



DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION SUMMARY	
Division:	10
Applicant:	Hoermann Developments Pty Ltd C/- Murray & Associates (Qld) Pty Ltd
Consultant:	Murray & Associates (Qld) Pty Ltd
Owner:	Hoermann Developments Pty Ltd
Proposal:	<ul style="list-style-type: none"> • Development Permit to Reconfigure a Lot (1 Lot into 17 Lots plus New Road and Drainage Reserve) • Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone)
Properly Made Date:	22 January 2020
Information Request Date:	20 February 2020
Information Response Received Date:	23 October 2020
Decision Due Date	29 April 2021
Street Address:	21 Petrie Creek Rd NAMBOUR QLD 4560
RP Description:	Lot 3 RP 176566
Assessment Type:	Impact
Public Notification Period:	30 October 2020 - 11 December 2020
Number of Properly Made Submissions:	One (1) against
State Referral Agencies:	Advice - Energex
Referred Internal Specialists:	<ul style="list-style-type: none"> • Development Engineer • Hydraulics and Water Quality Specialist • Landscape Officer • Environment Officer • Ecology Specialist

PROPOSAL:

The application seeks approval for:

- Development Permit to Reconfigure a Lot (1 Lot into 17 Lots plus New Road and Drainage Reserve); and
- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone).

Specifically, the proposal seeks the following:

Reconfiguration

1 lot into 17 residential allotments, comprising lot areas ranging from 635m² to 960m², including two hatchet (rear) lots. The proposed subdivision intends to occupy a previously cleared area of the site with the balance of the land being proposed as drainage reserve and new (14 m wide) road. Two separate bio retention basins are proposed for stormwater management. A number of easements are proposed throughout the development to provide for drainage and sewer reticulation. A single detached dwelling exists on the site fronting Petrie Creek Road. It is proposed that the house remain in place (becoming part of proposed Lot 17) and that it maintains access from Petrie Creek Road. All other proposed lots would gain access from the proposed internal road.

The proposed subdivision plan is shown below in Figure 1:

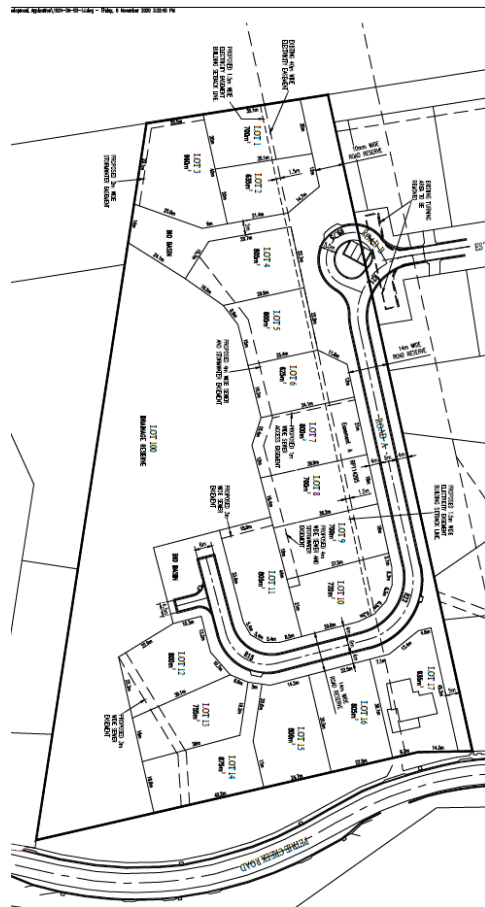


Figure 1 - Proposed Subdivision Plan

The following table describes the key development parameters for the proposed subdivision of land:

RECONFIGURING A LOT	DEVELOPMENT PARAMETERS
Number of Proposed Lots	17
Size of Proposed Lots	635m ² to 960m ² .
Proposed Easements	Sewerage & drainage easements
Proposed Covenants	Nil

Preliminary Approval for Material Change of Use (Variation Request)

The application also includes a Variation Request in accordance with Section 50(3) of the *Planning Act 2016*. The Variation Request seeks to vary the effect of the *Sunshine Coast Planning Scheme 2014* as it relates to the subject site for traditional residential allotments under a Low density residential zone. The site is currently included in Limited development (landscape residential) zone, which intends that additional lots are not created. No particular variation criteria or new revised development codes have been proposed by the applicant to give effect to the proposal.

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	2.6851 Ha
Existing Use of Land:	Single Detached House
Road Frontage:	159m to Petrie Creek Road
Significant Site Features:	Native vegetation on the western and southern sides of the site. Power lines (11kv) traverse the site's eastern boundary.
Topography:	Slopes down at approximately 14-17% generally in an east to west direction
Surrounding Land Uses:	Traditional residential dwellings to the east and south. Agricultural College grounds to the north. Residential dwellings to the west (Medium density residential zone) beyond waterway/creek.
Encumbrances	The site is encumbered by a 23m wide easement along its eastern boundary. The easement protects the overhead electricity lines on the site and provides for their future upgrade. The existing dwelling is currently located within an electrical easement and directly under power lines. A services easement also overlaps the electrical easement,

	which protects the bulk water main located within the adjacent property to the east.
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The location of the subject site in relation to its surrounds is shown below in Figure 2 and 3:



Figure 2 – Subject Site Location



Figure 3 – Subject Site Aerial

Development History of Site

APPLICATION NO.	DECISION AND DATE
OPW18/0188	An Operational Permit for vegetation clearing was issued by Council on 18 June 2018. Refer image below. The clearing was subsequently undertaken on the site.

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:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • Part E

State Planning Policy (SPP), Part E

The following assessment benchmarks of the SPP Part E are applicable to the development proposal and vary the effect of the Planning Scheme:

Liveable communities – Fire services

The development proposes lots for single detached houses that would be accessed by common private title (access easements). The development is able to comply with the requirements of the State Planning Policy in regard to the provision of fire hydrants and site access for fire services.

