



## COUNCIL ASSESSMENT REPORT

### DEVELOPMENT SERVICES

<b>APPLICATION SUMMARY</b>	
<b>Division:</b>	10
<b>Applicant:</b>	Sundale Pty Ltd, Innovative Planning Solutions Pty Ltd
<b>Consultant:</b>	Innovative Planning Solutions Pty Ltd
<b>Owner:</b>	Sundale Pty Ltd
<b>Proposal:</b>	<ul style="list-style-type: none"><li>Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone)</li></ul>
<b>Properly Made Date:</b>	23 September 2020
<b>Information Request Date</b>	9 October 2020
<b>Information Response Date</b>	26 November 2020
<b>Decision Date</b>	29 March 2020
<b>Street Address:</b>	14 & 30 Henebery Road Burnside, QLD 4560
<b>RP Description:</b>	Lot 3 RP 224558 Por 202 Lot 5 RP 224558 Por 202
<b>Assessment Type:</b>	Impact
<b>Public Notification Period:</b>	3 December 2020 - 2 February 2021
<b>Number of Properly Made Submissions:</b>	4 properly made
<b>State Referral Agencies:</b>	<u>Advice</u> <ul style="list-style-type: none"><li>Energex</li></ul>
<b>Referred Internal Specialists:</b>	<ul style="list-style-type: none"><li>Development Engineer</li><li>Environment Officer</li><li>Ecology Officer</li></ul>

### PROPOSAL:

The application seeks approval for Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone.

The application 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 (refer to **Figure 1** below). The site is currently included in *Community facilities zone* (annotated to retirement / aged care facility), with a small portion of the site (Lot 3) being *Emerging community zone*. *Community facilities zone* would not allow for the future development of the site for low density residential uses.

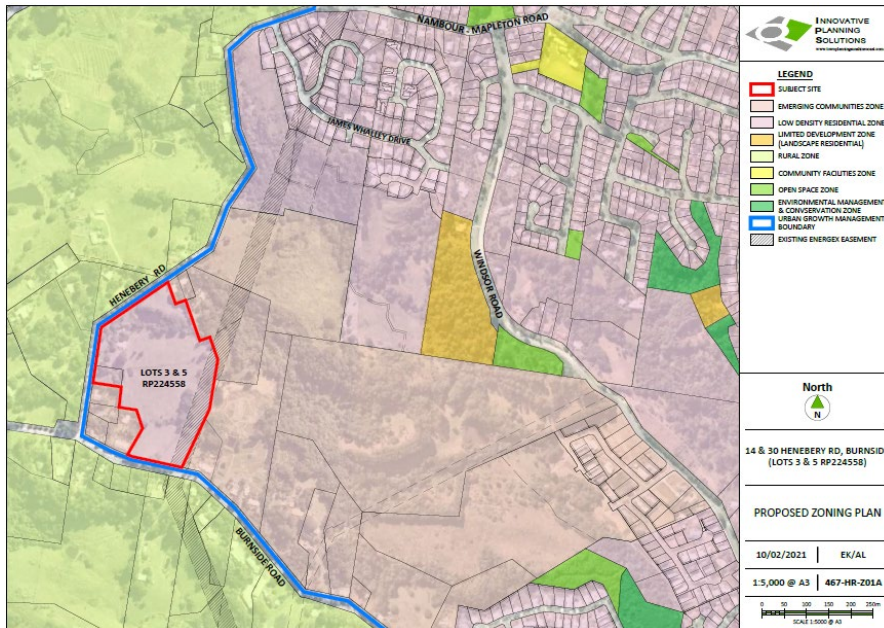


Figure 1 - Proposed Low density residential Zone Plan

A Preliminary Approval for Low density residential uses (e.g. detached houses, etc.) and a Variation Request would facilitate future low density residential subdivision of the site and to lower the height limit from 12m to 8.5m (refer to **Figure 2** below).

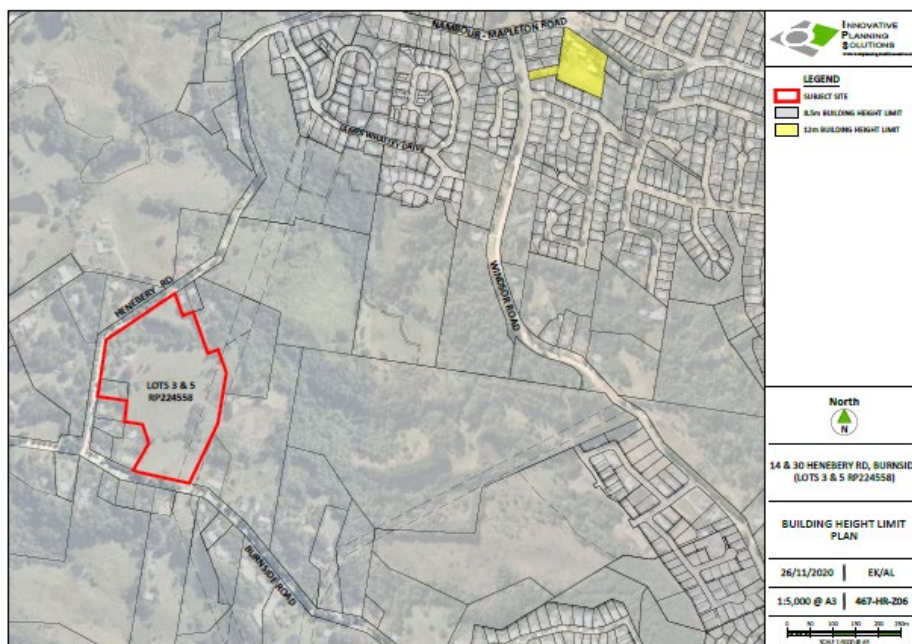
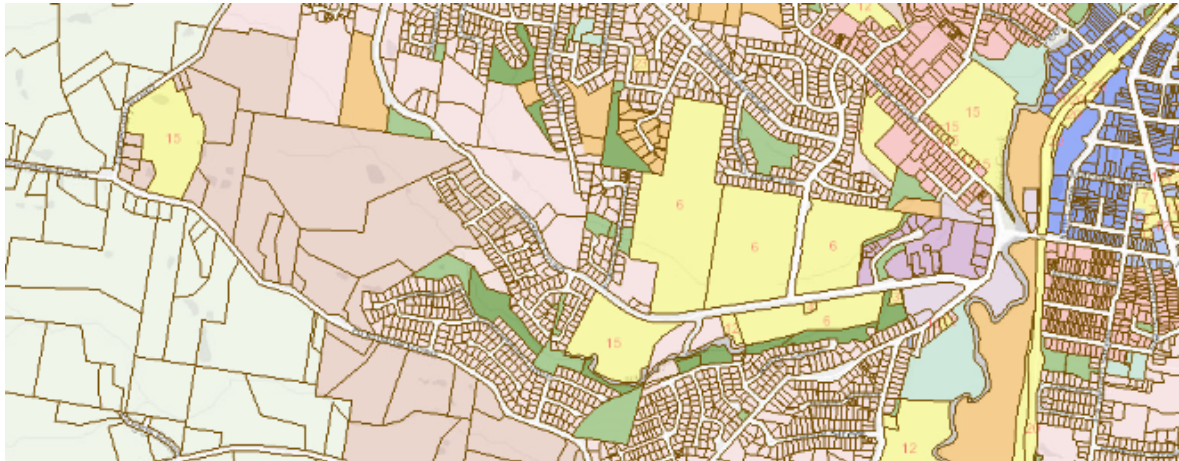


Figure 2 – 8.5m Building Height Limit Plan

Sundale have indicated that they do not wish to proceed with an approved retirement / residential care facility for the site, as they consider the site to be too far (5km) from the Nambour hospital and other community / commercial facilities (refer to **Figure 3** below). Instead they intend to concentrate on upgrading their centrally located Doolan Street site.

