

## DETAILED ASSESSMENT REPORT APPLICATION FOR DEVELOPMENT APPROVAL

**APPLICATION NO:** MCU16/0284  
**AUTHOR:** SENIOR DEVELOPMENT PLANNER  
**PROJECT DIRECTOR:** TEAM LEADER PLANNING ASSESSMENT

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	JLJL Pty Ltd Tte
<b>Consultant:</b>	Innovative Planning Solutions Pty Ltd
<b>Owner:</b>	JLJL Pty Ltd Tte
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>• Development Permit for Material Change of Use (Shopping Centre)</li> <li>• Preliminary Approval under s242 of the Sustainable Planning Act 2009 to override the <i>Sunshine Coast Planning Scheme 2014</i> for Material Change of Use (Mixed Use Development)</li> </ul>
<b>Properly Made Date:</b>	12 December 2016
<b>Public Notification Period:</b>	9 May – 21 June 2018
<b>Number of Submissions:</b>	17 total (16 properly made, 1 not properly made): <ul style="list-style-type: none"> <li>• 8 in support</li> <li>• 9 against</li> </ul>
<b>State Referral Agencies:</b>	Not applicable
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	10
<b>Street Address:</b>	106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street and 9 Caplick Way, EUMUNDI
<b>RP Description:</b>	Lot 4 & 5 RP 50595, Lot 6 CG 1676, Lot 11 CG 1676, Lot 2 RP 151041, Lot 5, 7 & 8 RP 810711
<b>Land Area:</b>	24,380m <sup>2</sup> (2.438 hectares)
<b>Existing Use of Land</b>	Unoccupied dwellings, old Highway Motors building, old Butter Factory buildings
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	<i>Sunshine Coast Planning Scheme 2014</i> (15 August 2016)
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Framework Land Use Category:</b>	Urban
<b>Local Plan Area:</b>	Eumundi Local Plan – Precinct LPP-1 Butter Factory
<b>Zone:</b>	Local Centre Zone Medium Density Residential Zone Low Density Residential Zone Open Space Zone
<b>Assessment Type:</b>	Impact

**PROPOSAL:**

The application seeks approval for Development Permit for Material Change of Use (Shopping Centre) and Preliminary Approval under s242 of the *Sustainable Planning Act 2009* to override the *Sunshine Coast Planning Scheme 2014* for Material Change of Use (Mixed Use Development).

Development Permit

The proposal involves the establishment of a small scale, boutique shopping centre within the existing buildings over three land parcels comprising Lot 6 on CG1676, and Lots 4 & 5 on RP50595. Each building would be refurbished in their current locations to accommodate the proposed uses, which include shops (eg. grocer, delicatessen), cafes/restaurants, professional services and health services. A total gross floor area of 1,033m<sup>2</sup> (gross leasable floor area of 785m<sup>2</sup>) is proposed across three separate buildings which are linked via ground level walkways and a public piazza space. Site cover is proposed at 1,227m<sup>2</sup>, which equates to 25% of the site area.

Vehicular access is proposed from Caplick Way via a left in/left out intersection, with a second all-movements access proposed via a new roundabout at the Caplick Way / Napier St / Cook St intersection. Due to the proposed access arrangements, the land parcels fronting Caplick Way (Lot 7 RP852001) and Cook St (Lot 11 CG1676 & Lot 2 RP151041) also form part of the development permit application.

A total of 61 carparks (including 1 disabled carpark), 6 motorcycle spaces and 20 bicycle parking spaces are proposed. A loading bay for an MRV / SRV is also proposed on site.

Pedestrian access is available from Caplick Way and Memorial Drive. Landscaping is proposed around the perimeter of the site and within the carpark. A turfed and landscaped public open space area, including children's playground, is proposed at the northern end of the site, within the old railway corridor. Part of this open space areas will also serve the function of stormwater detention. Pedestrian pathways and a new internal road would link through the old railway corridor to the old Butter Factory land further to the west.

Item 8.2 Development Permit for Material Change of Use (Shopping Centre) and Preliminary Approval (Mixed Use Development) at 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street & 9 Caplick Way Eumundi  
Attachment 1 Detailed Assessment Report

Figures 1, 2, 3, 4 ,5 & 6 below are extracts from the applicant's proposed plans.



Figure 1: Site / Landscape Plan

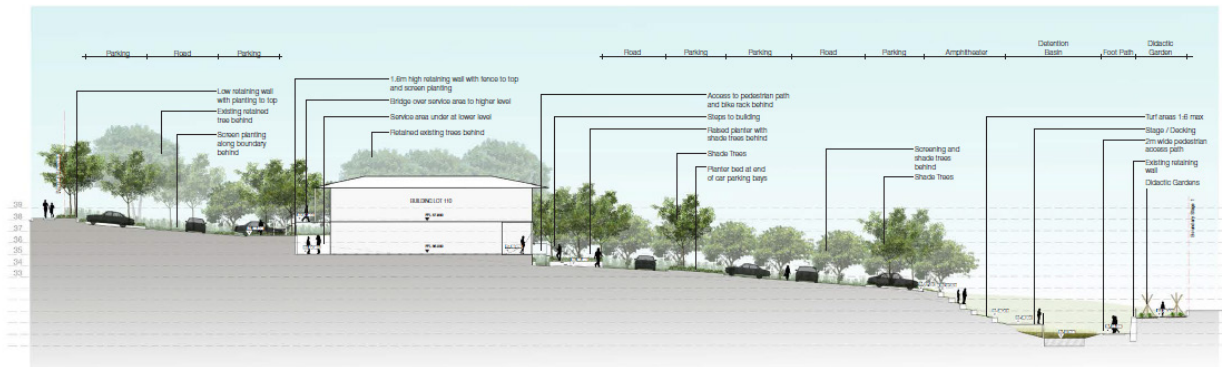


Figure 2: Site Section

Item 8.2 Development Permit for Material Change of Use (Shopping Centre) and Preliminary Approval (Mixed Use Development) at 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street & 9 Caplick Way Eumundi  
Attachment 1 Detailed Assessment Report



