



## DETAILED ASSESSMENT REPORT

### APPLICATION FOR DEVELOPMENT APPROVAL

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU19/0143>

<b>SUMMARY SHEET</b>	
<b>Applicant:</b>	Felix Hill Pty Ltd Atf The Sunshine Unit Trust
<b>Owner:</b>	Felix Hill Pty Ltd Atf The Sunshine Unit Trust
<b>Consultant:</b>	Innovative Planning Solutions 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 Preliminary Approval for the Wises Farm Mixed Use Development)</li> <li>• Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages)</li> </ul>
<b>Properly Made Date:</b>	10/07/2019
<b>Information Request Date:</b>	02/08/2019
<b>Information Response Received Date:</b>	06/11/2019
<b>Decision Due Date:</b>	25/06/2020 (extended by agreement)
<b>Number of Properly Made Submissions:</b>	55 submissions were received, with 34 submissions were against and 20 were in support of the development and 1 was neutral. Of these submissions, 46 were properly made.
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	8
<b>Property Address:</b>	Sunshine Cove Way MAROOCHYDORE QLD 4558
<b>RP Description:</b>	Lot 3000 SP 306280
<b>Land Area:</b>	7.526 ha
<b>Existing Use of Land:</b>	Vacant
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Maroochy Plan 2000 (21 January 2005) & Sunshine Coast Planning Scheme 2014
<b>SEQRP Designation:</b>	Urban Footprint
<b>Maroochy Plan 200 Strategic Plan Designation:</b>	Urban
<b>Sunshine Coast Planning Scheme Strategic Framework Land Use Category:</b>	Urban

<b>Maroochy Plan 2000 Planning Area:</b>	Maroochydore
<b>Sunshine Coast Planning Scheme Local Plan Area:</b>	Maroochydore/Kuluin Local Plan Area
<b>Maroochy Plan 2000 Precinct Class:</b>	Master Planned Community
<b>Sunshine Coast Planning Scheme Zone:</b>	Emerging Community
<b>Maroochy Plan 2000 Planning Precinct</b>	Precinct 10 – Low/Medium Density Residential
<b>Assessment Type:</b>	Impact Assessable (Variation Request)

### PROPOSAL:

The application seeks approval for:

- Preliminary Approval for Material Change Use (Variation Request to vary the effect of the Preliminary Approval for the Wises Farm Mixed Use Development)
- Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages)

Each aspect is explored in more detail below.

Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the effect of the Preliminary Approval for the Wises Farm Mixed Use Development).

The applicant proposes a Preliminary Approval, including a Variation Request to vary the effect of the Wises Farm Preliminary Approval and seeks to secure approval for the development concept for the this final stage of the Sunshine Cove estate and guide the future assessment and levels of assessment of subsequent applications for development permits lodged over the site.

The Preliminary Approval includes the following components:

- Establish a precinct plan, including the following precincts
  - Low Density Residential zone
  - Open Space zone
- Establish a Local Area Structure Plan showing
  - major road locations,
  - types of open space
  - pedestrian network
  - locations of water cycle management areas
- Introduce a Supplementary Table of Assessment
- Introduce a Supplementary Preliminary Approval Document entitled 'Northern Development Area – WFPAD Precinct 7 & 10'



Figure 1: Proposed Precinct Plan

In the event of approval, the applicant seeks the overall development outcome for the site to include:

- Overall average residential density of a minimum of 15 dwellings per hectare
- Provision for Multiple Dwelling Units, Retirement Village and Residential Care Facilities as code assessable up to a maximum of 185 dwellings
- A maximum building height of 3 storeys and 12 metres for all development except where within 10 metres of established residential areas where it is proposed to be 2 storeys and 8.5 metres
- Allowance for detached housing and small lot subdivisions
- Provision for Child Care Centres (as code assessable)
- Open space in the form of parks, landscape buffers and Water Catchment Management Areas (WCMA)
- New internal road network and pedestrian network

Development Permit to Reconfigure a Lot (1 Lot into 101 residential Lots, new road, park and balance lot over 3 stages)

The application seeks a development approval to reconfigure the lots over three stages to deliver 101 residential lots, roads/laneways, 1 balance lot and 1.450ha Open space/park/buffers.



Figure 2: Proposed subdivision plan

This application will be staged over three stages (noting that Stage 1 has previously been approved as a code assessable application being consistent with the provisions of the current Preliminary Approval) as follows:

Stage 2 – 29 residential lots (total area 1.364ha)

Stage 3 – 72 residential lots (total area 3.643ha)

Stage 4 – 1 super lot (total area 0.66ha)

A Plan of Development includes design controls that define the maximum building height, maximum site cover, location of open space, the location of driveways and garages and the location of built to boundary walls for each lot.

In summary, the development can be described as follows:

Development Parameters	
Total No Residential Lots	101
Possible Annexed Unit Lots	0
Total Park Area	0.602ha Park + 0.246ha Landscape Open Space (road reserve), 0.445ha Landscape buffer and 0.157ha Water Cycle Management Areas
Lot Size Range	From 165m <sup>2</sup> to 360m <sup>2</sup>
On Street Parking	70 spaces
Building Controls	

Building Height	12m & 3 storeys above natural ground level
Garage Setback	5.5m to Road and 0.5m to Laneway
Front Setback	3.0m for standard terrace lots and lakefront terrace lots 2.0m for laneway terrace and laneway park terrace lots
Side Boundary Setback to park and road	2m
Other side boundaries	Zero lot line
Average Allotment Width	Min 6.6m up to 11m

The northern end of Stage 3 includes a 4,030m<sup>2</sup> park. In addition, two smaller 'pocket parks' are proposed being 1,050m<sup>2</sup> and 960m<sup>2</sup> in area, which provide a front address for the adjoining residential lots. The balance of the open space is comprised of a 6-7m wide Landscape buffer (0.445ha) to adjoining residential properties and Water Cycle Management Areas (0.157ha).

The proposed net residential density is approximately 17.8 dwellings per hectare.

The urban subdivision will be accessed by an extension of the existing collector road bridge off Cheyenne Way. The internal access streets and laneways will connect to the existing bridge over the lake. The internal access streets will be contained in a range of road reserve widths from 13.1m to 15.275m with a typical pavement width of 6.0m. The laneways will be contained in either 6.5m road reserve with a typical pavement width of 5.5m. A series of bio-retention basins (2) and drainage reserve areas will be used to treat and convey stormwater (which are identified as WCMA's on the proposal plans within Stage 3). There are no road connections to the existing surrounding area which is consistent with the requirements of the original Wises Farm master plan.

The site development includes pedestrian linkages that will connect to the pathways on the existing bridge and the existing surrounding street network.

A Landscape buffer ranging in width from 6-7m adjoins the entire northern boundary where the site is adjacent to the existing detached dwellings. It is proposed that this be planted out with screening vegetation to provide a buffer between the proposed development and the existing adjoining residential development.

#### SITE DETAILS:

##### Site Features and Location

<i>SITE AND LOCALITY DESCRIPTION</i>	
Land Area:	7.526 ha
Existing Use of Land:	Vacant
Road Frontage:	While the site has frontages to Allora Drive and Kowree Crescent, all vehicular access is proposed to be achieved via a newly constructed bridge linking with Cheyenne Way (an earlier stage of Sunshine Cove).
Significant Site Features:	There is a significant stand of mapped mature vegetation some of which extend up to approximately 30 metres in height.

