

## 5.2. COMBINED MCU FOR MULTIPLE DWELLINGS AND ROL (1 LOT INTO 5 LOTS) 11-15 DICKSON STREET, CRAIGLIE

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<b>MANAGER</b>	Paul Hoye, Manager Environment and Planning
<b>DEPARTMENT</b>	Planning
<b>PROPOSAL</b>	Combined application for a Material Change of Use for Multiple Dwellings (three additional dwellings) and Reconfiguring a Lot (1 into 5)
<b>APPLICANT</b>	Austart Homes Pty Ltd C/ GMA Certification Group PO Box 831 Port Douglas Qld 4877
<b>LOCATION OF SITE</b>	11-15 Dickson Street, Craiglie
<b>PROPERTY</b>	Lot 404 on C2251

### LOCALITY PLAN



Figure 1 - Locality Plan

<b>ZONE</b>	Medium Density Residential
<b>LOCAL PLAN</b>	Port Douglas / Craiglie
<b>PLANNING SCHEME</b>	2018 Douglas Shire Planning Scheme
<b>REFERRAL AGENCIES</b>	Department of State Development, Manufacturing, Infrastructure and Planning
<b>NUMBER OF SUBMITTERS</b>	Not Applicable
<b>STATUTORY ASSESSMENT DEADLINE</b>	11 October 2019
<b>APPLICATION DATE</b>	28 May 2019

## **RECOMMENDATION**

That Council approves a Preliminary Approval for the combined development application for a material change of use for multiple dwellings (three additional dwellings) and reconfiguration of a lot (1 into 5 lots), generally in accordance with the Austrat Homes Job No 000, Site Plan and Lot Plan as amended 16 August 2019 (Council document ID 916135, over land described as Lot 404 on C2251, located at 11 - 15 Dickson Street, Craiglie, subject to the following:

### **A. CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

#### **Preliminary approval limit**

- 1. This preliminary approval is for a period of two (2) years from the date the approval takes effect.**

#### **Lot Yield**

- 2. The allotment yield as detailed on Austart Homes Lot Plan amended 16 August 2019 may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit with particular reference to Road layout and sewer design conditions.**

#### **Road Layout**

- 3. Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual. The investigation is to include but not be limited to the following:**
  - a. Dickson Street must be designed to show how the road can be upgraded to an Access Street standard at the alignment proposed on the plans, having regard to the existing horizontal and vertical geometry of the intersection and the current access arrangements to existing lots on Dickson Street. The design must include**

underground drainage, kerb and channel, property accesses on both sides of the road and street lighting;

- b. **Dickson Street must be constructed in accordance with the approved plans for the frontage of the site inclusive of underground drainage and street lighting. The road formation must include the kerb and channel on the development side. A minimum of 5.5m wide sealed section of the ultimate profile is to be constructed;**
- c. **Plans are to be submitted demonstrating that each allotment can accommodate an individual driveway with sufficient frontage at the kerb and sufficient separation from the intersection; and**
- d. **Design the road interface to the existing intersection in accordance with FNQROC and Austroads guidelines for intersections. The plans must show how the new road interfaces with the existing intersection, including curve radii, pavement extent, surface grade and crossfall, and linemarking. Supporting calculations are to include assessment of the sight lines and turn templates for the design vehicles and check vehicles; and**
- e. **The design must have regard to the differing land zones on either side of the Street.**

**Additional plans and supporting information incorporating the above requirements must be submitted prior to the issue of a Development Permit for Reconfiguration of a lot.**

#### **Drainage Study of Site**

4. **Undertake a local drainage study of the site to determine the drainage required to facilitate access to the property from Dickson Street and to demonstrate that the works have no impacts on upstream and downstream properties. In particular, the study must address the following:**
  - a. **The contributing catchment boundaries;**
  - b. **Calculation of the volume of stormwater flow for the minor (5-year ARI) and major (100-year ARI) flood events;**
  - c. **Primary and secondary flow paths for the 5, 10 and 100 year ARI flood events (pre and post development);**
  - d. **Identify the underground drainage infrastructure required on Old Port Road and Dickson Street to convey runoff and allow conventional road and verge profile per the FNQROC Development Manual;**
  - e. **The extent of the 100-year ARI flood event in relation to the site and the frontage roads both pre- and post-development;**
  - f. **Identify any requirement for drainage easements;**