Assessment Benchmarks Related to the Planning Scheme

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

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (11 November 2019)
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Nambour
Zone:	Limited development (landscape residential) zone
Consistent/Inconsistent Use:	N/A
Applicable Assessment Benchmarks:	Sunshine Coast Planning Scheme 2014, including the Strategic Framework and the following codes: <ul style="list-style-type: none"> • Acid Sulfate Soils Overlay Code • Airport Environs Overlay Code • Biodiversity, Waterways and Wetlands Overlay Code

	<ul style="list-style-type: none"> • Bushfire Hazard Overlay Code • Landslide Hazard and Steep Land Overlay Code • Regional Infrastructure Overlay Code • Scenic Amenity Overlay Code • Nambour Local Plan Code • Limited Development (Landscape Residential) Zone Code • Low Density Residential Zone Code • Reconfiguring a Lot Code • Landscape Code • Nuisance Code • Safety and Security Code • Stormwater Management Code • Sustainable Design Code • Transport and Parking Code • Waste Management Code • Works, Services and Infrastructure Code
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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 Strategic Framework sets the policy direction for the *Sunshine Coast Planning Scheme 2014* and forms the basis for ensuring appropriate development occurs within the life of the Planning Scheme.

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

The Strategic Framework (Theme 1, Settlement Pattern, Element 2, Growth management boundaries and land use categories) seeks to contain urban development within growth management boundaries, and within the land use categories defined by the *South East Queensland Regional Plan* (Shaping SEQ).

The site is identified as an Urban area in the Strategic Framework and is located inside the defined local growth management boundary of the current Planning Scheme. It is identified as within the Urban Footprint under the SEQ Regional Plan. The site is intended to accommodate urban development.

The Strategic Framework (Theme 1, Settlement Pattern, Element 4, Housing diversity and affordable living) seeks to provide diversity in housing choice and affordable living outcomes in a manner that is compatible with and sympathetic to the preferred character of the local area.

The proposal for low density residential development would provide housing choice and affordable living outcomes in a manner consistent with surrounding development, which is developing as a series of low density residential estates.

The proposal would not conflict with the Strategic Framework.

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:

Variation to the Limited development (landscape residential) zone

Division 2 of the *Planning Act 2016* (Making or changing applications) Part (3) A, states, *a development application for a preliminary approval may also include a variation request.*

A variation approval means the part of a preliminary approval for premises that varies the effect of any local planning instrument in effect for the premises.

A Variation Request approval may establish new categories of assessment and assessment benchmarks for development and any related development and prevails over a local planning instrument (planning scheme) to the extent of any inconsistency for the 'life' of the approval, or until the development is completed.

Variation Request approvals may establish specific assessment provisions that apply in assessing future development applications relating to the land including:

- vary or add a relevant code; or
- vary the level of assessment; or
- vary assessment benchmarks.

Approval of a Variation Request requires an assessment of the 'other part' of the proposed development; in this case the Preliminary Approval for low density residential uses and their appropriateness for the development site. This is because the assessment of the proposed development is carried out against the planning instruments at the time the development application is made to determine whether the proposed future development would be suitable for the site.

The outcome of any assessment informs the determination of the Variation Request component that would vary the provisions of the planning scheme. The Variation Request

cannot be approved unless the 'other part' to the application is to be approved. If the 'other part' of the application is refused, the proposed Variation Request must also be refused.

In this case, the Variation Request does not seek to add new provisions to the planning scheme. Rather, the proposed Variation Request seeks to apply the existing provisions of the *Low density residential zone code* to the development site and to apply the applicable Table of Assessment (Table 5.5.1- Material Change of Use) identified for the *Low density residential zone* and associated assessment benchmarks to control future development within the site.

The applicant has not proposed amendments to the *Low density residential zone code* or any other assessment benchmarks of the *Sunshine Coast Planning Scheme 2014*. The balance of the *Sunshine Coast Planning Scheme 2014* (including use codes, overlays, local plans and other relevant provisions) are proposed to remain unaltered.

Section 61 (2) of the *Planning Act 2016* requires that, '*when assessing the variation request, the assessment manager must consider—*

- (a) *the result of the assessment of that part of the development application that is not the variation request; and*
- (b) *the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and*
- (c) *the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and*
- (d) *any other matter prescribed by regulation'.*

The subject site is included within the Limited development (landscape residential) zone, which is a zoning designation given to land which has been determined to be unsuitable for urban purposes due to the presence of constraints (flooding, ecologically important areas, steep land or landslide hazard, etc.). This zoning designation aims to regulate development so as to ensure land is appropriately developed having regard to the constraints of the site. The applicant seeks to amend the zone by affording it the same rights that would apply to land in the Low density residential zone.

The purpose of the Limited development (landscape residential) zone code is to ensure that land which is subject to constraints is appropriately developed having regard to such constraints as they can pose restrictions on the ability of the land to be developed for urban purposes. Hence, the purpose of the Limited development (Landscape Residential) zone code is to be achieved via the following outcomes:

- (a) *development provides for a very limited range of activities that are of a low intensity, generally non-urban nature and compatible with the nature of the constraints present on the land;*
- (b) *dwelling houses may be established in the zone only where a suitable building site can be identified which maintains the safety of people, buildings and works, having regard to the physical constraints of the land;*
- (c) *home based businesses that integrate work and family and are compatible with local residential amenity may also establish in the zone in conjunction with a dwelling house;*
- (d) *development does not result in the creation of any additional lots to those existing at the commencement of the planning scheme;*

- (e) *development is designed and sited to sensitively respond to the physical characteristics and constraints of land, including flooding, steep land, landslide hazard and bushfire hazard, where applicable;*
- (f) *development avoids adverse impacts on ecologically important areas, including creeks, gullies, waterways, wetlands, coastal areas, habitats and vegetation through location, design, operation and management;*
- (g) *development provides for infrastructure and services that are commensurate with the very limited range of small scale and low-key activities that are expected to occur in the zone;*
- (h) *development does not adversely impact on existing or planned future infrastructure.*

The subject site is identified in Figure 4 below giving context to its relationship to surrounding land. Aside from the Educational Facility (Agricultural College) located north of the site, the site is essentially surrounded by traditional residential dwellings. It is noted also that the land to the west is included in the Medium density residential zone, but for the most part, the ultimate density outcomes (i.e. multiple dwelling developments) have not yet been realised in that zone. It is evident from the figure below that the subject site sits directly in the middle of urban zoned land and uses.



Figure 4 – Zoning and Surrounds

As discussed above, the Limited development (landscape residential) zone designation is typically afforded to land which has been determined to be unsuitable for urban purposes due to the presence of constraints (for example, flooding, ecologically important areas, steep land or landslide hazard, etc.). The appropriateness of the site to provide for traditional form of detached housing is largely dependent upon whether or not the purpose of the Limited development (landscape residential) zone remains relevant to the present site characteristics and whether the site can (physically) accommodate the form of urban development envisaged.

