

Agenda

Ordinary Meeting

Thursday, 16 June 2016

commencing at 12.30pm

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 WELCOME AND OPENING PRAYER**3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE****4 RECEIPT AND CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting held on 19 May 2016 be received and confirmed.

5 OBLIGATIONS OF COUNCILLORS**5.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

5.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

6 MAYORAL MINUTE**7 PRESENTATIONS / COUNCILLOR REPORTS**

8 REPORTS DIRECT TO COUNCIL**8.1 PLANNING AND ENVIRONMENT****8.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (SHOWROOM, SERVICE STATION AND CONVENIENCE RESTAURANT), RECONFIGURATION OF A LOT (1 INTO 5 LOTS) AND OPERATIONAL WORKS (ADVERTISING DEVICES) - 39 BARNS LANE, COOLUM BEACH**

File No: MCU15/0099

Author/Presenter: Principal Development Planner
Planning and Environment DepartmentAttachments: Att 1 - Proposal Plans 57
Att 2 - Concurrence Agency Response 67**Link to PD Online:**<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1654159>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Bunnings Group Limited
Proposal	<ul style="list-style-type: none"> Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant) Development Permit to Reconfigure a Lot (1 into 5 Lots) Development Permit for Operational Work (Placing an Advertising Device)
Properly Made Date:	09/06/2015
Information Request Date:	22/07/2015
Information Response Received Date:	22/01/2016
Decision Due Date	17/05/2016
Number of Submissions	820 properly made and 61 not properly made submissions. Of the 820 properly made submissions, 797 were in objection
PROPERTY DETAILS	
Division:	9
Property Address:	39 Barns Lane, Coolum Beach
RP Description:	Lot 102 SP 161821
Land Area:	6.828ha
Existing Use of Land:	Vacant
STATUTORY DETAILS	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban Village Centre

Planning Area / Locality:	Planning Area No.11 – Coolum Beach
Planning Precinct / Zone:	Precinct No. 7 – Coolum West Gateway (Master Planned Community)
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application over land at 39 Barns Lane, Coolum Beach, for:

- Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant)
- Development Permit to Reconfigure a Lot (1 lot into 5 lots)
- Development Permit for Operational Work (Placing an Advertising Device)

The application is before council because of the significant level of public interest, with 820 properly made submissions having been received.

The application is subject to assessment against the *Maroochy Plan 2000*, with no weight able to be applied to the *Sunshine Coast Planning Scheme 2014*.

EXECUTIVE SUMMARY

The proposal seeks approval to establish a 12,150m² gross floor area Bunnings Warehouse store, together with a freestanding Service Station and Convenience Restaurant (each comprising a gross floor area of 300m²). The proposal also seeks approval to subdivide the site into 5 allotments in order to enable development staging and to provide future development possibilities on separate land titles, as well as establish associated advertising devices.

The application has been lodged concurrently with two other applications over the same site by the same applicant. Each of the applications is similar in nature, differing primarily with regard to the size of the proposed Bunnings store and the consequential number of new allotments proposed for future development. The application, which is the subject of this report, is known as "Scheme A".

The key issues presented by the application are that of scale, the nature of the proposal in serving a catchment area extending well beyond Coolum, and impacts to visual amenity. In relation to each of the matters, the application was found to conflict with the Maroochy Plan provisions that prescribe the intent for the Coolum West Gateway Precinct and the Coolum Beach Planning Area more broadly. The development is also in conflict with the Strategic Plan, Code for Reconfiguring Lots and Code for Town and Village Centres, and the application has not demonstrated sufficient grounds for approval despite these conflicts.

In particular, the assessment has found that the proposed 12,150m² Bunnings store is disproportionately sized for Coolum, would perform much more than just a local role and would compete with other stores in the trade catchment area that are already appropriately located within council's planning framework. The proposed Service Station and Convenience Restaurant uses would accentuate the above identified issues and contribute to the establishment of the site as a destination that detracts from the local Coolum character and takes the focus away from the existing beachside Village Centre Precinct.

The Maroochy Plan 2000 identifies that the residents of Coolum are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain

local character and identity. The conflict with this and other provisions of the Maroochy Plan warrants that the development ought not be approved.

Therefore, the application is recommended for refusal.

OFFICER RECOMMENDATION

That Council REFUSE Application Nos. MCU15/0099, REC15/0098 and OPW15/0294 for a Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), Development Permit to Reconfigure a Lot (1 Lot into 5 Lots) & Development Permit for Operational Work (Placing an Advertising Device) situated at 39 Barns Lane, Coolum Beach for the following reasons:

- (a) the proposal conflicts with the intent for the Coolum Beach Planning Area**
- (b) the proposal conflicts with the intent for the Coolum West Gateway (Master Planned Community) Precinct**
- (c) the proposal conflicts with the Urban Development strategy and the Retail and Commercial Centres Hierarchy contained in the Strategic Plan**
- (d) the proposal conflicts with the Code for Town and Village Centres**
- (e) the proposal conflicts with the Code for Reconfiguring Lots and**
- (f) the proposal has not demonstrated sufficient grounds in the public interest to justify or override the conflicts with the planning scheme.**

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch have advised that the total infrastructure charge estimated for the Reconfiguring a Lot component is \$102,840.00, and \$1,831,960 for the Material Change of Use component.

