

8 REPORTS DIRECT TO COUNCIL**8.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES (MULTIPLE DWELLING UNITS X 73 AND CORNER STORE)**

File No:	MCU18/0190
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Recommended Conditions of Approval 13
Attachments:	Att 1 - Detailed Assessment Report 35 Att 2 - Plans Requiring Amendment 65

Link to Development.i:

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APPLICATION SUMMARY	
Applicant:	Pacific Diamond 88 Pty Ltd
Consultant:	Project Urban Pty Ltd
Owner:	Robyn Elizabeth Byrnes; Dorothy Graham; Richard Charles Kinzbrunner; Joy Ada Findlay; Mark Shelton Hayes and David Seaton Hayes
Proposal:	Development Permit for Material Change of Use (Multiple Dwelling Units x 73 and Shop (corner store))
Properly Made Date:	10 December 2018
Decision Due Date:	7 May 2019
Number of Properly Made Submissions:	Code assessment - therefore no formal public notification period. However, a total of 84 community comments were received from local residents detailing various concerns with the proposed development.
PROPERTY DETAILS	
Division:	4
Street Address:	2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue BUDDINA
RP Description:	Lot 1 RP 201319; Lot 280 B 92911; Lot 281 B 92911; Lot 282 B 92911; Lot 310 B 92911; Lot 311 B 92911
Land Area:	3,806.1m ²
Existing Use of Land	5 x single dwelling houses
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (29 June 2018)
Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Kawana Waters local area plan
Zone:	High density residential zone
Consistent/Inconsistent Use:	Consistent
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek Council's determination of an application for a Development Permit for Material Change of Use of Premises to establish Multiple Dwelling Units x 73 and a Shop (corner store) at 2 & 6 Talinga Street 84 & 85 Pacific Boulevard & 61 & 63 Iluka Avenue BUDDINA.

The application is before Council at the request of the Divisional Councillor.

EXECUTIVE SUMMARY

The application seeks approval for 73 multiple dwelling units and a shop (corner store). The area is zoned High density residential and has a height limit of 21 metres under the provisions of the *Sunshine Coast Planning Scheme 2014*. The subject site and immediate surrounding area currently contains predominantly single dwelling houses.

The proposal is code assessable.

The main focus of the assessment has been compliance with the Multi-unit residential uses code, the Transport and parking code, the Coastal protection overlay code, the Kawana Waters local plan code in the *Sunshine Coast Planning Scheme 2014*.

There has been considerable community interest in this application and despite not being publically notified, a total of 84 residents' concerns were received in relation to the application which were all in opposition to the development.

Subject to recommended conditions (and required amendments to the plans), the application is able to comply with the relevant assessment benchmarks of the *Sunshine Coast Planning Scheme 2014* and State Planning Policy. The proposed development is a consistent, code assessable use which is consistent with the established planning intent for the local area, as reflected in the current and historical planning scheme provisions.

The application is therefore recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Development Application for Material Change of Use of Premises (Multiple Dwelling Units x 73 and Corner Store)" and
- (b) **APPROVE** application no. MCU18/0190 for a Development Application for Material Change of Use of Premises (Multiple Dwelling Units x 73 and Corner Store) 2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue BUDDINA subject to reasonable and relevant conditions provided at Appendix A.

FINANCE AND RESOURCING

In the event of an approval, infrastructure charges would be applicable to the proposed development.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.4 - Service quality assessed by performance and value to customers

Operational Activity: 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on

statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor J Connolly has been consulted throughout the assessment and has requested the matter be brought to Council for consideration.

Internal Consultation

The application was referred to the following council specialists:

- Principal Architect, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer (Hydraulics), Development Services Branch, Customer Engagement and Planning Services Group
- Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Environment Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Conservation Officer (Wildlife Management/TurtleCare), Liveability and Natural Assets Group
- Coordinator, Planning Scheme and Projects, Strategic Planning, Customer Engagement and Planning Services Group

External Consultation

There has been no external consultation undertaken in relation to this report.

PROPOSAL

The application seeks approval for a Development Permit for Material Change of Use of Premises to establish 73 multiple dwelling units and a shop (corner store with a gross floor area of 81.6m²).

Both components of the application are code assessable, and identified as consistent uses in the High density residential zone of the *Sunshine Coast Planning Scheme 2014*.

The proposal comprises a 21 metre high building located across 6 sites in close proximity to Buddina Beach. The proposal contains two levels of basement carparking (188 cars) with dual access from both Iluka Avenue (primary access) and Talinga Street.

The subject site is shown below:



The proposed unit configuration is as follows:

- 66 x 3 bedroom units (including split level villas fronting Pacific Boulevard)
- 7 x 4 bedroom 'penthouse' units on the upper levels.

The immediate surrounding area currently contains predominantly single dwelling houses.

Zoning and Local Plan

The subject land is in the High density residential zone and located within the Kawana Waters local plan area (with a height limit of 21 metres) under the *Sunshine Coast Planning Scheme 2014*.

The intended use of the land for medium/high density residential development with a maximum building height of 21 metres has been established since the commencement of the former planning scheme (*Caloundra City Plan 2004*) in September 2004 (where the land was included in the Multi unit residential precinct within the Kawana Waters Planning Area). Refer to the officer's full and detailed assessment report (Attachment 1) under the Development and Zoning History section for further information on the zoning history.