With respect to the Purpose of the Zone, overall outcomes (a), (b), (c) and (d) (as detailed above) are considered relevant.

Despite proposing additional 'urban' allotments, the proposed subdivision would only provide for residential dwellings that are of a low intensity (i.e. a density of approximately 9 dwellings per hectare is proposed which is commensurate with that of the estate to the east). Moreover, the future dwellings on each lot would be able to be sited such that the safety of people, buildings and works is not compromised having regard to the physical constraints of the land.

Overall outcomes (e) and (f)

The relevant constraints or factors that may likely have led to the Limited development (landscape residential) zone being assigned to the subject site include native vegetation and an associated waterway, steep land and potential landslide hazard. This is explored in further detail later (under overlay / site constraint considerations), however in essence, the native vegetation was the primary consideration for the Limited development (landscape residential) zone, given the other constraints also existed in the adjoining Low density residential zone to the east. The other constraints are limited in their extent and are not considered in their own right to have resulted in any exceptional limitations to further development.

Most relevantly, the vegetation on the site has largely been removed in accordance with an Operational Work approval (as mentioned in more detail in this report relating to the Operational Work approval) assessed against the provisions of the Planning Scheme. The clearing involved the removal of planted and weed species from the site, leaving some native vegetation in the vicinity of the waterway located in the western part of the site.

Overall outcomes (g) and (h)

The development is able to be provided with typical urban infrastructure and services sufficient for the proposed lots and the development would not impact adversely on any planned infrastructure (as mentioned in more detail in this report relating to overhead power lines).

Access considerations

It is relevant to have regard to any access limitations applicable to the site when considering intensification of the site. Vehicular access would be provided through the proposed extension of Esther Place, which currently terminates at the eastern boundary of the site. This represents the most logical location for access as it provides a continuation of the existing road network through the adjacent development.

The adjacent residential subdivision/estate was approved in 2012 and the lots created in about 2016. That approval contemplated potential future connection to the subject site, via the T-head (noting the subject site was zoned 'Neighbourhood Residential' at that time). The associated Operational Work approval for the adjacent land show a road (carriageway) width of 5.5m for Esther Place, which is an Access Place design standard able to typically cater for up to 15 additional lots. The approved layout is shown below in Figure 5, identifying the T-head at the common boundary of the subject site (as is presently constructed).



Figure 5 - Adjacent Residential Subdivision/Estate Approval

In the case of the proposed subdivision, 17 additional lots are proposed to access from the constructed road connection (although a recommended amendment of this report seeks to approve 16 lots instead of the proposed 17 lots due to the existence of the nearby bulk water supply infrastructure – details provided in relevant section of this report). Hence, the external road network is considered sufficient for the number of lots proposed, provided that the density of the land is not increased. This is a pertinent consideration for future Dual Occupancies.

Under the *Sunshine Coast Planning Scheme 2014*, the Low density residential zone allows for Dual Occupancies to establish as ‘accepted development’ (or otherwise subject to ‘code’ assessment), where certain allotment size criteria are met. In this case, at least six (6) of the proposed lots would be eligible for development as a Dual Occupancy (either as accepted development, or, subject to code assessment).

Due to the above noted concerns that the external connecting road network (i.e. Esther Place) is insufficient to allow for a more dense development outcome, either the external road needs to be upgraded (widened) to comply with the design standards of an Access Street, or otherwise, Dual Occupancies should not be permitted on the subject land. Given the likely costs and impacts on existing residents associated with re-constructing Esther Place, it is considered that prohibiting Dual Occupancies is a preferable approach.

Despite this, the existing road network is otherwise considered appropriate to provide suitable access to the land for purposes of the proposal. Further discussion is provided about the road network under the Transport and parking code considerations below.

Overhead power lines

A 23m wide easement (EMT A on RP114295) exists along the site’s eastern boundary for the overhead power lines. The easement currently protects an 11kv power line which traverses the site’s eastern boundary. Energex advised that the easement is required to remain as it intends that the electrical infrastructure will be upgraded in the future to achieve an 110kv capacity. Energex were an Advice Referral Agency for the development

and subsequently conducted numerous discussions with the applicant about the proposed subdivision to ensure the ongoing protection of the electrical infrastructure on the land.

As part of the assessment, an Electromagnetic Fields (EMF) Report was undertaken to determine the potential impacts to future properties. The EMF report concluded that each building requires an additional setback of 1.5m from the easement boundary to meet the standards recognised by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the Institute of Electrical and Electronics Engineers (IEEE). The 1.5m setback for affected lots has been identified on the layout plan recommended for approval.

Variation considerations relevant to the Limited development (landscape residential) zone code

The original intent for the Limited development (landscape residential) zoning for this particular site was based on the native vegetation constraint, which has been proven to be a mapping error and this constraint no longer exists. Had the vegetation been removed prior to the adoption of the Planning Scheme, it is clear that the zoning of this land would not have been Limited development. Taking into consideration the character of the locale and the location of the subject site contextually within it, the most suitable zone would have been for traditional low density housing lots consistent with the Low density residential zone Precinct LDR 1 (Protected Housing Area). Further exploration of the site constraints present on the subject site is provided below.

Overlays/ site constraints

Biodiversity, Waterways and Wetlands Overlay Code

The site is mapped containing native vegetation and level 1 waterway under overlay code (refer to Figure 6 below).



Figure 6 - Native Vegetation and Waterway Overlay Code

However, as discussed earlier, a large proportion of the vegetation within the mapped area was removed in accordance with an Operational Work approval (OPW18/0188), issued by Council on 18 June 2018 (refer to Figure 7 below showing the approved extent of clearing).

The clearing involved the removal of weed species from the site, leaving some native vegetation in the vicinity of the waterway located in the western part of the site.