Figure 3: Artist impression of pedestrian entry from Caplick Way (Old Highway Motors building in foreground)

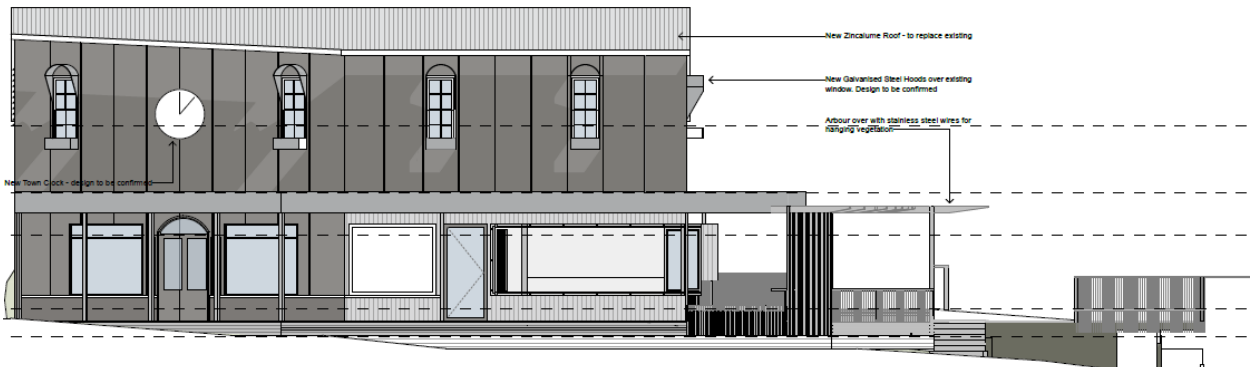


Figure 4: Caplick Way elevation (Old Highway Motors building in foreground)





Figure 5: Artist impression of internal piazza



Figure 6: Artist impression of Memorial Drive frontage (existing buildings to be reused in current locations)

### Preliminary Approval

The Preliminary Approval component of the application seeks to introduce a range of both residential and small scale, non-residential uses over the land comprising the old Butter Factory (Lot 5 on RP810711) and the land fronting Cook Street (Lot 11 on CG1676 and Lot 2 on RP151041). The Preliminary Approval seeks to vary the level of assessment for particular land uses to enable future development applications to be code assessable. The types of uses envisaged for these land parcels include short term accommodation, small garden centre, health care services, office(s), small shop(s), service industry, café/restaurant, small scale low impact industry and permaculture gardens.

The application does not include any layout plans for the Preliminary Approval component. Instead, it seeks to provide sufficient guidance as to the intent of future land uses through a *Supplementary Precinct Intent Statements and Supplementary Table of Assessment*, which provide variations and exceptions to the existing precinct intents and table of assessment contained within the *Eumundi local plan code* of the *Sunshine Coast Planning Scheme 2014*.

In particular, the application for Preliminary Approval seeks the following:

#### ***Precinct 2: Cook St – Low density residential zone comprising 1 & 3 Cook St***

The application seeks to lower the level of assessment from impact to code for the following land uses:

- Caretaker's accommodation
- Short term accommodation
- Garden centre (not exceeding 300m<sup>2</sup> GFA, located minimum 10m from any external boundary and access via Cook St)
- Health care services (access via Cook St)
- Office (access via Cook St)
- Shop (not exceeding 250m<sup>2</sup> GFA and access via Cook St)
- Service industry (access via Cook St)
- Community use (access via Cook St)

Each of these land uses would be subject to future assessment against the provisions of the *Eumundi local plan code*, *Business uses and centre design code* and prescribed other development codes including the *Transport and parking code*, *Nuisance code*, *Landscaping code*, etc. The short term accommodation and caretaker's accommodation uses would also be subject to the *Multi-unit residential uses code* and *Caretaker's accommodation code* respectively. Applicable overlay codes would also apply to any new development.

The applicant has submitted a Plan of Development for Precinct 2 which provides a conceptual road *layout* (off the Cook St roundabout) and a minimum 3m wide acoustic and landscape buffer zone adjoining the existing low density residential properties to the north. Detailed design of this buffer zone is proposed to be undertaken as part of a future application for Development Permit in accordance with the planning scheme codes.

The proposals for garden centre and shop have been deliberately limited to small scale to ensure any impacts on adjoining residential uses are minimised. Furthermore, these uses in addition to the health care services, office, service industry and community use must not establish until such time as formal vehicular access has been established from Cook St. This will ensure that primary vehicular access to these non-residential uses is not obtained through the Butter Factory site (Precinct 3) should this develop prior to the Cook St site.

Figure 7 below outlines the boundaries of Precinct 2.