<b>Topography:</b>	Relatively flat (less than 10% slopes) however there is some steeper sections (with retaining walls) within and adjacent to the vegetated section.
<b>Surrounding Land Uses:</b>	<p>The northern most boundaries are shared with existing residential development which is predominately low density detached dwellings (along Kowree Crescent and Millwell Road).</p> <p>The existing Wises Farm Lake forms the entire southern boundaries of the site.</p> <p>The site adjoins an aged care facility to the west (Regis) and the eastern most boundaries adjoin existing parkland.</p>

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

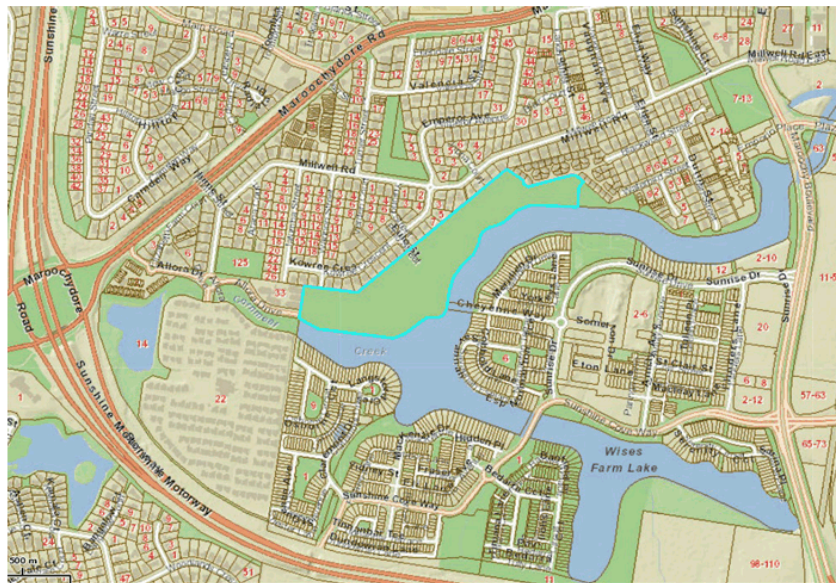


Figure 3 – Location Plan of the site



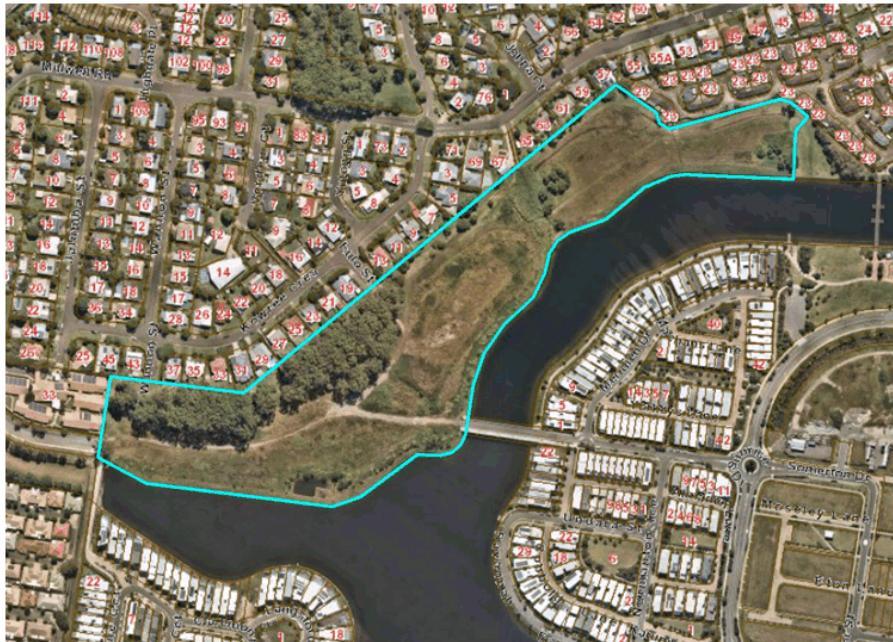


Figure 4 – Aerial photograph of the site

**Development History of Site**

**Existing Wises Farm Preliminary Approval (MCU03/0039)**

The following summarises the most relevant points in considering the history/background to the Wises Farm Preliminary Approval (MCU03/0039):

- The preliminary approval application was lodged with Council on 26 February 2003;
- The Council determined the application and issued a decision notice on 26 August 2004;
- Council considered a request for a negotiated decision and issued a negotiated decision notice on 31 August 2004;
- The preliminary approval took effect on 15 October 2004; and
- The approval included a Development Permit for Operational Works (bulk earthworks) associated with the lake system.

At the time the original application was publicly notified, 26 properly made submissions and 3 not properly made submissions were received. The submitters were primarily concerned with:

- the commercial development associated with the preliminary approval (extent of GFA, built form, traffic impacts),
- downstream flood impacts,
- water quality impacts,
- impacts on CAMCOS,
- rail noise impacts,
- impacts on adjoining residents,

- lake construction and treatment of acid sulphate soils,
- lack of open space,
- impacts on flora and fauna, and
- construction works impacts (dust and noise).

The majority of the Wises Farm Preliminary Approval site has been developed. Land uses include commercial (primarily adjacent Maroochy Boulevard) and residential. The subject site is the final remaining stage yet to be developed. The constructed residential development within the estate is predominately a small row housing type product on individually titled freehold lots.

It is noted that while the lake has been dedicated to Council, under the requirements of Infrastructure Agreement the developer remains responsible for its ongoing maintenance until the completion of the last stage.

#### **Existing Infrastructure Agreement**

The existing Wises Farm Preliminary Approval is supported by two Voluntary Infrastructure Agreements (VIAs) to achieve certainty in delivering key pieces of regional infrastructure to service the Maroochydore Key Regional Centre, and to supply necessary urban infrastructure to service the Wises Farm development. In addition, these VIAs stipulate the required development contributions applicable for all development within the site (provided it is consistent with the Wises Farm Preliminary Approval).

The VIAs support the existing approval conditions and contains a range of obligations for the owner of the site, including the upgrade of infrastructure, lake maintenance obligations, infrastructure charges, amongst other requirements. Many of these obligations in the Infrastructure Agreement have already been fulfilled by earlier stages.

In event of any approval, the existing VIAs will not apply to this development as they specifically refer to the Wises Farm Preliminary Approval. If the application is approved, it is recommended that a deed of novation be negotiated and entered into with the applicant to carry over any relevant obligations to this application (for example lake maintenance obligations).

#### **ASSESSMENT:**

This application requests two separate approvals. These are:

- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Preliminary Approval for the Wises Farm Mixed Use Development) for Residential uses
- Development Permit for Reconfiguring a Lot (1 Lot into 101 Lots, new road, park and balance lot, over 3 Stages)

The assessment of these applications is undertaken in the same order as that listed above. This is because the second application is reflective of the development proposed by the Preliminary Approval document.



**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.

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

South East Queensland Regional Plan (SEQRP)

The development is located within the Urban Footprint of the South East Queensland Regional Plan. Having regard to the South East Queensland Regional Plan, the development is broadly consistent with the outcomes expressed and sought to be achieved by the South East Queensland Regional Plan.

The South East Queensland Regional Plan provides a regional framework for growth management, and sets planning direction for sustainable growth, global economic competitiveness and high-quality living by:

- identifying a long-term sustainable pattern of development which focuses more growth in existing urban areas;
- ensuring land use and infrastructure planning are integrated;
- valuing and protecting the natural environment, productive land, resources, landscapes and cultural heritage;
- promoting more choice of housing and lifestyle options; and
- promoting vibrant, fair, healthy and affordable living and housing to meet all of the community’s needs.

The above components of the South East Queensland Regional Plan are discussed, where relevant, within the body of this report.

