



## DETAILED ASSESSMENT REPORT

Link to Development.i:

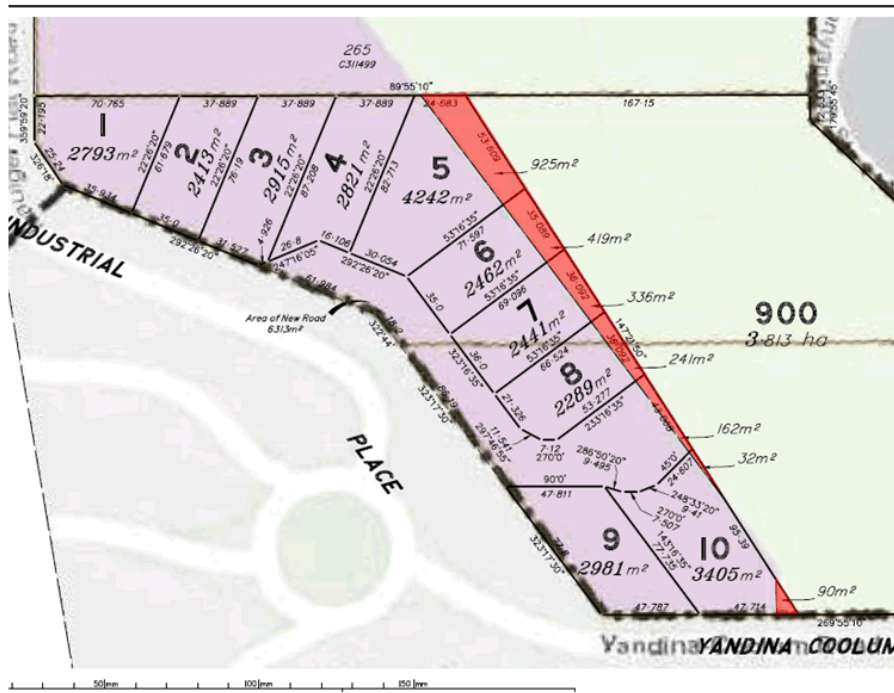
<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0292>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Aspire Developments Enterprises Pty Ltd
<b>Owner:</b>	Minister For Economic Development Of Queensland
<b>Consultant:</b>	Adams & Sparkes Town Planning
<b>Proposal</b>	Preliminary Approval for Material Change of Use (Variation request to vary the effect of the Sunshine Coast Planning Scheme 2014 – Rural Zone and Height of Buildings and Structures Overlay requirements)
<b>Properly Made Date:</b>	15 November 2018
<b>Information Request Date:</b>	Not Applicable
<b>Information Response Received Date:</b>	Not Applicable
<b>Decision Due Date</b>	12 April 2019
<b>Number of Submissions</b>	No submissions received
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	10
<b>Property Address:</b>	1 Banyandah St North YANDINA QLD
<b>RP Description:</b>	Lot 266 RP 900854 Lot 4 SP 159592
<b>Land Area:</b>	Lot 266 – 4.328ha Lot 4 – 2.992ha
<b>Existing Use of Land:</b>	Vacant land
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014 (29 June 2018)
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Plan Designation:</b>	Industry and Enterprise Area Rural Enterprise and Landscape Area
<b>Local Plan Area</b>	Yandina Local Plan Area
<b>Zone:</b>	Low Impact Industry Zone & Rural Zone
<b>Assessment Type:</b>	Impact

**PROPOSAL:**

The application seeks a Preliminary Approval for Material Change of Use (Variation request to vary the effect of the Sunshine Coast Planning Scheme 2014 – Rural Zone and Height of Buildings and Structures Overlay requirements).

The Variation request covers a relatively small portion of land, being 2,205m<sup>2</sup> in area (or 3% of the site area) which is currently included within the Rural zone by Zone Map ZM8 (Yandina Local Plan Area) of the Sunshine Coast Planning Scheme 2014. The applicant is seeking for this portion of land to be considered as if it were located in the Low impact industry zone. This area is shown in red in Figure 1 below.



