

**APPLICATION DETAILS**

Application No:	MCU20/0201
Street Address:	14 & 30 Henebery Rd BURNSIDE QLD 4560
Real Property Description:	Lot 3 RP 224558 Por 202, Lot 5 RP 224558 Por 202
Planning Scheme:	Sunshine Coast Planning Scheme (28 January 2020)

**APPROVAL DETAILS**

Nature of Approval: Approval with conditions

Type of Approval:

- Preliminary Approval for Material Change of Use (Including a Variation Request to Vary the Effect of the Sunshine Coast Planning Scheme 2014) for Residential Uses (Applying the Low-Density Residential Zone)

**CURRENCY PERIOD OF APPROVAL**

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approval first took effect (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

**INFRASTRUCTURE**

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

**ASSESSMENT MANAGER CONDITIONS**

**PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE SUNSHINE COAST PLANNING SCHEME 2014) FOR RESIDENTIAL USES (APPLYING THE LOW-DENSITY RESIDENTIAL ZONE)**

**PLANNING****When conditions must be complied with**

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

**Approved Plans**

2. Future development associated with this preliminary approval must be undertaken in accordance with the Approved Plans listed within this Decision Notice.

**Building Height**

3. The maximum height of the development for all sites must not exceed 8.5 metres above natural ground level at any point.

**Nature and Extent of Approved Use**

4. A preliminary approval is granted for a Material Change of Use for Residential Uses (including a variation Request to vary the Effect of the *Sunshine Coast Planning Scheme 2014*) by applying the provisions of the *Low-density residential zone* and reducing the building height limit to 8.5m in accordance with the Approved Plans.
5. This development approval is a *local categorising instrument* pursuant to s43(3)(c) of the *Planning Act 2016* and, except where expressly stated otherwise, overrides the current and future versions of the *Sunshine Coast Planning Scheme 2014* and any future planning scheme for the life of the approval.
6. Where the conditions of this approval and the plans and documents referenced are “silent” and/or have no regulatory instructions about how a particular development matter within the Approved Plan of Development area is to be dealt with, then the provisions of the current applicable planning scheme will have effect for the development matter.
7. This approval overrides the *Sunshine Coast Planning Scheme 2014* for the life of the approval, to the extent directed by the conditions of this approval, including the following:
  - (a) the Supplementary Tables of Assessment listed below replace Table 5.5.1 and Table 5.6.1 of the *Sunshine Coast Planning Scheme 2014*;
  - (b) The Nambour Local Plan Area Zone Map ZM18H is replaced by the *Proposed Zoning Plan (467-HR-Z01A)* prepared by Innovative Planning Solutions dated 10/02/2021 for the development site;
  - (c) The Nambour Local Plan Area Height of Buildings and Structures Overlay Map OVM18H is replaced by the *Proposed Building Height Limit Plan (467-HR-Z06)* prepared by Innovative Planning Solutions dated 26/11/2020 for the development site.
8. This preliminary approval (and variation) lapse and ceases to have effect pursuant to sections 71(5)(b) and 88(2)(a) of the *Planning Act 2016* (reprint 1 October 2020) when one of the following occurs:
  - (a) development under the Variation Approval is completed; or
  - (b) the commencement of an amendment to a planning scheme that integrates and reflects the provisions of this approval; or
  - (c) 30 April 2027.

**Category of development and category of assessment for future development for a material change of use**

9. The Assessment benchmarks for assessable development and requirements for accepted development from the current applicable planning scheme will have effect for future development applications unless otherwise expressly stated.

10. Assessment criteria for future development for material change of use within the development site shown as *Low Density Residential Zone* will be in accordance with the following Supplementary Table of Assessment:

**Supplementary Table 1 for Material Change of Use in Low density residential**

LOW DENSITY RESIDENTIAL ZONE			
Defined use	Category of development and category assessment	of and of	Assessment benchmarks for assessable development and requirements for accepted development
<b>Residential activities</b>			
<i>Dual occupancy</i>	<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>
<i>Dwelling house</i>	<b>Accepted development</b>		<ul style="list-style-type: none"> <li>Dwelling house code</li> </ul>
<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		<ul style="list-style-type: none"> <li>No requirements applicable</li> </ul>

