

Development Watch Inc

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16 December 2015

The Chief Executive Officer
Sunshine Coast Council
By Email: mail@sunshinecoast.qld.gov.au

Dear Sir,

NOTICE OF SUBMISSION
REC15/0175 & MCU15/0207 - PERMIT TO RECONFIGURE A LOT (1 LOT INTO 44 LOTS)
and DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES
(44 DETACHED HOUSES AND 408M² SHOPS)
at 1808 DAVID LOW WAY COOLUM BEACH (LOT 103 SP 159953)

Cube Developments Pty Ltd (the Applicant) has proposed the construction of 44 dwellings and 408m² of commercial space on vacant land that is the balance lot of the Element mixed use development at Coolum Beach. This lot presently has approval for the construction of 91 dwellings.

Development Watch believes there are insufficient grounds for Council to approve the proposal as it stands due to a conflict with the Planning Scheme. Our concerns as a result of this conflict are raised by way of our objections set out below.

CONFLICT WITH THE PLANNING SCHEME

The Application conflicts with Maroochy Plan 2000 (MP2000) as it does not comply with the Code for Transport, Traffic and Parking or with the Code for Mixed Use Premises.

Development Watch accepts that, under certain circumstances, Council may approve an Application that conflicts with MP2000. Any departure from the Planning Scheme must of course be justified by the Applicant demonstrating to Council that there are sufficient grounds for that departure. The Sustainable Planning Act (SPA) requires that Council's decision on an Impact Assessable Application must not "*conflict with [the planning scheme], unless ... there are sufficient grounds to justify the decision, despite the conflict.*"¹ "Grounds" are defined as

¹ Sustainable Planning Act 2009 (SPA), s326(1)(b).

“matters of public interest” but do not include *“the personal circumstances of an applicant, owner or interested party.”*²

If Council does resolve to approve the Application despite the conflict with MP2000, then it must publish in its Decision Notice *“the reasons for the decision, including a statement of the sufficient grounds ...”*³

NO OVERRIDING NEED

Council requested the Applicant provide a list of grounds that could demonstrate an overriding need for the development despite its conflict with the Planning Scheme. The Applicant was unable to do so.

RELEVANCE OF EXISTING APPROVAL

The Applicant has placed considerable reliance on the relevance of an existing approval (Element Stage 3, MCU01/0162) to argue that compliance with the Code for Mixed Use Premises does not apply to its proposal. Development Watch strongly believes the existing approval is completely irrelevant and that Council should consider the current proposal in isolation.

TRAFFIC AND PARKING ISSUES

The Code for Traffic, Transport and Parking states, in relation to external traffic impacts⁴:

<p>P2 Driveways are located so as to minimise adverse impacts on external traffic systems.</p>	<p>A2.1 The number of site access driveways is minimised (usually one), with access to the lowest order road to which the site has frontage, consistent with amenity impact constraints, and located in accordance with the requirements of <i>Planning Scheme Policy No. 6 - Transport, Traffic and Parking</i>.</p>
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Comment. There is a site access driveway on William Street to the site. However, it services only 34 of the 44 dwellings. The remaining 10 dwellings have individual access from streets adjacent to the site. Vehicle departure from these 10 dwellings can only be done by reversing onto the street. This will inevitably have an adverse impact on external traffic flow, including that of public bus 622, which travels along Heathfield Road.

² SPA Schedule 3, Dictionary.

³ See SPA s335(1)(n).

⁴ See MP2000, Vol 4, Code 2.4, Transport, Traffic and Parking, page 114

The Code for Traffic, Transport and Parking states, in relation to queuing⁵:

P3 Appropriate provision is made for turning traffic at driveways to minimise the impact of the development on external traffic systems.	A3.1 Turns to and from driveways are restricted to left turns only, or provision is made for right turns in accordance with the requirements of <i>Planning Scheme Policy No. 6 - Transport, Traffic and Parking</i> .
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Comment. No provision for queuing has been made on William Street for vehicles right-turning into the site.

