

DETAILED ASSESSMENT REPORT

APPLICATION FOR CHANGE TO DEVELOPMENT APPROVAL

APPLICATION SUMMARY	
Applicant:	Tricare (Caloundra) Pty Ltd
Proposal:	Change to Development Approval – Development Permit for Material Change of Use of Premises (Retirement Community – Aged Care Facility up to 109 beds)
Properly Made Date:	19 December 2017
Public Notification Period	22/02/18 – 15/03/18
Number of Submissions:	Original application: 17 submissions (objecting) Change application: 1 submission (objecting)
State Referral Agencies:	<u>Concurrence:</u> <ul style="list-style-type: none"> • SARA at DSDMIP
Decision Due Date	29/06/2018
PROPERTY DETAILS	
Division:	1
Street Address:	84 & 86 Caloundra Rd LITTLE MOUNTAIN QLD 4551
RP Description:	Lot 2 & 3 RP 902089
Land Area:	6,246m ²
Existing Use of Land	Vacant – approved Aged Care Facility
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (31 July 2017)
SEQRP Designation	Urban Footprint
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Caloundra West Local Plan
Zone:	Low Density Residential Zone
Assessment Type:	Impact

PROPOSAL:

The application seeks approval for a change to the existing Development Permit for Material Change of Use of Premises (Retirement Community – Aged Care Facility up to 109 beds). Specifically, the change involves the addition of a rooftop terrace to the approved aged care facility.

The rooftop terrace will provide both covered and uncovered areas, a PWD (people with disability) bathroom, seating, a kitchenette and barbeque and is specifically designed for larger group gatherings for staff and residents of the facility and their visitors.

The addition of the rooftop terrace will result in an increase to the building height, from the previously approved height of 11.5m to 15.2m, measured to the top of the lift shaft. The proposed roof terrace would be constructed using building materials and finishes to match the approved building.

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION	
Land Area:	6,246m ²
Road Frontage:	Approx 90m to Caloundra Rd
Significant Site Features:	Nil
Topography:	Site is situated on the crest of a hill, with an elevation ranging between 40-42m Australian Height Datum (AHD).
Surrounding Land Uses:	North: Low density residential and relocatable home park East: Low density residential South: Low density residential West: Low density residential and over 50s lifestyle estate

