



DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION FOR DEVELOPMENT APPROVAL

APPLICATION SUMMARY	
Applicant:	Pacific Diamond 88 Pty Ltd
Consultant:	Project Urban Pty Ltd
Owner:	Robyn Elizabeth Byrnes; Dorothy Graham; Richard Charles Kinzbrunner; Joy Ada Findlay; Mark Shelton Hayes and David Seaton Hayes
Proposal:	Development Permit for Material Change of Use (Multiple Dwelling Units x 73 and Shop (corner store))
Properly Made Date:	10 December 2018
Decision Due Date:	7 May 2019
Number of Properly Made Submissions:	Code assessment - therefore no formal public notification period. However, a total of 84 community comments were received from local residents detailing various concerns with the proposed development.
PROPERTY DETAILS	
Division:	4
Street Address:	2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue BUDDINA
RP Description:	Lot 1 RP 201319; Lot 280 B 92911; Lot 281 B 92911; Lot 282 B 92911; Lot 310 B 92911; Lot 311 B 92911
Land Area:	3,806.1m ²
Existing Use of Land	5 x single dwelling houses
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (29 June 2018)
Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Kawana Waters local area plan
Zone:	High density residential zone
Consistent/Inconsistent Use:	Consistent
Assessment Type:	Code
State Referral Agencies:	There are no state referrals applicable to this application.
Referred Internal Specialists:	<ul style="list-style-type: none"> • Principal Architect, Development Services Branch, Customer Engagement and Planning Services Group • Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group

	<ul style="list-style-type: none"> • Principal Development Engineer (Hydraulics), Development Services Branch, Customer Engagement and Planning Services Group • Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group • Environment Officer, Development Services Branch, Customer Engagement and Planning Services Group • Conservation Officer (Wildlife Management/TurtleCare), Liveability and Natural Assets Group • Coordinator, Planning Scheme and Projects, Strategic Planning, Customer Engagement and Planning Services Group
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PROPOSAL:

The application seeks approval for a Development Permit for Material Change of Use of Premises to establish 73 multiple dwelling units and a shop (corner store).

Both components of the application are code assessable, and identified as consistent uses in the High density residential zone of the *Sunshine Coast Planning Scheme 2014*.

The proposal comprises a 21m high building located across 6 sites in close proximity to Buddina Beach. The proposal contains two levels of basement carparking (188 cars) with dual access from both Iluka Avenue (primary access) and Talinga Street.

The proposed unit configuration is as follows:

- 66 x 3 bedroom units (including split level villas fronting Pacific Boulevard)
- 7 x 4 bedroom 'penthouse' units on the upper levels.

The proposed corner store has a gross floor area of 81.6m².

The immediate surrounding area currently contains predominantly single dwelling houses.

The subject land is in the High density residential zone and located within the Kawana Waters local plan area (with a height limit of 21 metres) under the *Sunshine Coast Planning Scheme 2014*.

The intended use of the land for medium/high density residential development with a maximum building height of 21m has been established since the commencement of the former planning scheme (*Caloundra City Plan 2004*) in September 2004 where the land was included in the Multi unit residential precinct within the Kawana Waters Planning Area.

The proposed development is located over one development node, as per the provisions of the Kawana Waters local plan. The application was originally lodged over 8 land parcels (which spanned 2 development nodes) however was changed to apply to 6 land parcels after lodgement of the application.

Item 8.3 Development Application for Material Change of Use of Premises
(Multiple Dwelling Units x 73 and Corner Store)