### Assessment Benchmarks Related to the Planning Scheme

The applications have been assessed against the existing Wises Farm Preliminary Approval for the Wises Farm Mixed Use Development which makes *Maroochy Plan 2000* the applicable planning scheme but regard has also been given to *Sunshine Coast Planning Scheme 2014*. The pertinent issues arising out of assessment against the higher order provisions of the planning schemes and the codes are discussed below:

#### Desired Environmental Outcomes of Maroochy Plan 2000

The Desired Environmental Outcomes that are relevant to this development proposal are as follows:

#### **Environmental management**

**DEO No. 1** – *The Shire's unique natural, open space, climatic, rural and scenic attributes are protected to maintain biodiversity, ecological processes, and visually attractive and varied landscapes and managed so as to provide a sustainable focus and setting for the Shire's community and economic development. This includes:*

- *The variety of ecosystems and the species they support being maintained or enhanced,*
- *Prominent natural landscape elements such as escarpments, ridgelines, beaches, headlands and mountain peaks, which serve as distinctive visual landmarks within the Shire, being protected,*
- *The Maroochy, Mooloolah and Mary River systems and other water resources, being protected,*
- *High standards of water and air quality, and acceptable noise levels, being maintained, and*

*Premises, which are sensitively sited and designed having regard to local climatic conditions, vegetation cover and topography*

#### **Social equity and livability**

**DEO No. 2** – *Vibrant, attractive and safe local communities provided with quality lifestyle choices and amenity for all people (including youth, aged people and people with disabilities), with each community:*

- *Exhibiting a distinctive character and sense of place, and*
- Having convenient access to a diversity of housing, shopping and other business services, community and recreational facilities and jobs – all located and designed to sustain the significant ecological and scenic resources of the Shire.*

#### **Community and cultural development**

**DEO No. 5** - *Community, recreational and cultural services and facilities provided in a timely way and maintained so that:*

- *areas of public parkland are accessible and useable,*
- *public places for people to gather, meet and socially interact, both casually and formally, are attractive, comfortable, safe and convenient,*
- *the other diverse and changing needs of the whole community (including residents, visitors, youth, the aged and people with disabilities) are met,*
- *opportunities to create or strengthen local community identity are provided, and*
- *places and items of historic and indigenous cultural heritage significance are conserved.*

#### **Urban design, heritage and character**

**DEO No: 6** - *A high quality, built environment characterized by premises which:*

- *Are consistent with local desired character which reflects the Shire's diverse range of subtropical coastal, mountain and rural settlements,*
- *Are in keeping with the community, transport and utility infrastructure servicing the locality,*
- *Strengthen positive architectural, landscape, scenic and conserve cultural and built heritage features,*
- *Create pleasant, legible, memorable and safe living environments for the whole community, and*
- *Respect the natural environmental characteristics and capacities of the locality in which they are situated.*

Where applicable, the above statements are considered as part of the assessment below against the relevant codes.

#### Strategic Framework of Sunshine Coast Planning Scheme 2014

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 Planning Scheme 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. The pertinent issues arising out of assessment against the Strategic Framework are discussed below.

The site is identified as an Urban area in the Strategic Framework of the *Sunshine Coast Planning Scheme 2014*, is located within the local growth management boundary and is intended to accommodate residential development.

The Strategic Framework contains several policy directions that are of direct relevance to the consideration of this application, as follows:-

#### **Theme 1 – Settlement pattern, Element 1 – Character, lifestyle and environment attributes (Specific outcomes) s. 3.3.2.1**

*“The character, lifestyle and environment attributes of the Sunshine Coast are recognised as essential contributors to the region's natural (competitive) advantage by:-*

- (i) *protecting and enhancing the natural environment and undeveloped rural and coastal landscapes that create large, uninterrupted and diverse areas of open space which weave throughout the region and define the boundaries of urban and rural residential areas;*
- (iii) *maintaining distinct, identifiable towns and neighbourhoods that sensitively respond to their setting and support strong, diverse communities with a sense of belonging;”*

**Theme 5 – Natural Environment, Element 1 – Natural habitats and biodiversity.  
 s3.7.2.1**

- (a) *Development is located, designed, constructed and operated to avoid, as far as practicable, or where avoidance is not practicable, minimise and mitigate, adverse impacts on the ecologically important areas identified conceptually on Strategic Framework Map SFM 5 (Natural environment elements) which include remnant and regrowth native vegetation, riparian areas and natural waterways, wetlands and waterbodies.*
- (b) *Habitat for endangered, vulnerable, rare and other regionally and locally significant flora and fauna species is protected and enhanced with mitigation measures for species recovery implemented.*
- (d) *Ecological buffers, fauna fencing, supplementary planting to prevent edge effects and other measures as appropriate are provided to mitigate adverse impacts from development on land adjacent to an ecologically important area.*

Where applicable, the above statements are considered as part of the assessment below against the relevant codes.

**PRELIMINARY APPROVAL INVOLVING A VARIATION REQUEST**

Under section 61 of the *Planning Act 2016*, a Preliminary Approval can also include a request for a variation approval, which varies the effect of a local planning instrument on premises the subject of the approval, which in this case is the Wises Farm Preliminary Approval. A variation approval may establish the category of assessment and assessment benchmarks for development the subject of the application and any related development and prevails over a local planning instrument to the extent of any inconsistency for the “life” of the approval, or until the development is completed.

This type of Preliminary Approval may establish specific assessment provisions that will then apply in assessing any future development applications relating to the land. A Preliminary Approval may seek to:

- vary or add the provisions of a relevant code; or
- vary the level of assessment and assessment benchmarks for future applications.

The assessment of the part of a development application that is a variation request is distinct from and follows the assessment of the part of the development application that is subject to assessment generally. This is because the assessment of the proposed development is carried out against the planning instruments at the time the development application is made.

The outcome of this assessment informs the assessment and decision of the part of the development application that proposes to vary the local planning instrument. The proposed variations are not assessed unless the development the subject of the development application is to be approved. If the other parts of the development application are refused, any proposed variations will also be refused.

It is important to note that the proposed Reconfiguring a Lot application is only one way to meet the provisions of the proposed higher order variation request. There is no certainty that the applicant will proceed with this aspect of the proposal and other applications could be made with different layouts and land uses pursuant to the provisions of the variation request. For example, under the proposed Supplementary Table of Assessment, an application for Multiple Dwelling Units or Retirement Villages would be code assessable (up to 185 dwellings).

**Proposed Layout of Development**

The proposed Preliminary Approval for Material Change of Use of Premises (including a Variation Request to Vary the Effect of the Preliminary Approval for the Wises Farm Mixed Use Development) identifies areas for future development for residential uses and open space areas (as per the below proposed Precinct plan).



Figure 5: Proposed Precinct Plan (Precincts 7 and 10 are the only precincts changing)

The applicable overlays and the additional requirements of the local plans of both the *Sunshine Coast Planning Scheme 2014* and *Maroochy Plan 2000* should be considered to establish the confines of any developable area or areas where development is not appropriate.