Sundale advises that the Henebery Road site is therefore superfluous to its needs for retirement / residential care. They wish to develop the site as a low density residential estate (detached houses) consistent with surrounding development to provide cash flow for the refurbishment of their Doolan Street site.



**Figure 3 - Existing Zone**

Documentation submitted in support of the application includes:

- Market Needs Assessment
- Land Supply Analysis
- Planning Report
- Zoning Plan
- Structure Plan
- Site Constraints Plan
- Building Height Limit Plan
- Slope Assessment
- Traffic Report
- Stormwater Management Plan

The Preliminary Approval and Variation Request seek to:

- Obtain a Preliminary Approval for residential uses (detached houses, dual occupancy, etc.) consistent with the *Low density residential zone*;
- Apply the *Sunshine Coast Planning Scheme 2014 Low density residential zone* Tables of Assessment, codes (benchmarks) and other applicable overlay codes to control future development on the site;
- Reduce the building height limit for the development site from 12m to 8.5m consistent with the height limit for the surrounding area;

- Make future subdivision of the site code assessable where complying with the provisions of the *Low density residential zone*, including meeting the minimum 600m<sup>2</sup> lot size;
- Make future non-complying subdivision applications impact assessable where not complying with *Low density residential*, preserving the public’s submission and appeal rights;
- Ensure future applications for reconfiguration of a lot are assessed against the provisions of the Sunshine Coast Planning Scheme’s *Low density residential zone* benchmarks and applicable overlays; or in the event of impact assessment, the whole planning scheme.

**SITE DETAILS:**

**Site Features and Location**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	Lot 5 = 69,040 & Lot 3 = 2,486 = Total 71,526m <sup>2</sup>
<b>Existing Use of Land:</b>	Detached dwelling
<b>Road Frontage:</b>	Burnside Road - 130m ; Henebery Road – 305m
<b>Significant Site Features:</b>	2 east / west riparian corridors
<b>Topography:</b>	Gently undulating with some land exceeding 15% to the west and south
<b>Surrounding Land Uses:</b>	Primarily rural to the west, north and south; residential to the east.
<b>Encumbrances</b>	A high voltage transmission line Energex easement

The location of the subject site in relation to its surrounds is shown below in **Figure 4 and 5:**



**Figure 4 – Aerial, Zoning and Easement**



Figure 5 – Subject Site Aerial

## Development History of Site

### Background/Site History

Under *Maroochy Plan 2000*, the Henebery site was zoned *Neighbourhood Residential* (equivalent of *Low density residential* under *Sunshine Coast Planning Scheme 2014*).

On 8 August 2011, Council approved a Material Change of Use of Premises - Retirement Resort operated under the *Manufactured Homes (Residential Parks) Act* and Residential Care Facility (MCU10/0025) over Lot 5 with a currency period of 8 years. On 3 May 2012, Council issued a Negotiated Decision Notice for the approval which took effect (3 June 2012).

The retirement resort and residential care facility (refer to approved plan in **Figure 6** below) consists of:

- 112 detached dwelling units, referred to hereafter as Independent Living Units (ILUs) in a mix of 2 and 3 bedroom configurations (Retirement Resort).
- 60 bed aged care facility (Residential Aged Care)
- Clubhouse
- Height – 10m



Figure 6 – Retirement Resort and Residential Care Facility Approved Plans

On 11 November 2015, Council approved an extension to the retirement resort (MCU15/0080) over Lot 3 for 7 additional retirement units.



Figure 7 – Approval for an Extension to the Retirement Resort

The *Sunshine Coast Planning Scheme 2014* updated the zoning of the Lot 5 to reflect the development approval (MCU10/0025), zoning the land as *Community facilities zone* annotated for retirement / aged care. Lot 3 was included in the *Emerging community zone* consistent with the surrounding zoning of land between Henebery Road and Windsor Road.

On 28 November 2019, Council extended the currency period (MCU15/0080.01) until 15 May 2020.

On 4 June 2020, Council extended the currency period of the original approval until 3 June 2022 (MCU10/0025.02).

On 4/ June 2020, Council agreed to change the lapsing date of the original approval until 3 June 2022 (MCU10/0025.03).

On 9 June 2020, Council extended the currency period of the extension until 15 May 2022 (MCU15/0080).

## 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 request 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.

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>• Part E</li> </ul>



#### 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 proposed development can be conditioned 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.

<b>PLANNING SCHEME DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme (28 January 2020)
<b>Strategic Framework Land Use Category:</b>	Urban
<b>Local Plan Area:</b>	<i>Nambour local plan code</i>
<b>Zone:</b>	<i>Community facility zone; Emerging community zone</i>
<b>Consistent/Inconsistent Use:</b>	Not applicable.
<b>Applicable Assessment Benchmarks:</b>	<p>Sunshine Coast Planning Scheme 2014, including the Strategic Framework and the following codes</p> <ul style="list-style-type: none"> <li>• Nambour Local Plan Code</li> <li>• Community Facilities Code (retirement / aged care)</li> <li>• Emerging Community Zone Code</li> <li>• Low Density Residential Zone Code</li> <li>• Reconfiguring a Lot Code</li> <li>• Height of Buildings and Structure Code</li> <li>• Biodiversity, Waterways and Wetlands Code</li> <li>• Landslide Hazard and Steep Land Overlay Code</li> <li>• Regional Infrastructure Overlay Code</li> <li>• Scenic Amenity Overlay Code</li> <li>• Landscape Code</li> <li>• Nuisance Code</li> <li>• Safety and Security Code</li> <li>• Stormwater Management Code</li> <li>• Sustainable Design Code</li> <li>• Transport and Parking Code</li> <li>• Waste Management Code</li> <li>• Works, Services and Infrastructure Code</li> </ul>



### 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 Community facilities zone and Emerging community zone

The development site is included with the Community facility zone (annotated for retirement / residential care) and the Emerging Community zone, based on an historical approval granted pursuant to *Maroochy Plan 2000*.