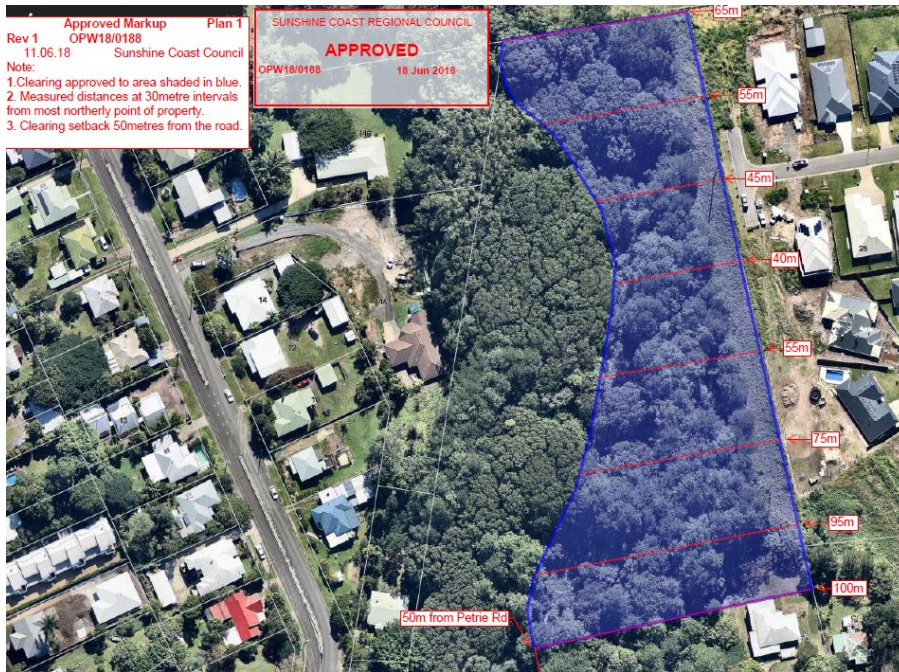


Figure 7 - Operational Work Approval (vegetation clearing)

The proposed development would mostly be located within the area cleared under the above noted Operational Work approval, except for an area of about 2,000m² located at the southern part of the site. The Ecological Report provided with the current application identifies this patch of vegetation as being 'degraded regrowth vegetation' and that its removal is not expected to impact the viability of any local fauna species or populations. The balance of vegetation located around the waterway at the western side of the site is proposed to be protected via its inclusion within a drainage reserve.

Council's Ecologist has assessed the proposal, including the removal of additional mapped vegetation, against the Biodiversity, Waterways and Wetlands Overlay Code and determined that the proposal accords with it. Conditions have been recommended to rehabilitate and dedicate the drainage reserve.

Bushfire Hazard Overlay Code

The southern portion of the site is identified as being affected by a (very high) bushfire hazard buffer. This is also reflected in the State Planning Policy mapping. The bushfire threat is from the vegetation located on land south of Petrie Creek Road (approximately 50m to the south). The Bushfire Hazard Assessment provided with the application material concludes that all lots achieve the required setback from the fire threat. Mitigation measures, including the types of domestic landscaping and general property maintenance regimes, are also suggested in the Bushfire Hazard Assessment to reduce the risk of bushfire impacts.

Council's Ecologist has reviewed the provided Bushfire Hazard Assessment and advised that proposed development complies with both, the Bushfire Hazard Overlay code and the State Planning Policy, and has recommended conditions for inclusion in any approval issued requiring future property owners to undertake the mitigation measures recommended in the Bushfire Hazard Assessment.

Landslide Hazard and Steep Land Overlay Code

Approximately half of the area of the site is mapped as containing steep land of up to 20%, while the banks around the existing waterway are partially mapped and as potential landslide hazard. As per the mapping, the slope of the developable part of the land is between 14 and 17%. A Geotechnical Report was submitted as part of the application material, which advises that the site is considered to have a 'low risk' of global instability. Council's Engineer has assessed the proposed development and the Geotechnical Report and advised that it satisfies the outcomes of the Code. Conditions are recommended to ensure subdivisional works and future dwellings accord with the recommendations included in the Geotechnical Report.

Regional Infrastructure Overlay code

The site is mapped as containing a water supply pipeline buffer for the bulk water main located to the east. The pipeline traverses in a north-south direction and is located on the adjoining land to the east, as indicated on Figure 8 below.

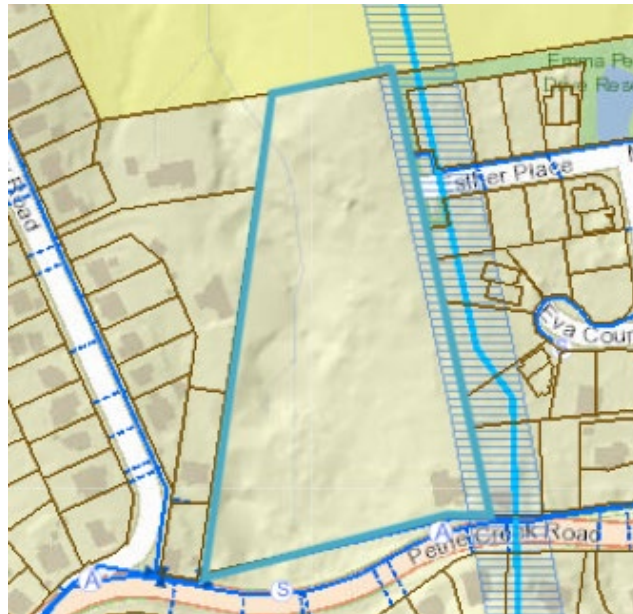


Figure 8 - Water Supply Pipeline

Acceptable outcome AO5 of the Overlay requires that building and structures be set back a minimum 20m from the water supply pipeline. The proposal achieves this minimum distance.

Moreover, Seqwater were consulted during the assessment process. The main concern of Seqwater is the new road extension proposed from the T-head of Esther Place as it would result in more traffic traversing over the pipeline. As such, Seqwater have advised that the part of the existing bulk water main that is located under the proposed road connection to Esther Place is to be encased in concrete to ensure its longevity.

Scenic Amenity

Petrie Creek Road is identified as a Scenic Route. The Overlay code requires that development retain existing vegetation and incorporate landscape treatments to visually screen and soften built form. As noted above, the existing vegetation located in the southern extent of the subject site is identified as being degraded regrowth and does not warrant retention. However, removal of such vegetation will change the existing character

of the area as this vegetation currently provides a dense backdrop to the development site (refer Figure 9 below of the street view image).