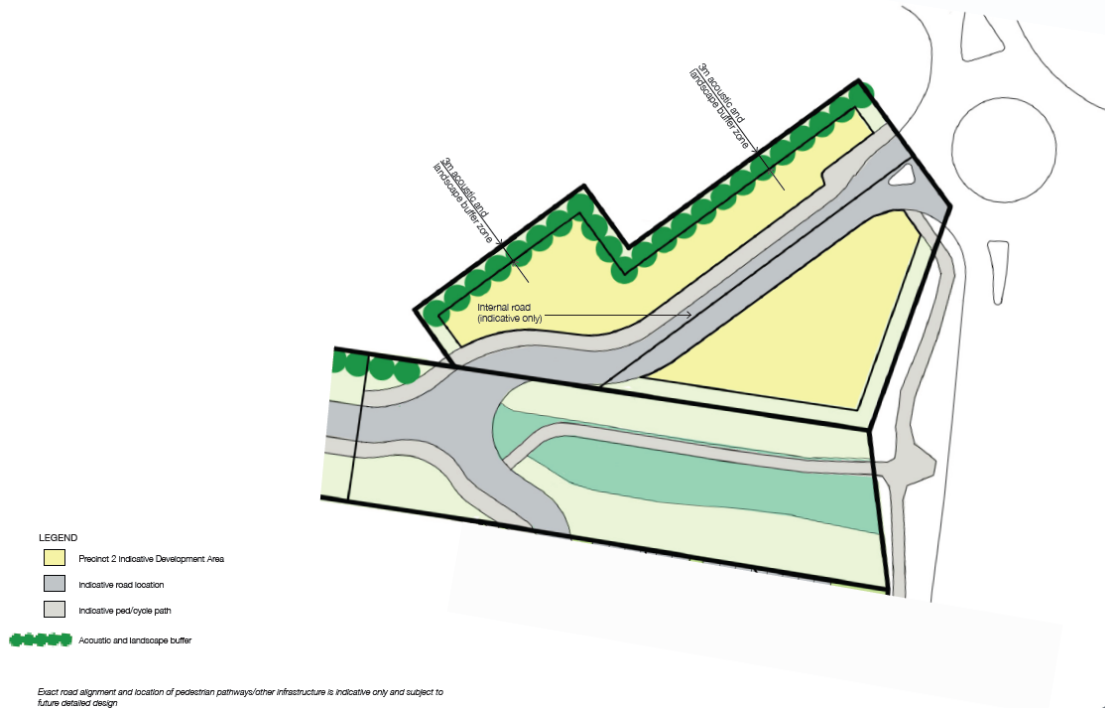


Figure 7: Precinct 2 – Cook St Precinct Plan of Development

**Precinct 3: Butter Factory – medium density residential zone comprising 124 Memorial Drive**

The application seeks to lower the level of assessment from impact to code for the following land uses:

- Caretaker’s accommodation
- Short term accommodation
- Food and drink outlet (not exceeding 250m<sup>2</sup> GFA, not incorporating a drive-through facility and not for a high volume convenience restaurant)
- Garden centre
- Health care services
- Office
- Shop (not exceeding 250m<sup>2</sup> GFA)
- Shopping centre (not exceeding overall GFA of 1000m<sup>2</sup>, and no single tenancy exceeds 250m<sup>2</sup> GFA)
- Low impact industry (not exceeding 300m<sup>2</sup> GFA)
- Service industry
- Parking station (for an interim use up to 24 months and located at least 5m from any external boundary)

Similar to the Cook St Precinct land uses, the existing applicable codes of the planning scheme would apply to any of the above uses as part of a future application for a Development Permit.

The applicant has submitted a Plan of Development for Precinct 3 which provides a conceptual road layout (off the Cook St roundabout) and a minimum 3m wide acoustic and landscape buffer zone adjoining the existing low density residential properties to the north.



Detailed design of this buffer zone can be undertaken as part of a future application for Development Permit in accordance with the planning scheme codes.

Figure 8 below outlines the boundaries of Precinct 3.



Figure 8: Precinct 3 – Butter Factory Precinct Plan of Development

**Precinct 4: Open Space – open space zone comprising 9 Caplick Way and 18 Elizabeth St**

The application seeks to lower the level of assessment from impact to code for the following land uses:

- Food and drink outlet (provided in a temporary moveable structure such as a kiosk or cart, not exceeding an overall land area of 300m<sup>2</sup>, involving a maximum of 3 tenancies where no single tenancy exceeds 100m<sup>2</sup>, located minimum 10m from any external boundary)
- Community activities (not permanent structures, constructed in association with an open space use on the same site and not exceeding 300m<sup>2</sup> GFA)
- Intensive horticulture (for a community garden, not involving any permanent structures, not exceeding 300m<sup>2</sup> in use area and located minimum 5m from any external boundary)

The primary function of the Open Space Precinct is to allow pedestrian connectivity between the Eumundi Town Centre, the proposed Shopping Centre development over 106-110 Memorial Drive (proposed under this Development Permit) and the Butter Factory Precinct. Therefore, any land use is proposed to be of small scale and easily removable to ensure ongoing pedestrian thoroughfare and connectivity is maintained, while providing opportunities for social interaction through “coffee carts” and community permaculture gardens.



**SITE DETAILS:****Background / Site History**

The site has had a variety of previous land uses including the following:

<b>Address</b>	<b>Previous Land Uses</b>
106 Memorial Drive	Service station (old Highway Motors), café, nursery, art gallery, furniture store, real estate agent, motorbike apparel
108 Memorial Drive	Detached dwelling (vacant)
110 Memorial Drive	Detached dwelling (vacant)
9 Caplick Way	Former railway corridor
18 Elizabeth St	Former railway corridor
1 Cook St	Detached dwelling, mechanic, nursery, blacksmith
3 Cook St	Detached dwelling
124 Memorial Drive	Old Butter Factory, flea market, micro brewery

The site, excluding the old Butter Factory land, has also been the subject of a previous development application as follows:

<b>Application No.</b>	<b>Decision and Date</b>
MCU12/0206	Development Permit for Material Change of Use (Shopping Complex) lodged <i>Maroochy Plan 2000</i> – application lapsed prior to decision

**Site Description**

<b>Site &amp; Locality Description</b>	
<b>Road Frontage:</b>	Approx 85m to Memorial Ave Approx 120m to Caplick Way Approx 25m to Cook St Approx 22m to Elizabeth St
<b>Existing Significant Vegetation:</b>	No mapped vegetation is present on the site, however there are some scattered character trees, including mature Royal Palms to the Caplick Way frontage which have high amenity value.
<b>Topography:</b>	The site generally slopes from the Memorial Drive frontage down towards the open space/former rail corridor, rising back up to the Cook St frontage. Elevation ranges from approx. 40m AHD to 28m AHD.
<b>Surrounding Land Uses:</b>	The site is adjoined by low density residential uses to the north-east (fronting Cook St) and south-west (fronting Memorial Drive) To the south-east is the Eumundi town centre and Eumundi markets To the north-west is land within the Rural zone, comprising detached dwellings on large lots.

## ASSESSMENT:

### Framework for Assessment

#### Instruments for Statutory Assessment

- State Planning Policy
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- any Structure Plan or Master Plan in place for declared areas
- any Preliminary Approval Overriding the Planning Scheme for the land
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument in place for the local government area

Of these, the planning instruments relevant to this application are discussed in the sections that follow.

### Statutory Instruments – State and Other

#### State Planning Policy

The State Planning Policy applies to this application. The assessment provisions of the State Planning Policy that are relevant to the development proposal do not vary the current provisions of the planning scheme.

