

Development Application

Assessment Report

7 Hickson Road, Deagon
Lot 1 on RP69949

Material Change of Use (Dwelling House)

Jennifer Peat



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Job Number J00085

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1 Executive Summary

This application is made on behalf of Jennifer Peat who is seeking approval for a Development Permit for Material Change of Use (Dwelling House) over property at 7 Hickson Road, Deagon and properly described as Lot 1 on RP69949.

The proposal intends to demolish the existing *Dwelling House* and construct a new *Dwelling House* on a residential lot within the *Flood Hazard Overlay* and the *Waterway Corridor Overlay*. The proposal has been assessed against the relevant assessment criteria and it has been determined that the proposal does not meeting all Acceptable Outcomes of overlay codes.

The *Dwelling House* comprises 3 bedrooms, living areas, a single carport and a courtyard. The building is within the 9.5m building height limit and provides for an attractive and functional residential choice within the Deagon community.

Considering a full and proper assessment of the proposed development against the provisions of the *Planning Act 2016* and the *Brisbane City Plan 2014 v16.00/2019*, it is considered that the proposal should be approved, subject to reasonable and relevant conditions.

Summary Table

Job Number:	J00085
Address of Site:	7 Hickson Road, Deagon
Real Property Description:	Lot 1 on RP69949
Site Area:	804m ²
Assessment Manager	Brisbane City Council
Planning Scheme:	Brisbane City Plan 2014 v16.00/2019
Zone:	Low Density Residential
Zone Precinct:	Not Applicable
Local Plan:	Sandgate District Neighbourhood Plan
Local Plan Precinct:	Not Applicable
Tenure:	Freehold
Registered Owner:	Jennifer Peat
Applicant:	Jennifer Peat
Type of Application:	Development Permit
Type of Development:	Material Change of Use
Activity:	Dwelling House
Level of Assessment:	Code
Public Notification	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 15 BD <input type="checkbox"/> 30 BD
Referral Agencies:	Nil

2 Proposal & Site Description

2.1 Applicant

This application is made on behalf of Jennifer Peat, over their land, at 7 Hickson Road, Deagon and properly described as Lot 1 on RP69949. A copy of the current title search confirming the owner of the land is included in [Appendix A](#).

2.2 Type of Proposal

The proposed development is considered Material Change of Use in accordance with schedule 2 of the *Planning Act 2016*.

Pursuant to section 51 of the *Planning Act 2016*, this application is supported by:

- the Approved Forms
- appropriate supporting documents
- the required assessment fee (to be invoiced)
- Owner's Consent

The applicable DA Forms and Owner's Consent are included in [Appendix B](#).

In accordance with Brisbane City Council's requirements, the following is also included to support the application:

- Erosion Hazard Assessment Form

The applicable Council Forms are included in [Appendix C](#).

2.3 Description of Proposal

In accordance schedule 1 of the with *Brisbane City Plan 2014 v16.00/2019*, the proposed development is defined in [Table 1](#) below:

Table 1: Defined Use

Dwelling house means a residential use of premises involving – (a) 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or (b) 1 dwelling for a single household; a secondary dwelling and any domestic outbuildings associated with either dwelling.

The proposal intends to demolish the existing *Dwelling House* and construct a new *Dwelling House* on a residential lot within the *Flood Hazard Overlay* and the *Waterway Corridor Overlay*. The proposal has been assessed against the relevant assessment criteria and it has been determined that the proposal does not meeting all Acceptable Outcomes of overlay codes.

The proposal consists of a dwelling, with undercroft over a single level on a relatively flat allotment. The house has been designed to reflect the building character of the locality, whilst considering the surrounding environment.

Proposed Plans of Development as shown in **Appendix D** and **Table 2** below:

Table 2: Plans of Development

Title	Drawing No.	Revision	Date
Site Plan & Roof Plan	SK 004	05	12/11/2019
Ground Floor	SK 100	05	12/11/2019
Sections	SK 200	05	12/11/2019
Elevations & Street Perspective Views	SK 300	05	12/11/2019

2.4 Site Description

The subject site is situated on the corner of Hickson and Phillips Roads and contains the following allotment as summarised in **Table 3** below:

Table 3: Site Parameters

Address	Area	Real Property Description	Tenure
7 Hickson Road, Deagon	804m ²	Lot 1 on RP69949	Freehold

The subject site is relatively flat and currently contains an existing residential dwelling.