Attachment 1 Detailed Assessment Report

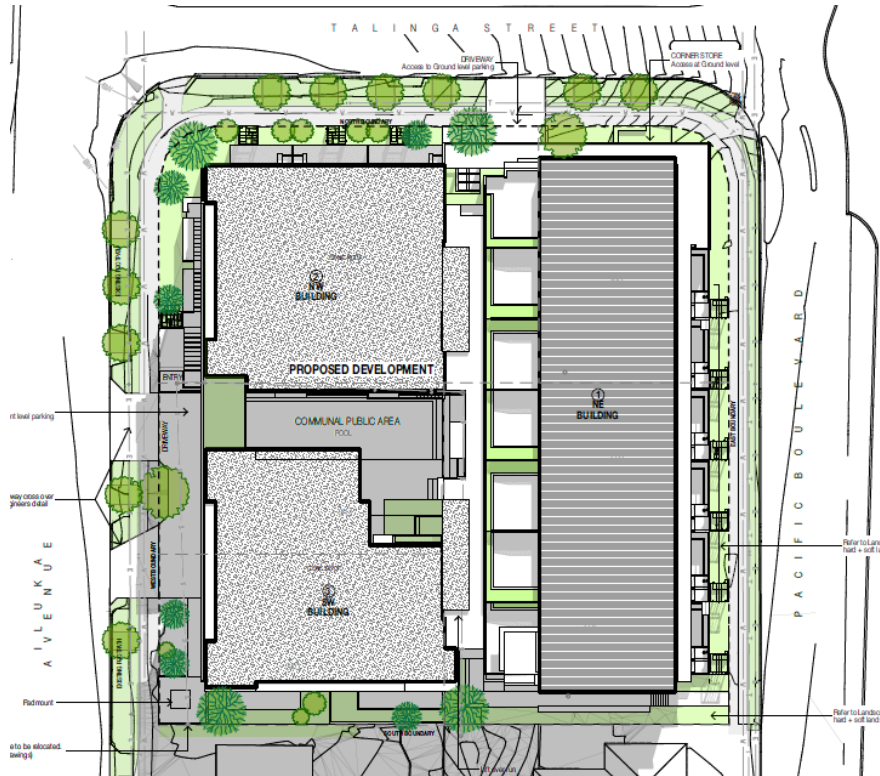


Figure 1: Site Plan

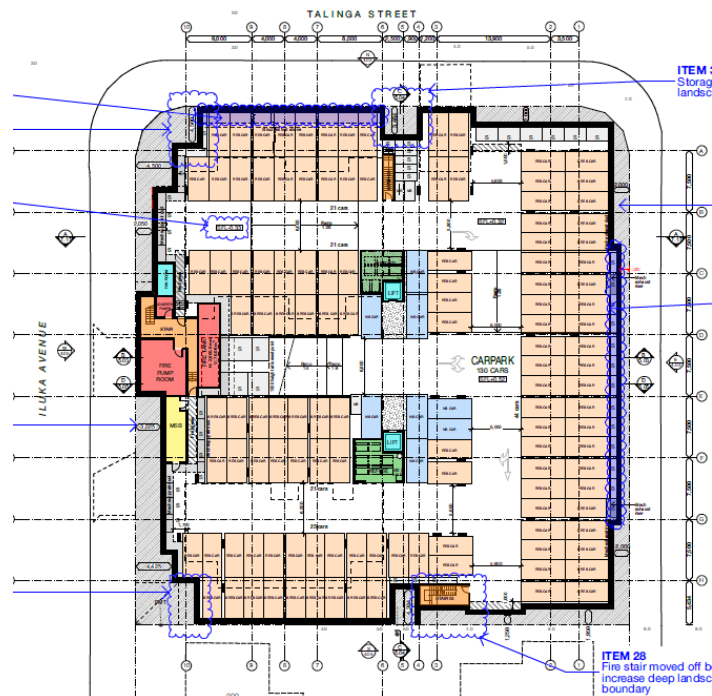


Figure 2: Basement Plan (access from Iluka Avenue)

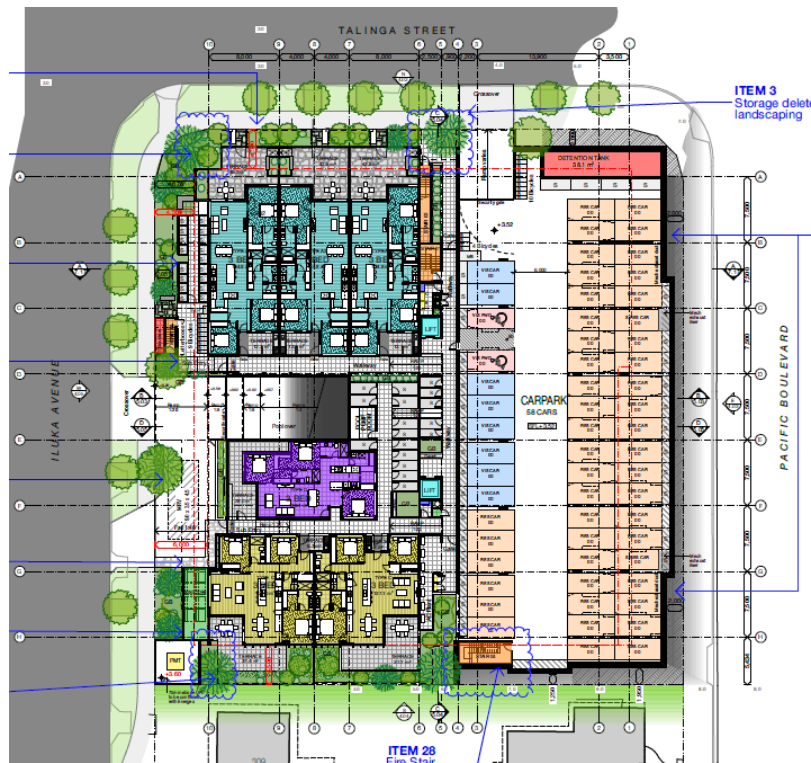


Figure 3: Proposed Ground Floor Plan (showing second basement with access from Talinga Street)

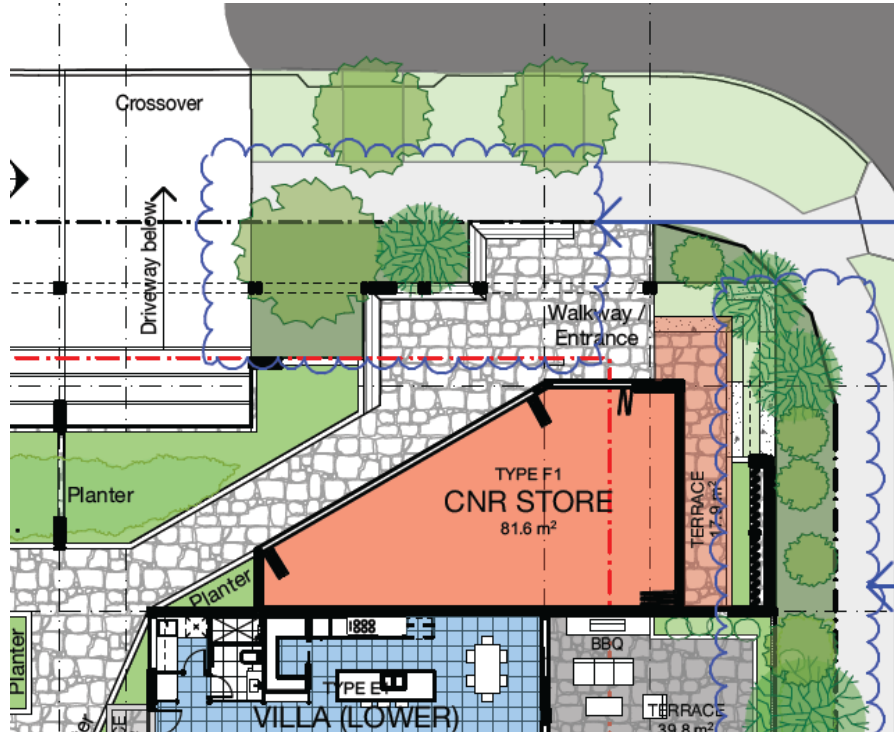


Figure 4: Proposed corner store (81.6m²)

Figure 5: Rendered image of proposed corner store and building entry from Talinga Street



Figure 6: Rendered image of Talinga/Illuka Avenue corner

The following table describes the key development parameters for the proposal:

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Planning Provisions	Proposed
Gross Floor Area	Maximum gross floor area of 100m ² for corner store	81.6m ² corner store
Number of Units	Not specified	73
Building Height/Storeys	<i>Performance Outcome</i> 21m	21m
Density	<i>Acceptable Outcome</i> Not less than 50 equivalent dwellings per hectare	265.4 equivalent dwellings per hectare
Setbacks	<i>Acceptable Outcome</i> Front - 6m Secondary frontage – 4m Side – 2m to 8.5m high, then 3m to 12m high, then 4m to 16m high, then 7m to 21m high Rear – 2m to 8.5m high, then 6m to 21m high	Front (Pacific Boulevard) - 6m (some minor ground level intrusions) Secondary frontage (Talinga Street and Iluka Avenue) – 4.5m to Talinga Street for the whole building height, 4.5m – 6m to Iluka Avenue Side (southern properties) – 4.5m, decreasing to 3m at upper level Rear – not applicable
Site Cover	<i>Acceptable Outcome</i> 40%	33.89% (ground floor) 54.87% (Level 1) 58% (typical level)
Parking	<i>Acceptable Outcome</i> 95 car spaces 7 motorcycle spaces 91 bicycle spaces	188 car spaces 4 motorcycle spaces 96 bicycle spaces
Landscaping	<i>Acceptable Outcome</i> 2m landscape buffers to all frontages in deep natural ground. 10% landscaped area in deep natural ground (<i>Business uses and centre design code</i>)	Generally 2m wide buffers at ground level, however lacking sufficient unobstructed depth and significant pockets. Approximately 402.5m ² total landscaped area (7.6% outside basement and 10.57% including above basement planters)

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	3806.1m ²
Existing Use of Land:	Residential dwelling houses
Road Frontage:	<ul style="list-style-type: none"> • Approximately 64m to Pacific Boulevard • Approximately 60m to Talinga Street • Approximately 64m to Iluka Avenue
Significant Site Features:	The site contains residential dwelling houses and slopes away from Pacific Boulevard.
Topography:	The site slopes significantly down from Pacific Boulevard to Iluka Avenue at the rear.
Surrounding Land Uses:	Predominantly single dwelling houses. Buddina State School is immediately to the west of the subject site. Pacific Boulevard and Buddina beach are immediately to the east of the site.

The location of the subject site in relation to its surrounds is shown below:

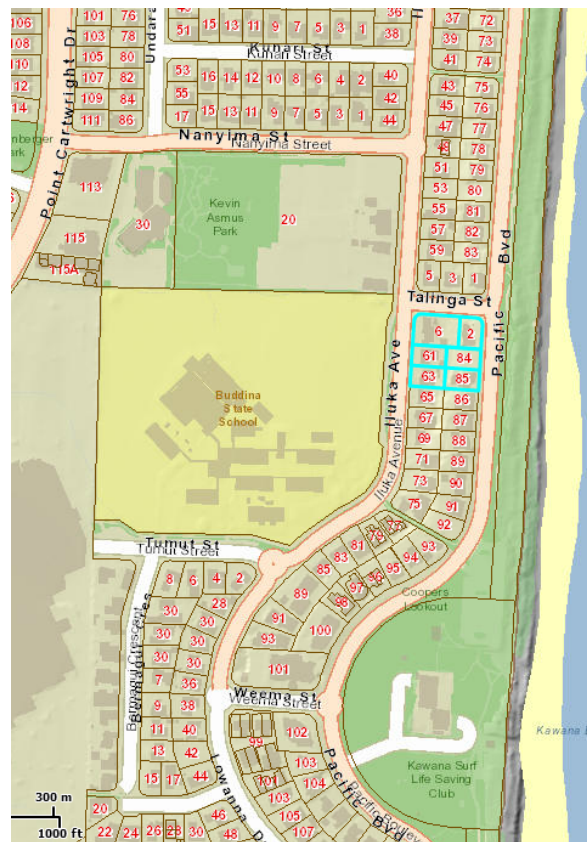


Figure 7: Street map location plan showing context of site



Figure 8: Site aerial (highlighted in blue)





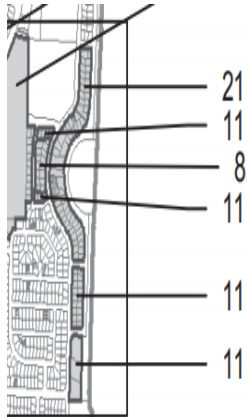
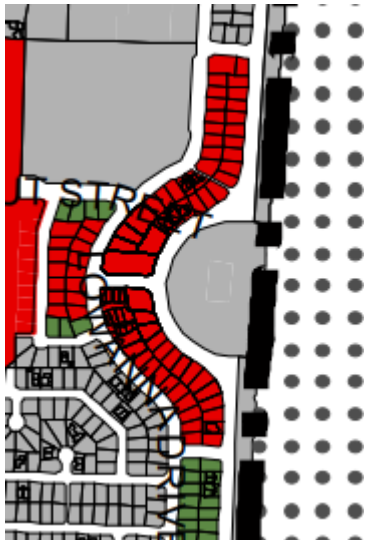
Figure 9: Location of subject site at the northern end of the Buddina urban village, and urban village residential precincts

Development and Zoning History

There is no history of development approvals over the site relevant to the proposed development. However below is an outline of the zoning history of the site:

- The site was originally zoned Low Density Residential under the *1996 Caloundra City Planning Scheme* (Development Control Plan 1 – Kawana).
- In 2003, the draft Caloundra City Plan proposed to change the designation of the subject land from the Low Density Residential designation under the *1996 Caloundra City Planning Scheme* (Development Control Plan 1 – Kawana) to the Multi unit residential precinct within the Kawana Waters Planning Area Precinct Map MAPKWP1. A total of 42 submissions were received in relation to the Buddina Urban Village (9 in support, 7 in support but with changes and 26 against). The height for development on the subject land was proposed to be increased from 2 storeys (8.4m) to 21m.
- The submissions against the proposed amendment raised similar concerns to those now received by the public for the subject application, which are outlined below. A number of options for addressing these concerns were investigated at the time and ultimately council resolved to proceed with the amendment as advertised, but with changes made to the Kawana Waters Planning Area Code to:
 - Require underground car parking
 - Encourage high quality design
 - Maximise amenity
 - Require development to be undertaken on large, amalgamated sites
 - Maximise site area and minimise site coverage
 - Create attractive and active street fronts.
- The adopted *Caloundra City Plan 2004* included the subject land within the Multi unit residential precinct, with a height limit of 21m, as advertised.
- The commencement of the *Sunshine Coast Planning Scheme* in 2014 maintained the intended use of the land for higher density residential purposes established by *Caloundra City Plan 2004*. Like the earlier Planning Scheme, development of this Planning Scheme was also subject to a public notification process.
- Both the *Caloundra City Plan 2004* and the *Sunshine Coast Planning Scheme 2014* were subject to a state interest review to determine whether the planning scheme appropriately integrated state planning instruments (including State planning policy). The Minister approved both the *Caloundra City Plan 2004* and the *Sunshine Coast Planning Scheme 2014* for adoption by council.

