

Item 8.14

Ordinary Meeting

Thursday, 25 July 2019

commencing at 9:00am

Council Chambers, 1 Omrah Avenue, Caloundra

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8 REPORTS DIRECT TO COUNCIL**8.14 DEVELOPMENT APPLICATION FOR A 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) AT 50 ABBOTTS ROAD, PALMWOODS**

File No:	MCU18/0345
Author:	Senior Development Planner Customer Engagement & Planning Services Group
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Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/home/filterdirect?filters=danumber=mcu18/0345>

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	
Planning Scheme:	Sunshine Coast Planning Scheme (10 December 2018)
SEQRP Designation:	Urban Footprint

Strategic Framework Land Use Category:	Urban
Local Plan Area:	Palmwoods Local Plan Area
Zone:	Emerging Community Zone
Assessment Type:	Impact Assessable - Variation

PURPOSE

The purpose of this report is to seek Council's determination for a Development Application 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 application is before Council as it involves a variation request under the *Planning Act 2016*.

"Variation request means part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises".

EXECUTIVE SUMMARY

The purpose of the application is to vary the level of assessment for 23 Dual occupancy dwellings on approved low density residential lots within the 'Habitat' residential estate (Application reference REC14/0159.02).

The current Emerging community zone for the land does not reflect the approved low density residential development that is under construction. Therefore, any Dual occupancy development within the estate requires Impact Assessment under the *Sunshine Coast Planning Scheme 2014*. This application seeks to nominate 23 lots within the estate, to be suitable for accommodating Dual occupancies and be subject to a level of assessment that is consistent with a Low density residential zone in the planning scheme. The proposed variation only effects the level of assessment for Dual occupancies enabling them to be considered as follows:

- Accepted development on the nominated lots that are larger than 800m² and where they comply with the Dual occupancy code in the *Sunshine Coast Planning Scheme 2014*; or

Code Assessable on the nominated lots that are less than 800m² or do not comply with any element of the Dual occupancy code in the *Sunshine Coast Planning Scheme 2014*.

The application under went public notification for 30 business days between 6 February 2019 and 25 March 2019. A total of 1 properly made submission was received.

The variation request does not raise any significant issues and is recommended for approval.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Development application for a 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) at 50 Abbots Road, Palmwoods" and**
- APPROVE application number MCU18/0345 for a 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) subject to reasonable and relevant conditions provided in Appendix A.

FINANCE AND RESOURCING

Council's Infrastructure Policy branch have advised that given this application is for a Preliminary Approval only, no infrastructure charge can be levied at this stage.

In the event of an approval, all future Dual occupancies will be subject to an infrastructure charge in the future and will be captured through future code assessable development applications or through the required building approval stage.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.4 - Service quality assessed by our performance and value to customers

Operational Activity: 4.4.2 - Deliver Planning and Development Services to ensure statutory requirements are met to achieve positive customer experiences and maintain strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor, Cr McKay, was notified of this application prior to the public notification process.

External Consultation

Referral Agencies

The application was referred to Department of State Development, Manufacturing, Infrastructure and Planning.

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.

Community Engagement

This impact assessment development application was subject to a public notification period of 30 business 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*.

PROPOSAL

The application seeks approval for a 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 Abbots Road, Palmwoods (Application reference REC14/0159.02).

Currently a Dual occupancy use is impact assessment 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 uses 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*.

Figure 1 below identifies the nominated lots and identifies lots less than 800m² in blue and lots exceeding 800m² in pink.