The aerial in **Figure 1** below shows the site in context with the surrounding development.

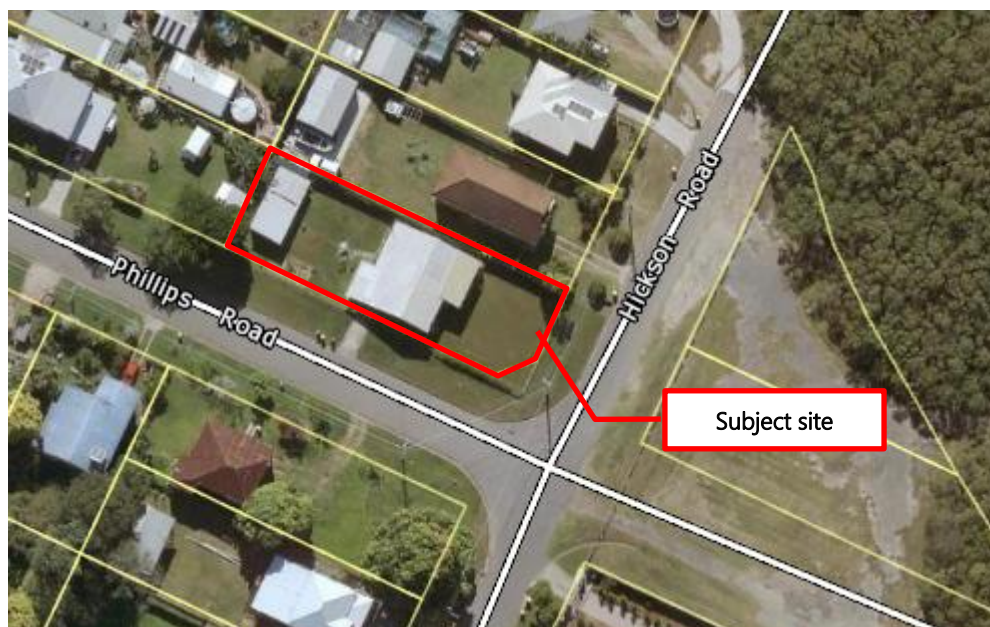


Figure 1: Aerial Photo (source: QLD Globe)

Figure 2 below shows the current streetscape view of the property from Hickson Road.



Figure 2: Site perspective from Hickson Road (source: Google Maps)

Figure 3 below shows the current streetscape view of the property from Phillips Road.



Figure 3: Site perspective from Phillips Road (source: Google Maps)

2.4.1 Encumbrances on Title

The property does not contain any relevant encumbrances.

2.4.2 Adjoining Site Conditions

Properties immediately surrounding the subject site to the north, south and west are a mixture of single and double storey residential dwellings located within the *Low-Density Residential Zone*. The property to the east, across Hickson Road, is *Open Space (Local)*. There are additional

residential dwellings located to the southeast of the subject site, diagonally across Hickson Road, along Cabbage Tree Creek.

3 Planning Considerations

3.1 Site Flooding

A Floodwise Property Report has been obtained and included within [Appendix E](#) of this report. The report identifies that the primary source of flooding occurs from storm-tide events. The Defined Flood Level (DFL) for the site is 2.5m AHD. Consequently, the minimum non-habitable floor level is 2.8m AHD and the habitable floor level is 3.0m AHD.

It is important to note that the existing dwelling on the site contains a brick enclosed undercroft and the existing floor level does not meet the current flood standards. Consequently, the proposal provides both for the free movement of water during flood events, and an appropriate standard of flood immunity for residents.

3.2 Flood Overlay Code

The proposed development intends to achieve a building undercroft of approximately 1.2m as detailed in [Figure 4](#) below.

