



DETAILED ASSESSMENT REPORT

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APPLICATION DETAILS	
Applicant:	Niehus Constructions Pty Ltd
Owner:	Niehus Constructions Pty Ltd
Consultant:	Murray & Associates (Qld) Pty Ltd
Proposal:	Development Permit for Material Change of Use of Premises to Establish a (Dual Occupancy) & Development Permit for Operational Work (Drainage Work, Stormwater and Earthworks)
Properly Made Date:	14 May 2019
PROPERTY DETAILS	
Division:	10
Property Address:	75A Perwillowen Rd BURNSIDE QLD 4560
RP Description:	Lot 9 SP 283872
Land Area:	1167m ²
Existing Use of Land:	Vacant
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (1 April 2019)
SEQRP Designation:	Urban Footprint
Local Plan Area:	Nambour Local Plan
Zone:	Low density residential zone
Assessment Type:	Code

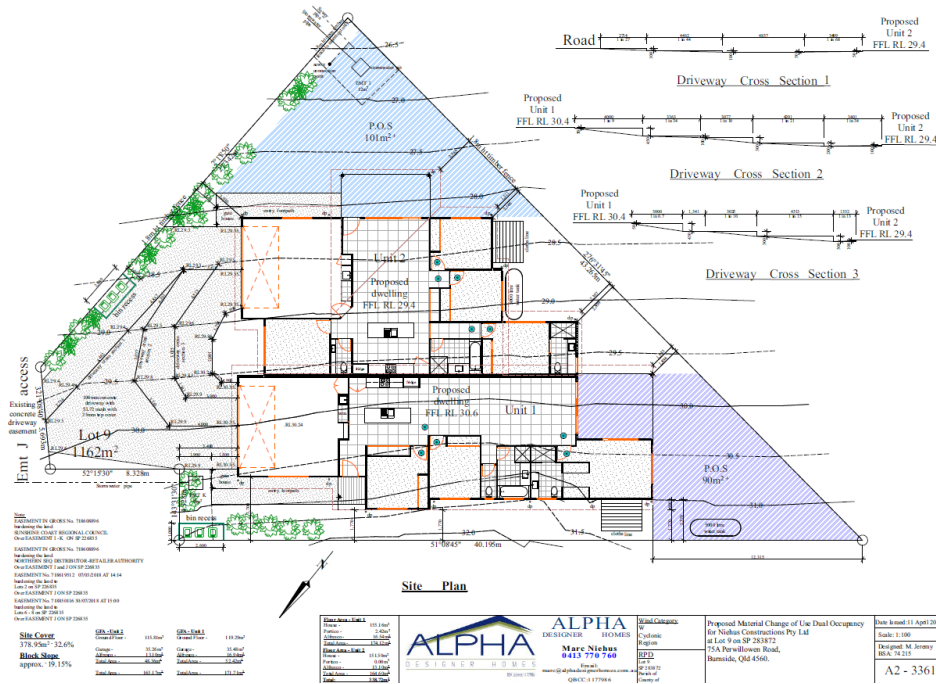
PROPOSAL:

The application seeks approval for a Development Permit for Material Change of Use of Premises to Establish a Dual Occupancy and a Development Permit for Operational Work (Drainage Work, Stormwater and Earthworks).

