



DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION FOR DEVELOPMENT APPROVAL

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APPLICATION SUMMARY	
Applicant:	Hotspur Properties Pty Ltd
Consultant:	Covey Associates Pty Ltd
Owner:	Hotspur Properties Pty Ltd
Proposal:	<ul style="list-style-type: none"> Preliminary Approval for Material Change of Use (Variation Request to Vary the Effect of the <i>Sunshine Coast Planning Scheme 2014</i>) for 5 x Dual occupancies on Separate Lots in the Rural Zone
Properly Made Date:	26/02/2020
Decision Due Date:	31/07/2020
Number of Properly Made Submissions:	Nil
PROPERTY DETAILS	
Division:	5
Street Address:	7 Paynter Park Drive WOOMBYE
RP Description:	Lot 122 SP 114689
Land Area:	56,906m ²
Existing Use of Land:	Residential estate currently undergoing construction
STATUTORY DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014</i> (28 January 2020)
Strategic Framework Land Use Category:	Rural enterprise and landscape area
Local Plan Area:	Woombye local plan area
Zone:	Rural zone
Consistent/Inconsistent Use:	Not applicable to Variation Request
Assessment Type:	Impact Assessment (Variation Request)
State Referral Agencies:	<u>Concurrence</u> SARA at Queensland Treasury

PROPOSAL:

The application seeks approval for a Preliminary Approval for Material Change of Use (Variation Request to Vary the Effect of the *Sunshine Coast Planning Scheme 2014*) for 5 x Dual occupancies on separate lots in the Rural Zone.

The variation request is required because despite the lots being approved by a relatively recent low density residential Reconfiguring a Lot approval (REC15/0209.03), the site remains in the Rural zone and the lots themselves have not been formally registered. Therefore, a Dual occupancy use, which would ordinarily be accepted development in a typical low density residential zone, is currently an impact assessable, inconsistent use in the Rural zone.

This variation request seeks that 5 nominated lots in the approved residential estate be treated as though it is in the Low density residential zone for the purpose of dual occupancy uses, resulting in dual occupancy uses on these 5 nominated lots being accepted development, or code assessable development where not complying with the *Dual occupancy code*.

The mechanism for this change in level of assessment is through the inclusion of a Supplementary Table of Assessment, which would have the effect of overriding the Planning Scheme with respect to Dual occupancy development on the 5 nominated lots. The nominated lots, including lot sizes and shape are outlined below:

Lot Number	Lot size	Lot shape
8	856m ²	Irregular
11	1,165m ²	Irregular
16	801m ²	Regular
18	800m ²	Regular
22	801m ²	Regular

These nominated lots which are subject to the variation request are shown in blue below:



Figure 1: Proposed Plan of Development

Three of the nominated lots, being Lots 8, 11 and 22 (as shown above, circled in red) are also mapped as containing native vegetation under the Biodiversity, waterways and wetlands overlay code, though the vegetation mapping has already been assessed under the provisions of the parent reconfiguring a lot approval. However, Lots 8, 11 and 22 do not contain vegetation.

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	5.69ha total area
Existing Use of Land:	The land is currently under construction for a new residential estate comprised of 24 lots.
Road Frontage:	The proposed dual occupancies would have frontage to varying roads within the newly developed estate.
Significant Site Features:	Nil. The lots are currently being developed in accordance with the existing reconfiguring a lot approval.
Topography:	Undulating. All of the lots have flat building envelopes with retaining and earthworks having been completed by the master developer.
Surrounding Land Uses:	The estate is currently under construction and upon completion, would be characterised by low density residential houses.

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



Figure 2: Location Plan



Figure 3: Site Aerial (site highlighted in red)

Development History of Site

The subject site has an existing reconfiguring a lot approval, being REC15/0209.03. The existing approval was issued on 12 October 2017 and took effect on 13 December 2017 following expiry of the submitter appeal period.

The existing reconfiguring a lot approval includes 24 residential lots that originally ranged in size from 617m² to 1,166m² and a Reserve lot of 3274m². Access to all lots is obtained from a new road connection off Paynter Park Drive.

On 7 March 2019, a minor change to this reconfiguring a lot approval was issued by Council (REC15/0209.01) to shift the emergency vehicle access and make minor consequential amendments to the layout. As a result of this minor change, the minimum lot size changed from 617m² (Lot 13) to 621m² (Lot 15).