Under *Maroochy Plan 2000*, the majority of the overlays were assessed as part of the Preliminary Approval, however the overlays that remain relevant to this assessment include:

- Nature conservation management
- Possible Bushfire Prone Area (Low hazard)

The *Sunshine Coast Planning Scheme 2014* also identifies a number of overlays affecting the subject site including:

- Acid Sulfate Soils
- Airport Environs
- Biodiversity, Waterways and Wetlands
- Bushfire Hazard
- Flood Hazard
- Height of Buildings and Structures (12 metres)

Given the above provisions, this assessment is undertaken considering the following factors:

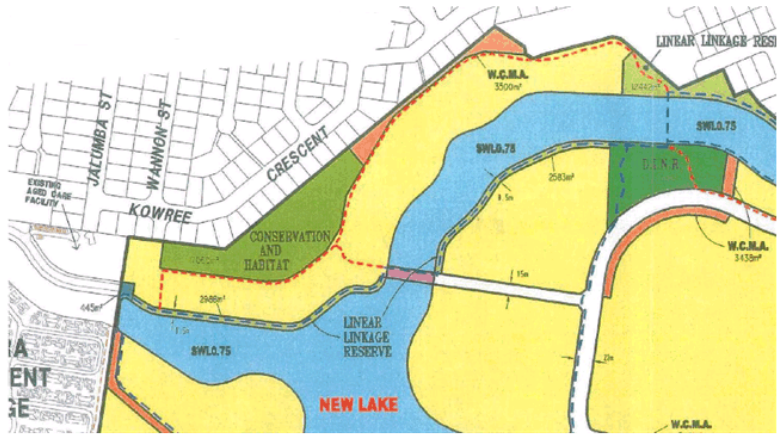


- Existing Wisés Farm Preliminary Approval Requirements
- Ecologically Significant Vegetation
- Open Space & Amenity Buffering
- Visual amenity/local character

Existing Wisés Farm Preliminary Approval Requirements

The existing Wisés Farm Preliminary Approval is supported by a Local Area Structure Plan which identifies area for future development and open space as well as major pedestrian/cycle routes. As seen in the below figure, a significant portion of the subject site is designated as Conservation and Habitat (17,060m<sup>2</sup>) and Water Cycle Management Area (3,500m<sup>2</sup>).

It is noted that the Linear Linkage Reserve and pathway adjacent the lake has been approved through the Stage 1 subdivision approval (which is yet to be acted upon).



**Figure 6:** Current Approved Land use Structure Plan applicable to the site (yellow is developable area).

A Precinct Plan is also included in the existing Wisés Farm Preliminary Approval document which splits the subject site into two Precincts, Precinct 7 (south) and Precinct 10 (north).



Figure 7. Current Approved Precinct Plan for Precincts 7 and 10.

Precinct 7 is a Mixed Residential Precinct which is intended to accommodate a range of densities and residential use types. This includes, but is not limited to detached houses, dual occupancies, multiple dwelling units, and accommodation buildings. Densities are regulated by Design and Form controls including Dwelling Unit Factor Control. As the area of Precinct 7 is 1.82ha, the maximum density anticipated by the preliminary approval is approximately 131 units, which equates to approximately 72 dwellings per hectare. It is noted there is no minimum lot size requirement for this precinct, as such small lot subdivision applications are assessed as code assessable within this Precinct.

Precinct 10 is a Low/Medium Residential (Neighbourhood Residential) Precinct, which is intended to accommodate the lowest density development within Wises Farm, principally in the form of detached housing. Residential density within Precinct 10 must achieve an average density across the Precinct of not less than 10 dwellings per hectare. Again, it is noted there is no minimum lot size requirement for this precinct, as such small lot subdivision applications are assessed as code assessable within this Precinct.

Where the proposed development is outside of the open space designation under the preliminary approval, it is generally consistent with the precinct intent and built form and design controls of the preliminary approval (which could be assessed through a code assessable subdivision application).

As such, the major point of conflict with the preliminary approval is around the footprint of the proposed development extending into open space designation.

It is apparent from reviewing the original Wises Farm Preliminary Approval report that was presented to Council and the *Maroochy Plan 2000* provisions that the original reasons for identifying the open space in this location was to:

- Preserve the significant vegetation in this location (hence it was labelled Conservation and Habitat) and
- To act as a buffer to the existing adjacent low density residential development.

This was reflected in the following Landscape and Built Form Intent Statement from the Wises Farm Preliminary Approval Document for Precinct 10 which highlights that the parkland was intended to provide a buffer to the adjoining residential areas:

*"The Precinct is separated from existing residential development to the north and west by an area of retained vegetation incorporated into the open space network for Wises Farm. This open space area serves as an effective buffer between the adjacent existing residential areas. New development should also seek to take advantage the amenity and aesthetic opportunities afforded by such open space."*

In addition, the Precinct Intent and Landscape and Built Form Statements for the Open Space Precinct state that:

*"This Precinct includes the new lakes, major open space and road elements that will provide the setting for the urban development that is proposed for Wises Farm."*

*"It is intended that all areas depicted will be dedicated to Council as appropriate through the various stages of development and /or at a time dictated by conditions of the Preliminary Approval governing the Wises Farm development"*

*"Built form within this Precinct will be minimal, and restricted to development that enhances the Precinct's function as an aesthetic setting for the urban development Precincts, and for passive and recreational open space."*

*"Landscaping and embellishment of the Precinct will be provided to achieve the purpose of the space, be easy to maintain and meet the requirements of the local community in terms of function, useability, visual amenity and personal safety."*

No supplementary table of development is provided for this Precinct, given that *"it is anticipated that land will be dedicated to Council and reserved for particular purposes for which it is nominated."* As such, any development proposed within the Open Space Precinct is impact assessable.

It is important not to consider this particular piece of parkland or stage of the Sunshine Cove estate in isolation, given that the original Wises Farm Preliminary Approval assessment considered the approved open spaces network as a package. Based on the above, it is clear that at the time of the original Preliminary Approval, this parkland was considered an important amenity/habitat park which also provided a buffer to neighbouring low density residential properties. From the above assessment, where the proposal encroaches into the open space precinct, it is not consistent with the provisions of the Preliminary Approval. The specific matters and implications of this conflict is discussed in more detail as follows.

#### Ecologically Significant Vegetation

The area of identified open space contains mapped native vegetation under both *Maroochy Plan 2000* and *Sunshine Coast Planning Scheme 2014* and is identified under the *Vegetation Management Act 1999*, as Regional Ecosystem RE12.3.2. This is an "Of concern" Regional Ecosystem and is dominated with emergent Eucalypts overtopping an understory of rainforest tree and shrub species – a "Wet Sclerophyll Forest Community". Council's Ecology Specialist notes that the forest emergent trees with this patch include a good proportion of trees with hollow trunks and limbs – "habitat trees" which appear to be under active use by hollow nesting birds and possums.

The proposed expanded development footprint would result in the removal of all of the existing mapped vegetation.

Through the purpose and overall outcomes, the *Biodiversity, waterways and wetlands overlay code of Sunshine Coast Planning Scheme 2014* broadly intends to:

- protect and enhance ecologically important areas and ecological connectivity;
- protect and establish appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;
- protect known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the *State Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*; and
- ensure development is located, designed and managed to avoid or minimise adverse direct or indirect impacts on ecological systems and processes.

An Ecologically Important Area is defined in Schedule 1 of the *Sunshine Coast Planning Scheme 2014* as:

- “(a) a natural waterway or wetland;
- (b) an area of remnant or non-remnant native vegetation identified on a *Biodiversity, Waterways and Wetlands Overlay Map*; or
- (c) an area which otherwise:-
- (i) contains or is likely habitat for scheduled species under the *Nature Conservation (Wildlife) Regulation (QLD) 2006*;
  - (ii) contains or is likely to contain threatened species and/or ecological communities, protected critical habitat or listed migratory species as defined by the *Environment Protection and Biodiversity Conservation ACT 1999*;
  - (iii) contains a spring as defined under the *Water Act (Qld) 2000*; or
  - (iv) contains habitat for flora and/or fauna species of local ecological significance.”