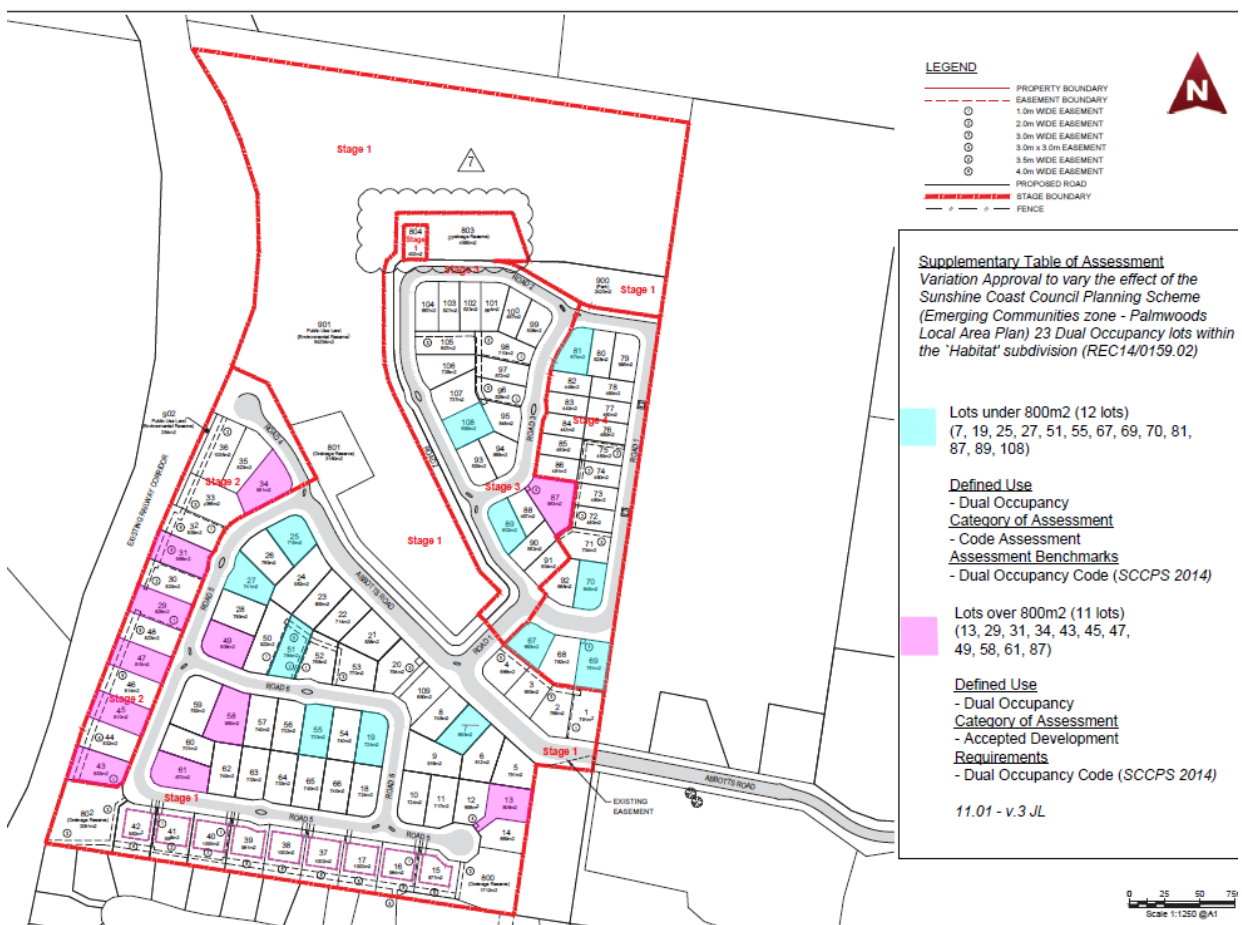


Figure 1 – Nominate Dual Occupancy Lots

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* including the Strategic Framework. 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 low density residential 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 requires most development require impact assessment and specifically seeks for master planning to occur 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 reconfiguration 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.

Approved Lot 25 has already had a development application for a Dual occupancy approved by council via an impact assessment Material Change of Use application (reference MCU19/0039). This approach to delivering Dual occupancy uses 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 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 assessment 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

This Variation Request 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 developments.

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 then accepted development within low density residential zones, it is considered that for this location within Palmwoods, the 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.

Overall, the Variation Request does not raise any significant issues and is consistent with the intent for the Palmwoods local plan area code. Accordingly, the application is recommended for approval, subject to the conditions contained at **Appendix A**.

Legal

There are no legal implications relevant to this report.

Policy

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

Risk

This matter can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

There is no previous Council resolution relevant to this report.

Related Documentation

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

A copy of the proposed plans of the development are provided as **Attachment 2** to this report.

A copy of the concurrence agency response are provided as **Attachment 3** of this report.

Critical Dates

Council's decision for the application was due on 3 June 2019. Given a decision has not been made by this date, the applicant may elect to take a deemed refusal.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant as appropriate.

Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods
Appendix A Conditions of Approval

APPLICATION DETAILS

Application No: MCU18/0345
Street Address: 50 Abbotts Rd PALMWOODS QLD 4555
Real Property Description: Lot 4 RP 849406
Planning Scheme: Sunshine Coast Planning Scheme (10 December 2018)

APPROVAL DETAILS

Nature of Approval: Approval with conditions
Type of Approval:

- 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)

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 10 years starting the day that this development approval first took effect (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

PLANNING

When conditions must be complied with

1. Unless otherwise stated, all conditions of this development approval must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the approved plans listed within this development approval.