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. 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 Assessments (Table 5.5.1- Material Change of Use and Table 5.6.1 - Reconfiguring a Lot) identified for the *Low-Density Residential Zone* and associated assessment benchmarks to control future development within the site.

No changes are proposed to the *Low-density residential zone code* or assessment benchmarks. The balance of the *Sunshine Coast Planning Scheme 2014* (includes use codes, overlays, neighbourhood plans and other relevant provisions) would remain unaltered.

Section 61 (2) of the *Planning Act 2016* required 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 Variation Request is considered to be necessary because the *Community facility zone* (annotated for retirement / aged care) does not support low density residential uses (detached houses, dual occupancies, etc.).

*The purpose of the Community facilities zone code is to:-*

(a) *provide for a range of community activities and other activities at varying degrees of scale and intensity which meet the social, educational, spiritual, cultural, creative, health or infrastructure related needs of the Sunshine Coast’s existing and future communities; and*

(b) *provide for the effective operation of, and public accessibility to, community related activities.*

*Editor’s note - a table of consistent and potentially consistent uses has not been provided for the Community facilities zone owing to the significant variations in the range of activities that may be considered appropriate to establish on a particular site or area included in the zone.*

Despite residential uses not being identified as incompatible with the zone, it because the intent states *‘existing and planned community facilities and associated uses should be protected from the intrusion of incompatible uses that could limit the ongoing operation of existing community facilities or prejudice appropriate new community facilities’*. Additionally, there is no minimum lot size specified for the *Community Facilities zone* in Table 9.4.4.3.2 of the *Reconfiguring a lot code*.

The following key issues are pertinent to the assessment of the Preliminary Approval component and therefore the Variation Request, because Table 5.5.16 (Table of Assessment for Material Change of Use) makes residential uses in the *Community Facilities zone* impact assessable.

### Zoning

As shown on **Figure 8** below, most of the subject site (Lot 5 RP224558) is designated as *Community facilities zone* annotated for retirement / aged care (yellow), with a small portion to the southwest zone (Lot3 RP224558) designated *Emerging Community* (cream).

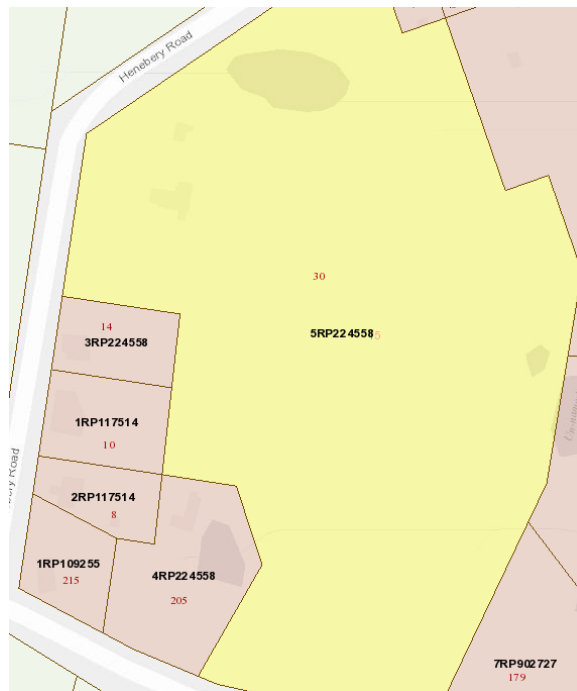


Figure 8 – Community facilities zone and Emerging community zone

Proposed low density residential uses (detached houses, dual occupancies, home based business, etc.) are unlikely to be supported within the existing *Community facilities zone*, because *‘the purpose of the Community activities code is to ensure community activities are appropriately located to maximise community benefit and are designed in a manner which meets the needs of users and protects neighbourhood character and the amenity of surrounding premises’*.

This raises the question of whether the existing *Community facilities zone* should be retained for the provision of retirement / residential care facilities.

### Economic Needs Assessment

The applicant provided an Economic Needs Assessment prepared by Macroplan, which argues that due to its 5km distance from Nambour’s hospital, community / commercial facilities, the development site not suitable for its intended purpose. The approved retirement / residential care facility (MCU10/0025) includes a condition requiring the applicant to provide an ‘on demand’ bus service connecting the site to higher order Nambour shopping, medical facilities (Nambour Hospital) and transport facilities such as Nambour railway station. Sundale considers that the site is too far from essential services to realistically provide ‘on demand’ services. Sundale has determined to concentrate on refurbishing its centrally located Doolan Street site. In this regard, it is noted that Sundale’s Doolan Street site is zoned for 6 / 23m storey retirement / residential care, with an existing approval (MCU18/0223) for 756 retirement / aged care residential units within 10 buildings to be delivered in 6 stages over a 10 year period.

The Needs Assessment concludes that there is *“insufficient need for additional supply of both retirement living and aged care product within the Burnside catchment”*. An extract from the Need Assessment is provided below:

*There are currently 21 retirement living facilities totalling 3,490 ILUs and 16 aged care facilities totalling 1,270 beds within the Burnside catchment with occupancy rates ranging between 93 to 98 percent. The supply pipeline for both retirement living and aged care product is quite strong with a further 1,299 ILUs and 543 beds proposed for delivery by 2026. The largest proposed development is Sunland's redevelopment of their existing aged care and retirement living facility located on the corner of Doolan and Carter Street which will see the existing aged facility of 40 ILU's and 202 beds, demolished to make way for a new state-of-the-art retirement and aged care facility comprising 490 ILUs and 266 beds. It is evident that there is insufficient need for additional supply of both retirement living and aged care product within the Burnside catchment.*

Sundale argues that the Henebery Road site would be better developed for a low density, low rise residential estate with traditional 600m<sup>2</sup> lots, consistent with surrounding development. Sundale advises that the cash flow from the sale of lots at Henebery Road would be used to redevelop the Doolan Street site.

Council commissioned an independent peer review of the *Macroplan Need Assessment*, concluding that,

*Our assessment of aged care bed demand would indicate that at present, provision within the Nambour SA3 exceeds the target provision of 80 places per 1,000 persons, with an estimated 88 places per 1,000 persons. There is a medium to long term need for additional ILUs and aged care beds with the relevant defined catchments, with demand for additional ILUs anticipated from 2036 and demand for additional aged care beds anticipated from 2026. The need to preserve the subject site for retirement uses would depend on the potential for alternative appropriately zoned site(s) to accommodate these uses and Council's views on preserving the site for retirement uses in the medium to long term, relative to alternative uses (such as residential).*

The independent peer review did not comment on the locational appropriateness of the Henebery Road site in terms of access to hospital, community and commercial services, but rather emphasized the need for the planning scheme to provide suitably zoned land in Nambour to accommodate future retirement / aged care until at least 2030 (the anticipated life of the current planning scheme). Given that council has recently commissioned a review of the current planning scheme, the long term supply of land for those purposes could be addressed through this process.