The Code for Traffic, Transport and Parking states, in relation to safety⁶:

P4 Sight distances to and from driveways are sufficient to ensure safe operation.	A4.1 Available sight distances from driveways comply with the requirements of Planning Scheme Policy No. 6 - Transport, Traffic and Parking.
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Comment. The sight distance of drivers reversing onto streets from the 10 dwellings mentioned above are inadequate to ensure safe operation. This is unacceptable because:

- reversing decreases visibility of pedestrians to the driver;
- reversing between parked cars on the street decreases visibility of approaching cars to the driver;
- vehicles must reverse into a line of traffic, which is dangerous and particularly so from corner lots 8, 9, 16 and 17.

The Code for Traffic, Transport and Parking states, in relation to parking⁷:

USE	MINIMUM NUMBER OF CAR PARKING SPACES
Multiple Dwelling Units	1 space per unit for a 1 bedroom unit 1.25 spaces per unit for a 2 bedroom unit 1.75 spaces per unit for a 3 bedroom unit plus 1 visitor space per 4 units with 1 space per unit covered. Where 2 spaces are provided per unit (excluding visitor parking) one may be in tandem.

⁵ See MP2000, Vol 4, Code 2.4, Transport, Traffic and Parking, page 114

⁶ See MP2000, Vol 4, Code 2.4, Transport, Traffic and Parking, page 114

⁷ See MP2000, Vol 4, Code 2.4, Transport, Traffic and Parking, page 121

Comment. The proposal identifies 11 visitor parking spaces as 'tandem'. These cannot be considered as visitor parking in the body corporate sense because each blocks access to and from residential parking. In addition, eight three-bedroom dwellings⁸ are shown with only one car parking space. The schedule requires 1.75 spaces per dwelling. $1.75 \times 8 = 14$ so six additional spaces must be allocated for residents' use. This could perhaps be accomplished by re-designating the 'tandem' visitor parking at seven of these eight dwellings as residential parking. However, as Dwelling 12 is isolated from the available on-site parking, compliance with the parking requirements is not possible.

Other parking issues

Because ten dwellings require direct vehicle access to streets, public parking spaces on these streets are eliminated. For example, public parking spaces on the eastern side of Heathfield Road will be reduced from twelve to five. In addition, the proposed kerb treatment in William Street will reduce the number of public parking spaces along this frontage. Public parking at this part of William Street is in high demand because of the hardware store opposite. Loss of public parking spaces is unacceptable.

LAND USE ISSUES

MP2000 permits higher density accommodation on the site but only as part of mixed use premises.⁹ However, the proposal does not comply with the Code for Mixed Use Premises.

MP2000 states that mixed use developments should "*provide for a mix and distribution of uses which are economically, socially and operationally compatible with each other and with those existing or intended in the surrounding area.*"¹⁰ Coolum presently has a large number of vacant retail/commercial premises. Construction of a mixed use development may increase the number of vacancies, which could result in consequential adverse economic and social effects.

MP2000 states, "*The premises have uses which can attract high levels of customer visitation (like shops, cafes, restaurants and business or community uses offering counter services) which are located at ground storey level along the principal street frontage and, if applicable, at the street corner.*"¹¹ The proposal indicates retail/commercial only at the north-east and north-west corners of the site. We believe this layout does not encourage pedestrian traffic between these premises and does not satisfy the requirement for active street frontages.

⁸ Dwellings numbered 7, 12, 18, 20, 26, 29, 33 and 38 on Applicant drawing 30031514-CS-01, Combined Services Plan

⁹ See MP2000, Vol 3, para 3.11.2 (2) (d)

¹⁰ See MP2000, Vol 4, Code for Mixed Use Premises, para 5.6 (2), page 299

¹¹ See MP2000, Vol 4, Code for Mixed Use Premises, A1.3, page 300

CONCLUSION

The proposal by Cube Developments Pty Ltd conflicts with the requirements of MP2000. Traffic safety issues related to exit from many dwellings on the site are of particular concern. In addition, no sufficient grounds to approve the proposal despite this conflict have been identified.

Accordingly, based on our above comments, Development Watch recommends that Council refuse the Application MCU15/0207.

Yours faithfully

A handwritten signature in cursive script that reads "Lynette Saxton".

Lynette Saxton
President, Development Watch Inc.