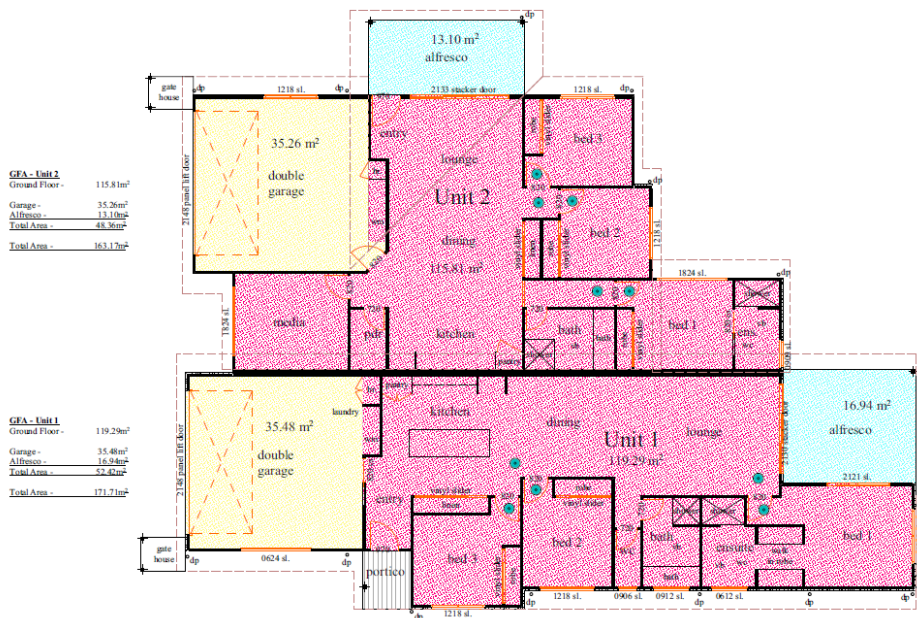
The proposed Dual occupancy includes two single storey units, each with 3 bedrooms and double garages as well as Unit 2 including a media room.

The subject site is a rear lot, accessed via a 5.5 metre wide constructed driveway that is also accessed by four other lots (one unit at 71 Perwillowen Rd as well as 73, 73A, 75 and the subject 75A Perwillowen Rd).

The lot has a total area of 1167m², but only is 800m² excluding the lengthy access handle that provides access by way of easement.