In addition, independent peer review suggested that,

*Macroplan undertake a residential needs assessment, to inform planning officers of the need for residential uses at the subject site relative to retirement village/aged care uses at the subject site.*

In response, Sundale's provided a *Land Supply Analysis* which identified land capable of accommodating growing demand for detached dwellings in Nambour, which concludes that,

*There will be a strong demand for future detached dwellings within the Nambour catchment and that land zoned as Low density residential and Emerging Community would be best placed to satisfy that demand, including the Henebery Road site.*

Applying the provisions of the *Low density residential zone* to the development site would not preclude retirement / aged care. The Table of Assessment identifies these uses as code assessable. However, the facility would have to be within the lower 8.5m height limit, consistent with surrounding development, rather than the 12m currently allowed within the *Community facilities zone*.

Consistency of low density residential with surrounding development.

*The purpose of the Low density residential zone code is to provide for predominantly low density, low rise residential activities on conventional sized urban residential lots. Whilst primarily intended to accommodate dwelling houses, dual occupancies may also be accommodated in appropriate locations along with other residential activities and small-scale services and facilities that cater for local residents.*

The predominate residential land use in the Low density residential zone is detached houses on 600m<sup>2</sup> traditional lots.

If the development site is approved for low density residential purposes, the most likely form of development would be reconfiguration of the site for traditional lots to accommodate a combination of low rise detached houses, dual occupancies and home based businesses (refer to table of consistent uses).

Future applications for reconfiguration of a lot would be:

- Code assessable if complying with the 600m<sup>2</sup> minimum lot size for Nambour; or
- Impact Assessable if not complying with minimum lot size, preserving the submission and appeal rights of the public in respect to any application.

The *Sunshine Coast Planning Scheme 2014* identifies consistent uses within the Low density residential zone include the following:

Column 1 Consistent Uses
<b>Residential activities</b>
(a) <i>Community residence</i>
(b) <i>Dual occupancy (where not located in Precinct LDR 1 (Protected Housing Area))</i>
(c) <i>Dwelling house</i>
(d) <i>Dwelling unit</i>
(e) <i>Residential care facility (where not located in Precinct LDR 1 (Protected Housing Area))</i>
(f) <i>Retirement facility (where not located in Precinct LDR 1 (Protected Housing Area))</i>
<b>Business activities</b>
(a) <i>Home based business (where other than a high impact home based activity)</i>
(b) <i>Office (where located in an existing building in Maroochydore/Kuluin local plan area Precinct MAK LPP-3 – Maud Street/Sugar Road)</i>
(c) <i>Sales office</i>
(d) <i>Shop (where a corner store)</i>
<b>Community activities</b>
(a) <i>Community care centre</i>

**Figure 9 - Consistent uses within the Low density residential zone**

Any future application for a development permit not involving the above consistent uses would be impact assessable and open to public submissions and appeal.

Retirement / residential care would remain a consistent, code assessable use under the provisions of the Low density residential zone code, so the Preliminary Approval and Variation Request would not preclude its development.

Community facility zone annotations		
Any use	<b>Accepted development</b> if:- (a) annotated on a Community facilities zone; (b) located on Council owned or controlled land; and (c) not for a <i>renewable energy facility or utility installation (major utility)</i> ; <b>OR</b> (d) annotated on a Community facilities zone; and (e) in an existing building.	<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>
	<b>Code assessment</b> if:- (a) annotated on a Community facilities zone; and (b) not otherwise specified.	<ul style="list-style-type: none"> <li>Community zone code</li> <li>Applicable local plan code</li> </ul>

Figure 10 - Table of Assessment for Retirement / Residential Care in Community Facilities Zone

<b>Residential care facility</b>	<b>Code assessment</b> if not located in Precinct LDR1 (Protected Housing Area).	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> </ul>	<ul style="list-style-type: none"> <li>Residential care facility and retirement facility code</li> <li>Prescribed other development codes</li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>	
<b>Retirement facility</b>	<b>Code assessment</b> if not located in Precinct LDR1 (Protected Housing Area).	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> </ul>	<ul style="list-style-type: none"> <li>Residential care facility and retirement facility code</li> <li>Prescribed other development codes</li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>	

Figure 11 - Table of Assessment for Retirement / Residential Care in Low density residential zone

Any future retirement / residential care facility not developed in accordance with existing approvals (MCU10/0025 & MCU15/0080) would have to be within the reduced 8.5m height limit (refer to Figure 2 proposed Building Height Limit Plan), as opposed to the current 12m height limit applying to the existing Community facility zone.

Reconfiguring a Lot

If the Preliminary Approval and Variation Request are approved, any future reconfiguration of a lot application would be assessed against the Reconfiguring a lot code, prescribed codes and relevant use codes (e.g. detached house, dual occupancy codes, etc.) associated with the Low density residential zone planning scheme provisions.

RECONFIGURING A LOT		
Zone	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
Low density residential zone	<b>Impact assessment</b> if:- (a) creating one or more additional lots in the Low density residential zone; and (b) not complying with the minimum lot size specified in:- (i) the applicable local plan code; or (ii) column 2A of <b>Table 9.4.4.3.2 (Minimum lot size and dimensions)</b> of the Reconfiguring a lot code, where not otherwise specified in the applicable local plan code.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
	<b>Code assessment</b> if:-	<ul style="list-style-type: none"> <li>Applicable local plan code</li> </ul>

RECONFIGURING A LOT		
Zone	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
	(a) involving the subdivision of an existing or approved building or structure that subdivides land and/or airspace; or  (b) not otherwise specified in this table as being assessable development requiring impact assessment.	<ul style="list-style-type: none"> <li>• Applicable zone code</li> <li>• Reconfiguring a lot code</li> <li>• <i>Prescribed other development codes</i></li> </ul>

Figure 12 – Table of Assessment in the Reconfiguring a Lot code

This low rise outcome is considered to be consistent with the character of the surrounding area.

Local Plan Code

The subject site is located in the Nambour Local Plan Area.

The Nambour local area planning requirements in relation to Community facilities zone specifically relate to the Sundale Doolan Street retirement / residential care site, so are not relevant to the Henebery Road site.

Development in the Community Facilities Zone (C)	
PO29	Development in the Community facilities zone (Sundale Nambour Garden Village):-

Figure 13 – Nambour local plan provisions for Community facilities zone

The Nambour local area planning requirements in relation to Emerging Community requires the development of quality, attractive responsible sustainable residential development.

Development in the Emerging Community Zone (E)	
PO27	Development in the Emerging community zone contributes to the creation of high quality, attractive, environmentally responsible and sustainable residential neighbourhoods which:-

Performance Outcomes	
	(a) are designed to sensitively respond to site characteristics and avoids significant scarring of the landscape; (b) are integrated with and connect to established residential development to the north and the east; (c) have legible and permeable local street systems and movement networks; (d) provide for the coordinated provision of <i>infrastructure</i> ; and (e) retain, enhance and connect native <i>vegetation</i> areas and other <i>ecologically important areas</i> .