On 21 January 2020 Council issued a further change to this reconfiguring a lot approval. The change included amendments to the approved plans. The amended layout included the rearrangement of the lot boundaries for Lots 17, 18, 19, 23 and 24.

On 11 May 2020, Council issued a further change to this reconfiguring a lot approval to include a notation on the Approved Plan that for the purposes of compliance with the *Dwelling house code* for future dwelling houses, the site is to be treated as though it is in the *Low density residential zone* (rather than the Rural zone). Building envelopes were also added for those lots which contained superseded mapping under the *Biodiversity, waterways and wetlands overlay code* to enable future dwelling houses to be accepted development where complying with the *Dwelling house code*.

This current application seeks to create a similar change to permit dual occupancies on the 5 x nominated lots as the May 2020 change did for dwelling houses.

ASSESSMENT:**Framework for Assessment**Categorising Instruments for Statutory Assessment

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

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

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

Assessment Benchmarks Related to the *Planning Regulation 2017*

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

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

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

State Planning Policy (SPP), Part E

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

Assessment Benchmarks Related to the Planning Scheme

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

<i>PLANNING SCHEME DETAILS</i>	
Planning Scheme:	Sunshine Coast Planning Scheme (28 January 2020)
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Woombye local plan code
Zone:	Rural zone
Consistent/Inconsistent Use:	Not Applicable. The application is for a Variation Approval only to vary the effect of the Planning Scheme.
Applicable Assessment Benchmarks:	<i>Sunshine Coast Planning Scheme 2014</i> , including the Strategic Framework

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 application has been assessed against each of the matters above and found to be generally consistent with each matter.

Given the site's current Rural zoning under the *Sunshine Coast Planning Scheme 2014*, the proposal is also within the Rural Enterprise and Landscape Area of the Strategic Framework, and is outside the defined local growth management boundary of the current Planning Scheme. Generally, the Strategic Framework (Theme 1, Settlement Pattern, Element 2, Growth management boundaries and land use categories), seeks to contain urban development within growth management boundaries, and within the land use categories defined by the South East Queensland Regional Plan (Shaping SEQ). In this case, the site's designation within the Rural Enterprise and Landscape Area reflects the current Rural zoning of the land, which was not the applicable zoning for the reconfiguring a lot approval that created the lots (being that it was assessed against the *Maroochy Plan 2000*).

The approved development outcome is consistent with further provisions in Theme 1, Settlement Pattern, Element 4, Housing diversity and affordable living, whereby the development provides diversity in housing choice and affordable living outcomes in a manner that is compatible with and sympathetic to the preferred character of the local area.

Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Zoning

The parent land associated with the approved residential estate is within the Rural zone under the *Sunshine Coast Planning Scheme 2014*. Notwithstanding, the site was assessed and approved under the provisions of *Maroochy Plan 2000* for a low density residential housing estate and is currently under construction. The lot sizes and character of the approved development are akin to a Low density residential zone.

Under *Maroochy Plan 2000*, the site was within the Neighbourhood Residential Precinct and the Woombye Planning Area. These Precincts are intended to provide for development for low density urban, town and village residential purposes and for compatible purposes which directly service residents in the locality. The establishment of quality residential neighbourhoods in a cost-effective manner, is desired and the provision of choice in housing is encouraged. Housing densities are to be consistent with the desired character of individual Precincts.

When the *Sunshine Coast Planning Scheme 2014* was introduced, it zoned the land for Rural purposes, including being listed under the Strategic Framework in the Rural enterprise and landscape area. Shortly after, a superseded Planning Scheme request was approved, to consider the proposal under the provisions of *Maroochy Plan 2000*. Assessment against the *Maroochy Plan 2000* was sought due to the zoning change limiting any further opportunities for urban subdivision.

Despite the change in zoning under the *Sunshine Coast Planning Scheme 2014*, the planning intent for the site has been clear through the previous zoning, Council's consideration and approval of the superseded Planning Scheme request, and the subsequent reconfiguring a lot approval of the Development Permit REC15/0209 for the creation of a low density residential estate.

Upon completion of construction, the character of the residential estate will be low density in nature. This may correlate with a future amendment to the *Sunshine Coast Planning Scheme 2014* to more accurately zone the land in accordance with the nature of the development.