- g. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development or frontage road upgrades, including implications for access to the neighbouring lot on Dickson Street; and**
- h. Lawful point of discharge.**

**The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Reconfiguration of a lot.**

#### **Sewerage Works Internal**

- 5. Undertake the following sewerage works internal to the subject land:**
  - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;**
  - b. The sewer design plans are required to demonstrate that the sewer alignments achieve the separation and setback distances from buildings, structures and boundaries in accordance with FNQROC and WASA guidelines. The plans must also show the existing trees and clearances achieved to these; and**
  - c. Where the sewer is not within the subject land, the drawings must detail the offsets, levels, vegetation and any site features that will impact the constructability of the sewer. Land owners consent for the sewer on the land is required.**

**The above works must be designed and constructed in accordance with the FNQROC Development Manual.**

**Additional plans and supporting information incorporating the above requirements must be submitted prior to the issue of a Development Permit for Reconfiguration of a lot.**

#### **ADVICES**

- 1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**
- 2. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).**
- 3. Council can support a request for a Negotiated Decision Notice to elevate this preliminary approval to a development permit in the event that the conditions of the preliminary approval are complied with.**

**B. Reasons for Decision**

The reasons for this decision are:

1. **Sections 60, 62 and 63 of the *Planning Act 2016*:**
  - a. the proposed plan(s) and document(s) as detailed above;
  - b. the Conditions and Advices as listed above;
  - c. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - d. to ensure compliance with the *Planning Act 2016*.
2. **Findings on material questions of fact:**
  - a. the development application was properly lodged to the Douglas Shire Council on 26 March 2019 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2018 Douglas Shire Planning Scheme in making its assessment manager decision.
3. **Evidence or other material on which findings were based:**
  - a. The development triggered assessable development under the Assessment Table associated with the Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. The applicant's reasons have been considered and the following findings are made:
    - i. A request for further information was sought seeking detail of the proposed infrastructure and development of the adjacent road area. The extent of information received is insufficient to condition a Development Permit. The extent of information available is sufficient to condition a Preliminary Approval.

**C. Concurrence Agency Conditions & Requirements**

Concurrence Agency	Concurrence Agency Reference	Date	Council Electronic Reference
State Department Manufacturing, Infrastructure and Planning	1906-11654 SRA	23 July 2019	911727

Refer to Attachment 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

## EXECUTIVE SUMMARY

The land is located on the north-east corner of Dickson Street and Davidson Street on which a single storey, dwelling house was constructed in 2017. This house is sited to the rear of the lot, towards the eastern boundary. The premises has been used as a display home by the applicant. The land is constrained by this development.

The applicant seeks to undertake a two stage development with stage 1 subdividing off a single lot to front Old Port road and Stage two to develop three multiple dwellings each having separate frontage to Dickson Street and reconfigure this into three lots. No common property is envisaged. The resulting development will appear in a physical form as a low density residential subdivision with individual houses thereon. The proposed process is one seeking code assessable development.

Concern is held regarding the impact of the development on the local road network, the intended plan of service infrastructure and the development of Dickson Street to become an urban road. Scant detail regarding these matters was provided in the original application and only minimal written advice was provided after the issue of a request for further information. It is unknown whether the upgrade of servicing for Dickson Street may require an upgrade of the Old Port Road. Insufficient detail has been provided in order to adequately condition the approval. The report recommends a Preliminary Approval issue with further details necessary to advance the development. There is opportunity through a request for a Negotiated Decision and the submission of further details of a suitable standard for the applicant to achieve a Development Permit.

## TOWN PLANNING CONSIDERATIONS

### Background

The land is located on the north-east corner of Davidson and Dickson Streets. Davidson Street, south of Dickson Street, forms part of the state-declared road network linking to the Captain Cook Highway. Davidson Street becomes Old Port Road beyond the intersection Downing and Davidson Streets.

Under the 1996 Planning Scheme the land was included in the Light industry Zone and the adjacent lots to the east and north, together with other lots bounded by Davidson Street, Dickson Street and Downing Street were included in the General Industry Zone. At this time neighbouring and nearby land was developed for industrial uses the land. Lot 404 was partly cleared and unused.