PROPOSAL

The application seeks approval for a Development Permit for Material Change of Use (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), a Development Permit to Reconfigure a Lot (1 lot into 5 lots) and a Development Permit for Operational Work (Placing an Advertising Device) on land at 39 Barns Lane, Coolum Beach.

The application has been lodged by Bunnings Group Limited concurrently with two other applications over the same site. Each of the applications is similar in nature, differing primarily with regard to the size of the proposed Bunnings store and the consequential number of new allotments proposed for future development. The application, which is the subject of this report, is known as "Scheme A" and proposes a Bunnings store having a gross floor area of 12,150m². The other two concurrent applications are known as "Scheme B" and "Scheme C", with proposed gross floor areas of 8,600m² and 5,850m² respectively.

The applicant states the purpose for the three concurrent applications is to maximise its potential options for achieving a development outcome over the site now that the land zoning has reverted back to Rural with the introduction of the *Sunshine Coast Planning Scheme 2014*.

The subject application has been lodged following council's approval, in December 2014, to allow assessment of the application under the superseded planning scheme (ie. the *Maroochy Plan 2000*). Had council refused to allow assessment under the superseded planning scheme, the landowner may have exercised a right to claim financial compensation as a result of lost land use entitlements by the taking effect of the Rural Zoning and other specific provisions of the Sunshine Coast Planning Scheme.

Each component of the subject application is described below:

Material Change of Use Component

The proposal is to establish a Bunnings Warehouse store (with a gross floor area of 12,150m², inclusive of future expansion area of 1,300m²), together with a freestanding Service Station and Convenience Restaurant (each comprising a gross floor area of 300m²) located in the site's south east corner towards the junction of Barns Lane and Yandina-Coolum Road.

The proposed Bunnings store reflects the typical Bunnings layout and product lines, including its main "warehouse" retail floor, internal café, timber trade sales, building materials and landscape yard, outdoor nursery and bagged goods canopy.

The proposed tenants for the Convenience Restaurant and Service Station are either yet to be determined or not disclosed by the applicant. Planning staff anticipate that a common franchise fast-food restaurant would operate out of any approved Convenience Restaurant on the site.

The applicant purports that the proposed development concept closely reflects a previous approval issued by the Planning & Environment Court in 2003 (which has since lapsed) for showrooms and other uses over the site. The details of all past applications and approvals are tabulated later in this report.

The submitted plans depict three additional buildings on the site annotated as "*Proposed future development (not subject to this application)*". While shown on the submitted plans, these additional buildings were not formally included in the current application and are, therefore, not subject to assessment at this time. Any approval of the current application would first require removal of these buildings from the plans so as not to prejudice the assessment of any future applications. The future applications would be assessed under the Sunshine Coast Planning Scheme.

Aside from gross floor area, some other key aspects of the design concept as shown on the plans include:

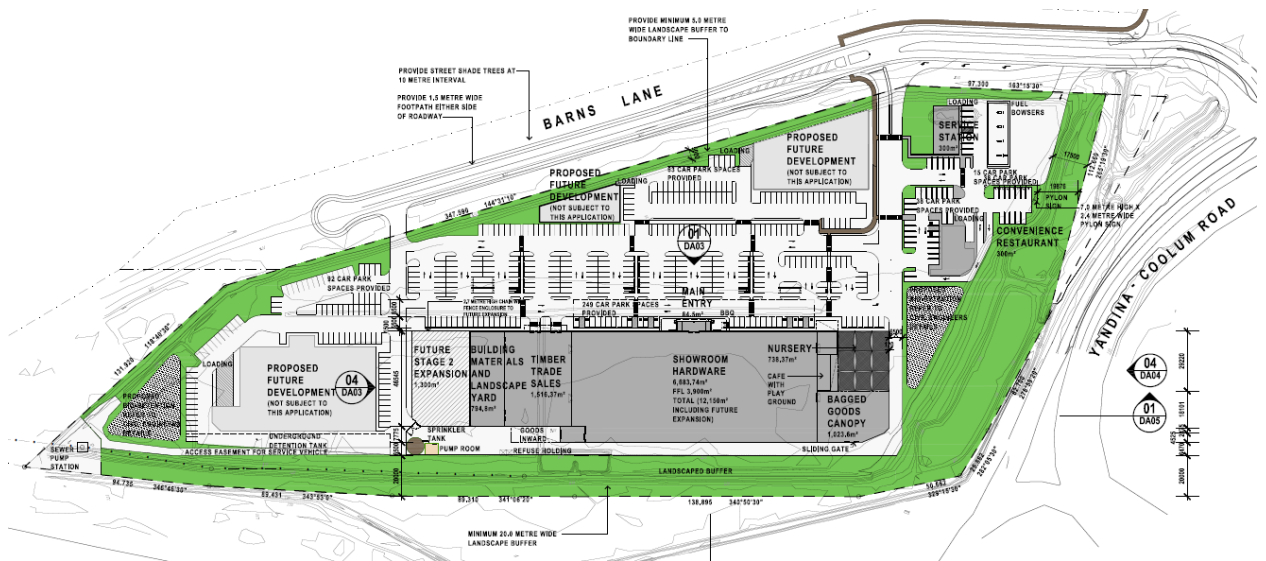
- a maximum building height of 9.5m for the Bunnings building (reducing to approximately 6.7m for the garden centre/nursery component)
- a maximum building height of 8m for the Service Station, and 5.7m for the Convenience Restaurant
- a total site cover of approximately 30.5%
- 302 car parking spaces, comprising 249 for the Bunnings building, 15 for the Service Station and 38 for the Convenience Restaurant
- minimum building setbacks of 5m to Barns Lane, approximately 40m to Yandina-Coolum Road and 26.5m to the Sunshine Motorway

- landscape planting buffers of approximately 20m to the Sunshine Motorway and 40m to Yandina-Coolum Road.