Figure 9 – Street View

Despite this, retaining tall mature trees that abut or are within residential lots often become problematic in terms of limb/leaf drop concerns for future residents. Moreover, the future house lots, as per the proposal, would be about 3-4m lower than Petrie Creek Road and therefore, only the tops of the rooves are likely to be visible from the road. Nonetheless, to further supplement the scenic qualities of the locale, the applicant proposes to undertake buffer planting within the (up to 15m wide) verge abutting the site to provide visual screening and softening of the development. An extract of the Landscape Buffer Plan is provide below in Figure 10:

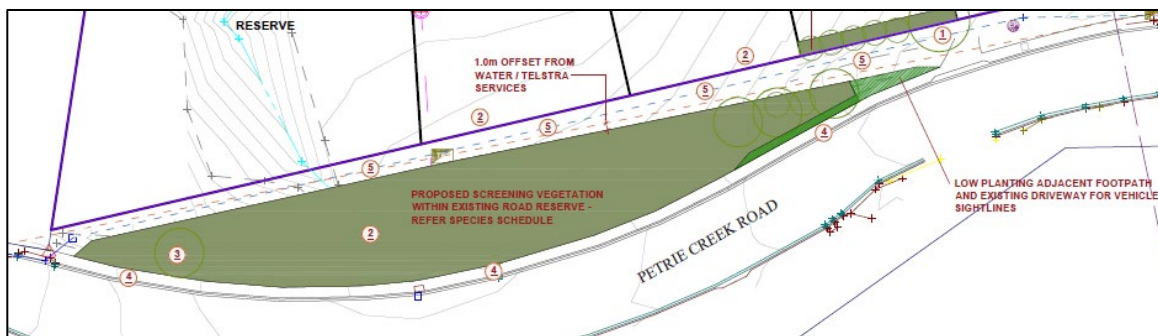


Figure 10 – Extract of Landscape Buffer Plan

This satisfies the outcomes sought by the Scenic Amenity overlay. Council's Ecologist has recommended conditions for inclusion in any approval for the additional planting in accordance with proposed Landscape Buffer Plan.

Nambour Local Plan Area

The site is included in the Nambour Local Plan area. The proposal is consistent with the intent of the Local Plan Code. In particular, having regard to the development as if it were located within the Low density residential zone (as per the scale and form of the proposed development), it would:

- (a) sensitively respond to site characteristics and avoids significant scarring of the landscape (noting the site is already cleared);
- (b) be compatible with the predominant landscape character of its location and setting, being one of traditional residential allotments; and

- (c) enable an interconnected local road and pedestrian network within the locale.

Reconfiguring a Lot Code

The proposal meets the minimum lot size requirement for all lots, including hatchet lots. Performance outcome PO3 of the Code states: *Development provides for the size, dimensions and orientation of lots to:*

- (a) *be appropriate for their intended use in accordance with the intent of the applicable zone code;*
- (b) *be consistent with the prevailing urban fabric (where applicable) and the preferred character of the local area;*
- (c) *where for residential lots, provide sufficient area for a suitable building envelope, vehicle access and useable private open space, without the need for major earthworks and retaining walls;*
- (d) *where for commercial and industrial lots, provide sufficient area to accommodate a wide range of industry and commercial use types;*
- (e) *where not located in a sewered area, provide sufficient area for the safe and sustainable on-site treatment and disposal of effluent;*
- (f) *take account of and respond appropriately to natural values and site constraints; and*
- (g) *in the case of land included in the Rural zone, prevent the fragmentation of rural land.*

The proposed lots are suitable in size to be appropriate for traditional housing lots and the overall layout is consistent with the prevailing urban fabric and character having regard to the nature of surrounding development. Moreover, each lot would provide sufficient area for a suitable building envelope, vehicle access and useable private open space, without the need for major earthworks and retaining walls. Lot 10 and 11 are proposed to be cut lower than the new road along the southern road frontage, including a proposed retaining wall with a height of between 0.6m to 1.4m. The cut is not considered to be an impediment to the establishment of a dwelling on the new lot. As discussed above, the proposed development is predominately located in the cleared area of the site and therefore, appropriately responds to the site's natural values and constraints.

It is therefore considered that the proposal meets PO3 of the Code.

The proposed lots 1, 2 and 4 to 10 are located within an easement for electricity purposes. AO11.4 of the *Reconfiguring a Lot Code* states the following as a deemed to comply solution:

Any reconfiguring a lot involving land in a residential zone, the Emerging community zone or the Rural residential zone provides for the number of lots burdened by electrical transmission line easements to be reduced to one.

Despite the current zoning of the site not being defined as 'residential', the application seeks the land be included within the Low density residential zone and therefore the Acceptable outcome is considered relevant to the subject land.

The intent of the above Acceptable Outcome is that numerous residential lots such as that proposed in this application, are not burdened by an electrical transmission line easement. Ten (10) of the new proposed lots would be burdened by the easement, which does not

meet this intent. As such, regard is to be had to the associated Performance outcome PO11, which states:

Development provides for lots to be created in locations that:-

(a) are adequately buffered to prevent potential adverse impacts on future users of the lots and adjacent lots;

(b) separate the lots from incompatible uses and infrastructure;.....

As the owner of the electrical infrastructure encumbering the site, Energex were a referral agency for the development application. During their assessment, consideration was given to the proximity of the new proposed lots to the overhead electricity transmission lines. Subsequently, Energex have agreed to the proposed allotments encroaching into the electrical easement in accordance with legal advice disseminated between the applicant and Energex. This was considered having regard to an EMF (Electromagnetic Fields) report which identifies the likely risk of exposure of future dwelling lots to electromagnetic field radiation. The amount of exposure was deemed to be compliant with the recognized and accepted standards for electromagnetic field radiation. It is noted that the EMF Report recommends an additional 1.5m separation of dwellings from the current easement boundary. This has been shown on the proposal plans.

To further address the requirements of Energex, the proposal has provided a wider than typical road reserve width to the full width of the easement where the existing power pole is located (i.e. fronting Lots 4 and 5 and tapering back on Lots 2 and 6). This provides substantial road reserve width which would enable Energex vehicles and equipment to access the power poles. Hence, the physical infrastructure would be completely contained in road reserve, with the existing power pole to be located in the middle of the proposed roundabout. All dwellings will be sufficiently setback from the power lines and would not restrict access to the infrastructure by Energex. The easement would encumber the front portions of Lots 1, 2 and 4-10 (and 17 which comprises the existing dwelling).

As such, it is considered that the development proposal provides adequate buffering and separation from the electrical infrastructure, thereby complying with PO11 of the Code.