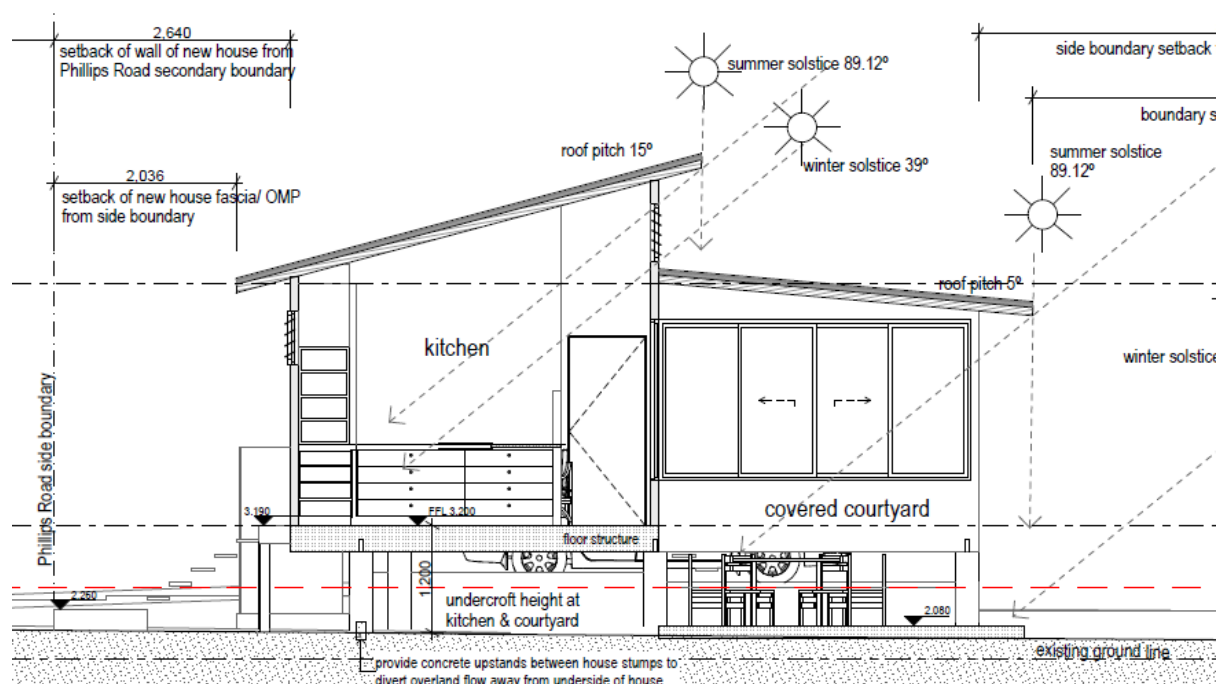


Figure 4: Building Cross-section

Consequently, the proposed development has been assessed against the *Flood Overlay Code – Section A*. The proposal does not meet all of the Acceptable Outcomes of this code; however, the proposal does achieve compliance with the Performance Outcome as detailed in [Table 4](#).

Table 4: Compliance with Flood Overlay Code Provisions

Performance Outcome	Response
PO1 Development involving any habitable or non-habitable part of a dwelling house, including any secondary dwelling, is located and designed to: <ul style="list-style-type: none"> (a) minimise the risk to people from flood hazard; (b) achieve acceptable flood immunity; (c) minimise property impacts from a flood event up to and including the defined flood event; (d) minimise disruption to residents, recovery time and rebuilding or restoration costs after a flood event up to and including the defined flood event. 	<p>The proposed habitable and non-habitable floor levels have been designed to achieve minimum floor levels.</p> <p>Although the proposed undercroft is less than 1.5m, the height of the undercroft is appropriate for restoration after a flood event.</p>

3.3 Waterway Corridor Code

It is noted that the entirety of the subject site is located within the *Citywide Waterway Overlay subcategory*. Consequently, it is not possible to meet Council's preferred outcome of locating dwellings outside of this area.