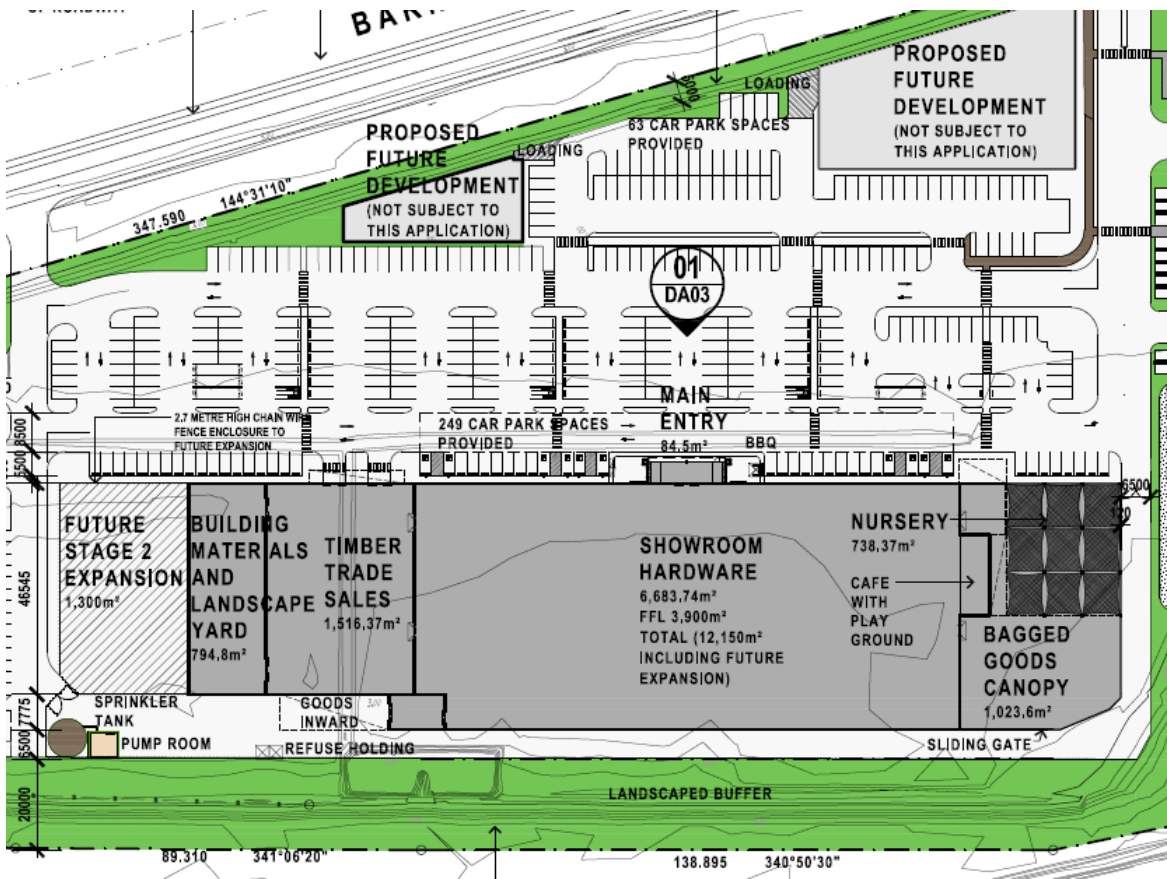
The Bunnings building is proposed to orient its main entrance eastward, with its back to the Sunshine Motorway (behind a landscape buffer). The Convenience Restaurant and Service Station are proposed in the south-east corner of the site, near the junction of Barns Lane and Yandina-Coolum Road.

The development would be served by three separate vehicle access points from Barns Lane, the first of which is an entry only that would provide convenient access for motorists to the proposed Service Station. The application proposes connections to, and extensions of, the existing pedestrian footpath network in the vicinity of Barns Lane.