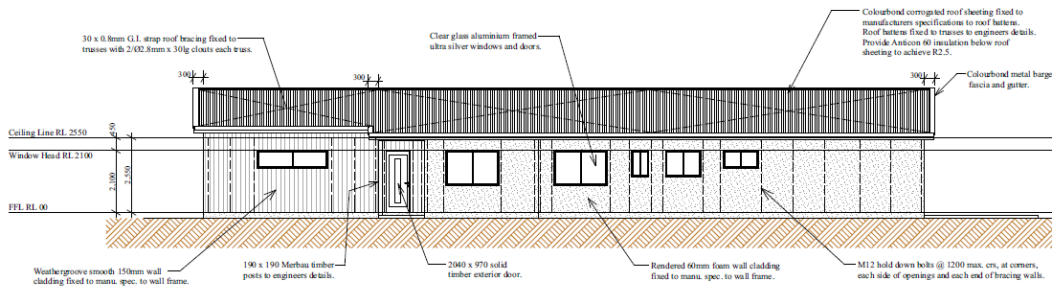


Site Plan

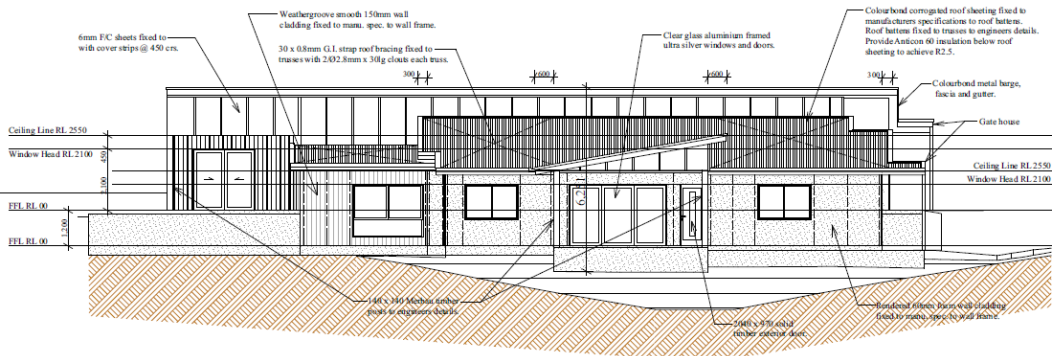


Floor Plan

Floor plan

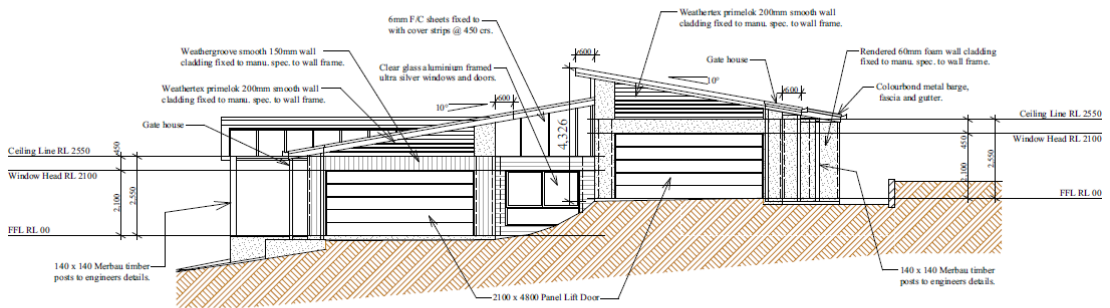


North Elevation

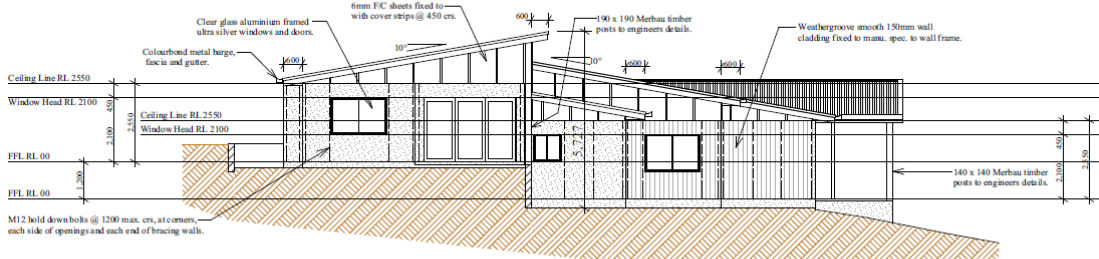


South Elevation

Elevations



East Elevation



West Elevation

Elevations

SITE DETAILS:

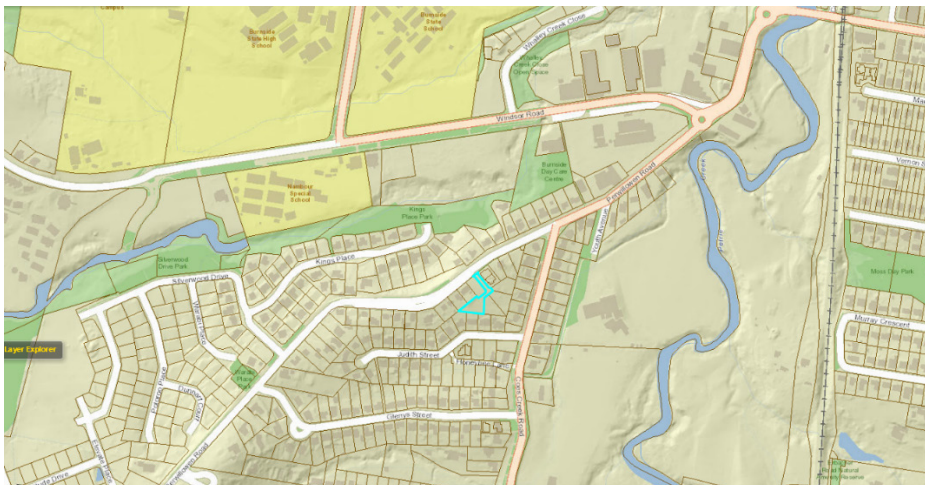
Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	1162m ²
Existing Use of Land:	Vacant
Road Frontage:	12m to Perwillowen Rd
Significant Site Features:	Rear lot providing access to 4 other lots via easement over the access handle of the subject lot
Topography:	Slopes from frontage to rear (less than 15%)
Surrounding Land Uses:	Dual occupancies, Dwelling houses

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



Aerial map



Street map

Development History of Site

An application for a Development Permit for a Material Change of Use for a Dual Occupancy on the subject site was lodged with Council on 12 September 2018, and subsequently withdrawn following Council's advice of non-support for the development.

The subject lot was created as the result of a 2 into 9 lot subdivision (REC15/0073) which was approved by Council in 2015.