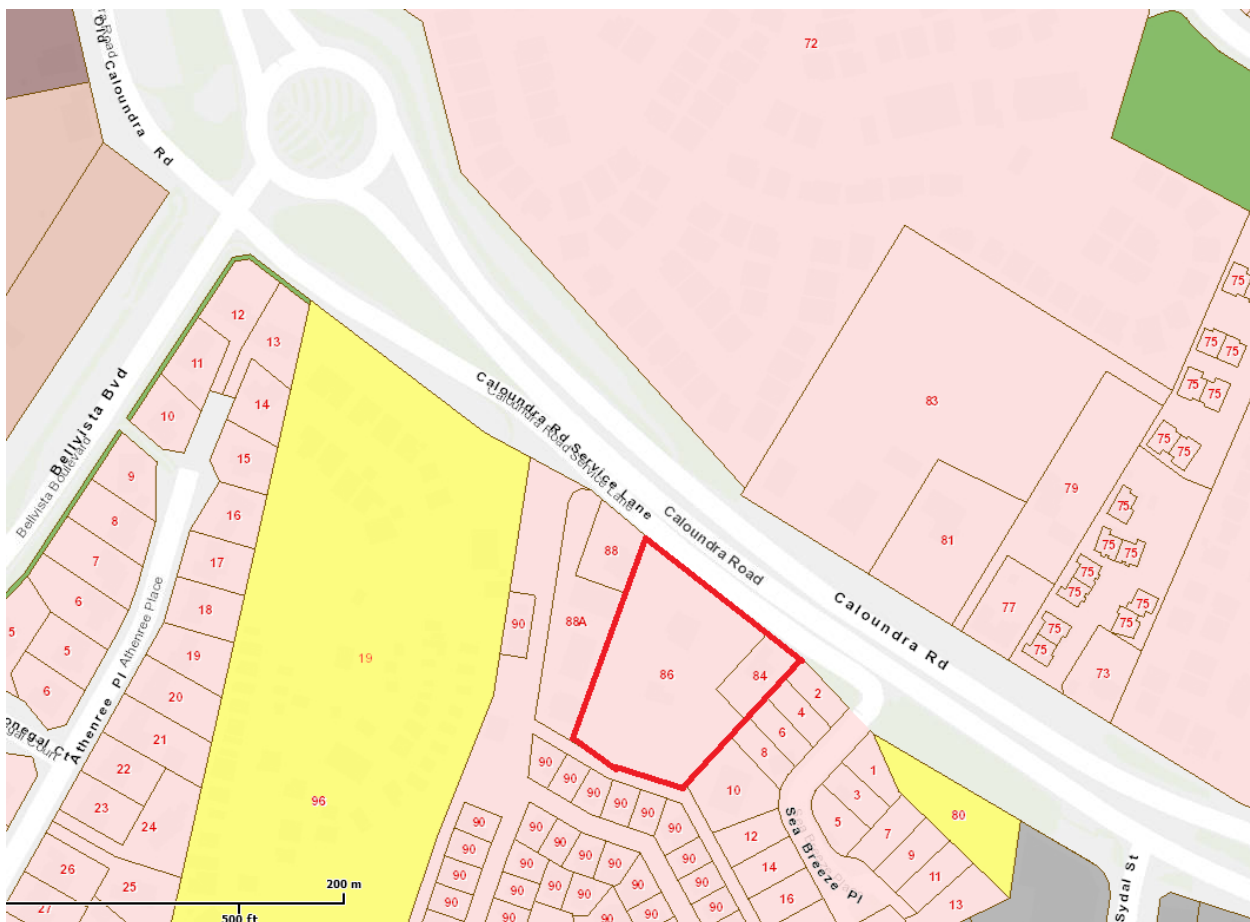


Figure 1: Zoning/Localities Map

Background / Site History

A Development Permit was granted by council at the Ordinary Meeting of Council on 18 August 2016 for a Material Change of Use of Premises - Retirement Community (Aged Care Facility 125 Beds) under application reference MCU15/0129.

The application was approved by Council as an over height building (11.1m above finished ground level, 11.5m to lift overrun) despite conflict with the planning scheme, being the superseded *Caloundra City Plan*. The following public interest grounds were cited by Council in justifying the approval despite the conflict:

- (a) there is an over-riding public benefit through the provision of high care beds in central locations with easy access by employees, emergency services and family
- (b) the hilltop position provides an excellent location in terms of outlook, views and breezes for the aged who are under high care and largely restricted to their rooms
- (c) most of the impacts of the building can be mitigated by the conditions of approval, particularly as they relate to the amenity of surrounding residences
- (d) while the height of the building is about 2 metres higher than previously approved, and the building is much bulkier, the building is an attractive design with high quality landscaping.

A Negotiated Decision was subsequently issued on 18/12/2016 incorporating changes to the design required by the conditions of approval, as well as other minor changes requested by the applicant. Notably, the applicant requested the removal of the requirement for an 800mm solid sill height to eastern and western facing windows (conditioned to ensure neighbours were not impacted by glare or overlooking) and replacement with semi-transparent glazing to a height of 600mm. Due to the concerns raised by submitters during the assessment of the original application, the assessment team only agreed to the use of fully opaque glazing to a height of 800mm in lieu of the solid sill height requirement.

The applicant subsequently requested a minor change to the development approval to:

- reduce the number of beds from 125 to 109
- reduce the overall GFA from 9,427m² to 9,163m²
- reduce the required number of carparks from 32 to 28
- remove the porte cochere and relocate all vehicle access, including staff, visitors and ambulance, to the basement
- other minor design changes

The change request was approved in part on 24 July 2017 (Application Reference MCU15/0129.01).

A further minor change request was approved on 6 July 2018 (Application Reference MCU15/0129.03) involving a change to the approved plans to reflect the conditions of the concurrence agency and minor changes to building design to increase the number of beds from 109 to 118.

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 Pertaining to the *Planning Regulation 2017*

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- State Planning Regulatory Provision (Adopted Charges); and
- South East Queensland Koala Conservation State Planning Regulatory Provisions.

In the event of approval, the development will be required to provide infrastructure charges based on the State Planning Regulatory Provisions and Council's Adopted Charges Resolution.

The area is not mapped within a Koala Assessable Development Area under the South East Queensland Koala Conservation State Planning Regulatory Provisions. As such, this does not apply.

Assessment Benchmarks Pertaining to the Planning Scheme

The proposal conflicts with a number of aspects of the planning scheme, specifically in relation to:

Strategic Framework Element 2– Sub-tropical character and locally responsive design

- The site falls within the Low density residential zone and is surrounded by 1 and 2 storey detached dwellings also within the Low density residential zone
- The building is located in a prominent position on the top of the hill on the main approach to Caloundra and will block significant views to the coastline from this elevated scenic route. The additional height will be visible from long distance views of the building.