The *Links* golf course and residential areas were developed under the 1996 planning Scheme via two separate rezonings, where the residential components were transferred from the Future Urban Zone to the Residential B Zone. Access to the Links is via a roundabout, further to the north, from Old Port Road.

Under the 2006 Douglas Shire Council Planning Scheme all land bounded by Davidson, Dickson and Downing Streets was included in the Residential 2 Planning Area of the Port Douglas and Environs Locality.

A dwelling house was constructed in 2007 and this premises has been used for a display home during the intervening period. The dwelling house and associated in-ground swimming pool are sited towards the eastern boundary away from both road frontages. One double vehicle crossing has been constructed for access from Davidson Street. The existing driveway is not in accordance with the FNQROC Development Manual.

## **Proposal**

To undertake combined application firstly for a material change of use for multiple dwellings, where three additional, single storey dwellings will be constructed on the land to front Dickson Street. Secondly, the land is to be reconfigured from one lot into five separate lots with no common land. A new vacant block will be generated fronting Old Port Road.

Each lot will then be exclusive to the other and have individual frontage to the adjacent road with three lots fronting Dickson Street and two lots fronting Davidson Street. The development of lots to front Dickson Street will result in the upgrading of this road area.

The individual new dwellings are mostly setback from proposed common dividing boundaries. The garage for the dwelling on the proposed Lot 13 is sited against the proposed future boundary. Two of the new dwellings will each have an in-ground swimming pool. The dwelling on Lot 11 will have the usable open space in the front yards. The other two multiple dwellings have open space in the rear or side yards. The majority of buildings, with the exception of small elements of the dwellings fronting Dickson Street, are setback 6m from the road frontage. Dwellings are setback a minimum of 1.5m from the existing lot boundaries. After reconfiguration the individual dwellings will be sited closer than this to the new common property boundaries.

The resulting lots range in size: the existing dwelling will have a lot of 1460.66m<sup>2</sup> and the other lots are 1,001.11, 540.26m<sup>2</sup> 549.97 and 620.02m<sup>2</sup>.

Plans submitted with the application show each of the three multiple dwellings to be provided with a double width residential crossing. No crossing is nominated on the design for the new lot 15, fronting Old Port Road.

The applicant has advised that it is intended to provide water supply from a new provision in Dickson Street and to install a new sewer line via the neighbouring lot and then along the rear boundary of the new multiple dwelling lots. No layout of either the proposed infrastructure servicing or upgrade of Dickson Street road design has been provided.

The submitted plan nominates one tree to remain in Dickson Street, beneath which a vehicle driveway crossover will be constructed.

The proposed layout plan is included in Attachment 1.

## **State Planning Requirements**

The land is within the urban footprint of the Far North Queensland Regional Plan 2009-2031. The development of the land for urban purposes is consistent with the Regional Plan.

The development is subject to State codes requiring referral to the Department of Transport and Main roads for consideration of impact on the nearby State-controlled Davidson Street (Captain Cook Highway).

The Department of State Development, Manufacturing, Infrastructure and Planning has issued a co-ordinated State decision requiring conditions be included in any subsequent approval. These requirements are included in Attachment 2 and form part of the development approval.

### Douglas Shire Planning Scheme Assessment

Table 1.

Douglas Shire Planning Scheme		Code Applicability	Compliance
Zone	Medium Density Residential Zone Code	✓	
	AO1 Building height less than 13.5 m		Complies, single storey development.
	AO2 Buildings to be setback:		Slight encroachment of buildings within the 6m setback to Dickson Street is of no concern. Setback to Old Port Road is 3.516 m, less than required. Setback to the side and rear boundaries are less than required. These setbacks area considered sufficient considering the single-story nature of the development and in keeping with the character of the residential neighbourhood. Concern held with the setback of the dwellings and pool to the proposed new common boundary as the new sewer is to be laid in this area. Specific detail necessary to demonstrate suitability.
	a. 6m from road frontage;		
	b. 4m from secondary road;		
	c. 4.5m from rear boundary; and		
	d. 2m from a side boundary or half building height, whichever is the greater.		
	PO2 Buildings to be setback to:		
	a. Maintain the character of residential neighbourhoods;		
	b. Achieve adequate separate from neighbouring buildings and road frontages;		
	c. Maintain a cohesive streetscape; and		
	d. Provide daylight, access, privacy and appropriate landscaping.		
	AO3 50% Maximum site coverage		Complies
	AO4.1 30m Maximum length of wall length and continuous wall not greater than 15m.		Complies