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

11. Assessment criteria for future development for Reconfiguration of a Lot within the development site shown as *Low Density Residential Zone* will be in accordance with the following Supplementary Table of Assessment:

**Supplementary Table 2 for Reconfiguring a lot in Low density residential**

RECONFIGURING A LOT		
Zone	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Low density residential zone</b>	<b>Impact assessment if:-</b> (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 if:-</b> (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 local plan code</li> <li>Applicable zone code</li> <li>Reconfiguring a lot code</li> <li><i>Prescribed other development codes</i></li> </ul>

## ENGINEERING

### Frontage Works

12. In conjunction with any development involving access from Henebery Road and where not already established, the frontage of the subject site to Henebery Road (both sides)

must be upgraded to be generally in accordance with a District Collector standard section, including dedication of road reserve where necessary to provide adequate space for all required road works and utility services.

13. In conjunction with any development involving access from Henebery Road and where not already established, the Henebery Road carriageway at the horizontal bend adjacent to the north-west corner of the site must be designed and constructed with a design speed of 60 km/h. Land must be dedicated as road reserve from the site adjacent to the bend to accommodate the bend realignment, verge and required site frontage works.
14. In conjunction with any development involving access from Burnside Road and where not already established, the frontage of the subject site to Burnside Road (both sides) must be upgraded to be generally in accordance with a District Collector standard section, including dedication of road reserve where necessary to provide adequate space for all required road works and utility services. The upgrades must additionally take into account the following:
  - (a) Retention of existing mature vegetation where possible.
  - (b) Where existing mature trees are present the verge width may be reduced if required provided sufficient footpath is still accommodated.
  - (c) All batters inside the road reserve must not have a slope exceeding 1 in 4.
15. In conjunction with any development involving access from Burnside Road, any vehicle roadway entrance from Burnside Road must be constructed to provide a right-turn treatment on Burnside Road in accordance with Austroads.

#### **External Roadworks**

16. Where these described works are not already established and in conjunction with any development resulting in a total of 16 or more lots created from the original parent lot (including any child lots from any prior reconfigurations) and where vehicle access exists or is proposed via Henebery Road, Henebery Road must be upgraded and widened as necessary to provide a sealed carriageway width generally in accordance with a District Collector standard section from the intersection with Burnside Road to the southern extent of the site's Henebery Road frontage. This sealed width must include 2 carriageways. The road must be signed and line-marked in accordance with the MUTCD and must contain edge of carriageway lines for the entire length. All driveways affected by the works must be reinstated at the applicant's cost and access to existing properties must not be made worse off.
17. As part of the above upgrade to Henebery Road and where not already established, the vertical alignment of Henebery Road must be modified to ensure that the design speed for the vertical curve is at least 40km/hr, and that adequate sight distances are available to all driveways affected by the works. In this regard the crest of the curve may be relocated to a point further to the north, so that affected driveways have a view down each side of the crest. In sections of cut, the excavation must be sufficiently wide to accommodate a carriageway formation generally in accordance with a District Collector standard section.
18. Where these described works are not already established and in conjunction with any development resulting in a total of 16 or more lots created from the original parent lot (including any child lots from any prior reconfigurations) and where vehicle access exists or is proposed via Burnside Road, Burnside Road must be upgraded and widened as necessary from Henebery Road to the recently upgraded section of Road adjacent to

93 Burnside Road (Lot 108 SP218842) in accordance with the following (excluding the frontage section of Burnside Road described under Frontage Works):

- (a) where the existing sealed carriageway is 6.0 metres wide or wider, no widening works are required
- (b) where the existing sealed carriageway is less than 6.0 metres wide, a minimum 10.1 metre wide carriageway must be provided. This sealed width is to include 2 carriageway lanes that are 3.3m wide each
- (c) The entire section of road must be signed and line-marked in accordance with the MUTCD and must contain edge of carriageway lines
- (d) All driveways affected by the works must be reinstated at the applicant's cost and access to existing properties must not be made worse off.
- (e) All works must be in accordance with *Planning Scheme Policy for Transport and Parking*.

## ECOLOGY

### Watercourses

19. As part of any future development of the site, the stream order 1 to 2 and associated riparian protection areas and wetlands must be revegetated and transferred to Council for drainage and esplanade purposes in accordance with the Sunshine Coast Planning Scheme.