Caloundra City Plan 2004 zoning provisions	Sunshine Coast Planning Scheme 2014 zoning provisions
 <p data-bbox="271 1093 726 1187"> Mixed Use Residential Multi Unit Residential </p>	 <p data-bbox="853 1025 1316 1064"> High Density Residential Zone </p>

Caloundra City Plan 2004 building height provisions	Sunshine Coast Planning Scheme 2014 building height provisions
 <p data-bbox="470 1400 853 1512"> 21 11 8.5 (21 where meeting bonus criteria in Planning Area Code) 11 11 11 </p>	 <p data-bbox="901 1881 1157 1915"> 21 metres </p>

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.

<i>PLANNING REGULATION 2017 DETAILS</i>	
Applicable Assessment Benchmarks:	<u>State Planning Policy</u> • Part E

State Planning Policy (SPP), Part E

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

Notwithstanding, specifically with regard to the SPP for *Natural hazards, risks and resilience – Coastal hazards*, assessment against the state assessment benchmarks has been undertaken by council's Hydraulic Engineer.

State Planning Policy – Natural hazards, risk and resilience

The Coastal protection overlay code of the *Sunshine Coast Planning Scheme 2014* was prepared to be in accordance with the 2013 version of the State Planning Policy. A 2017 version of the State Planning Policy has now been produced and the Coastal protection overlay code is yet to be updated to be entirely in accordance with the 2017 State Planning Policy.

The 2017 State Planning Policy is much less prescriptive in terms of the outcomes sought for re-development within erosion prone areas. The relevant assessment benchmarks in the State Planning Policy with respect to re-development of urban land outside the coastal management district are highlighted below:

- Section 3 - The entire site is situated within the erosion prone area. It is not possible to avoid the natural hazard, therefore risks to people and property must be mitigated to an acceptable and tolerable level. Conditions of approval are recommended for the construction and maintenance of a seawall which will mitigate the risks to people and property from coastal erosion for the life of the development.
- Section 4 - Conditions of approval are recommended for the construction and maintenance of a seawall which will mitigate the risks to people and property from coastal erosion for the life of the development. The development will be 100% responsible for protecting itself from coastal erosion so there will be no burden on disaster managers.
- Section 5 - Inclusive of the recommended conditions, the development would not increase the rate of coastal erosion. Council is currently preparing a Coastal Hazard Adaptation Strategy which will be making decisions around retreat, tolerate and defence of assets within the coastal erosion prone area. The details of this wider policy approach are not known yet and therefore it is appropriate in the interim for the proposed development to provide its own defence as outlined in the recommended conditions.
- Section 7 - No modification to the dune or removal of vegetation is proposed as a result of this development application. Fencing and rehabilitation of the vegetation in the dune system are recommended conditions of approval to enhance the protective function of the dune. The protective function of the land under the development site would be enhanced through construction of a sea wall.

The proposal is considered to be consistent with the provisions of the State Planning Policy.

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 (29 June 2018)</i>
Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Kawana Waters local area plan
Zone:	High density residential zone
Consistent/Inconsistent Use:	Consistent.
Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • High density residential zone code • Multi-unit residential uses code • Business uses and centre design code • Kawana waters local area plan • Acid sulphate soils overlay code • Airport environs overlay code • Coastal protection overlay code

	<ul style="list-style-type: none"> • Height of buildings and structures overlay code (21m) • Landslide hazard and steep land overlay 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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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:

Multi-unit residential uses code

Subject to the imposition of the recommended conditions, the proposal is considered to represent a satisfactory response to the provisions of the Multi-unit residential uses code which is designed for context and function.

The proposed building is attractive, interactive and addresses the street. It responds to the subtropical context, incorporating shading and landscaping. It provides a high level of amenity and privacy for residents. Necessary components of the building such as car parking and waste storage/collection have been appropriately integrated and sufficient communal and private open space areas are provided to service the residents of the development. The development provides for a density which exceeds the minimum for the high density residential zone (providing 280 equivalent dwellings/hectare, in lieu of the prescribed 50 equivalent dwellings/hectare contained in the acceptable outcome of the code). The higher density has not compromised provision for parking, private open space or communal open space.

To achieve this outcome, the proposal relies on some performance solutions to satisfy the provisions of the Multi-unit residential uses code.

The main assessment issues with respect to this code have been:

- Building Massing and Composition – Site cover exceeds the 40% nominated as an acceptable outcome of the code (AO7.1). The proposal also does not meet the nominated acceptable outcome stating that buildings are not be wider than they are high, and should have no unbroken elevations greater than 15m in length (AO7.2 and AO7.3) for the East (Pacific Boulevard) elevation. As the applicant has chosen not to adopt the nominated acceptable outcomes in these cases, assessment is therefore required against the prescribed performance outcome (PO7) to determine if the alternative design solution proposed complies with the code, as outlined below.

PO7 *The multi-unit residential use is sited and designed in a manner which:-*

- (a) maximises the retention of existing vegetation and allows for spaces and landscapes between buildings;*
- (b) allows sufficient area at ground level for communal open space, site facilities, resident and visitor parking, landscapes and maintenance of a residential streetscape; and*
- (c) demonstrates 3 dimensional modelling that reduces:-*
 - (i) the scale and bulk of the building; and*
 - (ii) the appearance of continuous blank walls.*

Assessment Response: The proposed design was assessed by council's specialist Urban Design team, including an interrogation of the 3D model for the proposal in council's 3D software programs. It is considered that, subject to recommended conditions, the proposal:

- provides a high quality architectural design;
- is capable of providing a high quality landscaping outcome;
- provides well designed and located communal open space which exceeds the code requirements;
- provides interesting and varied building facades with generous building setbacks;
- provides generous balconies that well exceed the minimum code provisions; and
- provides largely compliant setbacks (refer to assessment below).

In particular, spaces and landscapes between buildings have been achieved through an architectural form with deep recesses and articulation which provides varying setbacks to each building elevation. The proposal exceeds the minimum provision of communal open space contributing to a largely open feel. A residential streetscape is provided through the building design with entries to each unit facing the street and containing frontage landscaping. Building bulk and scale has been reduced by providing breaks (for example from Iluka Avenue) and heavily articulating the building.