Douglas Shire Planning Scheme	Code Applicability	Compliance
<p>AO4.2 Balconies, patios not capable of enclosure</p> <p>AO4.3 Balconies and patios open and light weight.</p> <p>AO4.5 Appropriate roof forms to street and locality.</p> <p>AO5.1 Landscaping area of a minimum of 35% with 30% extent for deep planting.</p> <p>AO5.2, 5.3 2m of frontage setback landscaping to the street; and 1.5m setback to side and rear boundaries</p> <p>Medium Density Residential Zone Code continued</p> <p>AO6 Appropriate uses be established</p>		<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Due to the change to the application clarification of this is required. However, this should be achievable. The applicant maintains that this is the responsibility for the future lot/dwelling owner. However, the opposite side of Dickson Street is zoned Industrial and it is important that sufficient landscaping is provided. This can be conditioned at the development permit stage.</p> <p>Complies. The use of multiple dwellings is code assessable development. Note no application has been made for short term accommodation and future use as per an "Air B'nB" type use would require a separate approval.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
PO7	Development responds to natural characteristics, features and constraints of the site and surrounds.		The applicant contends that the site is relatively flat and clear of vegetation. Vegetation is located in the street area and the neighbouring land where the applicant contends the sewer service will be provided. Further detail is required to clarify the impact of the development.
PO8	Development does not adversely affect the residential character and amenity of the area.		Complies. The applicant contends the development would have a similar character to other development in the area and this is concurred with.
PO9	New lots have a minimum of 1000m <sup>2</sup> .		Complies to the extent the new lots created in stage one achieves the minimum area. The creation of lots in stage two is following the Multiple Dwelling construction creates lots less than 1000m <sup>2</sup> , and is suitable given the development aligns with the Code Purpose for development to provides a wide choice of predominantly permanent-living housing in terms of form, size and affordability to meet the needs of residents.

Douglas Shire Planning Scheme		Code Applicability	Compliance
	<p>PO10 New lots have a minimum road frontage of 20m; and</p> <p>PO11 New lots contain a 20m x 25m rectangle.</p>		<p>Satisfactory for Stage 1. While not compiling for Stage 2, the development is generally suitable as the development aligns with the Code Purpose for development to provides a wide choice of predominantly permanent-living housing in terms of form, size and affordability to meet the needs of residents.</p>
Local Plan	<p>Mapped within the Port Douglas / Craigie Local Plan but not included in any precinct.</p> <p>AO1 Pedestrian a cycle movement network is integrated through the development.</p> <p>AO2.1 The development provides for the retention and enhancement of existing mature trees and character vegetation that contributes to the lush tropical character pf the town.</p> <p>AO2.2 The development protects and does not intrude into important views and vistas.</p>	✓	<p>The applicant contends that this not required. However, Old Port Road is identified as a Principal Route and any upgrade as is necessary to this road should consider this issue to a reasonable extent.</p> <p>The applicant contends that the development provides for the retention of mature trees on the site. Further detail is required in respect to the impact of the development of Dickson Street and the sewer infrastructure.</p> <p>Complies.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
	<p>AO3 Development adjacent to gateways and nodes as identified on the Port Douglas/Craigie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments that enhance the sense of arrival and way finding in the town.</p> <p>AO4 Landscaping incorporates the Scheme Policy and should be capable of achieving a 60% screening of development within 5 years and predominantly consist of endemic species.</p> <p>AO5 Direct access is not provided to a state-controlled road.</p>		<p>The road intersection is an identified node. The applicant contends that the node is the intersection of Old Port Road and the Captain Cook Highway. This consideration can be addressed through a suitable landscape condition.</p> <p>The applicant contends that the development would provide land sufficient to achieve the desired landscape objectives and screening. Concern is raised with this outcome in respect to the Stage 2, Multiple dwellings. NO specific detail has been provided to demonstrate this can be achieved.</p> <p>Complies, all access is provided to local roads.</p>
Overlay Codes	<p>Acid Sulfate Soils Code</p> <p>Transport Network Overlay Code: (Pedestrian and Cycle) Overlay</p>	<p>✓</p> <p>✓</p>	<p>Part of the land is mapped as Acid Sulfate Soils (&lt; 5m AHD) and part of the land is mapped as Acid Sulfate Soils (5-20m AHD). No excavation, other than for swimming pools is proposed and works associated with infrastructure. This matter can be suitably addressed by a condition at the development permit stage.</p> <p>Old Port road is identified as a Principal Route</p>