#### South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for an urban use within the Urban Footprint. 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

There are no State Planning Regulatory Provisions applicable to this development application.

### Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is *Sunshine Coast Planning Scheme 2014* (15 August 2016). The following sections relate to the provisions of the planning scheme.

#### Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

### Overlay Codes

The following overlay codes are applicable to this application:

- Flood hazard overlay code – northern extremity of open space corridor only
- Height of buildings and structures overlay – 10m for 106, 108 & 110 Memorial Drive, 8.5m otherwise
- Heritage and character areas overlay – 106 Memorial Drive is mapped as a Neighbourhood Character Area
- Landslide hazard and steep land overlay – northern extremity of open space corridor only
- Scenic amenity overlay – Memorial Drive and Caplick Way are mapped scenic routes

### Other Planning Scheme Codes

The following other planning scheme codes are applicable to this application:

- Eumundi local plan code
- Local centre zone code
- Low density residential zone code
- Medium density residential zone code
- Open space zone code
- Business uses and centre design code
- Landscape code
- Stormwater management code
- Sustainable design code
- Transport and parking code
- Waste management code
- Works, services and infrastructure code

### **Issues Arising From Assessment Against the Planning Scheme**

#### Development Permit for Material Change of Use (Shopping Centre)

##### *Land use*

The proposed shopping centre incorporates an overall gross floor area of 1,033m<sup>2</sup> and a gross leasable floor area of 785m<sup>2</sup>. This accords with Performance outcomes PO11 and PO12 of the Eumundi local plan which specifies a maximum gross leasable floor area of 1,000m<sup>2</sup> for a supermarket. The proposed shopping centre otherwise meets all requirements of the planning scheme codes in relation to carparking and manoeuvring, on-site servicing, stormwater management, and provision of acoustic fencing to neighbouring properties.

More specifically, the proposal meets the requirements of the *Eumundi local plan code* with respect to:

- adaptive reuse of existing buildings on the site, being the old Highway Motors building and two existing dwellings
- small scale development reflecting the traditional rural town architectural character
- limited gross leasable floor area of the proposed Shopping Centre to below 1,000m<sup>2</sup>
- provision of an integrated and functional parking layout that does not dominate the street
- retention of existing mature character trees and incorporation of these within the carparking and landscaping areas of the development, wherever possible
  - protection and enhancement of the old rail corridor abutting the northern boundary, and reuse of this land for pedestrian access and linkages, public open space including a children's play space and amphitheatre, and stormwater management.



### *Vehicular access and parking*

Vehicle access is in accordance with the requirements of the *Transport and parking code*. Access to the development is proposed via an all-turns driveway to Caplick Way opposite Napier Road. This requires construction of a single lane roundabout, including dedication of land from the site to accommodate the roundabout. A left-in / left-out driveway is also proposed directly to Caplick Way, just north of Memorial Drive. The proposed access arrangements will ensure the development can be accessed to / from all directions.

The applicant has raised concerns regarding the financial implications of constructing the roundabout at the Caplick Way / Napier Road intersection. However, it is noted that this roundabout is not identified as a trunk infrastructure item under the Local Government Infrastructure Plan. Further, Council's Principal Traffic Engineer has advised that there is no capacity deficiency with the present T-intersection that would require its operation to be improved with a roundabout using Council funding. Rather, it is the applicant's proposal for vehicular site access at this location that has precipitated the need for the roundabout. As an alternative, the applicant is able to provide a separate, all-turns T-intersection to give direct access to the site at another location on Caplick Way (in the vicinity of the proposed left-in / left-out access) and still meet the requirements of the planning scheme.

The proposed on site carparking is in excess of the minimum number of spaces required under the *Transport and parking code* i.e. 52 spaces are required and 61 spaces have been provided.

### Preliminary Approval to override the Planning Scheme for Material Change of Use (Mixed Use Development)

#### *Masterplan and Plans of Development*

The proposed Masterplan and Preliminary Approval component at 124 Memorial Drive, 1 & 3 Cook St and the open space corridor is also considered to generally achieve the intent of the local plan at a broad scale with respect to:

- promoting the retention of the old Butter Factory buildings and structures as part of any new development or, where these are found to be structurally unsound, incorporating features in any new development that demonstrate the site's history eg. salvaged materials, photographs, interpretative signage
- providing for the reuse of the old rail corridor as a public open space and pedestrian linkage corridor providing a direct linkage to the existing town centre
- providing safe and efficient vehicular access from Memorial Drive and Cook St
- providing appropriate acoustic and landscape buffering to adjoining low density residential properties, to be established as part of the Development Permit component to ensure landscaping is well established by the time development is intended to occur within Precincts 2 and 3.

Notwithstanding the broad consistency with the local plan, the key provision relevant to the proposal is Overall outcome 2(f) which states the following:

*Whilst the business functions of Eumundi Town Centre may expand and be enhanced, the centre remains compact with any expansion limited to land included within the Local centre zone...Development for a supermarket does not result in more than one supermarket establishing within the local plan area or the size of the supermarket exceeding 1,000m<sup>2</sup> gross leasable floor area.*

The proposal is in conflict with this provision in that it proposes a limited range of non-residential uses. As such, the applicant was requested to submit an economic needs analysis for the commercial/retail land use options proposed across the Butter Factory and Cook St precincts. The applicant subsequently engaged a qualified consultant to prepare an Economic and Retail Needs Analysis, the key findings of which can be summarised as follows:

- population growth within the primary Eumundi trade area alone will create demand for an additional 4,000m<sup>2</sup> of retail floor space to 2026, in addition to demand generated by visitors
- existing facilities largely target visitors and tourists, thereby creating a “gap” in the provision of retail services to cater for the needs of local residents
- the existing retail vacancy rates in Eumundi are in the order of 2%, demonstrating a tight retailing market with limited opportunity for expansion
- small businesses, in particular the artisans and other “micro” businesses / cottage industries inherent within the Eumundi township, require suitable premises to continue their growth and expansion needs, with the existing centre land allocation limiting this potential
- the proportion of residents working from home is expanding, and is found to be significantly higher in the Eumundi area when compared to the metropolitan average. The proposed mix of uses will offer flexible spaces to encourage the growth of home-based businesses while allowing sufficient and useable “incubation” spaces for operators to establish and sell their products
- there are no other sites within Eumundi that are available, appropriate zoned and suitable to accommodate the proposed mix of land uses.
- the site represents a logical extension of the existing centre zoned land, thereby consolidating retail and commercial activities proximate to the existing town centre

Given the site’s significant history of non-residential land uses, coupled with its location at the top end of the existing town centre and adjoining existing centre zoned land, it is considered appropriate for a range of small scale, non-residential uses to locate there. However, all future non-residential uses that have the potential to impact residential amenity of the adjoining properties, would be subject to a separate development application assessed against the provisions of the planning scheme.