Within the Low density residential zone, the *Sunshine Coast Planning Scheme 2014* recognises Dual occupancies as consistent and acceptable forms of housing (unless located in the nominated Protected Housing Area). It is therefore appropriate to allow Dual occupancies within this approved residential estate to be considered in the same way that a Dual occupancy is treated within the Low density residential zone.

The existing reconfiguring a lot approval for this residential estate underwent a master planning process for the area, but did not include a variation approval element to vary the levels of assessment for future development within the approved estate. This application seeks to provide that variation approval for the 5 nominated lots. This is a more practical way to deliver the mix of residential types that is generally permitted and accepted by the current Planning Scheme for Low density residential zoned areas. The alternative would be for future purchasers to undergo individual impact assessable applications for each dual occupancy use in an ad-hoc manner. This option has been discussed with the applicant but ultimately discounted due to the advantages of dealing with all 5 nominated lots in a coordinated way, which also gives the community and future purchasers of land within the residential estate a better understanding of which lots are likely to accommodate dual occupancies and ensures that Dual occupancies are scattered throughout the estate and not clustered together.

Effect on the Planning Scheme

This application proposes a Supplementary Table of Assessment which varies the level of assessment for Dual occupancies on the 5 nominated lots. The below table would replace the table of assessment within the Planning Scheme as it relates to Dual occupancy dwellings in the Rural zone, making them either accepted development or code assessable development where they comply with the *Dual occupancy code*.

The variation to the Planning Scheme would apply to the 5 nominated lots only, with all other development in estate remaining subject to the standard Planning Scheme tables of assessment.

The applicant's proposed Supplementary Table of Assessment is shown below, noting that it seeks for Dual occupancies on all 5 nominated lots to be considered accepted development where complying with the *Dual occupancy code*.

Supplementary Table of Assessment		
Defined Use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<i>Dual occupancy</i>	Accepted Development where located on lots 8, 11, 16, 18 and 22 and complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Code Assessment where not complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Impact assessment if not otherwise specified	<ul style="list-style-type: none"> • The Planning Scheme

Council officers do not agree that the Planning Scheme should be varied in the manner proposed by the applicant above, as assessment of the application indicates that a Dual occupancy on Lots 8 and 11 (which are both irregular lots) will not be able to comply with the accepted development provisions of the Dual occupancy code. Council needs to retain the ability to assess Dual occupancies on these lots to ensure appropriate outcomes with regard to the provisions of the code can be achieved. The applicant's Supplementary Table of Assessment appears to inadvertently imply that Dual occupancy on any other lot (other than the nominated lots) would be code assessable. It is noted that there are concerns in relation to Lots 8 and 11 (located at the end of the cul-de-sac) based on a lack of on-street parking available to cater for the addition of 2 new dwellings within the estate. There are concerns with the access handle of Lot 11, which has a slope of around 16%.

Council's Development Engineer has advised that the *Transport and parking code* requires subdivision to provide on-street visitor parking spaces within proximity (40m) of the lot they serve (with 75% of the required spaces provided within 25m). For the original reconfiguring a lot, the requirements were the same, and compliant visitor on-street parking was provided, with no excess spaces available. The Dual occupancy code does not have the same provisions for enforcing additional on-site parking, where insufficient numbers are provided in the road network. Therefore Council would not have the ability to require the provision of additional spaces through a code assessable Dual occupancy application. The addition of two new dwellings would therefore cause this section of the residential estate to be deficient in on-street parking which is not supportable. The addition of one new dwelling (i.e.: either Lot 8 containing a dual occupancy or Lot 11 containing a dual occupancy) does not cause a shortfall and can be accommodated within the existing on-street parking provision. This is demonstrated in the figure below:

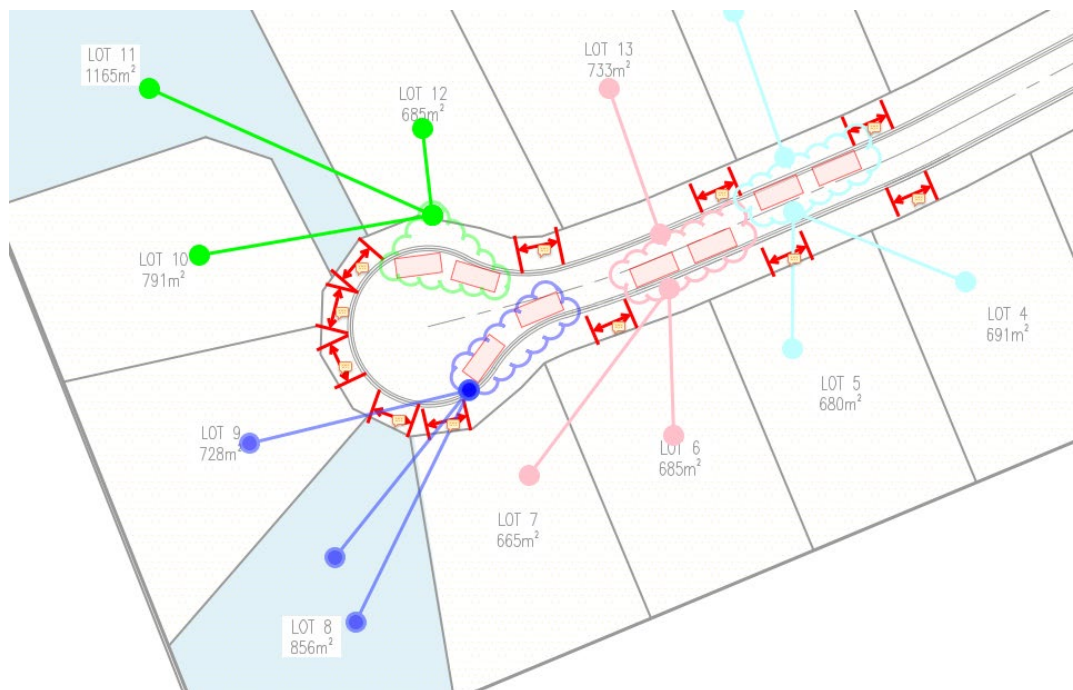


Figure 4: Onstreet visitor parking allocation for a dual occupancy on Lot 8

Of the two lots nominated, Lot 8 is the less constrained lot, with more direct access, flatter grades and a wider frontage which is more consistent with the intent of the Dual occupancy code. The access handle to Lot 11 exceeds the permitted slope acceptable outcome for a standard lot (16% slope for the access handle in lieu of 10%). This has been considered acceptable for a single dwelling house, but is not appropriate for the increased traffic associated with a Dual occupancy.

It is also noted that three of the nominated lots proposed by the applicant for accepted development under the *Dual occupancy code* (Lots 8, 11 and 22) are mapped by the *Biodiversity, waterways and wetlands overlay code* and therefore this code would otherwise trigger them to requiring code assessment, even if they complied with the accepted development provisions of the *Dual occupancy code*. However, two of the mapped lots are Lots 8 and 11 which are the irregular shaped lots and would not comply with the accepted development provisions of the *Dual occupancy code* and would already be triggered to requiring code assessment. Lot 22 is regular in shape and is likely to meet the accepted development provisions for a Dual occupancy. It is considered appropriate for any approval of this variation request to also override the provisions of the *Biodiversity, waterways and wetlands overlay code* for the purposes of a Dual occupancy on Lot 22 because Lot 22 does not contain vegetation.

Considering all issues discussed above, it is considered appropriate to only approve accepted development dual occupancies on Lots 16, 18 and 22 (where complying with the *Dual occupancy code*), and a code assessable dual occupancy on Lot 8. This arrangement enables complying on-street parking to remain within the access street.

Therefore, Council officers recommend the below amended Supplementary Table of Assessment to be applied to 4 nominated lots (Lots 8, 16, 18 and 22 – noting that Lot 11 has been removed):

Supplementary Table of Assessment		
Defined Use	Category of development and category of assessment	Assessment assessable requirements for development benchmarks for development and accepted
<i>Dual occupancy</i>	Accepted Development where located on Lots 16, 18 and 22 and complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Code Assessment where located on Lot 8 or where located on Lots 16, 18 and 22 and not complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Impact assessment if not otherwise specified	<ul style="list-style-type: none"> • The Planning Scheme

The proposed variation request has no effect on the Planning Scheme requirements for the detailed design of future Dual occupancy dwellings on the nominated lots, aside from removing assessment against the *Biodiversity, waterways and wetlands overlay code* as described above. This application only varies the level of assessment. All future Dual occupancies will still be required to meet the design provisions of the *Dual occupancy code*, which ensures that the Planning Scheme continues to regulate site cover and density, streetscape character (including setbacks), private open space, site landscapes, safety and security, access and car parking, services and utilities and filling or excavation for future buildings.