Deep planting has been allocated in pockets where it is likely to succeed however improvements are required to ensure the proposal meets the performance outcome. Reduced hard landscape (paths, terraces etc.) and more plantings of greater width and depth have been recommended to provide an improved outcome and assist in softening the development and integrating it into its subtropical setting.

- Setbacks – the proposal is largely compliant but does not adopt all of the nominated acceptable outcomes of the code with respect to setbacks, primarily to the southern boundary (which has residential neighbours in the form of two single dwelling houses). Generally, the setbacks across the development have been increased to minimise intrusions and create more articulation to the Southern Elevation. The below setbacks are provided:
 - Front (Pacific Boulevard) - 6m (some minor ground level intrusions)
 - Secondary frontage (Talinga Street and Iluka Avenue) – 4.5m to Talinga Street for the whole building height, 4.5m – 6m to Iluka Avenue
 - Side (southern properties) – 4.5m, decreasing to 3.4m at upper level

An assessment against the performance outcome (PO8) of the code is required:

PO8 *The multi-unit residential use is sited and designed so as to:-*

- (a) provide amenity for users of the premises whilst preserving the visual and acoustic privacy of adjoining and nearby properties;*
- (b) provide adequate distance from adjoining uses;*
- (c) preserve any existing vegetation that will buffer the proposed building;*
- (d) allow for landscapes to be provided between buildings and street frontages and between neighbouring buildings; and*
- (e) maintain the visual continuity and pattern of buildings and landscape elements within the street.*

Assessment Response: On each facade, the setbacks are considered to meet the performance outcome by providing largely compliant setbacks coupled with landscape buffers and/or small encroachments which are paid back by more generous setbacks in other locations/where a reduced setback is permitted (for example, along the southern boundary a 2m setback is permitted up to 8.5m, increasing to 3m at 16m high. The proposal provides a 4.5 setback in this location (up to the Level 6 roof) in lieu of the reduced setback permitted in the acceptable outcome).

Notwithstanding, it has been recommended to further set the building back along the southern boundary to a minimum of 4.5m for the Level 6 roof to ensure overshadowing is minimised as much as possible (noting that the proposed development is in an area of high density zoning, and the southern boundary setback is greater than permitted by the acceptable outcome).

The proposal maintains the building lines in both Pacific Boulevard and Iluka Avenue and through having large balconies (which significantly exceed the minimum provisions of the code), the building provides a largely open feel that maintains the existing visual continuity of the street in terms of setback lines.

Subject to the recommended conditions and plan amendments seeking to improve the landscaping outcome, improved landscaped area will assist with softening the proposed building and maintaining amenity.

- Privacy - Subject to conditions, the proposal is capable of providing an acceptable privacy outcome including an increased setback and significant screening to the southern residential neighbours which complies with AO10.2.
- View lines – there were concerns about view loss for the southern residential neighbours. Some images of the existing views from 86 and 87 Pacific Boulevard are provided below. The development will result in the loss of some of these views to the north which is unavoidable in an area zoned for high density development with a 21m height limit. The views to the west would remain unaffected. The recommended condition discussed above in relation to increasing the southern setback of the development will also assist in retaining a greater portion of these views to the north west.



Figure 10: Northern view from 86 Pacific Boulevard



Figure 11: Western view from 86 Pacific Boulevard



Figure 12: Northern view from 87 Pacific Boulevard

There are no provisions in the Multi-unit residential uses code which specifically protect views for surrounding properties as it is an established planning principle that a landholder has no proprietary right to a view, even though the view may have value. In this instance, it is also a feature of the zoning of the site that there is no express protection reflected in the relevant use code. Notwithstanding, the amenity of these properties has been considered and it is recommended that an increase in the southern building setbacks (to a minimum of 4.5m for the entire building facade) is a reasonable outcome which will assist in protecting privacy, retaining views and providing sufficient separation such that the external living areas of the southern neighbours continue to be adequately protected and able to be enjoyed by these residents following construction of the development.

Overall, the proposal represents a satisfactory response to the provisions of the Multi-unit residential uses code which is appropriate for the long established zoning of the land, and is worthy of support, subject to the recommended conditions.

Sustainable design code

Subject to conditions, the proposal is capable of complying with the provisions of the Sustainable design code.

The following key points are noted:

- The proposal is well designed, sited, orientated, and articulated for potential cross-ventilation and handling direct East, West and South Summer sun.
- The response to the subtropical context is excellent.

Transport and parking code

The local street network servicing the site entrance points are consistent with the technical requirements of the Transport and parking code.

Both Illuka Avenue and Talinga Street are designated Neighbourhood Collector standard roads in accordance with councils Functional Transport Hierarchy maps. They both currently provide a 20m reserve and 9.5m wide pavement. The capacity of the frontage roads and access hierarchy to the site is consistent with the requirements of the planning scheme.

The nominated driveway access points are consistent with council's Institute of Public Works Engineering Australasia (IPWEA) standard references and provide for two-way traffic to minimise impacts on the external network, allowing vehicle to enter and exit the site simultaneously. A service vehicle bay is provided to the Illuka Avenue frontage and satisfies the required dimensions.

The code requires the provision of a total of 96 car parking spaces being a minimum of 73 vehicle parking spaces for the proposed units, 19 visitor spaces and 4 for the corner store. The proposal provides a total of 188 parking spaces over the two basement levels which is consistent with the minimum requirement.

The multi-unit proposal requires the provision of 7 motorcycle spaces, however only provides 4. Recommended conditions would require provision of the number of spaces nominated in the code. The corner store component of the application does not trigger the need for motorcycle parking due to its small size (less than 100m²).

The proposal also requires the provision of 91 bicycle parking spaces, with 18 of these to cater for visitors to the use. The proposal provides storage for each unit capable of containing a bicycle, and 23 visitor spaces, therefore complying with the minimum requirements. The corner store component of the application does not trigger the need for bicycle parking due to its small size (less than 100m²).

The proposal achieves a satisfactory response to the Transport and parking code.

Landscape code

The Landscape code requires 2m landscape strips to all 3 street frontages. The proposal generally achieves 2m wide buffers to the street frontages however the depth of these is compromised in some locations by the underground parking structures. Whilst improvements to the landscape design were made to the application during the information request process, further refinements as described on the recommended plan amendments are necessary to ensure the landscaping outcome is meaningful and achieves the intent of the code.

Specifically, the proposed landscape areas need to be deepened (not obstructed by basement). Podium planters also need to have increased depth to support the required soil media for healthy and sustained growth of trees, shrubs and groundcovers.