Douglas Shire Planning Scheme	Code Applicability	Compliance
<p>Transport Network Overlay Code: (Road Hierarchy) Overlay</p> <p>Transport Network Overlay Code: (Transport Noise Corridor) Overlay</p> <p>AO1 Development is compatible with the intended road and function of the transport network.</p> <p>AO1.2 Development does not compromise the safety and efficiency of the transport network.</p> <p>AO1.3 Development is to provide access via the lowest order road, where legal and practicable access can be provided to that road.</p> <p>AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with the Transport network overlay maps and the relevant local plan.</p> <p>AO4.1 Development is compatible with the role and function of major transport corridors.</p> <p>AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p> <p>AO4.3 Intersection and access points associated with major transport corridors are located in accordance with the Transport network</p>	<p>✓</p> <p>✓</p>	<p>Old Port road is mapped as a Collector Road and Dickson Street is mapped as an Access Street. The opposite side of Dickson Street is zoned Industrial.</p> <p>The multiple dwellings are to be located in a road noise corridor area.</p> <p>The applicant contends the development will generate in the order of 50 traffic movements per day and these can be readily accommodated on the local road network. The applicant notes the development will have three access points to Dickson street and each of the two separate lots will have one access each to Old Port Road.</p> <p>Further details have been sought in particular the impact of the development on the surrounding transport network and the design of the intersection and Dickson Street. The lack of provided detail limits Council's ability to sufficiently condition the approval. This issue is addressed through the issue of a Preliminary approval requiring such detail prior to the issue of a Development Permit.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
	<p>overlay maps and the relevant local plan.</p> <p>AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.</p>		
Transport network overlay continued	<p>AO5 Development retains and enhances vegetation between a development and a major transport corridor so as to provide screening.</p> <p>AO6.1 Where located adjacent to an element of the pedestrian and cycle movement network, the specific location of this element is incorporated in the design of the lot layout.</p> <p>AO6.2 the element of the pedestrian and cycle network is constructed in accordance with the FNQROC Development Manual guidelines.</p>		<p>N/A. There is no vegetation west of the land between the development land and the nearby Captain Cook Highway/ Davidson Street. There is vegetation on Dickson Street. There is no specific detail of the extent of vegetation clearing necessary for the development to be facilitated.</p> <p>The applicant contends the development would not have an adverse affect on the function of any pedestrian or cycle network. Concern is raised with the new lot to Old Port Road and whether the new vehicle crossing to this lot will impact on either the tree or the pram crossing to the nearby childcare facility. Further detail of the road design was requested, however insufficient detail has been provided.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
Land Use Code	<p>Multiple dwelling, short term accommodation and retirement facility code</p> <p>AO1.1 Minimum site area of 1,000m<sup>2</sup>.</p> <p>AO2 Development on a site &gt;5,000m<sup>2</sup> is in accordance with a structure plan.</p> <p>AO3.1 Site cover is not more than 40%.</p> <p>AO3.2 The development has a maximum GFA of &lt; 1.2 x site area.</p> <p>PO3 Development ensures the proportion of buildings to open space is:</p> <ol style="list-style-type: none"> <li>a. In keeping with the intended form and character of the local area and immediate streetscape;</li> <li>b. contributes to the modulation of built form;</li> <li>c. supports residential amenity including access to breezes, natural light and sunlight;</li> <li>d. supports outdoor tropical living; and</li> <li>e. provides for deep tropical planting and/or the retention of mature vegetation.</li> </ol>	✓	<p>Part of the development includes a three-unit multiple dwelling land use.</p> <p>Complies for the area of which the multiple dwellings will occur.</p> <p>Not applicable, site is &lt; 5,000m<sup>2</sup>.</p> <p>The original design nominated a site cover of approximately 33%. The amended approval has the multiple dwellings in Stage 2 and this has a site coverage of 41.5%. The developments has less than the maximum GFA per site coverage rate.</p> <p>The development is in keeping with the character of the local area. The ability to provide suitable breezes, natural light and ventilation and deep tropical planting to the boundary setbacks are dependant on the availability of open space that is not constrained by infrastructure. These details can be further considered and conditioned at the development permit stage.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