Dual occupancy code

The nominated 5 lots proposed by the applicant to potentially contain accepted, or code assessable Dual occupancies are generally acceptable because they:

- Meet or exceed 800m²;
- Do not adjoin another Dual occupancy lot;
- Do not have slopes of more than 15%;
- Would be capable of meeting the relevant design provisions of the *Dual occupancy code*; and
- The submitted design detail indicates that a compliant driveway can be achieved to Lot 16.

The exception to the above is Lot 11 which has an access handle of 16% and is not considered suitable for a Dual occupancy based on the lack of available on-street parking as described above.

Woombye local plan code

Although Dual occupancy dwellings are generally identified as consistent and accepted uses within low density residential areas within Woombye, the Woombye local plan code also seeks that development in the Low density residential zone protects and is sympathetic to the traditional rural town character and identity of Woombye, typified by low-rise detached housing in generous landscaped grounds.

Whilst the *Sunshine Coast Planning Scheme 2014* considers Dual occupancies as a form of low density housing and has subsequently made them accepted development within low density residential zones, it is considered that for this location within Woombye, the extent of Dual occupancy development should be limited so that they do not form the predominant housing type and do not dominate the locality. This application has nominated 5 of the 24 approved residential lots as suitable for Dual occupancies however only 4 of the nominated lots are considered suitable for approval). This equates to around 17% of the lots within the residential estate, ensuring that Dual occupancies are clearly subservient to detached houses as the dominant form of housing. This percentage is also consistent with the numbers of Dual occupancies occurring within other master planned residential estates on the Sunshine Coast region.

The proposed variation approval is consistent with the intent for the Woombye local plan code.

Overlays and constraints

The existing reconfiguring a lot approval that created the approved lots has appropriately assessed all of the relevant Planning Scheme overlays and constraints for the land. No further assessment is necessary.

Assessment Benchmarks Related to a Variation Approval

This application is not subject to assessment against an existing Variation Approval. However, it proposes a new Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* for Dual occupancy uses on 5 nominated residential lots in the Rural zone.

The approval would vary the effect of the Planning Scheme for the 4 of the nominated approved lots to be either accepted development or code assessable development as follows:

Supplementary Table of Assessment		
Defined Use	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development
<i>Dual occupancy</i>	Accepted Development where located on Lots 16, 18 and 22 and complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Code Assessment where located on Lot 8 or where located on Lots 16, 18 and 22 and not complying with the acceptable outcomes of the <i>Dual occupancy code</i> .	<ul style="list-style-type: none"> • <i>Dual occupancy code</i>
	Impact assessment if not otherwise specified	<ul style="list-style-type: none"> • The Planning Scheme

The proposed variation has no effect on the Planning Scheme requirements for the detailed design of future Dual occupancy dwellings on the lots, aside from removing assessment against the *Biodiversity, waterways and wetlands overlay code* as described above. This application only varies the level of assessment.

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 (SEQRP)

The development is located within the Urban Footprint of the SEQRP. Having regard to the SEQRP, the development is consistent with the outcomes expressed and sought to be achieved by the SEQRP.

State Planning Policy (SPP)

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

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

CONSULTATION:

Referral Agencies

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

Queensland Treasury (SARA)

Queensland Treasury is a concurrence agency for State controlled road, and regulated vegetation matters. The department responded by letter dated 16/4/2020 (2003-15891 SRA) stating that they had no requirements with respect to the application.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was publicly notified for 30 business days between 12 May 2020 and 24 June 2020 in accordance with the requirements of the *Planning Act 2016*. No submissions were received in relation to the application.

CONCLUSION:

The proposed development sufficiently complies with the requirements of the Planning Scheme and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application is therefore recommended for approval to vary the effect of the Planning Scheme for the 4 of the nominated approved lots to be either accepted development or code assessable development.