Overall, the design presents potential for a meaningful landscaped outcome, particularly on the corners to install anchoring landscaping that will satisfactorily soften and frame the

building and provide a pleasant urban landscaped environment. Subject to the recommended plan amendments, the proposal is capable of achieving the intent of the Landscape code to the satisfaction of council's specialist landscape officer.

Business uses and centre design code

The proposed development contains a shop in the form of a corner store which is code assessable in the high density residential zone if having a gross floor area of less than 100m². The proposed corner store has a gross floor area of 85m² and is therefore code assessable, and a consistent use in the High density residential zone.

The Business uses and centre design code is technically applicable to this aspect of the development.

The corner store is integrated into the overall development and opens to the internal walkway. A small terrace is also provided with outlook over Pacific Boulevard.

Conditions are recommended to ensure that the proposed shop functions only as a corner store (shop) and does not function as a food and drink outlet (café or restaurant) which are impact assessable (but potentially consistent uses).

Kawana waters local plan code

The proposed development is located in the following local area precincts under the Kawana Waters local plan code:

- KAW LPP-4 – Buddina Urban Village
- KAW LPSP-4a – Urban Village Residential

The provisions of the local plan seek that development in the Buddina Urban Village contributes to the creation of a focal mixed use development which effectively links Kawana Shoppingworld to the Kawana Surf Club and foreshore areas; and (b) provides for higher density residential accommodation in the form of accommodation buildings and multiple dwellings (PO20). The proposal achieves these outcomes.

Development should also occur on larger, amalgamated sites within the 'development nodes' prescribed by the local plan code. Development should not isolate excluded lots and should provide underground car parking where basements do not protrude from the ground more than 1m. Designs should be of architectural merit and site cover should be minimised (PO21). The proposal is consistent with these outcomes (noting that site cover is discussed more fully under the provisions of the Multi-unit residential uses code above).

In terms of the overall provisions of the code, PO1 provides that '*development provides for buildings, structures and landscaping that are consistent with and reflect and enhance the coastal urban character of the Kawana Waters local plan area*'.

The proposed development represents a high quality architecturally designed building which is appropriate for the coastal context. It incorporates subtropical design and an articulated building façade including sun shading, timber design elements and integrated

landscaping. These elements are evident throughout the local plan area and the proposal is considered to be consistent with this element of the local character.

Height of buildings and structures overlay code

The site has a 21m height limit, expressed as a performance outcome to be achieved (not a nominated acceptable outcome).

The proposed development is consistent with the height limit. Standard conditions are recommended to ensure the completed building height is certified by a licensed surveyor to ensure compliance.

Coastal protection overlay code

The site is within the area covered by the Coastal protection overlay code and is within the declared erosion prone area.

The site is not within a state mapped Coastal Management District and is not affected by a Coastal Building Line.

To address the provisions of the overlay code, the development is required to protect itself from the threat of future coastal erosion.

A condition is recommended to require the eastern most (seaward) basement wall to be constructed to the standard of a seawall (refer to Figure 8 below). The basement (being the seawall) must be designed to withstand wave and water level conditions corresponding to a 1% Annual Exceedance Probability (AEP) event with the coastline at the property boundary at the start of the event. The seawall must be designed to not suffer any major damage in the event such that the structural stability of the wall is affected.



Figure 13: Location of basement wall to be constructed to the standard of a seawall

Acid sulfate soils overlay code

The applicant has lodged an acid sulfate soils investigation in regard to the proposed basement excavations which concludes that acid sulfate soils are likely to be present within the soils to be excavated. Subsequently an acid sulfate soils management plan would be required at operational works stage to ensure that any excavated soil is appropriately treated, any groundwater drawdown is managed appropriately and in particular any groundwater extracted during the construction phase is treated prior to discharge into the stormwater system.

The groundwater discharge during the construction phase is particularly important as inappropriate treatment and discharge would result in iron oxide plumes and sulphur odours within receiving waters. The receiving waters are a canal to the east of the site which is likely to be poorly flushed therefore odour and plumes will be extremely noticeable. A dewatering management plan is a required component of the acid sulfate soils management plan and it is expected that sufficient treatment infrastructure will be provided during construction to manage discharges to achieve the limits specified within the recommended conditions.

It is also noted that the basement is proposed to be fully 'tanked' so as not to create ongoing discharge of groundwater to the stormwater system.

Appropriate conditions in relation to the above are recommended, and subject to these, the proposal is able to achieve compliance with the overlay code.

Airport environs overlay code

The site is mapped under the Airport environs overlay code however review of the overlay code mapping and the contours of the development site confirms that the proposal would not penetrate the Obstacle Limitation Surface (OLS) for the Sunshine Coast Airport.

Flood hazard overlay code

There is local flooding shown in council's model at the corner of Illuka Avenue and Talinga Street. The design provides the required 300mm freeboard to this event, in accordance with council's Flood Hazard Overlay Code.

Stormwater management code

The site stormwater discharge has been demonstrated to achieve non-worsening compared to the pre-developed conditions by the use of attenuation tanks. The proposed tanks are located internally within the building. The stormwater quality is required to achieve load based reduction targets in accordance with council's Planning Scheme Policy for Development Works. The site proposes the use of proprietary treatment cartridges to achieve these targets. Although council generally prefers the use of natural bio-retention systems, the use of proprietary systems is appropriate for high density development sites and is commonly accepted. The proposal achieves the intent of the Stormwater management code.

Waste management code

The applicant has proposed appropriate waste management facilities in compliance with the Waste management code. The proposal includes waste chutes (general waste), ample storage area for the required number of bins, recycling facilities on each level with a bin lifter to allow decanting into bulk bins for servicing, bin service storage room adjacent to off-street waste truck service area. The site has been designed to be readily serviced by council's waste contractor without impeding traffic, creating any safety issues or removing any on-street carparking.

Nuisance code

The applicant has demonstrated that the site can operate without measurably impacting upon adjoining premises whilst also providing satisfactory acoustic amenity for the proposed dwelling units. An acoustic assessment has been lodged by the applicant with the application and certification of acoustic measures is required prior to commencement of the use. This is recommended to be imposed as conditions.