**Figure 1 – Proposed Zoning Variation to Zone Map ZM8**

The applicant is also seeking to vary the maximum building height requirements specified on the Height of Buildings and Structures Overlay Map OVM8H (Yandina Local Plan Area) over the same portion of land from 8.5m to 12m as detailed in red in Figure 2 below:

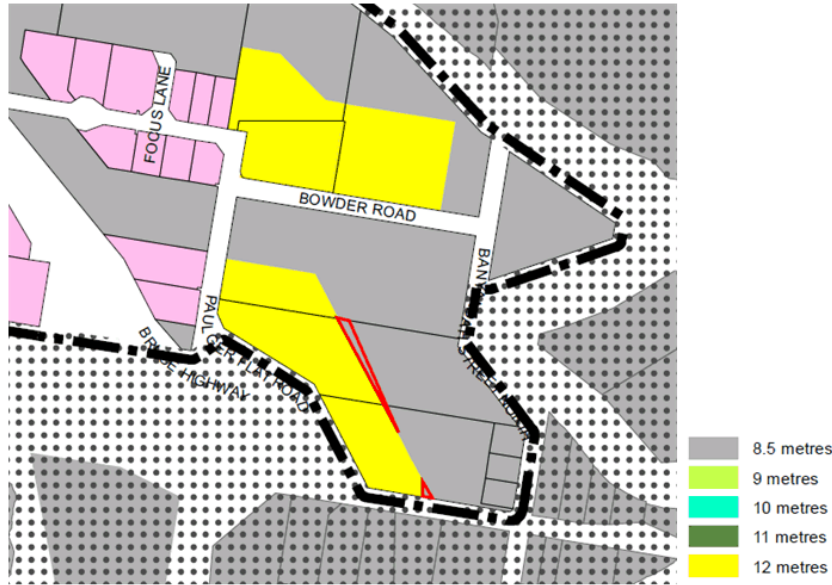


Figure 2 – Height Variation to Overlay Map OVM8H

The purpose of the application is to align the extent of the Low Impact Industry Zone and the 12m height limit with the boundaries of lots that were recently approved as part of a 1 into 10 lot industrial subdivision over the site (RAL18/0081).

**SITE DETAILS:**

**Site Features and Location**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	Lot 266 – 4.328ha Lot 4 – 2.992ha
<b>Existing Use of Land:</b>	The site is currently vacant. Lot 266 was previously used as a storage yard for pipelines.
<b>Road Frontage:</b>	Total road frontage of 782m
<b>Significant Site Features:</b>	The entire site is affected by flooding. A tributary of the North Maroochy River bends through the northeast corner of the site. A riparian area associated with the river and tributary also extends through the site.
<b>Topography:</b>	The site slopes gently downhill to the northeast towards the North Maroochy River. Lot 266 has been filled to the extent of the proposed industrial zoned land and industrial lot boundaries.
<b>Surrounding Land Uses:</b>	North – Yandina Industrial Estate (East).

	<p><b>East</b> – Dwelling Houses and Rural Fire Service fronting Banyandah Street North and North Maroochy River beyond.</p> <p><b>South</b> – Yandina Coolum Road</p> <p><b>West</b> – Bruce Highway</p>
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The location of the subject site in relation to its surrounds is shown in the figures below:



Figure 2 – Street Map Location Plan of Site



Figure 3 – Aerial Photograph





## 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 2017* 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>	<ul style="list-style-type: none"> <li>• State Planning Policy</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.

### Assessment Benchmarks Related to the Planning Scheme

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

<b>PLANNING SCHEME DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014 (29 June 2018)
<b>Strategic Framework Land Use Category:</b>	Industry and Enterprise Area Rural Enterprise and Landscape Area
<b>Local Plan Area:</b>	Yandina Local Plan Area
<b>Zone:</b>	Low Impact Industry Zone & Rural Zone
<b>Consistent/Inconsistent Use:</b>	Not applicable.
<b>Applicable Assessment Benchmarks:</b>	<ul style="list-style-type: none"> <li>• <i>The Strategic Framework of the Sunshine Coast Planning Scheme 2014</i></li> <li>• <i>Yandina local plan code</i></li> <li>• <i>Low impact industry zone code</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Rural zone code</i></li> <li>• <i>Industry Uses Code</i></li> <li>• <i>Reconfiguring a Lot Code</i></li> <li>• <i>Prescribed other development codes</i></li> <li>• <i>Acid Sulfate soils overlay code</i></li> <li>• <i>Airport environs overlay code</i></li> <li>• <i>Biodiversity, waterways and wetlands overlay code</i></li> <li>• <i>Flood hazard overlay code</i></li> <li>• <i>Height of buildings and structures overlay code</i></li> <li>• <i>Landslide hazard and steep land overlay code</i></li> <li>• <i>Regional infrastructure overlay code</i></li> <li>• <i>Scenic amenity overlay code</i></li> </ul>
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### Strategic Framework