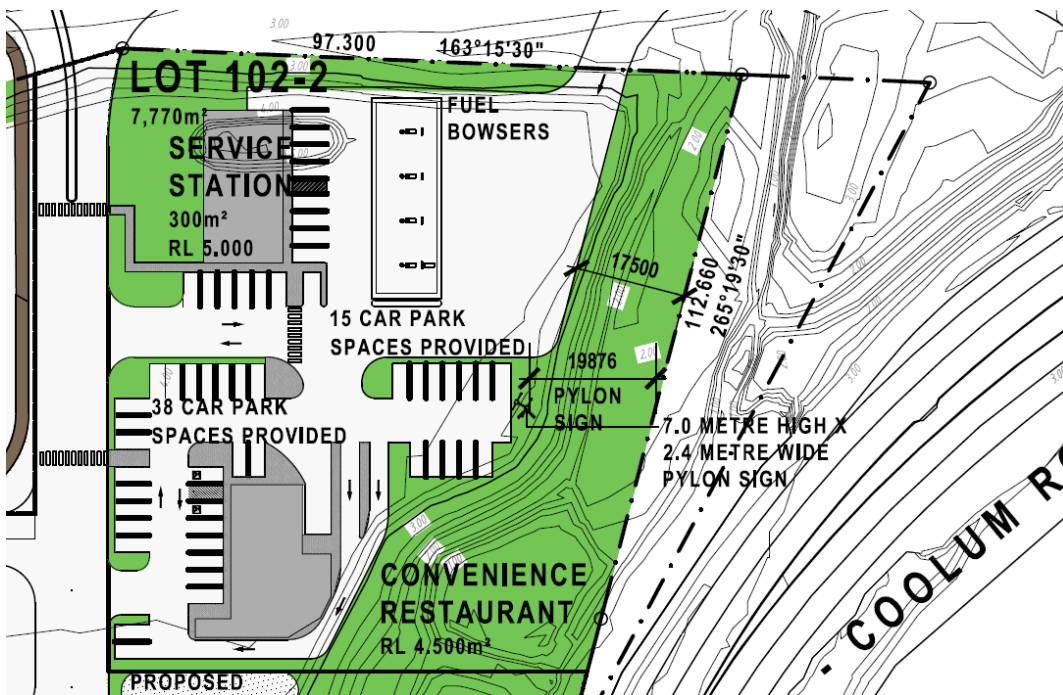
The proposed design concept is depicted in the images below:



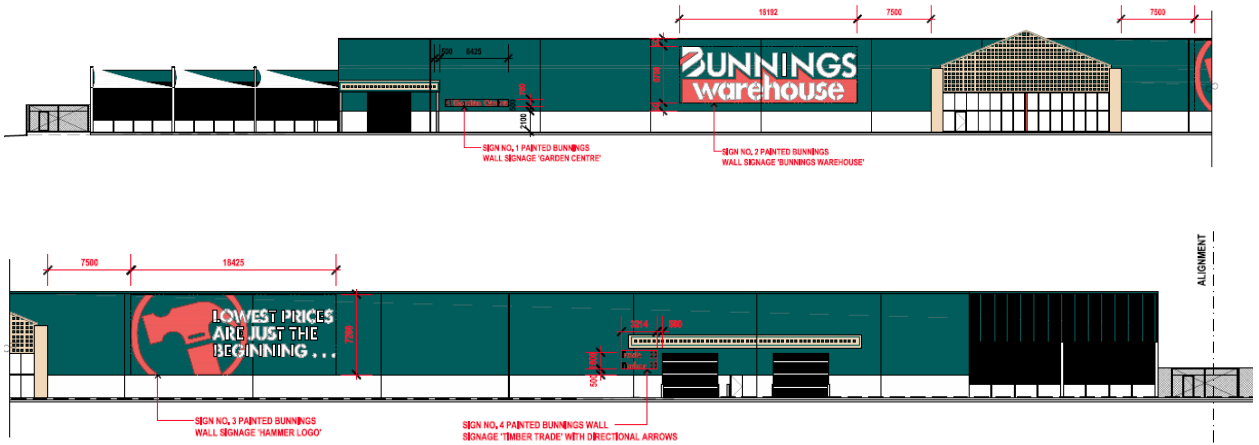
Overall site plan



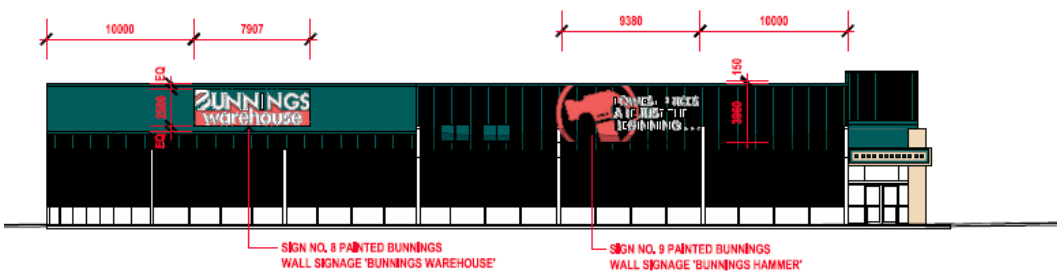
Bunnings Warehouse building



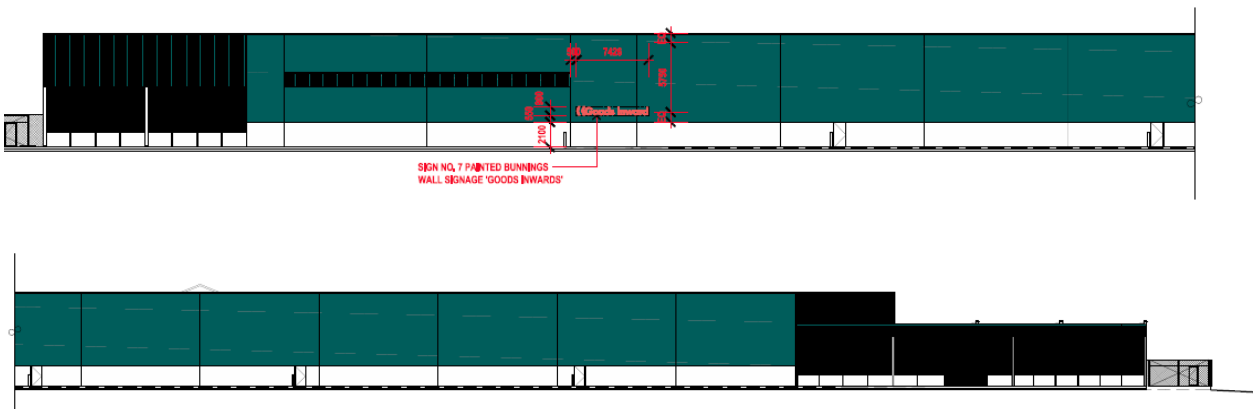
Service Station & Convenience Restaurant



East Elevation (view from Barns Lane)



South Elevation (view from Yandina-Coolum Road)



West Elevation (view from the Sunshine Motorway)

Reconfiguring a Lot Component

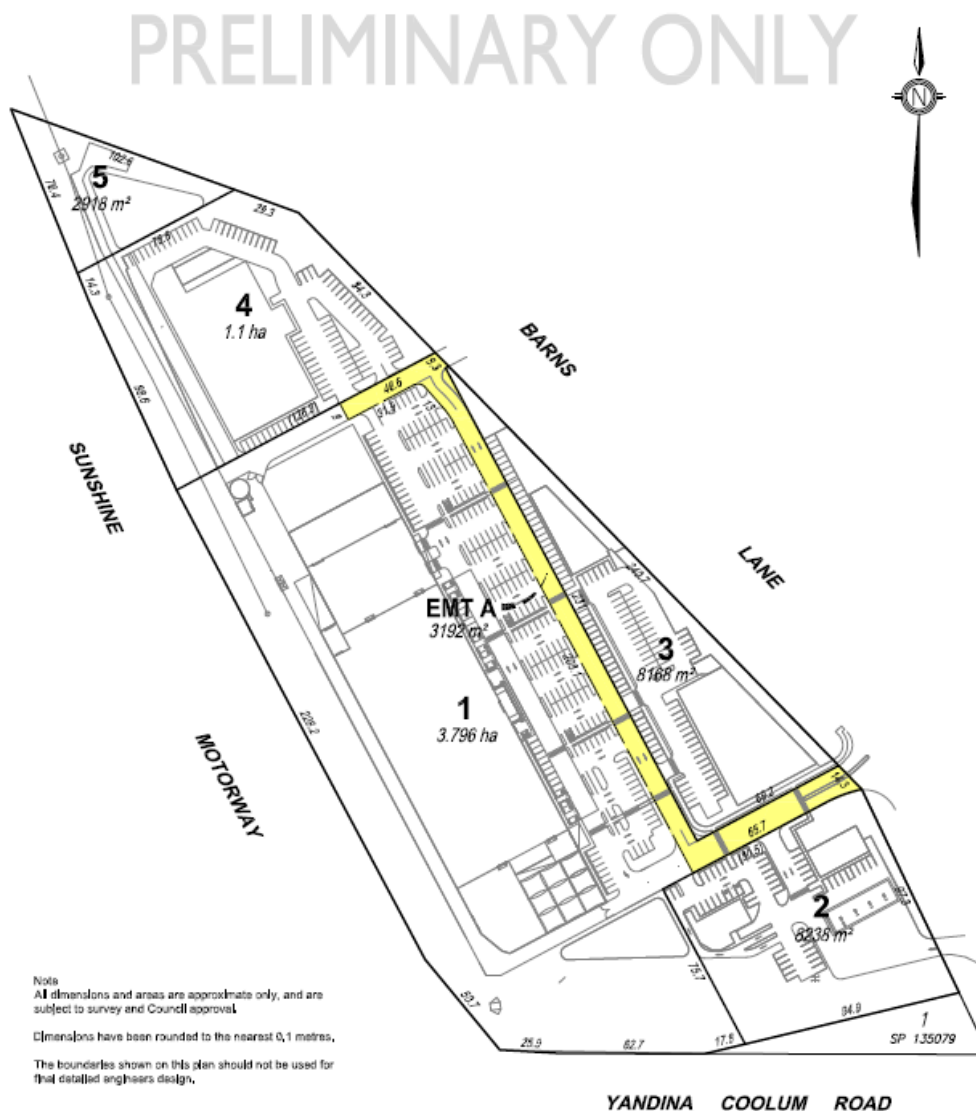
The applicant proposes to subdivide the overall site into five allotments in order to enable development staging and to provide future development possibilities on separate land titles.

Easements are proposed between the allotments to enable lawful access for all lots across the site and to the road network.