Land Use Code continued	<p>AO4.1 Buildings and structures are setback &lt;6m from a road, 4m from a rear boundary and 2.5m from a side boundary.</p> <p>PO4 Development is sited so that the setback from boundaries:</p> <ul style="list-style-type: none"> <li>a. Provides natural light sunlight and breezes;</li> <li>b. minimises the impact of development on the amenity and privacy of neighbouring residents; and</li> <li>c. provides for adequate landscaping.</li> </ul> <p>AO5.1 Maximum length of wall &lt;30m, the minimum distance between buildings on a site is not less than 6m and the length of any continuous eave line does not exceed 18m.</p> <p>PO5 Building depth and form must be articulated to</p> <ul style="list-style-type: none"> <li>a. ensure that the bulk of the development is in keeping with the form and character intent of the area;</li> <li>b. provide adequate amenity for residents in terms of natural light and ventilation.</li> </ul>		<p>No concern is raised with the minimal intrusion of buildings into the 6m setback from Dickson Street. The development does not meet the minimum setback to Old Port Road. The multiple dwellings are not setback sufficiently from the new common boundary to the existing dwelling. The provision of landscaping is limited along this boundary due to the intended location of the sewer.</p> <p>These matters can be conditioned at the development permit stage.</p> <p>Complies for wall length. Separation between buildings is significantly less than 6m.</p> <p>The applicant contends that the development is suitable, despite the non-compliance, as the ultimate form of development is for separate dwellings on separate allotments. Refer to comment below.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
Land Use Code continued	<p>AO6.1 Development incorporates a number of the following design elements:</p> <ol style="list-style-type: none"> <li>balconies</li> <li>verandahs</li> <li>terraces;</li> <li>patios.</li> </ol> <p>AO6.2 Development reduces building bulk by various methods.</p> <p>AO7 Setback to street and overlook of public spaces.</p> <p>AO8.1 Minimum ceiling heights of 2.7m.</p> <p>AO8.2 Weather protection for windows and external doors to habitable rooms.</p> <p>AO8.3 Incorporate eaves and sun-shading devices.</p> <p>AO8.4 Shade west facing elevations</p> <p>AO8.5 No central corridor for units.</p> <p>AO9 Separation between habitable room windows.,</p> <p>AO10 Minimum of 35% landscaping.</p> <p>AO11 Provision of landscaping strips.</p> <p>AO12.1 Provision of communal open space provisions.</p> <p>AO13 Provision of private open space for each dwelling.</p>		<p>Satisfactory, as each dwelling is provided with a patio.</p> <p>While the buildings are to be single storey, the limited separation distance which is further constrained by fences limits achieving a reduced bulk. This can be conditioned.</p> <p>The applicant proposes 2.6m ceiling height with 600mm eaves as being consistent with tropical design. This can be considered at the development permit stage with a [preference for a minimum 2.7m ceiling height.</p> <p>The applicant nominates that this will be achieved by dividing fences. Further detail is required to demonstrate this issue.</p> <p>This is not achieved. The applicant contends they are not applicable. Refer to comment below. Complies.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
Land Use Code continued	<p>AO14 Fencing to roads.</p> <p>AO15 Outdoor lighting</p> <p>AO16 Sufficient area for refuse storage.</p> <p>AO17 Individual storage areas provided.</p>		<p>Applicant indicates a 1.8 m fence to the side road, which is satisfactory but no detail of fencing to Dickson Street.</p> <p>No details were provided, the applicant contends this is not applicable.</p> <p>No specific details provided, the applicant contends this can be achieved as the final form will be single lot housing. The applicant contends this can be provided in the lockable garages. Satisfactory, however any storage area should not compromise the ability to park vehicles.</p>
Other Development Codes	<p>Access, Parking and Servicing Code</p> <p>Environment Performance Code</p>	<p>✓</p> <p>✓ For ROL only</p>	<p>Satisfactory number of car spaces can be provided for each dwelling. However, the arrangement of the parking may not necessarily meet the disabled driver access parking. Refer to the comment below.</p> <p>Reverse amenity considerations should apply as the land on the opposite side of Dickon Street is zoned industrial. Considerations can include an appropriate landscaped setback to this street.</p>