An application for Multiple dwelling (17 Units) over the parent property was originally refused by Council, and then approved through the Planning and Environment Court in 2011, however was never enacted.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in Council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

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

State Planning Policy (SPP), Part E

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

Assessment Benchmarks Related to the Planning Scheme

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

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (1 April 2019)
Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Nambour
Zone:	Low density residential zone
Consistent/Inconsistent Use:	Not applicable
Applicable Assessment Benchmarks:	Dual occupancy code Height of Buildings and Structures Overlay Code

Planning Scheme Codes

The application has been found to conflict with one or more elements of the applicable codes of the planning scheme and cannot be conditioned to comply. The pertinent issues arising out of the assessment are discussed below.

Issue 1 - Location and Site Suitability

Acceptable Outcome 1.2 of the Dual occupancy Code states:

Where located on a site included in the Low density residential zone, other than in Precinct LDR-1 (Protected Housing Area) and there is no approved plan of development (nominating dual occupancy lots), the site:-

- (a) has a minimum area of 800m², 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%.*

Council's records indicate the lot adjoins two developed Dual occupancies, one at 71 and the other at 73 Perwillowen Rd, both gaining full or part access from the access handle to the subject lot as shown below (also indicates adjoining/nearby approved Dwelling houses that include secondary dwellings).



As the proposal does not comply with the Acceptable outcome, the proposal is required to be assessed against the associated Performance Outcome PO1:

The dual occupancy is located on a site which:-

- (a) is convenient to local services and public transport;*
- (b) is in an area intended to accommodate more diverse housing options;*
- (c) is dispersed and not concentrated within low density residential neighbourhoods;*
- (d) has sufficient area and dimensions to accommodate the use (including associated access, parking, landscapes and setback requirements); and*
- (e) is not steep and is otherwise suitable for the proposed development.*

The proposal:

- (a) is approximately 1km to the Major centre of Nambour and Perwillowen Road is a bus route with a bus stop approximately 100m away.
- (b) is in the Low density residential zone which is intended for a low density form of urban residential living. The purpose of the Low density residential zone code states “whilst primarily intended to accommodate dwelling houses, dual occupancies may also be accommodated in appropriate locations”.
- (c) adjoins two other dual occupancy developments. The density proposed is not anticipated for the low density residential zone and raises issues for access and egress, on street parking and waste collection (discussed below).
- (d) has sufficient area to accommodate the use, satisfying most requirements of the Dual occupancy code.

- (e) has demonstrated in a plan prepared by Barlow Shelley Consulting Engineers the finished earthworks / lot levels have a slope gradient of less than 15%.

The proposal will concentrate Dual occupancies in a Low density residential area, in direct contravention of the Performance outcome.

Issue 2 – Streetscape character

Acceptable outcome AO3.3 of the Dual occupancy code requires any garage or carport to be setback a minimum of 1.5 metres from the main face of the associated dwelling, or in line with the main face of the associated dwelling, where the dwelling incorporates a front verandah or portico projecting forward of the main face or faces.

The proposed garages are set forward of the main face of the associated dwellings. The associated Performance Outcome requires:

PO3 The dual occupancy is designed and constructed to:-

- (a) provide an attractive address to all street frontages;*
- (b) make a positive contribution to the preferred streetscape character of the locality;*
- (c) provide shading to walls and windows of the dual occupancy;*
- (d) minimise opportunities for residents to overlook the private open space areas of neighbouring premises; and*
- (e) maximise the retention of existing mature trees within the frontage setback, to retain streetscape character.*

The proposal does not achieve Performance Outcome PO3 with each outcome discussed below:

- (a) The Dual occupancy does not address the street frontage as it is located on a rear lot.
- (b) It does not make a positive contribution to the preferred streetscape character of the locality as it does not present to the street and as discussed, the waste servicing will impact the street and adjoining dwellings.
- (c) Insufficient shading to walls and windows are provided, with only standard eaves proposed.
- (d) There is no opportunity for residents to overlook the private open space areas of neighbouring premises due to compliant setback and the one storey design.
- (e) No existing mature trees are located within the frontage setback.