Furthermore, the *Citywide Waterway Corridor* relates to Cabbage Tree Creek, located to the east of the site, opposite Hickson Road. There are existing dwellings on both sides of Hickson Road, all within the same waterway corridor. Considering the existing urbanised environment, the proposal does not result in any additional impact on the values of Cabbage Tree Creek, rather the new dwelling (which achieves appropriate flood immunity and provides an undercroft), provides a more sensitive development within the waterway corridor.

Therefore, the proposed development has been assessed against the *Waterway Corridor Code – Section B*. The proposal does not meet all of the Acceptable Outcomes of this code; however, the proposal does achieve compliance with the Performance Outcome as detailed in **Table 5**.

Table 5: Compliance with Waterway Corridor Overlay Code Provisions

Performance Outcome	Response
PO2 Development ensures that a waterway in the Citywide waterway corridor sub-category and the Local waterway corridor sub-category: <ul style="list-style-type: none"> (a) performs a natural filtration and infiltration role that maintains water quality and flow conditions; (b) provides fauna connectivity; (c) contributes to cooling the urban environment, via minimal impervious surfaces and maximisation of landscaped areas 	<p>The proposal has been designed to:</p> <ul style="list-style-type: none"> (a) improve natural filtration and infiltration by removing an existing dwelling with no undercroft (b) ensure that fauna connectivity is not reduced further (c) ensure the building site cover contributes to less than 50% of the site

4 Assessment Framework

4.1 State Framework

4.1.1 Planning Act 2016

Pursuant to schedule 2 of the Planning Act 2016, the proposal is defined as Material Change of Use, by '*starting a new use of premises*'.

4.1.2 Regional Plan

The proposed development is located within the *Urban Footprint* of the *South East Queensland Regional Plan 2017*.

In accordance with section 2.2 of the *Brisbane City Plan 2014 v16.00/2019* 'the minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the SEQ Regional Plan as it applies in the planning scheme area'.

4.1.3 State Planning Policy

In accordance with section 2.4 of the *Brisbane City Plan 2014 v16.00/2019*, 'the regulated requirements prescribed in the *Planning Regulation 2017* dated 3 July 2017 are appropriately reflected in full in the planning scheme'. As such, the State Planning Policy's Interim development assessment requirements do not apply.

4.1.4 Assessment Manager

In accordance with section 48(2) of the *Planning Act 2016* and, Schedule 8 of the *Planning Regulation 2017*, the Assessment Manager for the application is outlined in **Table 6** below.

Table 6: Assessment Manager

Agency	Application Type
Brisbane City Council	Development made assessable by a local categorising instrument (Schedule 8, Table 2, Item 1)

4.1.5 Referral Agency

In accordance with section 54(2) of the *Planning Act 2016* and schedule 9 and schedule 10 of the *Planning Regulation 2016*, the development application does not require referral to a third party.

4.2 Local Framework

4.2.1 Planning Scheme

The proposal is assessed against the *Brisbane City Plan 2014 v16.00/2019*.

4.2.2 Zone

The site is zoned *Low Density Residential*.

The purpose of the zone is to provide for:

'Predominately dwelling houses supported by community use and small-scale services and facilities that cater for local residents.'

As the proposal is for a single residential dwelling, the proposal is consistent with the purpose of the zone.

4.2.3 Zone Precinct

The site is not located within a Zone Precinct.

4.2.4 Local Plan

The site is situated within *Sandgate District Neighbourhood Plan*.

The plan provides for finer grain planning controls for the local area. However, as the site is not located within a precinct of the plan, there are no relevant provisions dealing with the subject site or the proposed development.

4.2.5 Local Plan Precinct

The site is not located within a Local Plan Precinct.