The applicant has submitted that the clearing of the existing mapped vegetation is appropriate for the following reasons:

- The provision of an ecological assessment which concludes that the existing vegetation has little to no ecological value.
- That there is safety and maintenance issues with retaining the existing vegetation due to the risk of limb fall and bushfire. The applicant suggests that a minimum of 30-50% of the trees would be required to be removed to ensure public safety, which would have a significant impact on ecological integrity of the vegetation.
- That the vegetation can be cleared for the provision of necessary firebreaks and fire management lines, in accordance with section 20A within Part 3, Schedule 6 of the *Planning Regulation* (no approvals required).
- The offer of a financial offset of \$75,000 due to the loss of vegetation.

Council's Landscape and Ecology specialist has assessed the ecological assessment reports provided by the applicant and considered the above submissions by the applicant and has provided the following responses:

- The applicant has submitted a report suggesting the subject area has little or no ecological value. Council assessment and observation disagrees with this suggestion and believes the vegetation is considered an Ecologically Important Area to be protected under the *Sunshine Coast Planning Scheme 2014* due to the

habitat values, including foraging for rainforest birds, nesting hollows, forest maturity and it's "Of concern" Regional Ecosystem status. Whilst the site may lack direct connectivity for larger ground dwelling fauna to larger bushland or conservation areas, as is the premise of many ecological reports, the subject area is a vital piece in a network of urban forest areas. The subject site is elevated and is a resting and way point for a variety of raptors and other avifauna. The concept of an urban forest made up of a variety riparian and hilltop areas within the Sunshine Coast presents a combined network of great environmental value, both locally in the Sunshine Cove area and the Coast generally.

- The assessment of this application triggered an evaluation of the quantum of protected natural estate and native forest remnants remaining within the Maroochy Area bounded by Maroochydore Road, Maroochy River, the coastline up to Okinja Road and back along the Sunshine Motorway; an area of approximately 746 hectares. The remaining bushland remnants (seven in reserves and two in schools) protect an area of approximately 13 hectares and when including the subject forest area amount to approximately 14.5 ha. These forests representing the last of the Maroochy forests represent just under 2% of the total area. The value of the subject site is significantly important given what little forested habitat remains in the local area.
- The coastal plain reserve network is a combination of scattered forested remnants of varying sizes and together they provide critical habitat for resident mammals and birds as well as providing an "archipelago" of seasonal resting and foraging spots for longitudinal and latitudinal movement of birds and fruit/blossom bats.
- Council accepts that the developer as part of the dedication of the subject reserve will be required to remove some trees and/or overhanging limbs, this being required prior to plan release of the relevant associated stage of development. Whilst a number of trees have already been removed from the area, it is showing good signs of recovery. Rehabilitation (i.e. weed removal, replanting) of the parkland would also be required as part of any dedication which will reinforce the current natural succession and enhance the ecological importance of the area.
- It is noted that under the current Wises Farm Preliminary Approval layout, as part of any future proposal in close proximity to the vegetation, it would be required that dwellings and other infrastructure be setback away from the strike/hazard zone from existing vegetation to avoid unnecessary tree removal. Avoiding the removal of mature vegetation in consideration of environmental values is required by Council's Planning Scheme.
- Council manages an extensive network of reserves that includes the management of mature trees. Subsequent to the required arboricultural and rehabilitation works within the area in question, Council accepts that as part of a liveable Sunshine Coast there will be an ongoing management obligation of the future reserve in close proximity to urban development. Council's Natural Areas Team have been consulted and are supportive of the vegetation retention providing the following comments:
 

*"We have the resources and understand the inherent risks this vegetation parcel presents, be it tree management or amenity. Provided terms and conditions are met by the developer and timely notifications are supplied of ON/OFF maintenance, Natural Areas are prepared to undertake the management and maintenance of this asset for the benefit of the immediate and broader community and environment."*
- The proposal to clear and offset vegetation is considered a poor substitute to vegetation retention. The subject site supports old growth remnant trees and mature regrowth trees and would take close to 100 years to replace this forest



community. Vegetation “offsets” cannot be compared to the preferred option of retention of functioning forest communities with their inherent ecological values of soil biota, natural ground (land form and drainage patterns), trunk size, species abundance and distribution and nesting habitat.

- Although the area is identified on Councils Bushfire Hazard Overlay, where there is an inconsistency between the State Planning Policy and the local government planning instrument, the State Planning policy applies over the local planning instrument. Therefore the State Planning Policy Bushfire Prone Area mapping prevails with respect to the trigger for assessment under Councils Bushfire hazard Overlay Code. The vegetation in question is not identified on the State Planning Policy Bushfire Prone Area mapping and consequently isn't considered as a bushfire hazard. As such, the officers are of the opinion that the vegetation cannot be cleared without approval (as exempt works). Furthermore, it is noted that this area can be dedicated to Council as park in accordance with the current Wises Farm Preliminary Approval, which would remove any liability concerns the applicant has on this matter.
- The existing forest does carry a significant weed load; however many similar forest remnants are regularly added to Council's reserve estate. The restoration of these forests is a standard requirement prior to transfer to Council. There is nothing unique or peculiar with this forest which would make its rehabilitation cost prohibited or operationally challenging.

#### Open Space & Amenity Buffers

As discussed above, the existing Wises Farm Preliminary Approval identifies a significant portion of land (1.706ha) as Conservation and Habitat. In addition to this, a 3,500m<sup>2</sup> Water Cycle Management Area is designated in the north western corner of the site.

The below table provides a comparison between the open space outcome under the current Wises Farm Preliminary Approval vs the proposed amended open space offering for Precincts 7 and 10.

Types of Open Space	Current Preliminary Approval	Proposed Preliminary Approval	Proposed Subdivision (excludes Stage 1)
Park/Conservation Habitat	2.048ha	0.915ha	0.602ha
Landscape Open Space (within the Road Reserve)	-	-	0.246ha
Landscape Buffer	-	0.445ha	0.445ha
Water Catchment Management Area (drainage reserve and bioretention basins)	0.35ha	-	0.157ha
<b>TOTAL</b>	<b>2.398ha</b>	<b>1.36ha</b>	<b>1.45ha</b>

The applicant has submitted that the proposed amended open space layout is more appropriate due to:

- The currently approved open space is not intended to be traversable by the Sunshine Cove community or wider public and is not considered 'usable' open space.
- The proposal offers a similar amount of open space in the form of a consolidated park area on the northern portion of the subject site in addition to pocket parks and a high amenity landscaped buffer.
- The creation of a usable 'community park' embellished with half basketball court, picnic shelter, community garden, outdoor gym, play equipment, table tennis table, open play space and paved areas.
- The proposed 6-7m wide replacement buffer will deliver an effective screening solution to existing neighbouring properties.
- The layout is a more efficient use of centrally located land as it encourages an efficient infill in an urban area with access to services.

The proposed small "pocket parks" and the linear landscape buffer should not be considered as part of the quantum of open space when comparing it to the current Preliminary Approval outcome. These smaller/constrained parks will not function the same as a single consolidated park and are a necessary component for the row housing product that is being proposed or to provide buffering due to the close proximity of the development. As such, the larger park with an area 4,005m<sup>2</sup> is considered the only useable/comparable parcel of open space being proposed. When this is compared to the current Wises Farm Preliminary Approval requirement to provide a single 1.706ha parcel of land it is clear the existing approval is a superior public open space outcome.

It is not agreed that the open space as currently approved will not be traversable or accessible as there is appropriate land to accommodate embellishments and pathways through the parkland. While it may function more as a bushland park rather than a recreational park, these types of open space are just as valuable within an urban setting of increasing density. When considering open space from a broader perspective, in the longer term density is likely to increase with the redevelopment of the lower density area

to the north of the site (due to close proximity to the CBD). This increase in density will only place greater value and demand on open space within the locality.