Nature and Extent of Approved Use

3. A Variation Approval is granted in relation to a material change of use for to vary the effect of the Sunshine Coast Planning Scheme 2014 for Dual Occupancies on 23 nominated lots as shown on the approved plan.

Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods

Appendix A Conditions of Approval

4. Pursuant to s43(3)(c) and s43(7) of the *Planning Act 2016*, this approval overrides the planning scheme (whether current, new or amended) for the life of the approval to the extent directed by the conditions of this approval and the plans and documents referenced by it, and in particular that:
 - (a) the Supplementary Table of Assessment listed in this development approval replaces the planning scheme in declaring the level of assessment for development to the extent stated within that document
5. Lodgement requirements and assessment criteria of future development within the land subject to this preliminary approval will be as follows:
 - (a) for any future material change of use for a Dual Occupancy, as directed by the Supplementary Table of Assessment listed in this development approval
 - (b) for all other development types, as directed by the planning scheme.

Level of Assessment

6. The level of assessment for all future development applications for Material Change of Use (dual Occupancy) on the nominated lots identified on the approved plan, must be in accordance with the Supplementary Table of Development Assessment contained within this Decision Notice, or where not identified in the Supplementary Table, by the relevant provisions of Sunshine Coast Planning Scheme or its equivalent.
7. Development that would be accepted development, but that does not comply with the Acceptable Outcomes of the applicable code, must be code assessable.
8. The provisions of the current and any amended or future planning scheme have no effect for the life of this approval, except as expressly directed by the conditions of this approval and the plan referenced by it.
9. Where the conditions of this approval and the plans and documents referenced by it are "silent" about a particular matter, then the provisions of the Sunshine Coast Planning Scheme 2014 (10 December 2018) will have effect.

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

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Appendix A Conditions of Approval

Sunset Date for Completion of Development under Preliminary Approval

10. Pursuant to s88 of the *Planning Act 2016*, this approval lapses for any aspects of development consequential and/or related to the approval that are not completed within 10 years from the date this approval takes affect.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Sara At DSDMIP South East Qld (North) Regional Office PO Box 1129 Maroochydore Qld 4558 Mydas2 At (Https://Prod2.Dev-Assess.Qld.Gov.Au/Suite/) Email:Seqnorthsara@dilgp.Qld.Gov.Au	State Transport Infrastructure – Transport Corridors and Future Corridors (10.9.4.2.4.1)	The agency provided its response on 25 February 2019 (reference No. 1901-9198 SRA).
Concurrence	SARA at DSDMIP South East Qld (North) Regional Office PO Box 1129 Maroochydore Qld 4558 Mydas2 At (Https://Prod2.Dev-Assess.qld.gov.au/Suite/)	Clearing native vegetation (10.3.4.3.1)	The agency provided its response on 25 February 2019 (reference No. 1901-9198 SRA).

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
17513-C04 – (1.01 – v.3 JL)	7	<i>Plan of Development & Supplementary Table of Assessment prepared by TOD</i>	13/11/18

REFERENCED DOCUMENTS

Not applicable.

- Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods
- Appendix A Conditions of Approval
-

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

Infrastructure Charges

1. Infrastructure charges, determined in accordance with council's Infrastructure Charges Resolution, will apply to future development approvals required by this Preliminary Approval.

PROPERTY NOTES

The following property notes will be placed against the subject property in council's property record system for **Lots 7, 13, 19, 25, 27, 29, 31, 34, 43, 45, 47, 49, 51, 55, 58, 61, 67, 69, 70, 81, 87, 89 and 108.**

MCU18/0345– Variation to Planning Scheme Provisions

This property forms part of, and is in part governed by, a variation approval issued under the Planning Act 2016 (council file reference MCU18/0345). The variation approval contains a supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. Applicants and private certifiers must refer to the variation approval prior to undertaking development on the property.

VARIATION APPROVAL

A variation approval under the *Planning Act 2016* has been granted. Variations from the planning scheme that are applicable to any future development application over the premises are identified in this approval.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use
- Development Permit for Operational Work
- Development Permit for Building Work

SUBMISSIONS

There was 1 properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods

Appendix A Conditions of Approval

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about council's decision, please refer to the approval package for the application on Council's Development.i webpage at www.sunshinecoast.qld.gov.au, using the application number referenced herein.