Figure 14 – Nambour local plan provisions for Emerging community zone



The applicant has provided an Area Structure Plan (refer to Figure 15 below) which identifies the development site in relation to the Emerging community zone to the east, which is being developed for low density residential subdivisions, consistent with the existing Low density residential zone to the north.

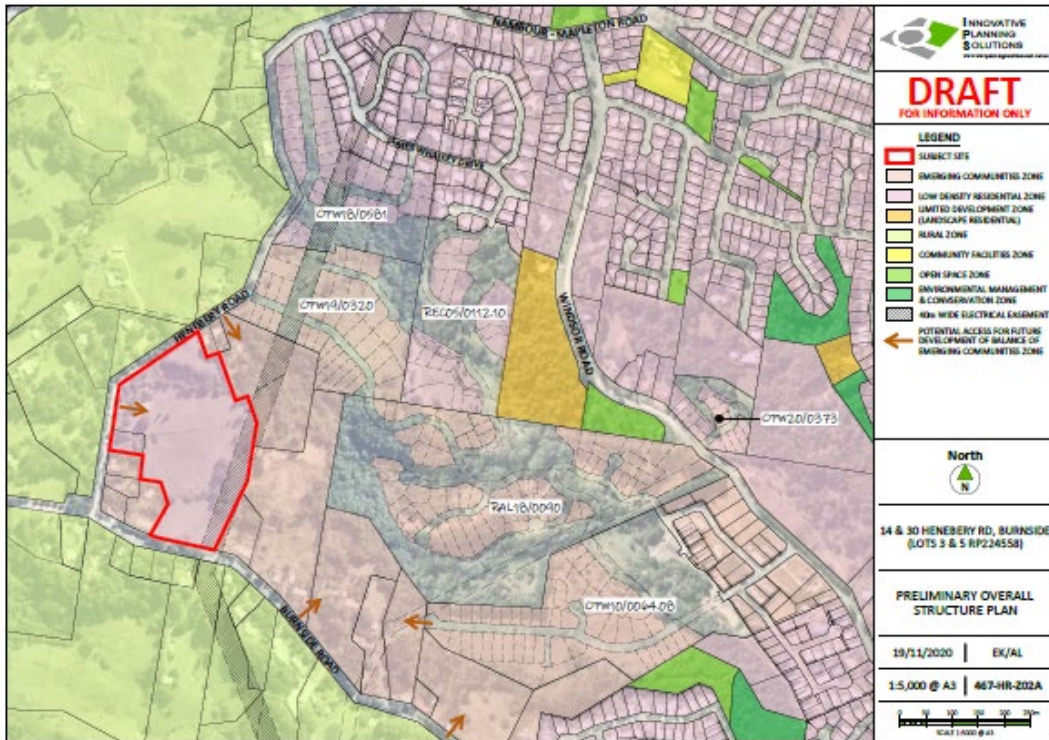


Figure 15 – Proposed Structure Plan

In addition to the superimposing approved lot layouts for the surrounding area, the proposed Structure Plan identifies potential access points from Burnside Road and Henebery Road, as well as east / west open space corridors, which would likely continue through the development site. These issues would be addressed as part of future applications for development permits, without which development could not proceed.

Any future application would have to address the Local plan requirements for Low density residential development, including responding to site constraints, and interconnecting with surrounding development (see below).

<b>Development in the Low Density Residential Zone</b>	
<b>PO26</b>	Reconfiguring a lot within the Low density residential zone:- (a) is designed to sensitively respond to site characteristics and avoids significant scarring of the landscape; (b) is compatible with the predominant landscape character of its location and setting; and (c) provides for an interconnected system of local roads, pedestrian, cycle and open space links with adjoining land.

Figure 16 – Nambour local plan provisions for Low density residential zone

### Building Height

The purpose of the *Height of buildings and structures overlay code* is to:

*'protect the distinctive character and amenity of the Sunshine Coast as a place with a predominantly low to medium-rise built form'.*

The *Height of Buildings and Structures Overlay Map OVM18H* plan for the development site, which currently allows a building height of 12m, is proposed to be replaced by the *Proposed Building Height Limit Plan (467-HR-Z06)* prepared by Innovative Planning Solutions dated 26/11/2020 reducing the height limit (as defined by the planning scheme)

Endorsement of the plan would have the effect of reducing the building height within the development site from 12m to 8.5m to be consistent with the provisions of the Low density residential zone code.

It is considered that reducing the height limit to that of the surrounding area (8.5m) would meet the purpose of the code. The *Proposed Building Height Limit Plan (467-HR-Z06)* is recommended to be conditioned to replace the mapping within the *Height of buildings and structures overlay code* of the *Sunshine Coast Planning Scheme 2014* as part of the Preliminary Approval and Variation Request approval.

### Overlay Codes

The following overlay codes are applicable to this application:

- Biodiversity, Waterways and Wetlands Overlay
- Landslide Hazard and Steep Land Overlay
- Regional Infrastructure Overlay (High Voltage Electricity Line)
- Height of Buildings and Structures Overlay

If the Preliminary Approval and Variation Request are approved, the above overlays would remain applicable to the site and be assessed as part of any future application for a development permit against the requirements of the Low density residential provisions.

### Site Constraint

The applicant has provided an Overall Constraints Plan (refer to Figure 17 below) which identifies the site's major constraints.

The site’s major constrains include:

- a north / south Energex easement for a high voltage transmission line along the eastern side of the site,
- 2 east / west lower order riparian corridors (stream order 1 & 2),
- a small amount of mapped native vegetation within one of the riparian areas and along Burnside Road,
- a some sloping areas exceeding 15%.

The remainder of the site is considered to be generally suitable to accommodate low density residential uses, subject to a future approval of a development permit assessed against the *Low density residential zone* provisions and benchmarks.

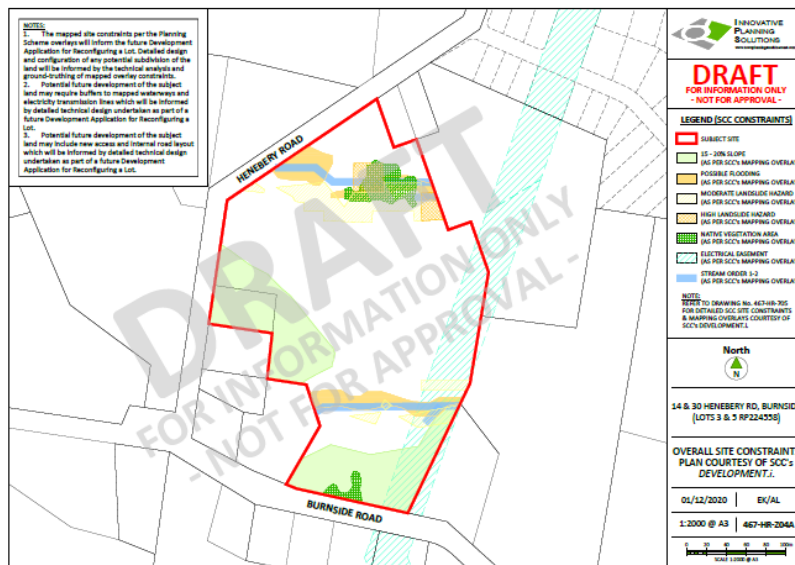


Figure 17 - Overall Constraints Plan

Although the site constrains would be assessed as part of any future application for low density residential uses, conditions are recommend for the Preliminary Approval to ensure that:

- the Energex easement is protected from urban development and remains open space as part of any future development; and
- adequate setbacks are provide to and rehabilitation of the riparian corridors as part of any future application.