With regards to the proposed 'community park' as a potential offset/benefit for the clearing of the existing elevated treed area, the following comments has been provided by Council's Landscape and Ecology specialist:

*"this is generally seen as an oversupply of traditional park play for that immediate area. Council's service standards note that a local park or access to an open space network, is located within 400-500mtrs walking distance. In this regard the new residents within the related precincts of Sunshine Cove are already well serviced by parks at Millwell Road and Sunrise Drive as well as access to the walkable waterfront and district recreation loop that extends within Sunshine Cove generally. The proposed park is also not connected to the existing northern residential areas and as such is not available to the broader community.*

*In addition to a general over supply of traditional park play, the proposed new local park is of a different function to the subject elevated treed environmental area. The existing elevated treed area is not seen as being developed as a local park with hard recreation infrastructure, but rather as a passive natural area with potential for low key walking and nature study that utilises the existing mature trees as a base to build upon."*

With regards to the proposed replacement buffer, Council's Landscape and Ecology specialist has provided the following comments:

- The proposed buffer planting is not a like for like outcome;
- The current Wises Farm Preliminary Approval which retains a mature stand of endemic trees, provides a superior buffer in comparison to the proposed 6m wide buffer;
- The proposed new buffer will be compromised with sewer infrastructure, poor surveillance, height limitations due to future resident's expectations on solar access, poor maintenance access, fencing/retaining structural conflicts will not deliver a successful, desirable community outcome.

In summary, the proposed open space offer from the applicant is not of the same standard or an equivalent outcome, when compared to the current Wises Farm Preliminary Approval open space requirements.

#### Visual amenity/local character

The development is required to be assessed to determine whether it will result in a significant loss of amenity or will detrimentally impact on local character. It is noted that the existing vegetation is highly visible from a number of vantage points in the local area due to its height of up to 30 metres in places.

The below overall outcomes and performance outcome requirements of the Maroochydore/Kuluin local plan code of the *Sunshine Coast Planning Scheme 2014* has specific requirements on the retention of vegetation which contribute to the character and sense of place of the local area.

7.2.19.3 Purpose and overall outcomes

(b) Urban development in the Maroochydore/Kuluin local plan area is limited to land within the urban growth management boundary so as to protect environmental areas and landscape values

(bb) Development in the Emerging community zone provides for the continued development of Sunshine Cove as an integrated residential community, providing a mix of dwelling types and live/work buildings in a waterside setting, supported by large areas of open space, a walkable waterfront and extensive cycle and pedestrian pathway networks connecting the development to the Maroochydore Principal Regional Activity Centre and other adjoining neighbourhoods.

Development in the Maroochydore/Kuluin Local Plan Area Generally (All Zones)

PO3 Development provides for the retention and enhancement of key landscape elements including significant views and vistas and existing character vegetation contributing to the setting, character and sense of place of the Maroochydore/Kuluin local plan area.

AO3.2 Development provides for the retention and enhancement of existing mature trees and character vegetation contributing to the setting and character of the local plan area

The applicant submitted a Visual Amenity Assessment and Photomontages in support of the development application. The report concluded:

*“Removal of the existing vegetation will have significant visual impact on views of the skyline internally and on immediate views of residents adjoining the vegetation. With the exception of the removal of the existing vegetation both development options will have a similar visual impact in terms of built form and views internally and externally with or without removal of the trees. Therefore while the removal of the trees will have a significant impact this is only slightly higher than the impact allowable under the preliminary approval. With development of the vegetation in the landscape buffer a similar amenity of a treed skyline can be achieved over time.”*



**Figure 8:** Photograph looking north across the Sunshine Cove Lake (within the estate) at existing vegetation.

The following are photomontages taken from the applicant's Visual Amenity Assessment.



Figure 9: Code assessable development option showing 3 storey unit blocks with existing trees remaining.



Figure 10: proposal when viewed from the southern side of the lake (removal of vegetation)





**Figure 11:** Artist impression of proposal when viewed from the lakeside pathway on the opposite side of the lake (trees in background within the 6m wide buffer).

The below photomontages as prepared by Council show the comparison of the tree removal when viewed from key vantage points both within the Sunshine Cove estate and from the surrounding area.



**Figure 12:** Top image shows current view and the bottom image shows the impact of the removal of the vegetation (view from southern side of the lake).



*Figure 13: Top image shows current view and the bottom image shows the impact of the removal of the vegetation (view from Kowree Cres north of the site).*



*Figure 14: Top image shows current view and the bottom image shows the impact of the removal of the vegetation (view from Wannon St north of the site)*





**Figure 15:** Top image shows current view and the bottom image shows the impact of the removal of the vegetation (view from Allora Dr west of the site)

The above images demonstrate that the proposed removal of the existing vegetation will have a dramatic impact on the skyline of the surrounding area and as such will have a corresponding impact on the local character and amenity. Council's Urban Design specialist has assessed the applicant's Visual Amenity Assessment and comments:

*"The visual analysis of the difference between the removal of the existing trees and the alternative outcome with newly established trees is quite stark. The existing trees provide an extensively tall back drop of landscape approximately 1/3 higher than the buildings proposed. This helps to soften and assimilate the built form into the landscape."*

Further, Council's Landscape and Ecology specialist does not agree with the assertion of the applicant's Visual Amenity Assessment that the proposed 6m wide buffer will support vegetation up to a height of 15m, due to insufficient maintenance access, concerns with solar access and infrastructure provision.

The below aerial photograph identifies the existing vegetation is an important piece of the mosaic of mature vegetation on the Maroochydore local area and skyline.



Figure 16: Aerial photograph of local area highlighting surrounding pockets of significant character vegetation.

As mature vegetation is removed in the surrounding established areas to the north on private allotments (due to long term redevelopment), this will only place greater importance or value on the existing stand of mature vegetation on this site from a visual amenity/character perspective.

In summary, the proposal is in direct conflict with the character and amenity requirements of the overall outcomes and the zoning intent of the *Sunshine Coast Planning Scheme 2014* and the *Wises Farm Preliminary Approval*. It is recommended that the removal of a significant element of the mosaic of established vegetation within the Maroochydore local area not be supported.

**Conclusion for Developable Area**

The above assessment recommends the proposed development footprint is not appropriate for the following reasons:

- It will remove ecologically significant vegetation contrary to the code requirements.
- The proposed open space offer from the applicant is not of the same standard or an equivalent outcome when compared to the current *Wises Farm Preliminary Approval* open space requirements.
- The proposed replacement buffer is not adequate and will result in detrimental amenity impacts on neighbouring residential properties (particularly when compared to the buffers required by the current preliminary approval).

- It will have detrimental impacts on visual amenity and character of the local area.

Land Uses, Categories of development and categories of assessment table

The proposed Preliminary Approval, involving a variation request, includes the following components:

- Establish a precinct plan, including the following precincts
  - Neighbourhood residential
  - Open space
- Establishing new Precinct Intent, Preferred and Acceptable Uses, Landscape and Built Form requirements and Design and Form Controls
- Vary the levels of assessment for future development applications within the development area, overriding the Table of Assessment for the current Wises Road Preliminary Approval;
- Vary the levels of assessment for Reconfiguring a Lot across the site

The proposal plan below shows the precinct layout (noting this application only relates to Precincts 7 & 10).

