed unit in association with a detached house;
- a caretaker's residence (e.g. for bona fide caretaker purposes in association with a rural activity conducted on the site); or
- a duplex dwelling (inconsistent use in the Rural precinct and subject to impact assessment).

#### Maroochy Plan 2000

The Maroochy Plan 2000 does not include any provisions for an additional dwelling house to be established in a Rural precinct. The circumstances where a second dwelling could be established in a Rural precinct are similar to those outlined above for the Caloundra City Plan 2004. However, the definition of a caretaker's residence in the Maroochy Plan 2000 excludes the caretaker purpose being associated with agriculture or animal husbandry conducted on the site.

### **8.2 Draft Sunshine Coast Planning Scheme provisions**

Similar to the current planning schemes, the draft planning scheme does not make specific provision for an additional dwelling house to be established in the Rural zone.

A proposal to establish an additional dwelling on a single lot would fall into one of the following categories:-

- subject to compliance with the Dwelling house code, a secondary dwelling could be established in association with a dwelling house on the same site;
- caretaker's accommodation (defined as a dwelling provided for a caretaker of a non-residential use on the same premises), noting that Acceptable outcome AO2.1 of the Caretaker's accommodation code specifies that the caretaker's accommodation is the only residential use on the site; or
- a dual occupancy (which is an inconsistent use in the Rural zone and subject to impact assessment).

### **8.3 Consideration of issue**

A number of submitters have requested that a second dwelling house should be permitted, particularly on larger rural lots for relatives, farm workers or an on-site manager/caretaker.

Past experience has shown that provisions in planning schemes providing for an additional dwelling house to be established in rural areas have been subject to misuse and enforcement difficulties. For example, whilst the need for an additional dwelling house may have been on the basis that it was necessary for the commencement or continued operation of a farm in primary production, in practice, the additional dwelling house ended up being rented out and occupied by residents that had no connection to the farming operations (essentially a dual occupancy).

The draft planning scheme provides for a "secondary dwelling" which is subordinate to the main dwelling house on a site. As noted earlier in this report, it has been recommended that

the provisions relating to secondary dwellings be modified to remove the requirement for the secondary dwelling to be physically connected to the main dwelling house and to increase the allowable GFA to 90m<sup>2</sup> in the Rural and Rural residential zones.

These recommended modifications to the Dwelling house code will enable increased flexibility for secondary dwellings to be established in rural areas. In addition, for bona fide caretaker purposes, a development approval for caretaker's accommodation could be sought on a site that already contains a dwelling house, subject to impact assessment. However, such a proposal would need to demonstrate compliance with the performance outcomes of the Caretaker's accommodation code.

On balance, having regard to the provisions of the existing planning schemes and the proposed modifications to the Dwelling house code in relation to secondary dwellings, further modifications to the draft planning scheme are not supported.

## **9.0 ISSUE – WATER SUPPLY CAPACITY FOR FIRE FIGHTING PURPOSES**

### **9.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

For dwelling houses located on land subject to the Bushfire Hazard Management Overlay, and where a reticulated water supply is not available, the Detached House Code of the Caloundra City Plan 2004 specifies that the dwelling is to provide a minimum on-site water storage of 5,000L for fire fighting purposes (noting that water supply capacity for fire fighting purposes is in addition to water supply capacity required for household use).

#### Maroochy Plan 2000

For dwelling houses located on land identified as a medium or high bushfire hazard area, and where a reticulated water supply is not available, the Code for the Development of Detached Houses and Display Homes specifies that the dwelling is to have an on-site water supply volume of not less than 20,000L available for fire fighting purposes. It is noted in the code that this water supply can be included in the overall water supply storage required for a dwelling not in a water service area (provided that the 20,000L requirement is accessible for the purpose of fire fighting at all times and is not used for other domestic purposes).

### **9.2 Draft Sunshine Coast Planning Scheme provisions**

The Bushfire hazard overlay code of the draft planning scheme specifies that where there is not reticulated water supply, the dwelling house is provided with an on-site water volume of not less than 20,000L available for fire fighting purposes (noting that water supply capacity for fire fighting purposes is in addition to water supply capacity for household use). These provisions are therefore similar to the Maroochy Plan 2000 with the exception that the water supply capacity for fire fighting purposes cannot be included towards the general water storage requirement for dwellings where a reticulated water supply is not available.

### **9.3 Consideration of issue**

Submitters have requested that the on-site water supply capacity for fire fighting purposes in the draft planning scheme should be reduced from 20,000L to 5,000L. This is on the basis that, as currently drafted, a dwelling house without a reticulated water supply and in a bushfire hazard area would be required to provide at least 65,000L of on-site water supply which is considered excessive.