## ENERGEX

20. As part of any future development of the site, no residential lots are permitted within the Energex easement, which must remain open space or road reserve.

## REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Advice	Energex Limited PO Box 1090 TOWNSVILLE QLD 4810	Electricity Infrastructure (high voltage transmission line easement)	The agency provided its response on 3 December 2020 (Reference No. HBD 7115045). A copy of the response is attached.

## DEVELOPMENT PLANS

The following plans are Approved Plans for the development:

### Approved Plans

Plan No.	Rev.	Plan Name	Date
467-HR-Z01A		<i>Proposed Zoning Plan</i> , prepared by Innovative Planning Solutions	10/02/21
467-HR-Z06		<i>Building Height Limit Plan</i> , prepared by Innovative Planning Solutions	26/11/20

**REFERENCED DOCUMENTS**

The following documents are referenced in the assessment manager conditions:

**Referenced Documents**

Document No.	Rev.	Document Name	Date
467-HR-Z02A		<i>Overall Structure Plan</i> , prepared by Innovative Planning Solutions	19/11/20
467-HR-Z04A		<i>Overall Site Constrains Plan</i> , prepared by Innovative Planning Solutions	01/12/20
	3	<i>Market Needs Assessment</i> , prepared by macroplan	March 2020
		<i>Peer Review of Economic Impact Assessment</i> , prepared by CDM Smith	25/08/20
		<i>Land Supply Analysis</i> , prepared by Innovative Planning Solutions	26/11/20
20927		<i>Traffic Engineering Report</i> , prepared by Hayes Traffic Engineering	16/11/20

**ADVISORY NOTES**

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

**Aboriginal Cultural Heritage Act 2003**

1. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 1300 378 401 to discuss any obligations under the *ACH Act*.

**Easements and Future Works over External Land**

2. Should the conditions of this development approval require easements or works to be undertaken over land external to the site, council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over council owned or controlled land, please liaise directly with council’s Property Management Unit and note that compensation may be payable.

### Other Laws and Requirements

3. This approval relates to development requiring approval under the Planning Act 2016 only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the Sunshine Coast Council website ([www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.

### Restriction on Building Approval until all other Permits are Effective

4. Pursuant to the statutory provisions of the Building Act, a private building certifier must not grant any building development approval related to this development until all necessary development permits for the development (including, for example, operational works approvals) have taken effect under the *Planning Act 2016*. This legislative requirement is critical to ensure that a private certifier's approval about a component of the development is consistent with the assessment managers' decisions on other aspects of the overall development.

### Infrastructure Charges

5. Infrastructure charges, determined in accordance with council's Infrastructure Charges Resolution, will apply to future development approvals over this site. An Infrastructure Charges Notice, for council's proportion of the infrastructure charge, will be issued with any future development permit. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.
- 6.

### PROPERTY NOTES

The following property notes will be placed against the subject property in council's property record system:

#### MCU20/0201 – Variation to Planning Scheme Provisions

*This property forms part of, and is in part governed by, a variation approval issued under the Planning Act 2016 (council file reference MCU20/0201). The variation approval contains supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. Applicants and private certifiers must refer to the variation approval prior to undertaking development on the property.*

#### MCU20/0201 – Energex Easement

The following notation applies to Lot 5 RP224558:

*This lot contains an Energex Easement to accommodate high voltage overhead electrical infrastructure. No future lots will be permitted within the Energex easement, which will remain open space.*



**VARIATION APPROVAL**

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

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Reconfiguration of a Lot
- Development Permit for Material Change of Use (if required)
- Development Permit for Operational Work (Engineering and Landscaping)
- Development Permit for Building Work

**SUBMISSIONS**

There were 4 properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter is provided and attached.

**INCONSISTENCY WITH EARLIER APPROVAL**

If approved, the preliminary approval and variation request would be inconsistent with the previous approvals for a retirement /residential care facility, in as much as the provisions of the Low density residential zone would prevail over the existing approvals.

**ENVIRONMENTAL AUTHORITY**

Not applicable.

**RIGHTS OF APPEAL**

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

**OTHER DETAILS**

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