4.2.5.1 Overlays

The site is located within the following overlays as detailed in **Table 7**:

Table 7: Overlays

Overlay	Sub-Category	Notes
Airport Environs	OLS – Horizontal Limitation Surface Boundary	The proposal does not trigger assessment in accordance with <i>Table 5.10.2 – Airport Environs Overlay</i> .
	Procedure for Air Navigation Surfaces (PANS)	

Overlay	Sub-Category	Notes
	BBS Zone – Distance from Airport 3-8km	
Coastal Hazard	Erosion Prone Area – Permanent Inundation due to sea level rise at 2100	The proposal triggers <i>accepted development – subject to requirements</i> in accordance with <i>Table 5.10.6 – Coastal Hazard Overlay</i> .
	High Storm-tide Inundation	
	Medium Storm-tide Inundation	
Community Purposes Network		The proposal does not trigger assessment in accordance with <i>Table 5.10.7A – Community Purposes network overlay code</i> .
Critical Infrastructure and Movement Network	Critical Infrastructure and Movement Planning Area	The proposal does not trigger assessment in accordance with <i>Table 5.10.8 – Critical Infrastructure and Movement Network Overlay</i> .
Dwelling House Character	Dwelling House Character	The proposal triggers <i>accepted development – subject to requirements</i> in accordance with <i>Table 5.10.9 – Dwelling House Character Overlay</i> .
Flood	Creek/Waterway Flooding Planning Area 4	The proposal triggers <i>assessable development – code assessment</i> in accordance with <i>Table 5.10.11 – Flood Overlay</i>
	Creek/Waterway Flood Planning Area 5	
Industrial Amenity	Industrial Amenity Investigation	The proposal does not trigger assessment in accordance with <i>Table 5.10.13 – Industrial Amenity Overlay</i> .
Potential and Actual Acid Sulfate Soils	Potential and Actual Acid Sulfate Soils	The proposal does not trigger assessment in accordance with <i>Table 5.10.15 – Potential and Actual Acid Sulfate Soils Overlay</i> .
	Land at or below 5m AHD	
Road Hierarchy	Neighbourhood Road	The proposal does not trigger assessment in accordance with <i>Table 5.10.18 – Road hierarchy overlay</i> .
Streetscape Hierarchy	Neighbourhood Street Minor	The proposal does not trigger assessment in accordance with <i>Table 5.10.20 – Streetscape hierarchy overlay</i> .
Waterway Corridors	Citywide Waterway Corridor	The proposal triggers <i>assessable development – code assessment</i> in accordance with <i>Table 5.10.25 – Waterways Corridor Overlay</i> .

4.2.5.2 Tables of Assessment

In accordance with:

- *Table 5.10.11 – Flood Overlay*, the proposal triggers *assessable development - code assessment*, as all Acceptable Outcomes of the *Flood Overlay Code – Part A* cannot be complied with.
- *Table 5.10.25 – Waterways Corridor Overlay*, the proposal triggers *assessable development – code assessment*, as all Acceptable Outcomes of the *Waterways Corridor Overlay – Part B* cannot be complied with.

In accordance with the above, the proposal is *assessable development – code assessment*.

4.2.6 Assessment Benchmarks

In accordance with the above, the following assessment benchmarks are triggered for assessment:

- *Flood Overlay Code – Part A*
- *Waterways Corridor Overlay – Part B*

An assessment of the relevant Performance Outcomes of the above listed codes is included in sections 3.2 and 3.3 of this report.

4.2.7 Local Government Infrastructure Plan (LGIP)

The proposed development does not impact on any LGIP items.

5 Conclusion

This application is made on behalf of Jennifer Peat who is seeking approval for a Development Permit for Material Change of Use (Dwelling House) over property at 7 Hickson Road, Deagon and properly described as Lot 1 on RP69949.

The proposal should be supported, considering the new *Dwelling House* is replacing an existing *Dwelling House*, and is complementary to streetscape of the dwellings within the locality. The proposal also appropriately responds to the natural environment surrounding the dwelling.

This report provides a thorough assessment against the relevant assessment criteria and demonstrates that the proposal meets the intent and objectives of planning instrument. Considering a full and proper assessment of the proposal, it is considered that the proposal should be approved, subject to reasonable and relevant conditions.

LODGED

20/11/2019

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Appendix A

Current Title Search

Appendix B

DA Forms and Owners Consent

Appendix C

BCC Forms

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Appendix D

Plans of Development

Appendix E

Floodwise Property Report