Turtles and lighting

The Sunshine Coast beaches are important turtle nesting habitat for the endangered Loggerhead turtle (*Caretta caretta*) and the Green turtle (*Chelonia mydas*). The region from Pumicestone passage to Double Island Point was identified as nesting habitat critical to the survival of the southwest-pacific Loggerhead turtle stock (Australian Marine Turtle Recovery Plan 2017-2017).

Buddina beach generally records some of the highest nest numbers of all Sunshine Coast beaches. During the period from November 2005 – March 2018, a total of 256 nesting crawls were recorded for loggerhead turtles along the foreshore from Beach Access 228 (south of Kawana SLSC) to Point Cartwright. This is an average of almost 18 crawls per year over approximately 3.2 kilometres of coastline. The number of loggerhead turtles utilising the Sunshine Coast as nesting habitat could be expected to increase in the future as the impacts of climate change result in a southward shift in nesting distribution and cause the Sunshine Coast to become critical breeding habitat for this endangered species (*Climate change and the Great Barrier Reef: A Vulnerability Assessment*. Chapter 15, Marine Reptiles, 2007).

In 2014, the International Convention for Migratory Species (acting under the United Nations Environment Program) endorsed a *Single Species Action Plan for the Loggerhead Turtle* (Southwest pacific genetic stock). Delegates from the signatory states visited the Sunshine Coast during their deliberations on the plan, due to the region's importance as a future refuge for the Loggerhead turtle and made a number of recommendations in relation to lighting on the Sunshine Coast. These recommendations were included within council's *Sunshine Coast Lighting Master Plan*, which was endorsed by Council on 15 September 2016.

The Urban Lighting Master Plan sets the strategic guidance for public lighting. It also provides recommendations applicable to private developments.

Conditions are recommended regarding the positioning and operation of lighting, during construction and for the life of the development, to minimise any impacts on turtle breeding in accordance with the *Sunshine Coast Lighting Master Plan*.

Rehabilitation of the dune system in front of the development site is also recommended, to provide an improved physical light barrier between the development site and the beach. These works would be required to be undertaken in accordance with an operational works approval and would include additional planting, weed management and exclusion fencing. Such works would comprise an improvement to the current conditions of sparse vegetation and informal access tracks throughout this area.

Conditions are recommended which require the developer to undertake a pre-construction light survey on the beach directly in front of the proposed development. At all times, including during the construction and operation of the development, it must be ensured that the existing established sky glow conditions (as established in the pre-construction light survey) are maintained. An as-built light survey is also required upon completion to demonstrate that the existing conditions are maintained.

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 code assessment must be carried out having regard to:

- the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; 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* 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 did not require referral to any Referral Agencies.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was code assessable and did not require public notification in accordance with the *Planning Act 2016*.

Notwithstanding, a total of 84 'residents concerns' were received in relation to the development. A petition containing 228 signatures was also received by council's Strategic Planning Branch in relation to the current zoning provisions which apply to the wider Buddina Urban Village area.

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

ISSUES	COMMENTS
<p>Categories of assessment</p> <ul style="list-style-type: none"> The application should not be code assessable. The public should be afforded a notification right for this proposal. 	<p>The categories of assessment for code and impact assessment development applications are not discretionary and are firmly set out in the <i>Planning Act 2016</i> and <i>Sunshine Coast Planning Scheme 2014</i>. These categories were determined through an extensive planning process which underwent public notification in the development of the <i>Sunshine Coast Planning Scheme 2014</i>. This process resulted in a multi-unit development being a consistent use in the High density residential zone, and that such a use is subject to code assessment.</p> <p>Code assessment enables expected development under the planning scheme to be achieved without requiring public notification. Code assessment applications can only be assessed against the assessment benchmarks nominated in the planning scheme or other relevant statutory instrument. The <i>Planning Act 2016</i> states that code assessment applications must be approved if complying with all of the assessment benchmarks in a code, or able to</p>

	<p>be reasonably conditioned to achieve compliance with a code.</p> <p>Even through a code assessment application does not require public notification and there are no legal rights to appeal council's decision, council does enables community comment to be lodged for consideration in assessment of an application.</p>
<p>Precedent</p> <ul style="list-style-type: none"> The development will create a precedent for further high rise development in the area 	<p>The proposed development is consistent with the zoning and height provisions that apply to the site and local area. There is no risk of this proposal creating an adverse precedent. Each application is assessed on its individual merits against the applicable provisions in the <i>Sunshine Coast Planning Scheme 2014</i>.</p>
<p>Local plan</p> <ul style="list-style-type: none"> The proposal is inconsistent with the Kawana waters local plan code 	<p>The proposal is considered to comply with the provisions of the local plan code which seek subtropical design, lightweight materials, articulated facades and the like (as per assessment above). The proposal meets the minimum area for an amalgamated site and achieves the 'nodes' of the local plan.</p>
<p>Traffic impacts</p> <ul style="list-style-type: none"> Impacts on the school from increased traffic flow, overlooking of the school yard and potential for traffic/pedestrian/safety incidents. increases in congestion on local roads as a result of the development. There are only two entry ways into Buddina, with the main one being Point Cartwright Drive. Over the years there has been a significant increase in the traffic that flows in and out onto the Nicklin Way. Often there is a wait of up to 4 traffic light changes to exit Point Cartwright Drive. The development will make this worse. 	<p>It is acknowledged anecdotally that the current traffic volumes are high and delays are experienced on local roads around Kawana Shoppingworld. Comments about the wider capability of the road network in the Point Cartwright/Buddina locality are not a matter applicable to this assessment.</p> <p>As per the technical assessment above, the proposal complies with the relevant sections of the <i>Sunshine Coast Planning Scheme 2014</i> (Transport and parking code) and is able to be supported.</p> <p>Both Illuka Avenue and Talinga Street are designated Neighbourhood Collector standard roads in accordance with council's Functional Transport Hierarchy maps. They both currently provide a 20m reserve and 9.5m wide pavement. The capacity of the frontage roads and access hierarchy to the site is consistent with the requirements of the Planning Scheme.</p>
<p>Design and amenity concerns</p> <ul style="list-style-type: none"> Setback encroachments. Site cover exceeding 40%. 	<p>These matters are assessed in detail above and the proposal is considered to present supportable performance solutions to matters such as site cover and setbacks.</p>