Zone variation considerations and site appropriateness for future dwellings

It has been demonstrated by the above assessment of the relevant Planning Scheme provisions that the proposed development is appropriate given its location within its contextual setting and given the nature of the site constraints remaining and relevant to the site. The development site is located proximate to existing urban development with established road and infrastructure connections. It is therefore considered that there is no particular constraint, either locational or environmental, that would preclude the subject land from being considered for low density residential development (i.e. traditional housing lots).

While the intent of the Limited development (landscape residential) zone is that the use of the land is not intensified over and above what exists at the time of commencement of the Planning Scheme, the reason for the site's zoning no longer exists and has been overtaken by the removal of the vegetation (environmental weeds) from the site. This, in conjunction with measures to address the other common site constraints, provides grounds that warrant consideration of the proposed development by permitting it to establish as if the site were located in the Low density residential zone. On balance, the site is considered appropriate to accommodate the proposed development, despite not meeting the intent of the Limited development (landscape residential) zone.

Application of Low density residential zone provisions to the site

The Variation Request needs to consider how future houses can establish on the land as accepted development. To do this, a new Table of Assessment (TOA) for the site is required so that the site can be developed as if it were included within the Low density residential zone – Precinct LDR1 (Protected Housing Area). The following TOA is required to accompany the new zone plan for the site:

LOT 3 RP 176566 - 21 PETRIE CREEK RD NAMBOUR – LOW DENSITY RESIDENTIAL ZONE - PRECINCT LDR1 (PROTECTED HOUSING AREA) (as identified on the approved Zone Plan)		
Defined Use	Category of development and category of assessment	Assessment assessable requirements for development benchmarks for development and accepted
Residential activities		
Dwelling house	Accepted development	<ul style="list-style-type: none"> Dwelling house code
Business activities		
Home based business	Accepted development if:- (a) For a <i>home office</i> ; or (b) Involving a home based child care service licensed under the Child Care Act 2002.	<ul style="list-style-type: none"> No requirements applicable
	Accepted development if for an activity other than a <i>high impact home based business activity</i> .	<ul style="list-style-type: none"> Home based business code
	Impact assessment if for a <i>high impact home based business activity</i> .	<ul style="list-style-type: none"> The planning scheme
Other defined uses		
All other uses defined in Schedule 1 (Definitions)	Impact assessment	<ul style="list-style-type: none"> The planning scheme
Undefined uses		
Any use not defined in Schedule 1 (Definitions)	Impact assessment	<ul style="list-style-type: none"> The planning scheme

Figure 11 – Table of Assessment within the Low density residential zone – Precinct LDR1 (Protected Housing Area)

The above Table of Assessment (TOA) would apply to the yellow area on the below zoning plan (Figure 12), which is recommended for approval.

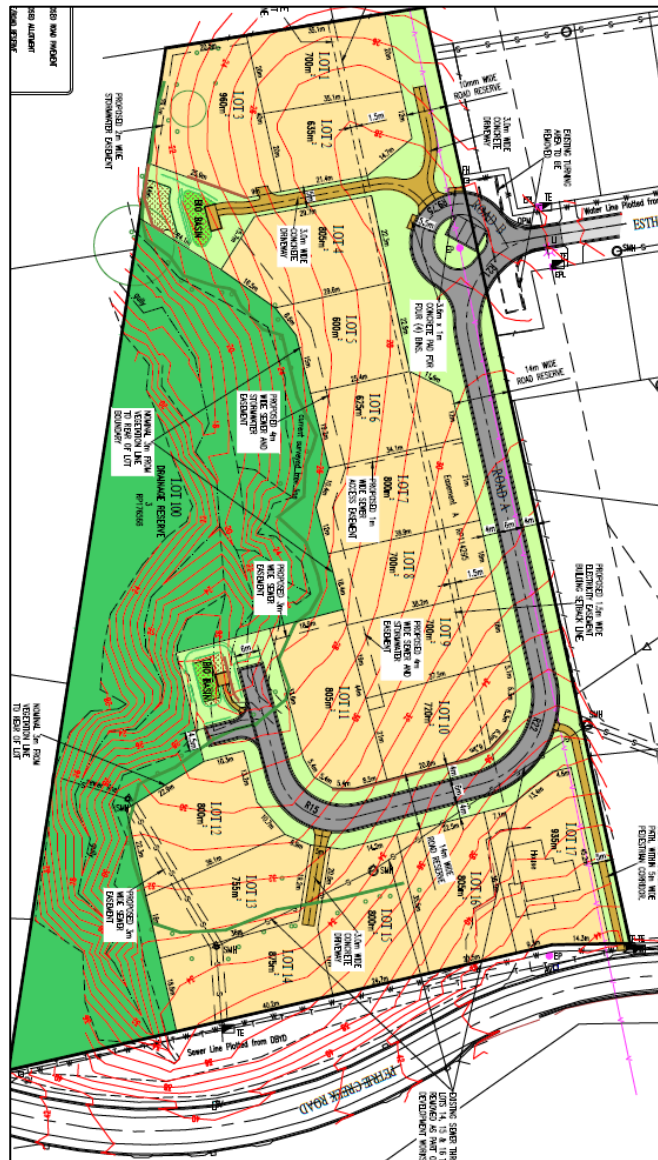


Figure 12 – Proposed Zoning Plan

Applicability of mapped constraints (overlays) relevant to site conditions

Native Vegetation

As described earlier, a large proportion of the site is mapped as Native Vegetation (refer to Figure 6 in this report) by the *Biodiversity, Waterways and Wetlands Overlay*.

The Table of Assessment (TOA) for the *Biodiversity, Waterways and Wetlands Overlay* does not change the level of assessment for dwelling houses where the site is mapped as containing native vegetation. However, because the subject site is mapped as ‘of-concern’ regulated vegetation under the Vegetation Management Act, all dwellings on the proposed lots would trigger code assessment due to AO1.3 of the *Biodiversity, Waterways and Wetlands Overlay Code*, which states:

The *dwelling house* is not located on land identified as being an endangered or of concern regional ecosystem on a Regional Ecosystem Map¹⁰, unless its location is in accordance with a Property Map of Assessable Vegetation.