The proposed lots are described in the following table and accompanying image:

Proposed Lot	Proposed to Contain	Area
1	“Bunnings” Warehouse and associated parking	3.796ha
2	Service Station, Convenience Restaurant and	8,238m ²











Proposed Lot	Proposed to Contain	Area
	associated parking	
3	Balance lot – future development	8,168m ²
4	Balance lot – future development	1.1ha
5	Balance lot – future development & sewer pump station	2,918m ²



EASEMENTS	PURPOSE	LOTS	BENEFITS LOTS
EMT A	Access	1	2, 3 & 4

Operational Works Component (Advertising Devices)

The submitted application includes an Operational Work component seeking approval for nine wall signs (painted onto the building) and a single freestanding pylon sign (with a maximum height of 7m), described as follows:

Sign No.	Type/Sign Face Area	Location	Example
1	Flush Wall Sign (3.2m ²)	Main entrance facing east	
2	Flush Wall Sign (104.6m ²)	Main entrance facing east	
3	Flush Wall Sign (132.6m ²)	Main entrance facing east	
4	Flush Wall Sign (4.8m ²)	Main entrance facing east	
5	Flush Wall Sign (19.75m ²)	Facing north	
6	Flush Wall Sign (36.5m ²)	Facing north	
7	Flush Wall Sign (4.1m ²)	Facing west	
8	Flush Wall Sign (19.75m ²)	Facing south	
9	Flush Wall Sign (37.2m ²)	Facing south	
10	Pylon Sign (6m ²)	Facing in a general east to west direction (parallel with Yandina-Coolum Road), to be constructed just south of the Convenience Restaurant building	

The applicant states that a separate application for additional signage for the proposed Convenience Restaurant and Service Station will be made at a later time.

Almost all signage originally proposed on the western building elevation facing the Sunshine Motorway has now been removed by the applicant, but still exists on the southern building elevation facing Yandina-Coolum Road.

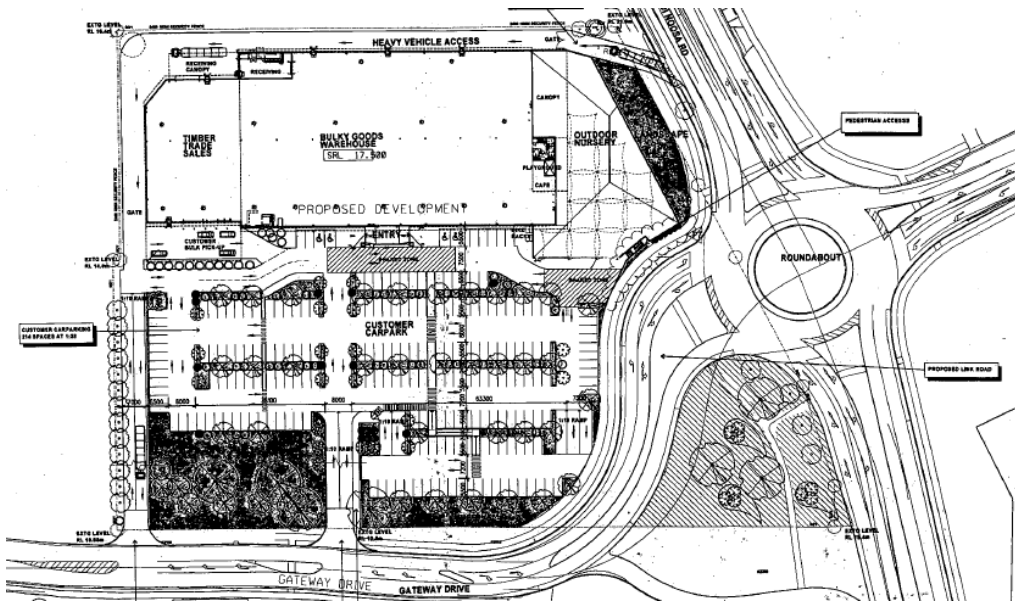
Comparison to Existing "Bunnings" Stores

To assist in providing context to the proposed development, the following sections describe the existing Bunnings stores in the Sunshine Coast area.

Noosaville

On 4 November 2010, the Planning & Environment Court dismissed an appeal by the applicant giving effect to a Material Change of Use approval for a Bunnings Warehouse at 178 Eumundi Noosa Road, Noosaville.