#### *Changes to levels of assessment*

The proposed changes to the levels of assessment described earlier in this report have been established through extensive negotiations between the applicant and Council’s assessment team. In particular, Council’s assessment team sought to remove a number of proposed land uses during its initial assessment that had the potential to create residential amenity impacts on the site’s neighbours. These uses included Bar, Club, Parking station, Resort complex, Shopping centre, Agricultural supplies store, Hardware and trade supplies, Educational establishment, Function facility, Indoor sport and recreation, Research and technology industry and Winery.

Of these, the Parking station and Shopping centre land uses are recommended to be retained within the Butter Factory Precinct, subject to particular criteria in order to be considered for code assessable development. Specifically:

- any future development for a Shopping centre must not exceed an overall GFA across the site of 1000m<sup>2</sup>, with any single tenancy limited to a maximum GFA of 250m<sup>2</sup>
- any future development for a Parking station must only be for an interim use up to 24 months and located at least 5m from any external boundary.

Similar restrictions are recommended within the Supplementary Table of Assessment in relation to land uses involving the following:

Precinct 2: Cook St

- Garden centre must not exceed 300m<sup>2</sup> GFA, must be located minimum 10m from any external boundary and must obtain vehicular access from Cook St
- Shop must not exceed 250m<sup>2</sup> GFA must obtain vehicular access from Cook St
- Health care services, Office, Service industry and Community use must all obtain vehicular access from Cook St

Precinct 3: Butter Factory

- Food and drink outlet must not exceed 250m<sup>2</sup> GFA, not incorporating a drive-through facility and must not be for a high volume convenience restaurant
- Shop must not exceed 250m<sup>2</sup> GFA
- Shopping centre must not exceed an overall GFA of 1000m<sup>2</sup>, with no single tenancy exceeding 250m<sup>2</sup> GFA
- Low impact industry must not exceed 300m<sup>2</sup> GFA

Precinct 4: Open Space

- Food and drink outlet must only be provided in a temporary moveable structure such as a kiosk or cart, must not exceed an overall land area of 300m<sup>2</sup> (including any outdoor seating), must involve not more than 3 tenancies where no single tenancy exceeds 100m<sup>2</sup>, and must be located a minimum 10m from any external boundary
- Community activities must not include permanent structures, must be constructed in association with an open space use on the same site, and must not exceed 300m<sup>2</sup> GFA
- Intensive horticulture must only be for a community garden, not involving any permanent structures, not exceeding 300m<sup>2</sup> in use area and located minimum 5m from any external boundary.

These restrictions would ensure future development proposals would remain small in scale, and would minimise adverse impacts on residential amenity of the adjoining and surrounding area in order to achieve the overall intent of the Eumundi local plan. Any development proposal outside of these parameters would be subject to impact assessment.

*Interface with adjoining residential properties*

Given the potential for non-residential uses to occur within Precincts 2, 3 and 4, it is critical to ensure that any future development does not result in adverse impacts on the residential amenity of adjoining neighbours. In this regard, the applicant has proposed an acoustic and landscape buffer zone along the external boundaries of the Masterplan area, from a minimum 3m in width adjoining the Cook St Precinct increasing to 5m in width adjoining the Butter Factory Precinct.

It is recommended that appropriate conditions be imposed to require the establishment of this acoustic and landscape buffer to occur upfront, as part of any approval of the first stage of the development, namely the Development Permit for Shopping Centre over the land at 106-110 Memorial Drive. This will ensure the acoustic fence and landscape screening is well advanced prior to the establishment of any new uses under the Masterplan (Preliminary Approval).



### *Vehicular and pedestrian/cycle access*

Vehicular access to the Masterplan area is via three main points, being:

- left in / left out access through the Shopping Centre site at 106-110 Memorial Drive
- all-turns access through the Cook St Precinct via the new roundabout off Caplick Way / Napier St intersection; and
- all-turns access off Memorial Drive via a new intersection at the Butter Factory site (124 Memorial Drive) between the residential properties at 122 and 126 Memorial Drive.

These access points are proposed to be linked via an internal road through the old rail corridor, complemented by a pedestrian / cycle network which provides broader linkages to the Eumundi town centre and north to Elizabeth St.

The proposed access arrangements are considered suitable in providing an integrated development outcome and good connectivity to the wider Eumundi township. A pedestrian thoroughfare easement should be sought over the land comprising the old rail corridor to ensure uninhibited access to the public at all times.

## **CONSULTATION:**

### **IDAS Referral Agencies**

The application did not require referral to any IDAS referral agencies:

- **Other Referrals**

The application was forwarded to the following internal Council specialists:

- Urban Designer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Traffic Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Environmental Health Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Senior Strategic Planner, Strategic Planning Branch, Customer Engagement and Planning Services Group

Their assessment forms part of this report.

### **Public Notification**

The application was publicly notified for 30 business days from 8 May to 22 June 2018, in accordance with the requirements of the *Sustainable Planning Act 2009*. Sixteen properly made submissions and one not properly made submissions were received. Of these, 8 were in support and 8 were against the proposal.

The applicant also undertook consultation with the local community at various stages of the development application, in addition to the minimum statutory consultation requirements.

The following table provides a summary and assessment of the issues raised by submitters.