Item 8.14 Development application for a 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) at 50 Abbots Road, Palmwoods

Attachment 1 Detailed Assessment Report



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	

Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods

Attachment 1 Detailed Assessment Report

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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Attachment 1 Detailed Assessment Report

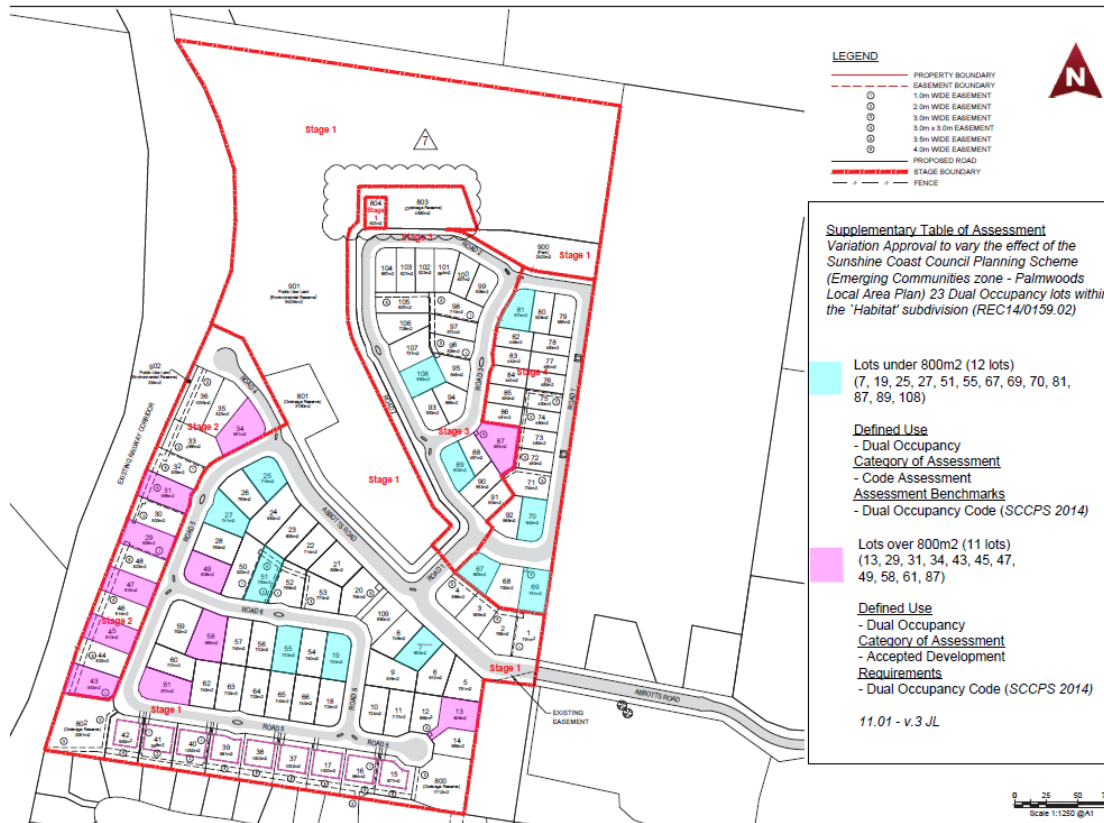


Figure 1 – Proposed Plan

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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Attachment 1 Detailed Assessment Report

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



Figure 2 – Location and Surrounds Plan

Item 8.14 Development application for a 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) at 50 Abbotts Road, Palmwoods