The slope of the land and the retention of any mapped vegetation would from part of an assessment of any future application(s) for a development permit(s) and would be assessed against the provisions of the *Low density residential zone* benchmarks.

Development Codes

The following codes currently regulate land use within the development site currently zoned *Community Facilities zone* annotated for a retirement / residential care.

- Community facilities zone code
- Residential care facility and retirement facility code

- Nambour local plan code
- Nuisance code
- Transport and parking code
- Reconfiguring a lots code

With the exception of the *Community facilities zone* being replaced by the *Low density residential zone code* provisions, the remainder of the above development codes would remain in effect as benchmarks for the development site.

### Traffic Impacts

The submitted *Trip Generation and Traffic Review*, prepared by Hayes Traffic Engineering concluded that the traffic generated by a hypothetical 60 lot subdivision would generate a lower peak trip rate (51 vehicle per hour) than the approved retirement village (54 vehicles per hour), but generate a higher daily trip rate for the residential use (540 vehicles per day) in comparison to the retirement village (310 vehicles per day). The trip generation in both cases was considered to be well within the carrying capacity of Burnside Road, which is designated as a district collector.

A Traffic Impact Assessment would be required as part of any future application for a development permit for reconfiguration of a lot and before any development could proceed. In addition, frontage works upgrades to Burnside and Henebery Roads would be applicable (see below).

### Frontage and External Road Works

If the Preliminary Approval and Variation Request are approved, any future reconfigurations would have to be assessed against the relevant Low density residential codes and relevant benchmarks, including the *Reconfiguration of a lot code*, *Low density residential code*, *Nambour local plan code* and the *Transport and parking code*.

The ultimate development of this site (with frontages on both Henebery and Burnside) would result in increased usage on both Henebery and Burnside Roads. Because the western southern sides of these roads are zoned as rural, it is unlikely that upgrades of those sides of the road would be triggered by development on those sides. The development site is a substantial size, with much smaller sites located along the short sections of the road near the Henebery / Burnside intersection. Burnside Road east of the site is substandard for a significant distance.

Therefore, because the development of the site could occur sequentially through separate applications (instead of being fully developed via the current Material Change of Use retirement approval (MCU10/0025), conditions triggering various upgrades to Henebery Road, Burnside Road or both are recommended to be included as part of the Preliminary Approval/Variation Request so as to result in the appropriate road improvement and frontage works upgrades if this site develops via a series of separate reconfigurations or is staged.

Some of the required roadworks may have already been completed by other development approvals before a development permit is approved, so the proposed recommended conditions are worded to take into account existing infrastructure at the time of any future application for a development permit.

It is important to also note that while a Preliminary Approval would authorise residential uses, a further development permit would be required for any development to proceed on the site.

#### Effect on the Planning Scheme

It is considered that the proposal to apply the provisions of the *Low density residential zone* to the development site would be consistent with the balance of the planning scheme for the following reasons:

- The site is considered non-essential for its *Community facilities zone* annotated use for a retirement / residential care facility, as it is too far from medical and community facilities;
- The *Low density residential zone* does not preclude retirement / residential care;
- The surrounding *Emerging community zone* to the east is being developed for low density residential development;
- The surrounding *Low density residential zone* to the north is being developed for low density residential development
- The surrounding zones has a height limit of 8.5m, which the Preliminary Approval would adopt for the development site, rather than the current 12m height limit;
- The site would have to accommodate such a facility within a revised (lower) 8.5m height limit, more in keeping with the character of the area;
- Nothing could proceed on the development site without a further approval for a development permit, which would be assessed against the planning scheme's *Low density residential zone* provisions, including Tables of Assessment and assessment benchmarks (codes);
- The site constraints would not preclude the future development of the site for low density residential development subject taking those constraints into account;
- The site has two frontages (Burnside Road and Hereberry Road) which could potentially provide access to a future low residential subdivision subject to a further assessment;
- The balance of the Sunshine Coast Planning Scheme's codes, overlays, local plans, definitions and other relevant provisions would remain unaltered by the Variation Request approval;
- Any future application not complying with the provisions of the *Low density residential zone* would be impact assessable, preserving the submission and appeal rights of the public.

#### Strategic Planning Branch Input

Consultation was undertaken with Council's Strategic Planning Branch in relation to this application and the below advice was provided:

*The Maroochy Plan 2000 included this site in the West Burnside (Neighbourhood Residential) Precinct. While this was essentially a residential zoning, the precinct intent identified that the land should remain rural until it is required for urban purposes and*

*necessary infrastructure is available. It also noted that future development in this precinct would benefit from detailed local structure planning.*

*The public consultation version of the Draft Sunshine Coast Planning Scheme identified the site in the Emerging Community Zone. Council received a submission during public notification requesting a change of zone and an increase in the maximum height limit to reflect the existing development approval for retirement village and residential care facility over the site. In response to this submission, Council decided to include the site in the Community Facilities Zone (annotated Residential care facility/retirement facility) and within the 12 metre maximum building height increment.*

*Given this history, if there is no longer a demonstrated need for a facility of this nature to be established at this location, it seems reasonable to reinstate the previous intent for the site; namely, a low density residential outcome developed at the appropriate time.*

*If the current application is approved (and acted upon), Strategic Planning would likely consider a change to the zone and height overlay to reflect the residential use for the site. Depending on the timing, this may occur as part of a planning scheme amendment process or as part of a future planning scheme review.*

### Emerging Community Zone

The applicant applied for the development site to be designated Low density residential zone rather than Emerging community zone to facilitate the future development of the site for traditional (600m<sup>2</sup>+ lots) in keeping with approvals for surrounding land.

Much of the surrounding area is zoned Emerging community to *ensure that development is designed and coordinated to achieve safe, healthy and sustainable new urban communities which are well integrated with existing communities to prevent the sporadic or premature creation of additional lots.*

The zone makes any future applications for reconfiguration of a lot impact assessable and assesses them against the backdrop of an area structure plan.