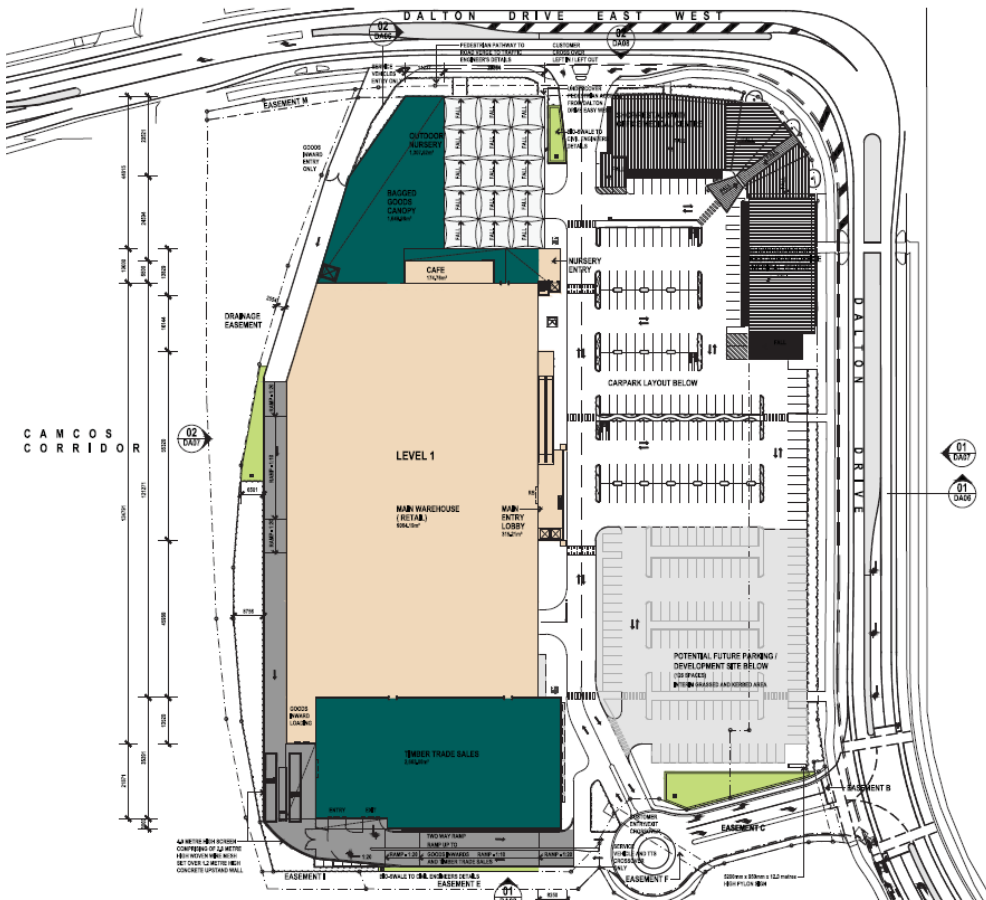
The application was assessed under the Noosa Plan, and its approval allowed a Bunnings store of approximately 7,750m² (inclusive of a 1,860m² nursery area).



Maroochydore (Dalton Drive)

On 5 September 2012, council issued a Negotiated Decision Notice for Material Change of Use approval for a Showroom and Shopping Complex at 70-98 Dalton Drive, Maroochydore.

The approval allowed a Bunnings Warehouse up to a maximum gross floor area of 15,000m² (inclusive of a 2,957m² nursery area and a 2,663m² timber trade area).