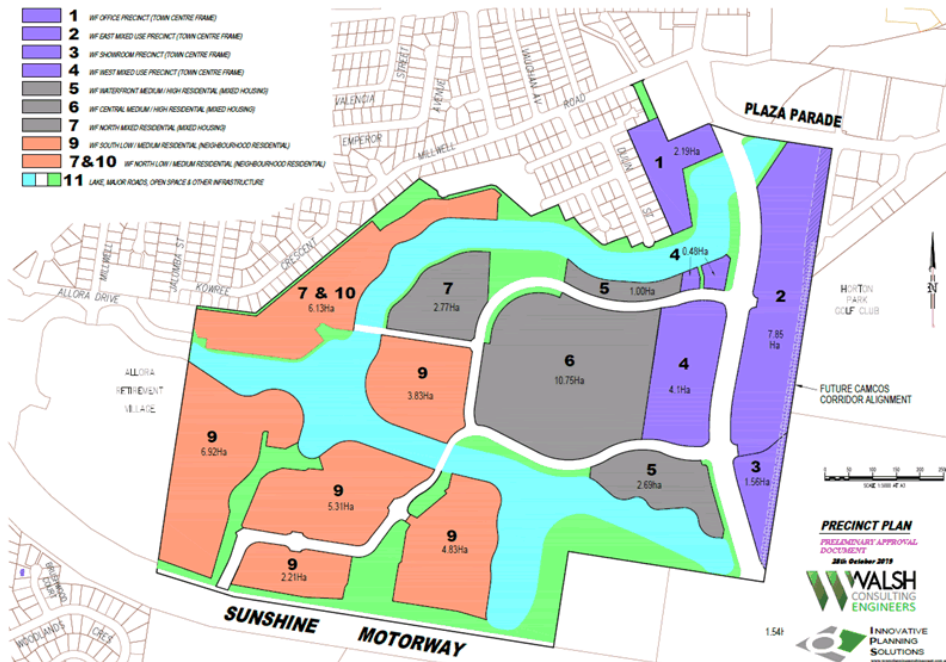


Figure 17: Proposed new precinct plan as part of the Variation Request.



The key changes being made by the proposed variation request include:

- An increase in developable area and corresponding reduction in open space. The proposed developable area of Precincts 7 & 10 is 6.13ha while under the current Wises Farm Preliminary Approval the developable area of these Precincts is 5.18ha.
- Increasing the allowable footprint for multiple dwellings, retirement villages and residential care facilities. Currently these uses are limited to the southern Precinct 7 only with a footprint of 1.82ha. Under the proposal there is the potential for these uses to occur over the entire 5.18ha developable area. Currently the northern Precinct 10 is only intended to accommodate detached dwellings, bed and breakfast, dual occupancies, and home-based businesses as potentially code assessable.
- Increasing the minimum density requirement for the current northern Precinct 10 area, from not less than 10 dwellings per hectare to not less than 15 dwellings per hectare as well as introducing Dwelling Unity Fact controls for this precinct.
- Changing height provisions. The current Wises Farm Preliminary Approval has a requirement for all development in Precinct 10 which is within 20 metres of established residential areas to be a maximum of 2 storeys (not more than 8.5 metres) and be 3 storeys (not more than 12 metres) elsewhere in the precinct. The proposal seeks to reduce the 20 metres setback to 10 metres (i.e. development within 10 metres must be a maximum of 8.5 metres) and that this will apply for the entirety of Precincts 7 and 10. Currently, Precinct 7 has a blanket 3 storey height limit (there is no requirement for reduced heights where adjoining neighbouring properties in this precinct as it does in Precinct 10).

While there are concerns with the proposed increase in the footprint of urban development, there are also concerns with the potential for a greater density and change in the character of the site, particularly the northern Precinct 10 which is only intended to be low density residential (detached housing) under the current Wises Road Preliminary Approval. This is particularly concerning when noting the proposed subdivision may not be acted upon and separate applications could be subsequently made for private multiple dwelling units (as code assessable) should the proposed variation request component be approved by Council.

There are also potential issues with the way the applicant has framed the proposed variation request to utilise the existing Wises Farm Preliminary Approval which calls up the superseded Planning Scheme, *Maroochy Plan 2000*. This would perpetuate a superseded planning scheme/standards which are now over 20 years old, and mean that it would continue to override the current Planning Scheme and any future planning schemes for the life of the development. If an approval was granted, any Preliminary Approval documentation should give greater consideration and reference to the current *Sunshine Coast Planning Scheme 2014* codes and standards.

#### **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.

#### **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 publicly notified for 30 business days between 8 November 2019 and 19 December 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 55 submissions were received, of which 46 were determined to be 'properly made' in accordance with the *Planning Act 2016*, of which 34 submissions were against and 20 were in support and 1 was neutral.

The following details of the submissions are noted:

- 14 submissions were received by residents directly adjoining the site, residing along Kowree Crescent. Of these, 8 supported the proposal and 6 opposed.
- 5 submissions supporting the development were received from people directly involved with the development of the estate or their family.
- One submission opposing the development included a petition with 12 signatories (this is counted as a single submission in accordance with the legislative requirements).

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

<b>ISSUES</b>	<b>COMMENTS</b>
<b>OPPOSING ISSUES</b>	
Objection to the proposed clearing of native vegetation, being home to local wildlife and birds and not complying with the environmental requirements of the planning scheme.	Agreed. As per the above assessment the proposal will have a detrimental impact environmentally which is inconsistent with the provisions of the existing Wises Farm Preliminary Approval and the <i>Sunshine Coast Planning Scheme 2014</i> .
Removal of the trees will impact on the visual amenity for existing residents.	Agreed. As per the above assessment the proposal will have a detrimental impact on the visual amenity and local character, which is inconsistent with the

	provisions of the existing Wises Farm Preliminary Approval and the <i>Sunshine Coast Planning Scheme 2014</i> .
Removing one of the last standing areas of established trees right next to the new CBD would be a disappointment.	Agree. Maintaining mature stands of vegetation in urban areas provide an important natural asset and green relief contributing to the amenity and character of a local area.
The proposed 6m wide replacement buffer is not adequate, and cannot replace existing mature trees or support trees of any significant height.	Agree. Council's Landscape and Ecology specialist does not believe the proposed 6m wide replacement buffer will be effective and sustainable into the long term.
The proposed 300mm gravity sewer behind 19-31 Kowree Crescent will be located within the 6m buffer zone, thereby limiting the ability for this area to be vegetated.	In response to this submission, the applicant has amended the layout to move this sewer outside of the 6m wide landscape buffer.
Public access should be permitted to the 6m buffer area or it cannot be considered to be open space.	Agree. As discussed above, it is agreed that the proposed buffer should not be considered as park as its purpose is seeking to ameliorate the impacts of the development to neighbouring land and not to provide useable open space.
The buffer does not meet Crime Prevention Through Environmental Design principles including poor surveillance, maintenance access.	It is agreed that where the buffer is directly adjacent to proposed residential lots that this could become an area that is difficult to maintain. With the current Wises Farm Preliminary Approval layout this is not an issue.
Concern that the poor landscaping maintenance in Sunshine Cove will be repeated in the new development.	If approved, conditions of approval could be imposed to ensure the applicant maintains landscaping to an acceptable standard until such time as Council takes responsibility.
Concern over the additional traffic that will be added to the existing entry and exit points in Sunshine Cove.	Council's Development Engineer has no concern with the proposed traffic impacts and is satisfied the existing road network has been designed to accommodate the increase in traffic by the proposal.
Concern over whether Cheyanne Way and bridge can accommodate the extra traffic and can an Emergency/Second Access be provided to the new precinct.	Council's Development Engineer has no concern with the proposed traffic impacts and is satisfied the existing road network has been designed to accommodate the increase in traffic by the proposal.  An emergency access has been provided by the separate Stage 1 approval connecting with Allora Drive.