Issue 3 - Safety and Security

Acceptable outcomes AO7.1 and AO7.2 of the Dual occupancy code requires each dwelling to have an entrance clearly identifiable from the street and the internal pathway network to have clear sightlines to the dwelling entrance and street access points. The proposal is located on a rear lot with a lengthy access handle that is used by numerous other dwellings and Dual occupancies and does not achieve the acceptable outcome.

The configuration of the lots and layout of the developments accessing the handle provides little in the way of casual surveillance as frontages to the handle are dominated by garages. The associated Performance Outcome PO7 requires the dual occupancy,

including buildings and outdoor spaces, is designed to protect the personal security and safety of residents by allowing for casual surveillance. This outcome is not achieved.

Issue 4 - Services and Utilities - Waste

Acceptable outcome 13.2 of the Dual occupancy code requires waste storage not to be located adjacent to the living areas of existing neighbouring properties and must be easy to access and use. The waste areas are proposed adjacent to the private open living space of adjoining properties and are required to be moved up to 80 metres for servicing.

Performance outcome PO13 requires the dual occupancy provide areas for storage of waste containers which are convenient to use and service.

The applicant has provided a drawing in response to the information request indicating sufficient space for 14 bins at the frontage of the two lots adjoining the access handle (pictured below).

Whilst a dwelling house development may request additional bins, it is unlikely it would require the capacity required by a Dual occupancy development (minimum 2 wheelie bins per dwelling unit). It is conceivable with the number of existing approved dwelling units accessing from this lot's access handle that more bins than are shown below may be presented at the frontage of the access handle for servicing. Of note, the lot fronts a scenic amenity route.



The waste outcome pictured indicates the density proposed in a concentrated area is excessive and will have unacceptable impacts on the amenity of neighbouring premises and will impact the streetscape and on-street parking on Perwillowen Road.

Performance outcome PO13 is not achieved as the waste proposal for the development is not convenient to use and service.

Purpose and overall outcomes of the Dual occupancy code

The purpose of the Dual occupancy code is:

“to ensure dual occupancies are appropriately located, achieve a high level of comfort and amenity for occupants, maintain the amenity of neighbouring premises and are compatible with the character and streetscape of the local area.”

The purpose is achieved by the Overall outcomes set out below:

- (a) a dual occupancy is located in an area intended to accommodate more diverse housing options and is integrated within its neighbourhood setting in a manner which appropriately disperses the distribution of density having regard to the intent of the zone;*
- (b) a dual occupancy incorporates a high standard of design and makes a positive contribution to the streetscape character of the area in which it is located;*
- (c) a dual occupancy is sited and designed to protect the amenity, privacy and access to sunlight of adjoining residential premises;*
- (d) a dual occupancy provides a high level of amenity and convenience to residents of the dual occupancy; and*
- (e) a dual occupancy is provided with an appropriate level of infrastructure and services.*

The proposed Dual occupancy does not achieve the purpose and overall outcomes of the Dual Occupancy code for the reasons discussed above and summarised below:

- (a) An approval of this proposal would result in three dual occupancy developments accessing Perwillowen Road from the one access handle. The density distribution is not appropriately dispersed having regard to the character of the local area and the intent of the Low density residential zone.
- (b) The proposal would result in an excessive number of bins in a small area on servicing day, negatively impacting on-street parking, adjoining dwellings, the scenic route and would not make a positive contribution to the streetscape character of the area.
- (c) The proposed density will have unacceptable impacts on the amenity of adjoining residential premises.
- (d) The proposal does not achieve a high level of amenity for residents as personal security and safety are not achieved due to the limited casual surveillance of the access handle.
- (e) The servicing of waste is not convenient as will require the occupants to move their bins up to 80 metres along the access handle and to the frontage.

Multiple Dwelling Court Approval

It is acknowledged that the earlier Multiple Dwelling court approval achieved an integrated development outcome on the site by providing centralised on-site waste storage and collection, a site designed access arrangement with sufficient on site resident and visitor car parking, and adequate landscaping, setbacks and private open space to minimise amenity impacts on the site and surrounding area.

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.

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*.

CONCLUSION:

The proposed development does not comply with, nor can it be conditioned to comply with the requirements of the Planning Scheme. There are no other relevant matters applicable to the application that justify approving the proposed development despite the non-compliances described in this report. As such, the application is recommended for refusal.