Figure 13 – AO1.3 of Biodiversity, Waterways and Wetlands Overlay Code

This would be unnecessary for the proposed lots as the site is already cleared, or otherwise, determined that the vegetation is not suitable for retention (i.e. the vegetation in the southern portion of the site being removed as proposed by this application). Hence, to remove the necessity for further Material Change of Use applications needing to be made for future dwellings on the proposed lots, an amended Table of Assessment (TOA) for the *Biodiversity, Waterways and Wetlands Overlay* is required, as there will be no actual vegetation to assess. The amended Table of Assessment (TOA) is provided below in Figure 14.

LOT 3 RP 176566 - 21 PETRIE CREEK RD NAMBOUR – ASSESSMENT BENCHMARKS FOR ASSESSABLE DEVELOPMENT AND REQUIREMENTS FOR ACCEPTED DEVELOPMENT FOR OVERLAYS		
Development subject to overlay	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
Biodiversity, waterways and wetlands overlay		
Material change of use , other than in an existing building if on land subject to the biodiversity, waterways and wetlands overlay as identified on a Biodiversity, Waterways and Wetlands Overlay Map;	Accepted development if for a <i>Dwelling house</i>	<ul style="list-style-type: none"> No requirements applicable

Figure 14 – Table of Assessment for the Biodiversity, Waterways and Wetlands Overlay

No other overlays would apply to future dwellings on the lots, other than the *Landslide Hazard and Steep Land Overlay*. However, it is recommended that that Overlay code should still apply to regulate the extent of earthworks occurring for each future dwelling, as would be the case on any other Low density residential zoned property. No further changes to any other Tables of Assessment are therefore required.

Other development codes and requirements

Stormwater management code

The site has a lawful point of discharge being the vegetated gully located on the western side of the site. Council’s Hydrologist has assessed the proposal and advised that the proposed Stormwater Management Plan has demonstrated that the development can achieve non-worsening of stormwater flows to downstream properties. However, conditions are recommended to remove or reduce the height of retaining walls proposed within the bio-retention basin.

Moreover, the proposed layout identifies Lot 3 being accessed by a private driveway within in proposed road reserve, which is also intended to serve as maintenance access to a bio

retention basin. This arrangement places the driveway maintenance burden upon Council rather than the resident. As such, it is recommended that amendments be made to the layout such that Lot 3 becomes a hatchet lot with the private driveway being located within its access handle. An easement in favour of Council would also be necessary to enable the occasional maintenance of the bio retention basin.

Pedestrian connectivity

Both the Reconfiguring a lot code and the Transport and parking code require that development provides for the establishment of a network of pedestrian and bicycle paths to enable a high level of permeability and connectivity. There is an existing footpath on the southern side of Esther Place which terminates at the front of no. 1 Esther Place. The proposed development triggers the requirement for a footpath to be provided along one side to the new Road A. Conditions are recommended to ensure this footpath is connected to the existing path on Esther Place and also to connect to Petrie Creek Road via the proposed reserve adjacent the existing dwelling on the subject land. It is noted that this proposed reserve is required to be widened to be at least 7m in width to comply with both, the Planning scheme policy for the transport and parking code and the requirements of Seqwater. Frontage works improvements, including an upgrade to the existing footpath network along Petrie Creek Road, is also recommended via conditions of approval.

Assessment Benchmarks Related to a Variation Approval

Not applicable.

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 subject to imposition of the conditions described earlier in relation to dealing with the assessment benchmarks contained within the SPP.

CONSULTATION:

Referral Agencies

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

Energex

A 23m wide easement exists along the site’s eastern boundary for the overhead power lines. The easement currently protects an 11kv power line which traverses the site’s eastern boundary. Energex advised that the easement is required to remain as it intends that the electrical infrastructure will be upgraded in the future to achieve an 110kv capacity. The existing dwelling on the site is located within this easement and this is reflected on the survey plan for the easement (being EMT A on RP114295 – refer Figure 15 below).

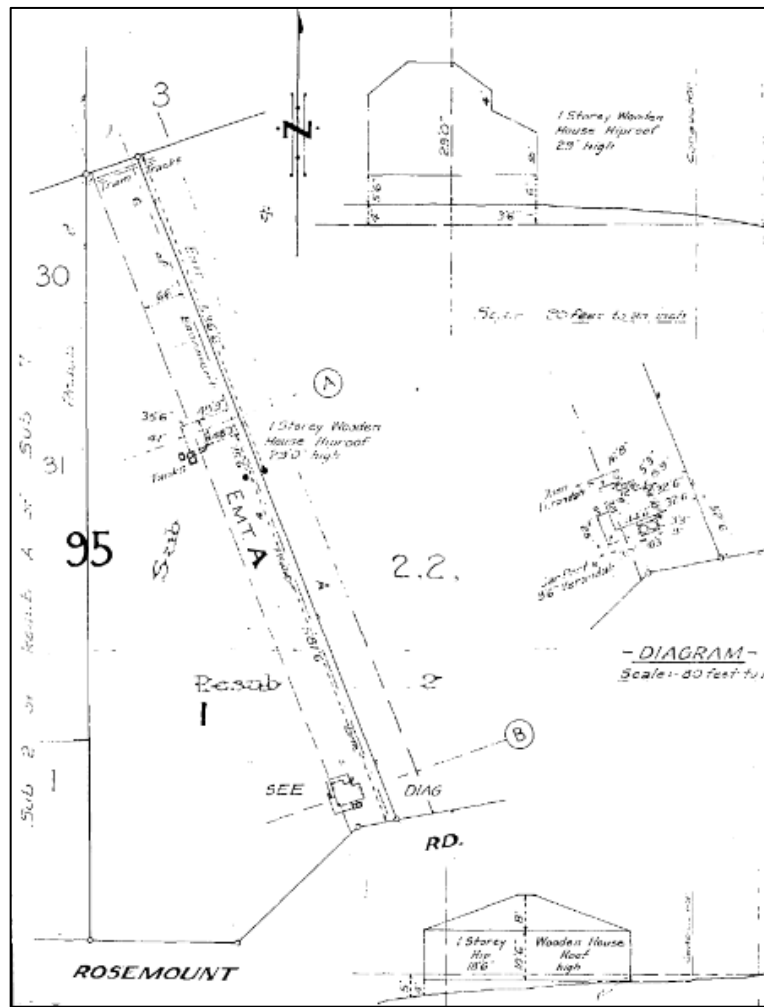


Figure 15 - Extract of Easement A

Energex has permitted the land to be subdivided into typical residential allotments across the easement, subject to each affected lot containing a building control that ensures future houses will remain at least 1.5m clear of the easement boundary. This has been annotated on the proposal plan recommended for approval, showing proposed Lots 1 through 10 (and Lot 16) subject to a (Plan of Development) control requiring a building/structures

setback coinciding with a 24.5m distance from the site's eastern boundary (refer Figure 16 below).