ISSUE	RESPONSE
<b>Economic Benefit</b>	
<ul style="list-style-type: none"> <li>The development will improve the economic confidence in Eumundi's business climate.</li> <li>The development will increase the number and variety of suitable commercial premises to attract new businesses to Eumundi able to operate more than 2 – 3 days per week, whilst avoiding adverse economic impacts on existing businesses.</li> <li>The development will facilitate social and economic growth in the community.</li> <li>Local centre will create opportunity for more small businesses</li> <li>Development provides more retail opportunities for residents</li> <li>Increase in essential services currently unavailable in the Eumundi township will be afforded to residents and the community.</li> </ul>	<p>Council acknowledges that the proposal will provide increased economic opportunities for the Eumundi township.</p>
<b>Visual Amenity</b>	
<ul style="list-style-type: none"> <li>The re-development of the site will improve the visual appearance of the Eumundi township.</li> <li>The design is environmental sensitive and forward thinking</li> <li>The development will provide a quality built form and landscape presentation on all three major entrances to the central township in keeping with the existing character.</li> </ul>	<p>Council acknowledges that the proposal involves the re-use and refurbishment of the existing dilapidated buildings which will result in an aesthetic improvement to the streetscape.</p>
<b>Community Benefit</b>	
<ul style="list-style-type: none"> <li>The development will overcome an existing underutilisation of the site and will add vibrancy and economic activity to the township.</li> <li>Concern that if this application does not proceed it will adversely impact on the community benefits.</li> </ul>	<p>Council acknowledges that the proposal will utilise existing centre zoned land adjacent to the existing town centre and improve small scale business opportunities for the local community.</p>
<b>Consultative Approach</b>	
<ul style="list-style-type: none"> <li>The developer's consultative approach to the development proposal is commended.</li> </ul>	<p>Council acknowledges that the applicant undertook additional consultation above the minimum requirements of the <i>Sustainable Planning Act 2009</i>.</p>

ISSUE	RESPONSE
<b>Application Documentation</b>	
<ul style="list-style-type: none"> <li>The application documentation is incomplete, inconsistent and potentially misleading.</li> <li>The submitted planning report references assessment of all codes, but there are notable omissions from Attachment 11 of the report.</li> <li>The proposed development does not demonstrate compliance with all of the performance outcomes of the applicable codes.</li> </ul>	<p>The application material was submitted in accordance with the requirements of the <i>Sustainable Planning Act 2009</i>.</p> <p>During the course of the assessment, Council requested further information from the applicant to clarify any matters arising from assessment against the planning scheme codes. The applicant has sufficiently responded to this request and further outstanding issues requests such that the development proposal is able to be supported against the planning scheme, with appropriate conditions recommended accordingly.</p>
<b>Economic Impact and Need</b>	
<ul style="list-style-type: none"> <li>The application has not demonstrated any overriding need for the proposed development.</li> <li>The submitted economic report does not adequately address economic and retail need for the proposed development and utilises flawed data and assumptions.</li> </ul>	<p>The applicant has submitted an Economic and Retail Needs Assessment which provides evidence of planning and economic need for the proposal, backed by statistical data in relation to population growth, current vacancy rates within the town centre and the growing proportion of “micro” or incubator businesses in the area.</p> <p>Council considers that the applicant has adequately demonstrated a need for the proposal and, through appropriate criteria limiting the scale and intensity of non-residential land uses, can provide assurance to the community that the proposal would not unreasonably prejudice the existing retail and commercial business in the local area.</p>
<ul style="list-style-type: none"> <li>The proposed development would fragment and extend markets outside of the existing commercial areas of the township.</li> </ul>	<p>The proposed development is not intended to accommodate markets, but instead seeks to provide opportunities for a local grocery outlet and other small scale retail and creative industry type uses that are considered to complement the existing markets</p> <p>The proposed development is intended to enable small businesses access to flexible spaces that support and grow their businesses.</p> <p>The submitted Economic and Retail Needs Assessment has demonstrated that there are minimal opportunities within the existing Eumundi township (Centre zoned land) to accommodate this type of development.</p>
<b>Suitability of Development</b>	
<ul style="list-style-type: none"> <li>The preliminary approval proposes establishing code assessable uses which will not provide sufficient opportunity for community consultation in future applications.</li> </ul>	<p>The preliminary approval aspect of this application seeks to advance the outcomes identified within the submitted Economic and Retail Needs Assessment.</p>



ISSUE	RESPONSE
<ul style="list-style-type: none"> <li>The introduction of new uses through the preliminary approval document is inconsistent with the intent of the planning scheme.</li> <li>The current development application is for Stage 1 only. Stage 2 of the development raises further concerns with the unknown intended use and associated impacts.</li> </ul>	<p>It is noted that future development applications lodged pursuant to the Preliminary Approval would primarily comprise code assessable land uses. However, the Preliminary Approval has been the subject of a transparent public consultation process with this application, which included concept plans to demonstrate one way in which the preliminary approval outcomes could be achieved.</p> <p>The Supplementary Table of Assessment contained within the preliminary approval, and the corresponding Masterplan and Plans of Development for Precinct 2 and 3 provide various development parameters and restrictions on the size and scale of future land uses to ensure the development remains small scale and in keeping with the rural town character of Eumundi. In addition, it is recommended that conditions are imposed requiring the establishment of an acoustic and landscape buffer around the perimeter of the site, to mitigate any potential residential amenity impacts that may arise from future development.</p> <p>All future code assessable land uses would require a development application to Council which will be assessed against the applicable provisions of the planning scheme.</p>
<ul style="list-style-type: none"> <li>The proposed commercial uses on the butter factory site are included in the Medium Density Residential zone and commercial uses is inconsistent with the intent of the zone.</li> <li>Eumundi has a shortage of residential accommodation and the proposed development will reduce available land for this purpose.</li> </ul>	<p>The proposed land uses within the Butter Factory Precinct are intended to accommodate a range of small scale retail, commercial and low impact industry uses in combination with residential uses.</p> <p>While large scale non-residential uses are not intended within the Medium density residential zone, it is considered that the nature and scale of the proposed uses under the preliminary approval are respectful of the adjoining residential properties and would be adequately mitigated through the provision of a dense acoustic and landscape screen buffer to the perimeter of the site.</p>
<b>Consultation</b>	
<ul style="list-style-type: none"> <li>Consultation from the developer has been minimal.</li> </ul>	<p>The applicant has undertaken consultation in accordance with the requirements of the <i>Sustainable Planning Act 2009</i>. The applicant also undertook additional consultation at various stages of the project, outside of the minimum statutory requirements.</p>
<b>Character &amp; Heritage</b>	
<ul style="list-style-type: none"> <li>The character and heritage value of the Highway Motors building has not been properly considered or investigated.</li> </ul>	<p>The applicant provided a Heritage Assessment Report addressing the significance of the Highway Motors building. The proposed development seeks to retain and adaptively re-use this building with limited external modifications.</p>