The Low density residential zone is considered to be more appropriate than Emerging Community because:

- The Preliminary Approval proposal, which includes a proposed Structure Plan identifying surrounding low density residential approvals, has already been publically notified for 30 business days from 3 December 2020 to 2 February 2021 and only 4 properly made submissions were received, none of which objected to the proposal.
- The level of information supplied with the Preliminary Approval / Variation Request application, including a Planning Report, Proposed Zoning Map, Building Height Limit Plan, Overall Site Constraints Plan, Structure Plan, Strategic Framework Assessment, Land Supply Analysis, Slope Plan, Traffic Engineering Assessment, Market Needs Assessment for Retirement / Aged Care, is considered to be adequate for potential submitters to understand the proposed change for the use of the site from retirement / aged care to low density residential uses with a lower 8.5m height limit.
- The proposal for Low density residential would not adversely impact submission rights, because any future application over the site would have to comply with the Sunshine Coast Planning Scheme requirements for Low density residential

development, including meeting a minimum lot size (600m<sup>2</sup>) or become impact assessable and open to public submission and appeal again.

- The level of information required for future development applications for development permits would remain unchanged, as the Planning Scheme’s Low density residential zone requirements are proposed to be adopted in full, with the exception of the recommended minor amendment to the Table of Assessment to limit dual occupancies and shop (see below).

Different Variations from those sought by the applicant

Section 61 (3) of the *Planning Act 2016* required that, ‘*In assessing the variation proposal, the assessment manager must decide—*

(a) *to approve —*

- (i) *all or some of the variations sought; or*
- (ii) *different variations from those sought; or*

(b) *to refuse the variations sought’.*

**Dual Occupancies**

AO1.2 provides guidance that, ‘*Where located on a site included in the Low density residential zone, the site:- (a) has a minimum area of 800m<sup>2</sup>, exclusive of any access strip; (b) does not adjoin another lot developed or approved for a dual occupancy; and (c) has a slope of not more than 15%’.*

PO1 of the Dual Occupancy Code requires that, ‘*the dual occupancy is located on a site which is dispersed and not concentrated within low density residential neighbourhoods’.*

**Table 5.5.1 Low density residential zone**

LOW DENSITY RESIDENTIAL ZONE		
Defined use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Residential activities</b>		
<i>Dual occupancy</i>	Accepted development if not located in Precinct LDR1 (Protected Housing Area).	<ul style="list-style-type: none"> <li>• Dual occupancy code</li> </ul>
	Impact assessment if not otherwise specified.	<ul style="list-style-type: none"> <li>• The planning scheme</li> </ul>

**Figure 18 – Table of Assessment for Dual Occupancy in the Low density residential zone**

The Table of Assessment for Low density residential development makes dual occupancies accepted development if not in a protected housing area, where meeting the acceptable outcomes of the dual occupancy code.

This means that theoretically, up to 50% of lots in the *Low density residential zone* could accommodate ‘accepted development’ if they meet the above acceptable outcomes criteria. While this may be acceptable for some areas of low density residential closer to commercial and community services, it is not considered to be an appropriate outcome for

the development site, which is located at the extreme western edge of the Nambour local plan area, far from services (approx. 5km).

To address this issue, it is recommended that the Table of Assessment for Material Change of Use for Low density residential be slightly amended to make future dual occupancies ‘accepted development’ only when *nominated as a dual occupancy lot on an approved Plan of Reconfiguration or Plan of Development and not exceeding 15% of the total lots.*

This outcome would be consistent with the character of the area and with several recent council approvals for dual occupancies in Emerging community zones. In all other respect, the Supplementary Tables of Assessment for Material Change of Use applying to the development site would be identical to that in the *Sunshine Coast Planning Scheme 2014.*

### Shops

For the same reasons as stated above, a shop is considered to be unsuitable at this remote location, but is permitted by the Table of Assessment for Material Change of Use in the *Low density residential zone.*

<b>Shop</b>	<b>Code assessment</b> if for a <i>corner store.</i>	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> </ul>	<ul style="list-style-type: none"> <li>Business uses and centre design code</li> <li><i>Prescribed other development codes</i></li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme.</li> </ul>	

Figure 19 – Table of Assessment for Shop in the Low density residential zone

Therefore, it is recommended that the Table of Assessment for Material Change of Use in *Low density residential* be amended to remove reference to shops as code assessable (refer to section below).

### Supplementary Table for Material Change of Use

For the above reasons, it is recommended that the *Sunshine Coast Planning Scheme 2014* Table 5.5.1 (Material Change of Use) for the *Low density residential zone* be amended to limit the location and number of dual occupancies and to preclude a shop at this remote location being code assessable as outlined in Figure 20 below for the Supplementary Table for Material Change of Use in Low density residential.

LOW DENSITY RESIDENTIAL ZONE		
Defined use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Residential activities</b>		
<b>Dual occupancy</b>	<b>Accepted development</b> if identified as a dual occupancy lot on an approved Plan of Reconfiguration or Plan of Development and not exceeding 15% of the total lots.	<ul style="list-style-type: none"> <li>Dual occupancy code</li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<b>Dwelling house</b>	<b>Accepted development</b>	<ul style="list-style-type: none"> <li>Dwelling house code</li> </ul>



LOW DENSITY RESIDENTIAL ZONE		
Defined use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<i>Dwelling unit</i>	<b>Code assessment</b>	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> <li>Multi-unit residential uses code</li> <li><i>Prescribed other development codes</i></li> </ul>
<i>Residential care facility</i>	<b>Code assessment</b> if not located in Precinct LDR1 (Protected Housing Area).	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> <li>Residential care facility and retirement facility code</li> <li><i>Prescribed other development codes</i></li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<i>Retirement facility</i>	<b>Code assessment</b> if not located in Precinct LDR1 (Protected Housing Area).	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> <li>Residential care facility and retirement facility code</li> <li><i>Prescribed other development codes</i></li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<b>Business activities</b>		
<i>Home based business</i>	<b>Accepted development</b> if:- (a) for a <i>home office</i> ; or (b) involving a home based child care service licensed under the <i>Child Care Act 2002</i> .	<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>
	<b>Accepted development</b> if for an activity other than a <i>high impact home based business activity</i> .	<ul style="list-style-type: none"> <li>Home based business code</li> </ul>
	<b>Impact assessment</b> if for a <i>high impact home based business activity</i> .	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<i>Sales office</i>	<b>Accepted development</b>	<ul style="list-style-type: none"> <li>Sales office code</li> </ul>
<b>Community activities</b>		
<i>Community care centre</i>	<b>Code assessment</b>	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> <li>Community activities code</li> <li><i>Prescribed other development codes</i></li> </ul>
<i>Community use</i>	<b>Accepted development</b> if:- (a) located on <i>Council</i> owned or controlled land; and (b) undertaken by or on behalf of the <i>Council</i> .	<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>
	<b>Impact assessment</b> if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<i>Emergency services</i>	<b>Code assessment</b>	<ul style="list-style-type: none"> <li>Low density residential zone code</li> <li>Applicable local plan code</li> <li>Community activities code</li> <li><i>Prescribed other development codes</i></li> </ul>
<b>Sport and recreation activities</b>		
<i>Park</i>	<b>Accepted development</b>	<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>
<b>Other activities</b>		

LOW DENSITY RESIDENTIAL ZONE		
Defined use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<i>Utility installation</i>	Accepted development if for a local utility.	<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>
	Impact assessment if not otherwise specified.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<b>Other defined uses</b>		
All other uses defined in Schedule 1 (Definitions)	Impact assessment	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
<b>Undefined uses</b>		
Any use not defined in Schedule 1 (Definitions)	Impact assessment	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>

Figure 20 - Supplementary Table 1 for Material Change of Use in Low density residential

What this minor amendment means is that future dual occupancies on the site would only be 'accepted development' if nominated on an approved plan and not exceeding 15% of the lots. Otherwise, they would be impact assessable and open to submissions from the public. Likewise, a shop would be impact assessable and open to submissions from the public. It is considered that these 2 minor amendments to the planning scheme Table would preserve the amenity and character of the area and the integrity of the planning scheme in relation to the site.