Height of buildings and structures overlay code

- The performance outcome of the *Height of buildings and structures overlay code* identifies the subject site having a nominated height of 8.5m. The existing development approval already exceeds this with a height of building 11.5m above finished ground level
- The proposal involves an increase in building height from 11.5m to 15.2m, with the resultant height almost double the allowable height under the overlay code
- The proposal does not contribute to the preferred built form character of the local area
- The proposal is not consistent with the reasonable expectations of the local community
- The proposal is likely to result in a significant loss of amenity, both actual and perceived, having regard to:
 - privacy and overlooking impacts
 - building character and appearance
 - building massing and scale relative to its surroundings

Low density residential zone code

- The proposal does not meet the overall outcomes of the Low density residential zone code in that it is not sympathetic to the existing and intended scale and character of surrounding development

The key assessment matter relates to building height for this development. A detailed assessment against the provisions of the *Sunshine Coast Planning Scheme 2014* is discussed below.

Building Height

The performance outcome of the *Height of buildings and structures overlay code* identifies the subject site having a nominated height of 8.5 metres. The existing development approval already exceeds this with a height of building 11.1m above finished ground level (11.5m to lift overrun)

The overlay code contains the following Overall outcomes:

- (a) *development contributes to the retention of the preferred built form character for the Sunshine Coast, and the local plan area in which it occurs;*
- (b) *the height of buildings and structures is consistent with the reasonable expectations of the local community; and*
- (c) *development does not result in a significant loss of amenity for surrounding development, having regard to:-*
 - (i) *the extent and duration of any overshadowing;*
 - (ii) *privacy and overlooking impacts;*
 - (iii) *impacts upon views;*
 - (iv) *building character and appearance; and*
 - (v) *building massing and scale relative to its surroundings*

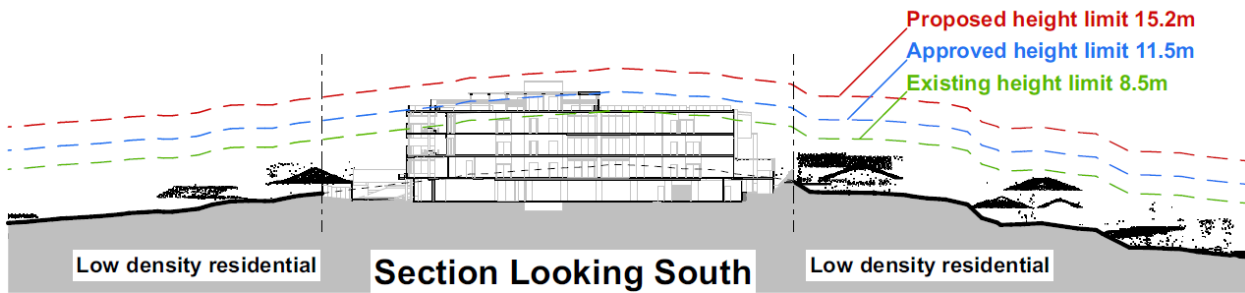
The *Low density residential zone code* essentially replicates these outcomes by stating that:

“development is designed and located in a manner which makes a positive contribution to the streetscape and is sympathetic to the existing and intended scale and character of surrounding development”

The proposed building height of 15.2m is not considered to be sympathetic to the existing and intended scale and character of surrounding development which comprises low rise, detached residential dwellings up to a maximum of 2 storeys and 8.5m. Further, the proposed rooftop terrace does not contribute to the preferred built form character of the local area which is for low rise residential development up to a maximum of 2 storeys and 8.5m.

The diagrams below show the existing height limit of 8.5m against the approved height of 11.5m and proposed height of 15.2m, with adjoining residential dwellings shown for context.





It is clear from the submissions received on both the original application and the current change application that the overall building height is not consistent with the reasonable expectations of the local community.

In relation to residential amenity impacts, the applicant purports that the views from the roof deck will not compromise the neighbours' amenity. However, it is considered that any opening to the edge line of the building will provide the ability for overlooking and feelings of encroachment into personal space. It also increases the building bulk to the edge of site, creating additional mass on the upper floors.

Given the development does not comply with the Purpose and Overall outcomes of the *Height of buildings and structures overlay code* and *Low density residential zone code*, consideration is given to the Strategic Framework of the planning scheme.