The 5,000L on-site water storage requirement in the current Caloundra City Plan 2004 is consistent with the now repealed *State Planning Policy Guideline: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*. It is noted that the mandatory requirements for bushfire hazard that are intended to support the implementation of the draft single State

Planning Policy do not include any reference to minimum on-site water storage capacity for fire fighting purposes.

On balance, it is considered that Bushfire hazard code should be amended to reduce the on-site water supply capacity to be used exclusively for fire fighting purposes from 20,000L to 5,000L to be consistent with the former State Planning Policy Guideline and the Caloundra City Plan 2004.

One submitter also suggested that the on-site water supply capacity for fire fighting purposes should be able to include the storage capacity of a dam (noting that the Caloundra City Plan 2004 currently provides for this). However, it is considered that the water supply from an on-site dam may be unreliable, particularly under drought conditions, and the dam itself may be a considerable distance from the dwelling house making it difficult to access and use the water supply in a bushfire emergency.

Upon review of the water supply provisions for dwelling houses in bushfire hazard areas, it is also considered that the minimum pressure and flow requirement for a reticulated water supply to a dwelling house should be removed from the Bushfire hazard code as this is beyond the control of individual premises.

## **10.0 ISSUE – FILLING IN A FLOOD HAZARD AREA**

### **10.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

The Detached House Code does not specify a maximum filling threshold for premises subject to the flood management overlay. However, where filling is not for, or incidental to, the construction of a detached house, the following filling thresholds trigger code assessment on premises subject to the flood management overlay:-

- 100m<sup>3</sup> or more on land included in the Rural precinct or on a site 2,000m<sup>2</sup> or larger in a precinct other than the Rural precinct; and
- 10m<sup>3</sup> of more on land included in a precinct other than the Rural precinct and on a site less than 2,000m<sup>2</sup>.

#### Maroochy Plan 2000

The Code for the Development of Detached Houses and Display Homes specifies that net filling in any mapped flood prone or drainage deficiency area does not exceed 50m<sup>3</sup>.

### **10.2 Draft Sunshine Coast Planning Scheme provisions**

The Flood hazard overlay code of the draft planning scheme specifies that, to remain self-assessable, filling outside of the plan area of all buildings and driveway areas does not exceed 50m<sup>3</sup> and does not result in net filling on the site. It is noted that the provision referring to 'net filling' was a condition arising from the first State interest review process.

### **10.3 Consideration of issue**

Submitters have raised concerns that there is insufficient allowance for filling operations to occur outside the plan area of a dwelling house where located in a flood hazard area.

In effect, these concerns are only applicable to existing created lots that are vacant. In particular, the Flood hazard overlay code provides that where additional lots are proposed to be created in a flood hazard area, they are to have a development area that is a minimum of 500mm above the defined flood event level or a minimum of 600mm above the highest recorded flood level where no design level has been determined.

More specifically:

- in an urban zone, the area of the entire lot is to achieve the flood immunity requirement;
- in the Rural residential zone, the lot is to have a development area that achieves the flood immunity requirement, is at least 1,000m<sup>2</sup> in size and is generally rectangular in shape;
- in the Rural zone, the lot is to have a development area that achieves the flood immunity requirement, is at least 3,000m<sup>2</sup> in size and is generally rectangular in shape.

This ensures that in the event that any new lots are created in a flood hazard area, these lots are provided with sufficient area to accommodate a home site and associated improvements that are above the defined or historic flood level.

To the extent possible, the draft planning scheme is purposely seeking to minimise the extent of filling that can occur in flood hazard areas. Whilst filling operations associated with a single dwelling house may not have a significant impact on flood levels in its own right, the cumulative impacts of such operations occurring across a flood plain may be more significant.

As such, the draft planning scheme has sought to limit the extent of filling that occurs outside the plan area of all buildings (dwelling houses and associated outbuildings) and driveway areas.

If filling exceeds the 50m<sup>3</sup> threshold beyond the plan area of buildings and driveways, it is considered appropriate that a code assessable application is submitted to the Council for assessment of potential adverse impacts.

However, where in an identified drainage deficiency area (as per the current Maroochy Plan 2000), it is considered appropriate that an exemption be applied for filling operations that are in accordance with a current drainage deficiency area flood information certificate issued by the Council for the site.

## **11.0 ISSUE – EXCAVATING OR FILLING RELATIVE TO SITE BOUNDARIES**

### **11.1 Existing planning scheme provisions**

#### Caloundra City Plan 2004

The Detached House Code of the Caloundra City Plan 2004 provides for excavating or filling up to 1m in height relative to ground level within 1.5m of any site boundary.