Douglas Shire Planning Scheme		Code Applicability	Compliance
Other Development Codes continued	Filling And Excavation Code	✓	No specific detail has been provided as to any extent of filling or excavation necessary. This issue may be conditioned where a suitable detailed design is provided at the development permit stage.,
	Infrastructure Works Code	✓	No specific detail is provided with a layout and design to fully determine the impacts of the development. Refer to the comment below.
	Landscaping Code	✓	No specific detail is available to the determine the extent of landscaping to be provided. No landscaping plan has been provided for the multiple dwellings. The applicant presumes this will be the responsibility of the final lot owner.
	Reconfiguring A Lot Code	✓	
	PO1 Lots comply with the lot configuration outcomes of the applicable Zone code.		Refer to comments above.
	AO2 Rectangular lots		Complies
	AO3 Each lot is provided with access to a gazetted road.		Complies
	AO4 Existing site features such as		Further detail is required to clarify the extent of vegetation removal necessary to develop the land, in particular the development of Dickson Street as an urban road and the provision of service infrastructure.
	a. significant vegetation and trees;		
	b. waterways and drainage paths;		
	c. vistas and vantage points are retained.		

Douglas Shire Planning Scheme		Code Applicability	Compliance
Other Development Codes continued	AO5 Considerations for further subdivision at a later date.		Not applicable.
	AO6 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements whichever is the greater.		Refer to comments above.
	AO7 Rear lot and access strip considerations		Not applicable.
	Vegetation Management Code	✓ For ROL only	No specific detail is available to the determine the extent of vegetation clearing required to provide services as envisaged by the proposal.

### Compliance Issues – Proposed Planning Scheme

Concern remains outstanding to the detail of the development in particular the impact on the transport network and the detail of the infrastructure servicing. The lack of detail and demand constrains the ability to issue a development permit.

The development sort is not for reconfiguring a lot and a dwelling house on each. The application has been made for four multiple dwellings, one of which exists as a dwelling house, and reconfiguring of a one lot into five lots. The compliance with the Planning Scheme requirements for Multiple Dwellings are therefore difficult to achieve.

The outcome of the development is not a traditional multiple dwelling development where economies of scale achieve a single entry/exit point, shared communal open space facilities and good separation and privacy between units. Instead, the applicant seeks a development that reflects single houses on separate lots and seeks Council to consider privacy and separation issues seeking a setbacks that are reduced from the standards for siting dispensations under the Queensland Development Code MP1.2. Furthermore, separation and privacy is sought by use of common fences. The lack of sufficient setbacks tends to yield an outcome that may be classified as an over development. Given the greenfield nature of the site for the multiple dwellings fronting Dickson Street, the lack of adequate separation between “multiple dwellings” and reliance on minimal setbacks is of concern. The location of services may constrain the ability to provide adequate landscaping to this development and the siting of pools and/or buildings.

The development is further complicated by the staging where two lots are to be subdivided off without the final form of the road design being truly identified. The applicant's desire that the existing dwelling house be considered as part of the "multiple dwelling" proposal and to be divided off in Stage 1 is challenging to understand.

Lack of specific detail to the development of Dickson Street adjacent to the land limits Council's ability to satisfactorily issue conditions for a development permit. Details such as the location of water, power, stormwater, street lighting etc., to form an urban streetscape are necessary.

It is therefore recommended that a preliminary approval issue with details of the infrastructure and road demand/design be determined prior to finalising the reconfiguration for stage 1 and then considering the siting for the multiple dwellings on Stage 2.

## REFERRAL

The State Department of Manufacturing, Infrastructure and planning did not require any conditions to be attached to the approval.

## ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. These will be applicable at the Development Permit stage.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

## ATTACHMENT

1. 11-15 Dickson St Proposal Plans [5.2.1 - 2 pages]