Biobasins in Sunshine Cove have been failing so concern that this will be repeated.	Biobasins are a viable alternative for the applicant to treat stormwater and provided they are designed and maintained appropriately they should not fail. Council's Hydraulic Development Engineer specialist is satisfied that the details provided for the proposed bio basins comply with Councils requirements.
Proposed jetty could be a safety issue at times of moderate rainfall.	The jetty no longer forms part of this application (was approved as part of Stage 1).
Sunshine Cove and Kowree Crescent resents disappointed that they have not been consulted earlier, including signage in a more prominent location, or mail.	The applicant has undertaken public notification in accordance with the requirements of the <i>Planning Act 2016</i> which includes placing signage on the property, placing a notice in a local newspaper and notifying all adjoining land owners.
Request that waterfront walkways be provided to the benefit of all residents.	A walkable waterfront has been provided as part of the Stage 1 approval in accordance with the requirements of the current Wises Farm Preliminary Approval. The applicant has not proposed any additional waterfront walkways as part of this proposal.
The proposal reduces the amount of open space committed to in the preliminary approval, and this should not be overturned.	Agreed. The amended open space offered by the applicant is not an equivalent offering in comparison to the existing Wises Farm Preliminary Approval open space outcome.
The proposed Park in Stage 3 is not readily accessible to the majority of residents.	Agreed. While there will be pedestrian access from the existing residential community to the northern park in Stage 3, the park location is more removed from this community in comparison to the current Wises Farm Preliminary Approval park layout.
Objection to Multi Unit Housing. Would prefer to see small-lot housing.	It is noted that despite the subdivision proposal, under the proposed provisions of the variation request there is potential for multiple dwellings to occur throughout the site (currently limited to Precinct 7). As discussed above, there is concern that this could significantly change the intended character and amenity of the site and not be consistent with the existing surrounding low density housing.
Proposed density is too high for a waterfront location.	Agree. The proposed variation request allows for up to 185 multiple dwelling units and no limit on the number detached dwellings. As such, the proposal has the potential to significantly increase the density from the current Wises Farm Preliminary Approval.
<b>SUPPORTING ISSUES</b>	
The design, density and layout proposed is consistent with that of Sunshine Cove and will maintain	While the subdivision approval is similar in nature to existing small lot development, there is no guarantee that this form of development will proceed under the proposed variation request.

the high standards of Sunshine Cove.	
The trees are in decline and unstable and their removal is supported before people or more property are injured by falling trees or fire.	As per the above assessment, Council believes that any interface issues can be managed by Council through selective clearing, pruning and management. It is not justification for the complete removal of all of the existing significant vegetation as proposed. Council specialists do not believe the vegetation is a bushfire risk.
Local residents are concerned that flying foxes will move into the existing vegetation bringing the amenity impacts on neighbouring properties, therefore it should be removed.	As per the above assessment Council believes that any interface issues can be managed by Council through selective clearing, pruning and management. The potential for the area to be used by flying foxes is not justification for the complete removal of all of the existing significant vegetation. Council specialists do not believe the vegetation is a bushfire risk.
Support for the proposed open space/park areas as they are a much better outcome for local residents and will be usable.	Disagree. The open space offering by the applicant is not of the same standard or quantum to that required by the current Wises Farm Preliminary Approval. Natural parkland provides an important alternative from formal recreation parks, which are already provided in close proximity.
Some Sunshine Cove residents do not want to see their Landscape Levy spent on maintaining the isolated patch of trees when the money can be better spent on improving streetscape and open space parkland area for the benefit of the whole community.	Natural parkland provides an important alternative from formal recreation parks. The parkland as per the Wises Farm Preliminary Approval requirements can be designed to be accessible and useable by the broader community.
Support for the inclusion of nesting boxes to attract bird life as part of the new vegetated landscaping areas.	While this could be conditioned as part of any approval it would not be a like for like outcome for the removal of the significant vegetation with heights up to 30m.

#### 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. The reasons for the refusal are as follows:

1. The proposal conflicts with the policy direction of the The Desired Environmental Outcomes (in particular DEO No's 1, 2, 5 and 6) of *Maroochy Plan 2000* and of the Strategic Framework of the *Sunshine Coast Planning Scheme 2014* (in particular Themes 1 and 5) with respect to the protection of native vegetation and the protection of local desired amenity and character.

2. The proposed development does not comply with the purpose and overall outcomes of the Biodiversity, waterways and wetlands overlay code of *Sunshine Coast Planning Scheme 2014* or the Purpose or Performance Criteria of the Code for Nature Conservation and Biodiversity of *Maroochy Plan 2000* given that it would require removal of mapped native vegetation, which is considered an ecologically important area.
3. The proposal is not consistent with the overall outcomes and performance outcome requirements of the Maroochydore/Kuluin local plan code of the *Sunshine Coast Planning Scheme 2014*, in particular the requirements for the retention of vegetation which contribute to the character and sense of place of the local area. The proposed development therefore departs from the following relevant assessment benchmarks of the *Sunshine Coast Planning Scheme 2014*:
  - (a) Overall outcome (h) and Performance Outcomes PO2, PO3 & PO19 of the Maroochydore/Kuluin local plan;
  - (b) Overall outcome (c) of the Emerging community zone code; and
  - (c) PO18 of the Reconfiguring a Lot Code.
4. The proposed variation request has the potential to significantly increase the density of the site by allowing higher density residential developments in areas currently intended to be low density residential (with densities of 15 dwellings per hectare) or dedicated as open space by the current Wises Farm Preliminary Approval. The proposed development therefore departs from the following relevant assessment benchmarks of the Wises Farm Preliminary Approval Document:
  - (a) the Statements of Desired Character of the preliminary approval for Precincts 10 and 11; and
  - (b) Sections 6.2 and 6.3 of General Statement of Intent for Neighbourhood Residential Precincts.
5. The proposed open space outcome from the applicant is not consistent with the standards, quantum or outcomes of the current Wises Farm Preliminary Approval open space requirements. The proposed development therefore departs from the following relevant assessment benchmarks of the Wises Farm Preliminary Approval Document:
  - (a) Section 3.4 of the Vision Statement;
  - (b) The Statements of Desired Character of the preliminary approval for Precinct 10 and Precinct 11; and
  - (c) The Landscape and Built Form Statement 6.26 for Precinct 10.
6. The proposed development has not demonstrated that the amenity of residential neighbours will not be impacted. The proposed replacement buffer is not adequate and will result in detrimental amenity impacts on neighbouring residential properties (when compared to the buffers required by the current Wises Farm Preliminary Approval). The proposed development therefore departs from the following relevant assessment benchmarks:
  - (a) The following overall outcomes of the Landscape code; (e), (g), (h) and (i); and
  - (b) PO18 of the Reconfiguring a Lot Code.
7. The proposed development is inconsistent with reasonable community expectations for development at the premises which does not support residential development in an open space precinct. Such expectations are informed by,



among other things, existing Wises Farm Preliminary Approval requirements and the *Sunshine Coast Planning Scheme 2014*.

8. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
9. The departures from the assessment benchmarks and the relevant matters discussed above support refusal of the proposed development.
10. Compliance with some assessment benchmarks and the submission of relevant matters advanced by the applicant and submitters are not, on balance, material, and should be given little weight and do not otherwise sufficiently support approval of the proposed development.
11. Refusal of the proposed development advances the purposes of the *Planning Act 2016* because the development fails to maintain physical and social wellbeing of people and communities due to its negative impacts on ecologically important areas and on residential amenity of adjacent residential properties.