ISSUE	RESPONSE
<ul style="list-style-type: none"> <li>No assessment of the historical significance of the existing butter factory site has been undertaken and these buildings should be preserved.</li> <li>Proposed alterations to the existing built form will adversely impact on the heritage value and visual character.</li> </ul>	<p>In relation to the Butter Factory site, it is a requirement of the local plan to preserve and reuse the existing buildings and structures as part of any future development. Where these buildings are found to be structurally unsound, the applicant would be required to incorporate features into any new development which demonstrated the site's history, such as salvaged materials, photographs and interpretative signage. This would be considered as part of any future development application over the Butter Factory Precinct.</p>
<b>Traffic and Car Parking</b>	
<ul style="list-style-type: none"> <li>The proposed development will increase traffic flows beyond the capacity of the existing road system, especially on market days.</li> <li>Concerns with access arrangements into the site and the safety implications in school peak pick up and drop off hours.</li> <li>The capacity of the access via Memorial Drive is insufficient to cater for the increased traffic generated by the development.</li> </ul>	<p>The submitted Traffic Report provided an assessment of existing traffic conditions as well as anticipated traffic movement expected to be generated by Precinct 2 and 3 of the proposed development.</p> <p>Council's Principal Traffic Engineer has confirmed that the proposed traffic and access arrangements adequately meet the planning scheme requirements and provide for an integrated and efficient development layout that does not unduly impact on the external road network.</p>
<ul style="list-style-type: none"> <li>Alternative access to the site is able to be provided in less intrusive manner and such that neighbouring properties and the greenspace link are not adversely affected.</li> <li>Proposed road access from Caplick Way will negatively impact on neighbouring properties.</li> <li>Proposed road access to Ward Street will impact on neighbouring properties.</li> <li>The proposed new road and access arrangements will adversely affect the visual amenity of the Caplick Way gateway into Eumundi.</li> </ul>	<p>The proposed access arrangements have been assessed in detail and are considered to provide an integrated, logical and safe solution for both the Shopping Centre component as well as the preliminary approval component over the Butter Factory and Cook St sites.</p> <p>There is no direct vehicular access proposed to Ward St or Elizabeth St, with these roads being accessed by pedestrians and cyclists only.</p>
<ul style="list-style-type: none"> <li>Memorial Drive will be unable to accommodate overflow carparking in peak times</li> <li>Proposed carparking is inadequate as demonstrated by the proposal to use the old butter factory for an 'interim carpark' for Stage 1 of the development.</li> <li>Proposed carparks should incorporate robust barriers for safety purposes.</li> </ul>	<p>The submitted Traffic Report has adequately assessed the potential impacts of traffic movements of the proposed development on the surrounding road network. This assessment has addressed anticipated parking demands generated by the proposed development, which are able to be adequately catered for on the site. The number of parking spaces required under the planning scheme based on the proposed GFA is 52 spaces, however the development has provided 61 parking spaces, with 6 motorcycle spaces and 20 bicycle parking spaces.</p>

ISSUE	RESPONSE
	Any proposal for an 'interim carpark' on the Butter Factory site would be limited to a maximum of 24 months and would be required to be setback from residential property boundaries and appropriate screened to mitigate any noise and visual impacts.
<b>Railway Corridor</b>	
<ul style="list-style-type: none"> <li>The dissection of the rail corridor open space as an access way for vehicular traffic is unclear and is not a complimentary use of the easement area. Alternate access points should be considered.</li> <li>The proposed access will necessitate extensive earthworks and less hazardous routes should be considered to the east.</li> <li>Proposed commercial uses will adversely impact the green link and incompatible with surrounding residential uses.</li> <li>The provision of a pedestrian and cycle path should also include provision for adjoining properties to access this path to improve surveillance and security for users.</li> <li>The proposed development does not protect and enhance this green space link, with the rail corridor being used for purposes other than greenspace.</li> </ul>	A number of submissions highlight the desire to ensure that the green space / railway link be maintained and enhanced purely for greenspace purposes. The proposed Masterplan layout retains the majority of the old rail corridor as a green link, facilitating pedestrian connectivity from the site and further north into the Eumundi town centre. Part of the land would be dedicated for the purposes of road and stormwater infrastructure, however this does not unduly compromise the green space / pedestrian linkage function of this corridor. The submitted Landscape Concept Plan for the Shopping Centre site demonstrates high quality landscaping within the green link and provides a diversity of spaces and functions within the corridor which prioritise pedestrian movement through the space.
<b>Amenity</b>	
<ul style="list-style-type: none"> <li>The acoustic report fails to adequately assess acoustic impacts associated with the proposed development.</li> <li>Increase of traffic flows will increase the noise and fumes (from traffic) and adversely affect the amenity of neighbouring properties.</li> <li>Proposed carpark areas will negatively impact on the acoustic amenity of adjoining residential dwellings.</li> </ul>	<p>An acoustic report was submitted as part of the response to Council's information request. The report assessed the potential impacts associated with the proposed development on adjoining land uses and provided a number of recommendations that would result in the residential amenity of surrounding land uses being appropriately protected.</p> <p>Council's Environmental Health officer confirms that the findings of the report are appropriate. Conditions are recommended to be imposed on the development requiring an acoustic and landscape buffer be provided to all external residential properties.</p>
<ul style="list-style-type: none"> <li>Noise from any outside entertainment will adversely affect amenity of adjoining dwellings.</li> </ul>	The submitted acoustic report includes recommendations in relation to hours of operation to ensure that compliance with relevant assessment criteria is achieved by the proposed Shopping Centre. In this regard, it is recommended that outdoor dining activities be limited to 8pm.