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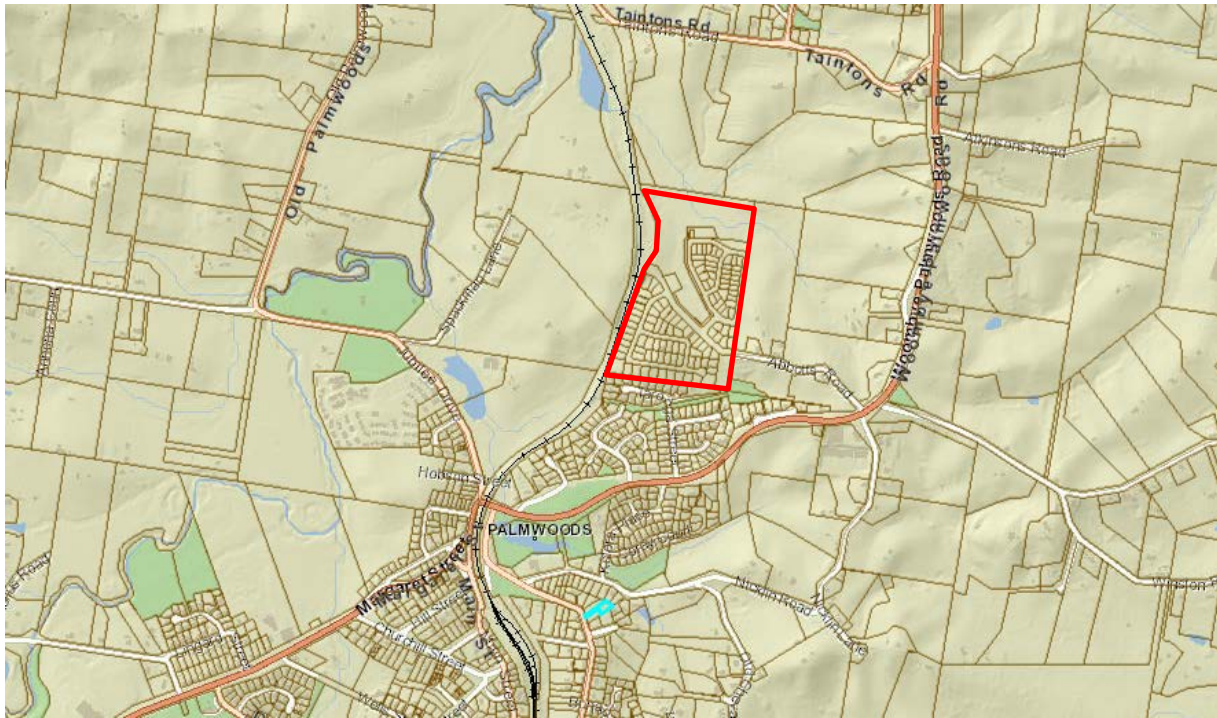


Figure 3 – Location Plan

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>

Item 8.14 Development application for a 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) at 50 Abbots Road, Palmwoods

Attachment 1 Detailed Assessment Report

	<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.

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

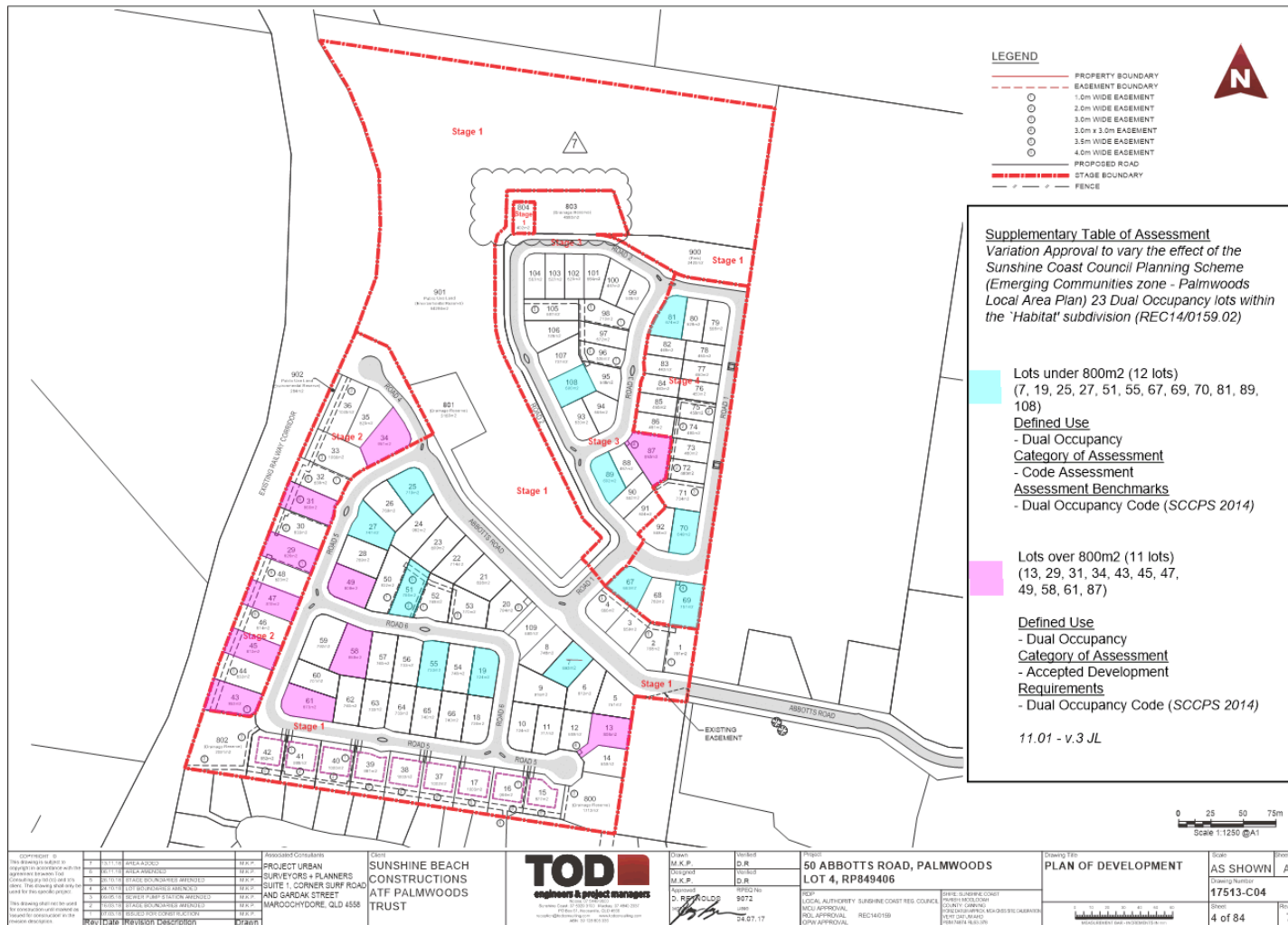
The application was publicly notified for 30 days between 6 February 2019 and 25 March 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 1 submission was received, and is determined to be 'properly made' in accordance with the *Planning Act 2016*.