<ul style="list-style-type: none"> • Overdevelopment of the site. • Building should not be wider than it is tall. • The design does not provide appropriate distance to surrounding uses. • The design creates unacceptable overshadowing on adjoining properties. • Loss of privacy for adjoining and surrounding premises. • Views would be lost (particularly from the adjoining properties, to the north and west). 	<p>The proposed design was assessed by council’s specialist Urban Design team, including an interrogation of the 3D model for the proposal in council’s 3D software programs. It is considered that, subject to recommended conditions, the proposal:</p> <ul style="list-style-type: none"> • provides a high quality architectural design; • is capable of providing a high quality landscaping outcome; • provides well designed and located communal open space which exceeds the code requirements; • provides interesting and varied building facades with generous building setbacks; • provides generous balconies that well exceed the minimum code provisions; and • provides largely compliant setbacks (refer to assessment below). <p>In particular, spaces and landscapes between buildings have been achieved through an architectural form with deep recesses and articulation which provides varying setbacks to each building elevation.</p> <p>Subject to conditions, the proposal is capable of providing an acceptable privacy outcome including an increased setback and significant screening to the southern residential neighbours which complies with the Planning Scheme.</p> <p>The development will result in the loss of some of the views to the north which is unavoidable in an area zoned for high density development with a 21m height limit. The views to the west would remain unaffected. It is recommended that an increase in the southern building setbacks (to a minimum of 4.5m for the entire building facade) is a reasonable outcome which will assist in protecting privacy, retaining views and providing sufficient separation.</p> <p>The development is considered appropriate for the zoning and height limits of the site, having regard to the outcomes sought to be achieved by the codes and in the context of</p>
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	the high-rise and high density zoning of the land.
<p>Building height.</p> <ul style="list-style-type: none"> • There are concerns the building may be over height once it includes the requirements of council's conditions relating to sun shading and the like. • The building height (21m) represents too great a change from the height of surrounding dwellings. It should be staggered. • There is no transition in building height between the 8.5m on the northern side of Talinga Street and the 21m of the development site. 	<p>The building height provision for the land has been long established at 21m across the whole site and the proposal complies with this. No conditions are recommended which would cause it to contravene the height limit. Whilst the argument in relation to a transition of building height in the wider surrounding area is noted (and it is evident that this has occurred in other locations in the local area as prescribed by the Height of buildings and structures overlay code), the proposal complies with the Planning Scheme.</p>
<p>Streetscape and character impacts</p> <ul style="list-style-type: none"> • The development is not consistent with the existing character of the street (single dwelling houses). • The Buddina character is distinctly single dwelling houses and the building massing is not relative to its surroundings. 	<p>The area is zoned for high density development and has a 21m height limit. Though the character of the area is currently made up of single dwelling houses in a low density setting, the development represents a development form and type that is consistent with the established planning intent for the area. Over time, the existing character will change in accordance with the zoning and in this regard, the architectural design quality of the building is such that it will set a good benchmark for future development of the area.</p>
<p>Buddina Character Study</p> <ul style="list-style-type: none"> • In 2008 Caloundra City Council conducted a survey for a Buddina Character Study. The development is contrary to the outcomes of this study. 	<p>This study was undertaken in 2007/2008. Shortly after the draft study was undertaken, the three Sunshine Coast councils were amalgamated in March 2008. All draft policies were then placed into a collection of background documents which then formed the basis for the preparation of the new Sunshine Coast policy positions and new planning scheme (May 2014). The proposal is consistent with the local provisions of the current Planning Scheme.</p>
<p>Coastal hazards</p> <ul style="list-style-type: none"> • Following cyclonic events of 1972 and 1974, the Beach Protection Authority recommended resumption of properties along Pacific Boulevard but this did not occur due to a shortage of funds to acquire 	<p>These matters have been assessed under the State Planning Policy and Coastal protection overlay code.</p> <p>The site is within the area covered by the Coastal protection overlay code and is within the declared erosion prone area. The site is not within a state mapped Coastal</p>

<p>them. This is an acknowledgement of the known severity of coastal events at this location.</p> <ul style="list-style-type: none"> • These weather events caused destruction of the coastal environment including loss of flora and fauna. • The whole of the development site is located on land on which resumption was advised. 	<p>Management District and is not affected by a Coastal Building Line.</p> <p>To address the provisions of the overlay code, the development is required to protect itself from the threat of future coastal erosion. Subject to the recommended condition requiring the development to protect itself via constructing the basement wall as a sea wall, the proposal is able to achieve compliance with the relevant planning documents.</p>
<p>Environmental concerns</p> <ul style="list-style-type: none"> • Impacts to a known turtle nesting beach from increased human disturbance, including light spill which may deter turtles or impact on turtle nesting. 	<p>Subject to conditions requiring preparation of a lighting management plan, the undertaking of pre/post construction lighting surveys and rehabilitation of the coastal dune system, it is the opinion of council's specialist environmental staff that the proposed impacts on the turtle nesting beach can be appropriately managed.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> • The development does not achieve the 2m wide minimum landscape strips required to Talinga Street. 	<p>Overall, the design presents potential for a meaningful landscaped outcome, particularly on the corners to install anchoring landscaping that will satisfactorily soften and frame the building and provide a pleasant urban landscaped environment. Subject to the recommended plan amendments, the proposal is capable of achieving the intent of the Landscape code to the satisfaction of council's specialist landscape officer.</p>
<p>Corner store</p> <ul style="list-style-type: none"> • The corner store is not required in this location as there are multiple shops in the nearby shopping centre. • The proposed hours of operation (6am – 10pm) are excessive. • The corner store should not be located on the Talinga/Pacific Boulevard corner (it should be located in a less prominent position). 	<p>A corner store (up to a maximum gross floor area of 100m²) is a code assessable use in the high density zone. There is no test for need required to be undertaken for this aspect of the proposal.</p> <p>Recommended conditions would limit this aspect of the development to standard business hours.</p>
<p>Health impacts</p> <ul style="list-style-type: none"> • There may be adverse mental health impacts caused by the location of the building in proximity to single dwelling houses, and by 	<p>Mental health impacts are not a matter for consideration under the <i>Planning Act 2016</i> or <i>Sunshine Coast Planning Scheme 2014</i>.</p>

the development process in general.	
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CONCLUSION:

The proposed development sufficiently complies with the requirements of the *Sunshine Coast Planning Scheme 2014* and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. Section 60 of the *Planning Act 2016* requires Council to approve a code assessable application where it is capable of complying with the applicable assessment benchmarks, or could be conditioned to comply. The application is therefore recommended for approval.