ISSUE	RESPONSE
<ul style="list-style-type: none"> <li>It is unclear whether there are any noise barriers planned to reduce noise impacts on immediate neighbours.</li> <li>Acoustic fencing and visual landscape screening on the common property line with adjoining dwellings should be provided to buffer noise and pollution.</li> </ul>	<p>It is recommended to impose conditions requiring acoustic barriers and screen landscaping to all external property boundaries in order to mitigate any noise impacts on adjoining residential properties.</p>
<p><b>Landscaping</b></p>	
<ul style="list-style-type: none"> <li>Landscaping and buffer proposals are inadequate and not in accordance with the planning scheme.</li> </ul>	<p>A landscape buffer is proposed along the interface between the Shopping Centre development and the adjoining residential properties, in combination with an acoustic fence. In addition, the Masterplan shows an acoustic and landscape buffer zone to all external property boundaries forming part of the preliminary approval area, ranging from 3 to 5m in width. This would ensure appropriate mitigation of acoustic and visual impacts on future development on adjoining residential properties.</p>
<ul style="list-style-type: none"> <li>Only 2 of 56 trees on site will be retained on site which adversely affect the visual amenity of the community and dramatically change the character of the area</li> </ul>	<p>Following further discussions and on site inspections by Council's landscape officer, it has been determined that additional trees are able to be retained. As a result, the proposed layout has been amended slightly to accommodate these trees within the carparking and landscaping areas of the development. Further confirmation of tree retention is to be determined in conjunction with a qualified arborist as part of the operational works phase of the development.</p> <p>The development proposal for the Shopping Centre would also result in the planting of additional trees and shrubs in order to achieve the requirements of the <i>Landscape code</i>.</p>
<p><b>Stormwater</b></p>	
<ul style="list-style-type: none"> <li>Concerns are raised whether the proposal meets the Council Integrated Stormwater Management Plan.</li> <li>Increased hydraulic loads will adversely affect an already overloaded stormwater disposal system in Ward Street.</li> </ul>	<p>A revised Stormwater Management Plan was submitted in response to Council's information request which appropriately addresses the relevant provisions of the planning scheme <i>Stormwater management code</i>.</p> <p>The report confirms that lawful points of discharge are available for the proposed Shopping Centre development and identifies the required drainage infrastructure for the proposed development. Relevant works and upgrades are recommended in the report to ensure that an appropriate stormwater solution is able to be achieved to Council's standards.</p>

ISSUE	RESPONSE
<b>Disability Access</b>	
<ul style="list-style-type: none"> <li>The proposed stage 1 scheme does not comply with the requirements of the Disability Discrimination Act (1992).</li> </ul>	<p>The applicant is aware of their obligations under the <i>Disability Discrimination Act (1992)</i> (DDA), and it is anticipated that an advice note to this effect will be included on the approval. Compliance with the DDA will be assessed and considered as part of a future building works approval for the proposed development.</p>
<b>Infrastructure Upgrades</b>	
<ul style="list-style-type: none"> <li>The undergrounding of the power lines will be of significant benefit to the area and should be undertaken.</li> </ul>	<p>There is currently only one power pole on the Memorial Drive frontage and one on the Cook St frontage. Both of these poles provide a cross road connection to poles on the opposite side of Memorial Drive and Cook St / Napier St.</p> <p>It is considered appropriate to require the applicant to provide underground conduit for future undergrounding of power lines in this location due to the minimal site frontage that is affected by the existing power poles and the minimal improvement that would result from power being relocated underground for the site frontage only.</p>
<ul style="list-style-type: none"> <li>The developer should bear the full cost of the proposed roundabout as the proposed development will have a significant impact on traffic in the township.</li> </ul>	<p>Appropriate conditions are recommended on any development approval to require the construction of a new roundabout in accordance with the applicant's submitted plans and traffic report. The roundabout is not identified as a trunk infrastructure item in the <i>Local Government Infrastructure Plan</i>, and is therefore the responsibility of the applicant to fund its construction.</p>
<b>Separate Titles and Maintenance Issues</b>	
<ul style="list-style-type: none"> <li>The subject site comprises multiple titles but proposes to share infrastructure. Appropriate ownership, management and financial arrangements that guarantee appropriate standards of maintenance in the future are essential</li> </ul>	<p>Access easements and arrangements for shared infrastructure are proposed over the Shopping Centre site ensure the development can operate efficiently and effectively.</p> <p>In relation to the future development of the subject land in accordance with the proposed preliminary approval document, such development will be the subject of future assessment by Council. At that time, appropriate titling arrangements and shared infrastructure arrangements will necessarily be assessed and appropriate conditions imposed on any approval.</p>
<b>Impact to Property Values</b>	
<ul style="list-style-type: none"> <li>The proposed development will impact on property values of surrounding properties.</li> </ul>	<p>The impacts to the property values as a consequence of the proposed development is unable to be determined and do not comprise part of the planning assessment criteria under the <i>Sustainable Planning Act 2009</i>.</p>

## CONCLUSION:

The proposed development seeks a Development Permit for a Shopping Centre and Preliminary Approval to override the *Sunshine Coast Planning Scheme 2014* for a Mixed Use Development over the site. Specifically, the Preliminary Approval seeks to override the planning scheme by providing lower levels of assessment for a range of small scale, non-residential land uses to complement the existing Eumundi town centre and provide opportunities for local businesses to establish and grow to service the needs of the local population, as well as tourists and visitors.

The proposal has been found to generally comply with the requirements of the planning scheme, and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. Specifically, the proposal seeks to regulate future land uses under the Preliminary Approval through a Masterplan, Plans of Development and Supplementary Table of Assessment. Appropriate parameters have been established and recommended in relation to the nature, scale and impacts of future development, with a requirement for the early establishment of an acoustic and landscape buffer to the perimeter of the site to mitigate any residential amenity impacts.

The application is therefore recommended for approval.