The Strategic Framework is an Assessment Benchmark for Impact Assessable applications and considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The purpose of the proposed variation request is to align the zones with a recently approved subdivision. The subdivision was considered to be generally consistent with each matter, or where any potential conflict arose, there were sufficient grounds to justify any conflict. In particular, the subdivision promoted the key concepts and specific outcomes of the Strategic Framework in relation to:

- Providing enhanced open space, amenity and environmental outcomes by revegetating 2.3ha of riparian area within the Rural Zoned portion of the site;
- Addressing the flood constraints over the site by filling the industrial lots to meet flood immunity requirements and transferring 3.18ha of the remaining rural zoned portion of the site to Council for flood conveyance purposes which will ensure the ongoing protection of the flood plain is maintained.
- Ensuring that a well-defined Growth Management Boundary is maintained and secured into the future by transferring the remaining rural zoned portion of the site to Council.

### *Variation Request*

Section 61 of the *Planning Act 2016* requires that when assessing a variation request, the assessment manager must consider the following:

- (a) *the result of the assessment of that part of the development application that is not the variation request; and*

- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

In response to each of the matters required for consideration under section 61 of the *Planning Act 2016* as listed under (a) to (d) above, the following is relevant to assessment of this variation request:

- (a) The proposal seeks a Variation Request only in order to vary the effect of the Rural Zone and Height of Buildings and Structures Overlay requirements;
- (b) The proposal does not otherwise raise any inconsistencies or conflicts with the planning scheme and would create logical alignment with the boundaries of a recently approved subdivision over the site (RAL18/0081);
- (c) The variation request would have the same effect as if all of the land shown within Lots 5 -8 and 10 on the plan for approval were included within the Low Impact Industry Zone and would allow certain industrial uses to be 'code assessable' rather than 'impact assessable' within the land to be varied. It is unlikely that future developments would generate submissions, given that the variation request did not receive any submissions. Further, the variation request relates to a small 'slither' of land and would not dramatically change the built form appearance of future development.
- (d) The assessment of the other matters prescribed by regulation are contained elsewhere in this report.

#### Planning Scheme Codes

The application has been assessed against each of the applicable codes. The pertinent issues arising out of assessment against the codes are discussed below:

#### **Rural Zone Code**

The subject site is split zoned Low Impact Industry Zone & Rural Zone. The preliminary approval seeks for a 2,205m<sup>2</sup> land area (or 3% of the site area) of the Rural Zoned portion of the site to be considered as if it were located in the Low Impact Industry Zone.

The proposed land area to be varied aligns with the industrial lots that were approved as part of an application for a 1 into 10 lot industrial subdivision (RAL18/0081).

While it was recognised in the officers assessment report that this subdivision posed a degree of conflict with the planning scheme, it was determined by Council that the following 'relevant matters' were considered to be sufficient to support the development despite the conflict:

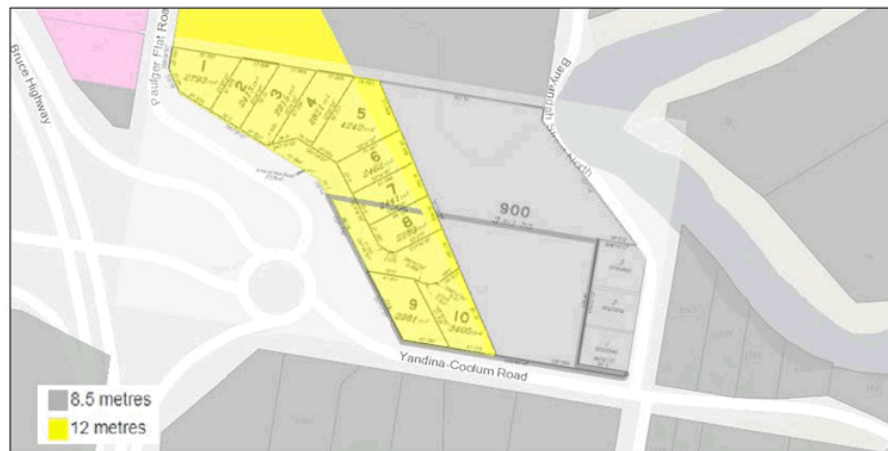
- *"The area in which the new lot boundaries encroach into the rural zone have generally already been filled and used for industrial related purposes in the past. Whilst there is a technical conflict to the extent that the industrial lots encroach into the rural zone, this zoning conflict was overtaken by events at the time that the filling of the land allowed to occur, and the land was allowed to be used for industrial purposes."*



- The new lot boundaries represent a relatively small encroachment into the rural zone comprising a total area of 2115m<sup>2</sup> or approximately 3% of the Rural Zoned land and the subdivision will not impact on the character or amenity of the area.
- 3.18ha of the remaining rural zoned portion of land is proposed to be transferred to Council for flood conveyance purposes which will ensure the ongoing protection of the flood plain is maintained.
- 2.3ha of riparian protection areas within the rural zoned portion of the site are proposed to be revegetated prior to it being transferred to Council, which exceeds the planning scheme's rehabilitation requirements. This will offer a public benefit to the community in the form of enhanced open space, amenity and environmental outcomes.
- The proposal will still ensure that a well-defined Growth Management Boundary is maintained and secured into the future by transferring the remaining rural zoned portion of the site to Council.
- A Variation Request to vary the effect of the rural zone requirement of Sunshine Coast Planning Scheme 2014 has been lodged with Council. This would vary the effect of the portion of rural zoned land that would exist within the industrial allotments so that it takes the effect of the low impact industry zone. This matter is likely to come before council in the near future and if approved would resolve any zoning conflicts within the allotments."

#### Height of Buildings and Structures Overlay Code

The application also seeks to vary the maximum building height requirements specified on Height of Buildings and Structures Overlay Map OVM8H (Yandina Local Plan Area) over the same portion of land from 8.5m to 12m as illustrated in Figure 5 below.



**Figure 5 – Proposed variation to Height of Buildings and Structures Overlay Map**

The publicly notified application did not include the variation to building height. On 9 April 2019, the applicant formally submitted a minor change to the application to vary the building height. The applicant provided legal advice supporting that the change to vary the building height was a 'minor change' to the application.

The variation to the building height would only apply to a small 'sliver' of land associated with the industrial allotments and a change in height from 8.5m to 12m over this portion of land would not dramatically change the built form in terms of scale, bulk and appearance of future development.

#### **Assessment Benchmarks Related to a Temporary Local Planning Instrument**

Not applicable.

#### **Other Assessment Matters**

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.

#### South East Queensland Regional Plan 2017 (SEQRP)

The entire site is located within the Urban Footprint of the SEQRP. The proposed industrial subdivision is consistent with the outcomes expressed and sought to be achieved by the SEQRP for the Urban Footprint.

#### State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme 2014* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the planning scheme.

The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests subject to imposition of conditions.

#### **CONSULTATION:**

##### **Referral Agencies**

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*. The department is a concurrence agency for State transport corridors and future State transport corridors.

The department responded by letter dated 21 January 2019 stating that they had no requirements in relation to the application.

##### **Other External Referrals**

The application did not require any other external referrals.

### Public Notification

The application was publicly notified for a minimum of 30 business days between 8 January 2019 and 21 February 2019 in accordance with the requirements of the *Planning Act 2016*. No submissions were received.

### CONCLUSION:

The proposed variation request does not raise any significant issues as it would result in more logical zone and building height boundaries that align with the boundaries of industrial lots that were recently approved as part of a Reconfiguring a lot application over the site (RAL18/0081). Therefore the application is recommended for approval subject to reasonable and relevant conditions.