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.



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Attachment 3 Concurrence agency response

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1901-9198 SRA
Council reference: MCU18/0345
Applicant reference: Dual Occ – Habitat

25 February 2019

The Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre Qld 4560
mail@sunshinecoast.qld.gov.au

Attention: Tim Mumford

Dear Sir/Madam

Referral agency response—with conditions

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 11 January 2019.

Applicant details

Applicant name:	Sunshine Beach Constructions c/ Pivotal Perspective Pty Ltd
Applicant contact details:	Jack Lewis 4/59 Mary St Noosaville QLD 4566 jack@pivotalperspective.com.au

Location details

Street address:	50 Abbotts Road, Palmwoods
Real property description:	4RP849406
Local government area:	Sunshine Coast Regional Council

Application details

Preliminary approval that includes a variation request	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 lots)
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South East Queensland (North) regional office
Mike Ahern Building, Level 3, 12 First Avenue, Maroochydore
PO Box 1129, Maroochydore QLD 4558

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1901-9198 SRA

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the applicant

The department offers advice about the application to the applicant as follows:

General Advice

Clearing of vegetation has the potential to disturb the roots of the trees of proposed retained vegetation thereby resulting in the death of trees not approved to be cleared under this development approval. It is recommended clearing and excavation activities be undertaken in accordance with the *'Australian Standards for the Protection of Trees on Development Sites (AS4970-2009)'* to avoid any consequential unauthorised clearing.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Technical Agency Response (Vegetation) Plan	Queensland Government	5 February 2019	TARP 1901-9198 SRA	

A copy of this response has been sent to the applicant for their information.

For further information please contact Luke Farrelly, Senior Planning Officer, on 0753529774 or via email SEQNorthSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Caroline Plank
A/Manager (Planning)

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Attachment 3 Concurrence agency response

1901-9198 SRA

cc Sunshine Beach Constructions Pty Ltd, jack@pivotalperspective.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

1901-9198 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.3.4.3.1 Clearing native vegetation —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	No clearing of vegetation is to occur within the area identified as Area A shown on attached Technical Agency Response (Vegetation) Plan (TARP) 1901-9198 SRA, prepared by the Queensland Government, dated 5 February 2019.	At all times
2.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

1901-9198 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that any development is consistent with the current RaL approval and complies with State Development Assessment Provisions (SDAP) – State Code 16: Native vegetation clearing.

Findings on material questions of fact

DSDMIP as referral agency (concurrence):

- Requires conditions to attach to any development approval as detailed in the referral agency response (concurrence). (*Planning Act 2016* section 56(1)(b)(i))
- Provides advice to the applicant about details in the referral agency response (concurrence).
- Include references to the plans and specifications relied upon for the referral agency response (concurrence).

Evidence or other material on which the findings were based

- development application material uploaded to MyDAS2.
- State Development Assessment Provisions, version 2.4, published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017