#### Maroochy Plan 2000

On land having a slope of less than 15%, the Code for Development of Detached Houses and Display Homes specifies that no part of any cut and/or fill batter is within 1.5m of any property boundary (except cut and fill involving a change in ground level of less than 200mm and not requiring the removal of any vegetation). In addition, the extent of cut and/or fill is not to involve a total change of more than 1m relative to the ground level at any point.

On land having a slope of 15% or more, the code specifies that the extent of cut and/or fill associated with a detached house is not to involve a total change of more than 1.5m relative to ground level at any point. However, for land having a slope of 15% or more, there is no provision limiting where this cut and/or fill can occur relative to site boundaries.

### **11.2 Draft Sunshine Coast Planning Scheme provisions**

The Dwelling house code does not include provisions relating to excavating or filling. However, the Landslide hazard and steep land overlay code does include provisions for excavating or filling associated with a dwelling house (including buildings, structures or

driveways) where located on steep land. These provisions state that filling or excavation (regardless of height) does not occur within 1.5m of any site boundary.

### **11.3 Consideration of issue**

Submitters have raised concerns that numerous referrals will be triggered to the Council (particularly for driveway construction) on the basis that acceptable outcome AO2.2(b)(iii) of the Landslide hazard and steep land overlay code does not provide for any filling or excavation associated with buildings, structures or driveways to occur within 1.5m of a site boundary.

Having regard to the provisions in the existing planning schemes, it is considered that the provisions in the Landslide hazard and steep land overlay code relating to dwelling houses should provide for a maximum of 1.0m of cut and fill within 1.5m of a site boundary, provided a retaining wall is installed.

## **12.0 DIRECTION**

**That:**

### ***Dwelling house code***

- (a) the standard 8.5m height limit for dwelling houses be retained;**
- (b) the following minimum frontage setbacks be adopted for dwelling houses (other than a garage, carport or shed) in a residential zone:**
  - (i) 4.5m for the ground storey; and**
  - (ii) 6.0m above the ground storey.**
- (c) the front, side and rear boundary setback requirements for the Rural zone and Rural residential zone be clarified to state that these setbacks also apply to a garage, carport or shed associated with the dwelling house;**
- (d) the provisions regulating the height and size of garages be clarified to make it clear that these provisions only apply to such buildings where they are freestanding (i.e. detached from the dwelling house);**
- (e) the requirement for the colour scheme of a garage, carport or shed to match the dwelling house be removed given the subjectivity of this issue and potential enforcement difficulties;**
- (f) the regulation of garage doors facing the street be modified so that it does not apply to dwelling houses in the Rural residential zone or Rural zone;**
- (g) the secondary dwelling provisions of the Dwelling house code be limited to the following:**
  - (i) secondary dwellings are located on sites with a minimum lot size of 500m<sup>2</sup>;**
  - (ii) secondary dwellings have a maximum GFA of 60m<sup>2</sup> in urban areas and 90m<sup>2</sup> in the Rural and Rural residential zones;**
  - (iii) the primary dwelling and the secondary dwelling combined have a maximum site cover of 50%;**
  - (iv) a minimum of 1 on-site car parking space is provided for the secondary dwelling;**

- (v) in identified character areas (e.g. Shelly Beach and Moffat Beach), a secondary dwelling is limited to 4m in height where not attached to the main dwelling by a common wall and under the main roof area;
- (h) the requirement for a secondary dwelling to be located within a certain distance of the main dwelling and the provision of a covered walkway be removed;
- (i) the minimum parking requirement of 2 spaces for a lot exceeding 300m<sup>2</sup> and 1 space for a lot not exceeding 300m<sup>2</sup> be retained;
- (j) the regulation of outdoor lighting associated with a dwelling house be limited to private tennis courts and sports courts;
- (k) the excavation and filling provisions be amended to acknowledge that filling is acceptable where undertaken in accordance with a current drainage deficient area flood information certificate issued by the Council for the site;

***Bushfire hazard Overlay code***

- (l) the minimum on-site water storage requirement to be used exclusively for fire fighting purposes be reduced from 20,000L to 5,000L;
- (m) the minimum pressure and flow requirement for premises connected to reticulated water supply be deleted;

***Landslide hazard and steep land overlay code***

- (n) provision is made for a maximum of 1.0m of cut and fill associated with buildings, structures or driveways to occur within 1.5m of a site boundary, provided that a retaining wall is installed.

***Flood hazard overlay code***

- (o) appropriate provisions are included to acknowledge filling operations within an identified drainage deficient area (to be shown on a new figure in the code) that are undertaken in accordance with a current drainage deficient area flood information certificate issued to the Council; and

***Operational work table of assessment (Table 5.8.1)***

- (p) operational work involving excavation or filling be identified as exempt development where located in an identified drainage deficient area and undertaken in accordance with a current drainage deficient area flood information certificate issued by Council.