Element 2 of the Community identity, Character and Social Inclusion theme of the Strategic Framework relates to sub-topical character and locally responsive design. Whilst the proposal incorporates a high standard of urban design as recognised under the original development approval, the inclusion of a rooftop terrace is not considered to be sensitive to its local setting and character. The site is surrounded by 1 and 2 storey detached dwellings up to 8.5m and proposes an overall height 6.7m higher than the prevailing built form character.

The building is located in a prominent position on the top of the hill, with the neighbouring dwellings located downslope. The site lies on the main approach to Caloundra and will block significant views to the coastline from this elevated scenic route. Whilst the additional height may not be directly visible from the immediate neighbours, it will certainly be visible from long distance views of the building.

As such, the proposal is considered to be in conflict with the Strategic Framework in relation to sub-tropical character and locally responsive design.

The applicant has not submitted sufficient justification for approval of the development in terms of planning need or public interest matters despite conflict with the planning scheme.

Draft Sunshine Coast Planning Scheme amendment relating to building height

Council is currently proposing a range of planning scheme amendments to the allowable building height for educational establishments and aged care/retirement living sites across the Sunshine Coast. The proposed amendments are on public notification from 28 July – 7 September 2018. The subject site is not included within the proposed amendment, therefore the performance outcome for building height remains at 8.5m for this site under the *Height of buildings and structures overlay code* and the site remains in the Low density residential zone.

CONSULTATION:

Referral Agencies

The application was referred to the following Referral Agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Department of Infrastructure, Local Government and Planning (SARA)

The Department is a referral agency for State-controlled roads. The Department responded by letter dated 22 February 2018 imposing conditions that much attach to any development approval in relation to earthworks, noise impacts, stormwater impacts and vehicular access to the State-controlled road.

Public Notification

The application was publicly notified for 15 business days in accordance with the requirements of the *Planning Act 2016*. One properly made submission was received, in addition to the 17 submissions (14 properly made, 3 not properly made) to the original application. All submissions were in objection to the proposal.

The following table provides a summary and assessment of the issues raised by submitters. The original application also undertook public notification where similar issues were raised.

ISSUES	COMMENTS
Breaking current height restrictions will provide a loophole for future local developments.	There is potential for setting a precedent with larger residential development and institutional type facilities to exceed the planning scheme height limits should this application be approved.
Impacts on quality of life of residents living nearby	The proposed rooftop terrace has the potential to adversely impact on adjoining residents, particularly with respect to privacy and overlooking, whether real or perceived. Noise impacts may also arise from the use of the rooftop terrace by residents, staff and families for social gatherings and BBQs. The rooftop terrace addition is not consistent with the reasonable expectations of the community for a site within the Low Density Residential Zone.
Applicant presents conflicting statements in their planning report and information response to Council	<p>The current approval incorporates a range of recreational opportunities for residents, including landscaped gardens/courtyards at ground level and communal sitting rooms and outdoor terraces on the upper levels, most of which have expansive ocean and hinterland views.</p> <p>The applicant purports that these existing approved recreational spaces are insufficient for the communal recreational needs of residents and the rooftop terrace is required to further accommodate this need.</p> <p>It is considered that the current approved communal areas, both indoor and outdoor, are sufficient for the</p>

ISSUES	COMMENTS
	recreational needs of the residents of this high care facility.
Existing building approval is out of character with the area.	<p>The existing approval was justified by Council on the grounds of:</p> <ul style="list-style-type: none"> • over-riding public benefit through the provision of high care beds in a central location • the hilltop location which provides outlook, views and breezes for the aged who are largely restricted to their rooms • mitigation of impacts through conditions of approval • attractive design with high quality landscaping. <p>It is only the rooftop terrace addition that is the focus of this application given the site already has approval for an aged care facility.</p>

CONCLUSION:

The proposal for the addition of a rooftop terrace to the existing approved aged care facility at 84 & 86 Caloundra Rd is inconsistent with the planning scheme. Specifically, the proposal would result in an overall building height of 15.2m, significantly exceeding the intended maximum building height of 8.5m in the Low Density Residential Zone.

The proposal conflicts with the Strategic framework, *Height of buildings and structures overlay code* and *Low density residential zone code*.

The applicant has not provided sufficient justification in terms of planning need or public interest to justify approval despite the conflict with the planning scheme. The application for change to development approval is therefore recommended for refusal.