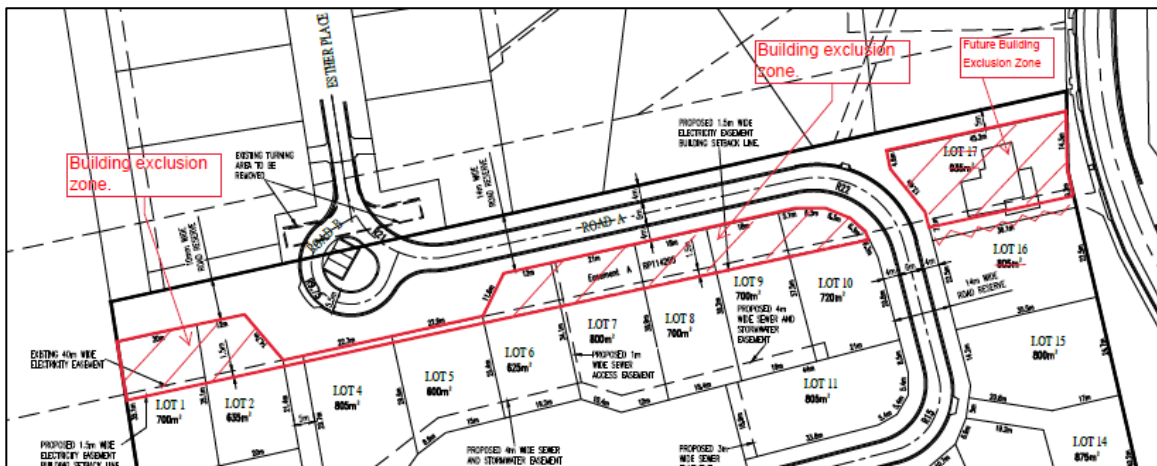


Figure 16 – Proposed plan amendments for building setback

Energex was an advice agency for Electricity Infrastructure and they responded by letter dated 26 October 2020 stating that they approve of the proposed development subject to the imposition of conditions. The conditions have been included in the recommended conditions of approval.

In particular, item 5 of the Energex's letter states that:

For Lots 1, 2 & 4-10 & 17 Council must include a property note on file for the information of future property owners stating that: *“Easement A on RP114295 is an electricity easement registered in favour of Energex Limited. This easement currently contains 11kV overhead powerlines, however, this is a strategic easement corridor with the capacity for the powerlines to be upgraded to higher voltages in the future”*.

Inclusion of such Property Note is included in this recommendation. Energex also advised the assessment manager to treat their response as a properly made submission about the development application.

Other External Referrals

Third party advice

The application was referred by council to Seqwater for comment about the bulk water supply main that traverses the adjacent site to the east, also contained within an Easement (Emt B on SP229336). An initial response was received from Seqwater by letter dated 26 February 2020 with Seqwater's final response being provided on 29 January 2021, giving 'in-principle' support for the proposed development with conditions. Specifically, Seqwater recommends that Council institute the following upon any approval issued:

- that proposed Lots 16 and 17 be amalgamated to form one lot; and
- that the existing water main be encased in concrete where the new road extension is proposed to cross it.

The first point is recommended by Seqwater because the existing house that is located on the site may compromise any opportunities to upgrade or duplicate the bulk water main infrastructure. Whilst the house may remain in-situ, consideration of this application affords Council the opportunity to protect such infrastructure into the future. By amalgamating Lots

16 and 17, if a new house is ever contemplated for that site, it can be located west and clear of the easement in order to create greater separation to the bulk water main, which also has the additional benefit of keeping the area below the power lines free of constraint.

The second point relates to where the existing bulk water main crosses under the T-head of Esther Place. As the volume of traffic traversing over this part will be increased by the proposed development, Seqwater seek to ensure the integrity of the bulk water main will not be compromised. Hence, encasing it in concrete at the time of reconstructing the road accessing the development will provide additional protection to the main.

It is therefore, recommended that both of Seqwater's recommendations be included in any approval given for the proposed development.

Public Notification

The application was publicly notified for 30 days between 30 October 2020 and 11 December 2020 in accordance with the requirements of the *Planning Act 2016*. One (1) submission was received, which was determined to be 'properly made' in accordance with the *Planning Act 2016*.

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision:

ISSUES	COMMENTS
Loss of vegetation and native wildlife. Such development should occur on former sugar can land.	<p>The site has already been lawfully cleared of weed species in accordance with Operational Work Permit OPW18/0188.</p> <p>The remaining native vegetation on the site has been identified as being 'degraded regrowth vegetation' the does not warrant retention. This has been confirmed by Council's Ecologist. The remaining vegetation located proximate to the waterway would be protected in perpetuity via its transfer to Council as drainage reserve.</p> <p>Cane (rural) land is often not suitable for urban development due to its low-lying nature making it susceptible to flooding. The development site is flood free and located in amongst urban development and is therefore, much more suitable for residential development than most rural lands.</p>

CONCLUSION:

As discussed throughout this report, the proposed development is able to sufficiently comply with the requirements of the *Sunshine Coast Planning Scheme 2014* in order for the proposed Variation Request to be considered. Specifically, the main impediment to the land being developed, being the mapped native vegetation, was proven to consist of weed species and has for the most part, been removed from the site for purposes of the development footprint proposed. The subject land is otherwise burdened by the same overlay constraints (such as steep land and potential landslide hazard) that also existed on the adjoining developed land to the east which is also included in the Low density residential zone, and these constraints are similarly addressed in the current application such that the land can also be adequately developed for traditional housing. Other site

constraints such as electrical and water supply infrastructure have been thoroughly considered by the relevant custodians and it is considered that the existence of this infrastructure does not pose such a threat or risk to future use of the land that would warrant refusal of the development when weighed against the other relevant matters that favour its approval.

The identified inconsistency or non-compliance with the intent of the Limited development (landscape residential) zone is not determinative as the constraints that resulted in its inclusion within the Planning Scheme has since been removed. The proposed development does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application, being both the Variation Request and the reconfiguration, is recommended for approval subject to amendments to the proposed plans and in accordance with reasonable and relevant conditions.