The proposed development is located over one development node, as per the provisions of the Kawana Waters local plan. The application was originally lodged over 8 land parcels (which spanned 2 development nodes) however was changed to apply to 6 parcels only after lodgement of the application.

Assessment against the Sunshine Coast Planning Scheme 2014

The proposal is code assessable and assessment has been carried out against the relevant assessment benchmarks (codes) of the *Sunshine Coast Planning Scheme 2014*.

The main focus of the assessment has been compliance with the Multi-unit residential uses code, the Transport and parking code, the Coastal protection overlay code and the Kawana Waters local plan code in the *Sunshine Coast Planning Scheme 2014*.

Multi-unit residential uses code

Subject to the imposition of the recommended conditions, the proposal is considered to represent a high quality response to the provisions of the Multi-unit residential uses code which is designed for context and function.

The proposed building is attractive, interactive and addresses the street. It responds to the subtropical context, incorporating shading and landscaping. It provides a high level of amenity and privacy for residents. Necessary components of the building such as car parking and waste storage/collection have been appropriately integrated and sufficient communal and private open space areas are provided to service the residents of the development. The development provides for a density which exceeds the minimum for the high density residential zone (providing 280 equivalent dwellings/hectare, in lieu of the prescribed 50 equivalent dwellings/hectare contained in the code). The higher density has not compromised parking, private open space or communal open space provision.

To achieve this outcome, the proposal relies on some performance solutions to satisfy the provisions of the Multi-unit residential uses code for matters such as site cover and southern boundary setbacks.

Overall, the proposal represents a satisfactory response to the provisions of the Multi-unit residential uses code which is appropriate for the long established zoning of the land, and is recommended for approval, subject to the recommended conditions.

Transport and parking code

The capacity of the frontage roads and access hierarchy to the site is consistent with the requirements of the planning scheme.

The code requires the provision of a total of 96 car parking spaces being a minimum of 73 vehicle parking spaces for the proposed units, 19 visitor spaces and 4 for the corner store. The proposal provides a total of 188 parking spaces over the two basement levels which is consistent with the minimum requirement.

Coastal protection overlay code

The site is within the area covered by the Coastal protection overlay code and is within the declared erosion prone area.

To address the provisions of the overlay code, the development is required to protect itself from the threat of future coastal erosion.

A condition is recommended to require the eastern most (seaward) basement wall to be constructed to the standard of a seawall. The basement (being the seawall) must be designed to withstand wave and water level conditions corresponding to a 1% Annual Exceedance Probability (AEP) event with the coastline at the property boundary at the start of the event. The seawall must be designed to not suffer any major damage in the event such that the structural stability of the wall is affected.

Kawana waters local plan code

The provisions of the local plan seek that development in the Buddina Urban Village provides for higher density residential accommodation in the form of accommodation buildings and multiple dwellings. Development should also occur on larger, amalgamated sites within the 'development nodes' prescribed by the local plan code. Development should not isolate excluded lots and should provide underground car parking where basements do not protrude from the ground more than 1m. Designs should be of architectural merit and site cover should be minimised. The proposed development is consistent with the local plan provisions.

Turtles and lighting

The Sunshine Coast beaches are important turtle nesting habitat for the endangered Loggerhead turtle (*Caretta caretta*) and the Green turtle (*Chelonia mydas*).

Buddina beach generally records some of the highest nest numbers of all Sunshine Coast beaches.

Conditions are recommended regarding the positioning and operation of lighting, during construction and for the life of the development, to minimise any impacts on turtle breeding in accordance with the *Sunshine Coast Lighting Master Plan*.

Rehabilitation of the dune system in front of the development site is recommended, to provide an improved physical light barrier between the development site and the beach. These works would be required to be undertaken in accordance with an operational works approval and would include additional planting, weed management and exclusion fencing. Such works would comprise an improvement to the current conditions of sparse vegetation and informal access tracks throughout this area.

Conditions are recommended which require the developer to undertake a pre-construction light survey on the beach directly in front of the proposed development. At all times, including during the construction and operation of the development, it must be ensured that the existing established sky glow conditions (as established in the pre-construction light survey) are maintained. An as-built light survey is also required upon completion to demonstrate that the existing conditions are maintained. All lighting requirements are recommended to be included within the Community Management Statement for the development and maintained for the life of development.

Overall, the proposed development is able to achieve either the acceptable outcomes, or provide performance solutions to the matters prescribed by the assessment benchmarks of the *Sunshine Coast Planning Scheme 2014* (subject to the recommended conditions) and therefore must be approved as per Section 60 of the *Planning Act 2016*.

Legal

There are no legal implications relevant to this report.

Policy

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant council policies.

Risk

This matter can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions arising from any legal action.

Previous Council Resolution

There is no previous Council resolution relevant to this report.

Related Documentation

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in council's assessment of this application.

A copy of the plans requiring amendment are provided as **Attachment 2** to this report.

A copy of the recommended conditions of approval are provided as **Appendix A** of this report.

Critical Dates

This application is code assessable and a decision is due on or by 7 May 2019. If a decision is not made by this date, the applicant may elect to take a 'deemed approval' of the application.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.