### Reconfiguring a Lot

It is recommended that the Sunshine Coast Planning Scheme Table 5.6.1 (Reconfiguring a lot) for the Low density residential zone be used to control future subdivision within the development site, deleting reference to other zones.

The below Figure 21 Supplementary Table identifies the category of development and category of assessment within the development site for reconfiguring a lot.

RECONFIGURING A LOT		
Zone	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
Low density residential zone	Impact assessment if:-  (c) creating one or more additional lots in the Low density residential zone; and  (d) not complying with the minimum lot size specified in:-  (iii) the applicable local plan code; or  (iv) column 2A of <b>Table 9.4.4.3.2 (Minimum lot size and dimensions)</b> of the Reconfiguring a lot code, where not otherwise specified in the applicable local plan code.	<ul style="list-style-type: none"> <li>The planning scheme</li> </ul>
	Code assessment if:-	<ul style="list-style-type: none"> <li>Applicable local plan code</li> <li>Applicable zone code</li> <li>Reconfiguring a lot code</li> <li>Prescribed other development codes</li> </ul>

RECONFIGURING A LOT		
Zone	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
	(d) not otherwise specified in this table as being assessable development requiring impact assessment.	

Figure 21 - Supplementary Table 2 for Reconfiguring a lot in Low density residential

In all other respects, the provisions of the *Sunshine Coast Planning Scheme 2014* apply.

If approved, the Preliminary Approval and Variation Request would require a further code assessable application for a development permit for reconfiguring a lot into traditional lots. Detached dwellings would be 'accepted development', as is the case for the Sunshine Coast Planning Scheme if they were on 600m<sup>2</sup>+ lots. Dual occupancy would be 'accepted development' if nominated on a plan of development and not exceeding 15% of the total lots.

All future applications not complying with the minimum lots size, would be impact assessable, subject to public notification, submissions and appeal rights.

### Relevant Period

The applicant requested a 10 year relevant period for the Preliminary Approval. However, in light of Council's recent announcement that it intends to prepare a new planning scheme for the Sunshine Coast, it is considered that the standard 6 years under the *Planning Act* would provide sufficient time to act on any approval.

### Assessment Benchmarks Related to a Variation Request 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

The department is an advice agency for a 40m wide high voltage transmission line easement. The department responded by letter dated 3 December 2020 with conditions that the Energex easement for the high voltage transmission line be incorporated into the proposal as open space.

### **Other External Referrals**

The application did not require any other external referrals.

### **Public Notification**

The application was publicly notified for 30 days in accordance with the requirements of the *Planning Act 2016*, from the 3 December 2020 to 2 February 2021 and 4 properly made submissions and 1 not properly made submissions were received.

The following table provides a summary and assessment of issues raised by submitters.

None of the submissions explicitly objected to the proposal, but each recommended conditions for any approval.

Issues	Comments
Energex requested that the Energex high voltage transmission line easement be zoned open space to lessen the potential impact of any future detached houses on the easement.	<p>A Preliminary Approval condition has been recommended to designate the high voltage transmission line Energex easement as open space to prevent any future encroachment by residential lots.</p> <p>The planning scheme has provisions to prevent dwellings being located within transmission line easements and these provisions would be applicable to any future application.</p>

Issues	Comments
<p>The remaining submissions did not oppose the low density residential proposal but requested that similar transport and traffic conditions to those associated with the previous approvals for the retirement / residential care facility (MCU10/0025 &amp; MCU15/0080) be incorporated into any approval.</p> <p>The primary interest was in frontage works and access from Burnside and Henebery Road, with one submitter wanting an extension of Henebery Road north, which was not a condition of the previous retirement / residential care approval.</p> <p>One submitter, located south of the development site, wanted their eastern views preserved, a timber fence along their border, a green corridor, a park, landscaping, sewer connection, subdued lighting and entry from Burnside and upgrades to Burnside and Henebery Roads.</p>	<p>Note. The existing retirement / residential care facility (MCU10/0025) permits access from both Burnside Road and Henebery Road and required frontage works upgrades to both frontages.</p> <p>It would be unreasonable to impose access and frontage works upgrades to Burnside Road and Henebery Road at the Preliminary Approval stage, as no development would occur on site as a result of the Preliminary Approval.</p> <p>Access and frontage conditions, including to Henebery Road, would be applied to any subsequent application for development permit for Reconfiguration of a lot over the site as recommended in conditions, should the existing Preliminary Approval and Variation Request be approved. The extent of those works would depend upon the type and intensity of proposed future development for the site.</p> <p>The items raised by the submitter south of the development site would be assessed as part of any future application for reconfiguration of a lot, but their location near the southern riparian corridor would likely result in a natural buffering from the development and the lower height limit (8.5m) would assist in preserving their views.</p>
<p>The not properly made submitter wanted the site to remain rural and undeveloped.</p>	<p>The land is within the urban footprint of the SEQ Regional Plan and within the Urban Growth Management Boundary under the Planning Scheme. The request that the site remain undeveloped rural is not possible, as the site would either be Community facilities zone (annotated for retirement / aged care) or amended to apply the provisions of the Low density residential zone.</p>

**CONCLUSION:**

It is considered that the request to grant a Preliminary Approval for low density residential uses would constitute a reasonable outcome, given that the site is no longer required for retirement / aged care development, although such future development would not be precluded at a lower height limit. Applying the provisions of the Low density residential zone to the site and reducing the height limit to 8.5m would result in future development consistent with the emerging character and amenity of the surrounding area. No development could proceed on the site without a future application for a development permit, which would be assessed against the planning scheme’s Low density residential provisions and assessment benchmarks (codes) or be impact assessable, preserving the submission and appeal rights of the public. Burnside and Hereberry Roads would have to be upgraded to the required standards as part of any future development.

The proposed development sufficiently complies with the requirements of the Planning Scheme and does not raise any significant issues that cannot be addressed by reasonable

and relevant conditions. The application is therefore recommended for approval subject to the imposition of reasonable and relevant conditions in Appendix A of this report.