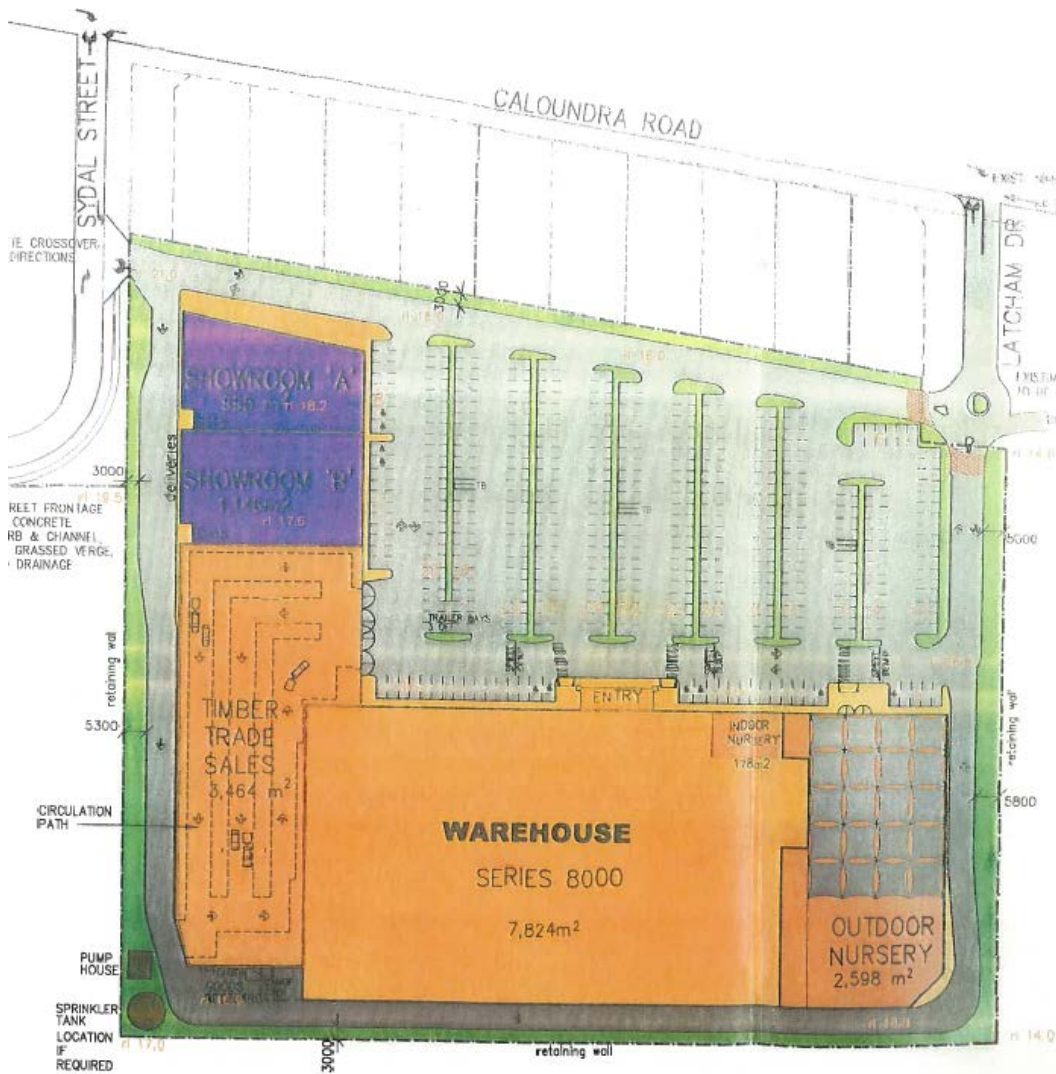


The new Dalton Drive store replaced the previous Maroochydore store located in the homemaker centre on Maroochydore Road, which had a gross floor area of 8,935m² and was constructed as part of a 1998 rezoning approval.

Caloundra

The Bunnings Warehouse building at Caloundra was a redevelopment of the then “BBC” hardware store site and other vacant land at 54-56 Caloundra Road, Little Mountain.

A Negotiated Decision Notice for Material Change of Use was issued on 14 March 2005 for Showrooms, Nursery and Food Outlet. The approval allowed a Bunnings Warehouse with a gross floor area of approximately 14,210m², together with two additional showrooms of 995m² and 1,146m².



SITE DETAILS

Background/Site History

The subject site was once the home of the “Llama Farm” tourist attraction and accommodated a rural produce store. The complex history of development applications and approvals that have occurred since that time include the following:

MCU01/0088 – Development Permit for Material Change of Use of Premises for Showrooms, Service Station, Convenience Restaurant, Garden Centre & Shopping Complex – Supermarket),

An application was submitted on 29 June 2001 seeking approval for a range of commercial uses including:

- Supermarket (2,750m²)
- Five Showrooms (in a modular format to allow a variety of tenancies, with a total of 4,900m² gross floor area)
- Service Station (300m²)
- Convenience Restaurant (300m²)
- stand alone Garden Centre (750m², plus additional 1,250m² outdoor growing area).

Plans submitted as part of the application indicated an additional 4 Showroom tenancies (2,800m²) as well as an Indoor Sports Centre (5,200m²) as possible future development. These 'future development' components did not form part of the application.

The application was impact assessable and attracted 126 properly made submissions.

A Negotiated Decision Notice approving the development was issued by council on 27 November 2002, but was later appealed by submitters, mainly in relation to the approved supermarket component but also the quantum and scale of commercial development on the site. The Planning & Environment Court dismissed the appeal on 12 September 2003 and ordered that the development be approved subject to conditions.

The Service Station component was not granted a Development Permit but rather a Preliminary Approval only by the Court.

MCU01/0089 – Development Permit for Material Change of Use of Premises for Funeral Parlour & Special Use – Crematorium

An application was submitted on 2 July 2001 seeking approval for a Funeral Parlour and Crematorium in the site's north-western corner.

The application was run concurrently with the MCU01/0088 application mentioned above and attracted 2 properly made submissions, both objecting to the proposed development.

Council approved the development by Negotiated Decision Notice dated 26 November 2002, concurrent with its Negotiated Decision Notice for the commercial development mentioned above (MCU01/0088).

REC04/0206 – Application to Reconfigure a Lot (1 Lot into 4 Lots)

An application was submitted on 27 October 2004 seeking to subdivide the site into 4 lots to reflect the commercial development approved as part of MCU01/0088 and MCU01/0089 mentioned above.

The applicant withdrew the application by letter dated 31 July 2012 following requests by council that a masterplan first be prepared for the site.

MCU05/0069 – Application for Material Change of Use of Premises (Shopping Complex – Supermarket, Showrooms, Convenience Restaurant, and Garden Centre)

An application was submitted on 24 May 2005 seeking approval for four Showrooms having a cumulative gross floor area of 8,315m², one of which was to accommodate a 5,815m² Bunnings Warehouse.

The four Showrooms, including the Bunnings store, were proposed in concert with, and additional to, the Supermarket, Showrooms and other commercial uses approved by the Court in 2003 (MCU01/0088 described above). The land area proposed to be occupied by the new uses was generally the same area at the rear of the site identified by the 2003 Court approval for unapproved “future development” components including a possible future indoor sports centre.

The proposal was impact assessable and attracted 68 submissions (20 in support and 48 opposed).

Council refused the application in February 2006 and an appeal was subsequently lodged by the applicant. The appeal was heard in December 2006 and ultimately dismissed by Court judgement delivered on 7 March 2007. His Honour Judge Dodds concluded his reasons for dismissing the appeal as follows:

“....

The major impediment to the proposal the subject of the appeal is conflict with the planning scheme. The conflict lies in the type and intensity of the proposed development, in addition to that already approved particularly with the proposed “Bunnings” use.

It may be concluded from the evidence that what is proposed, together with that already approved, would be accessed by persons from across a wide area. Consumer’s choice would no doubt be enlarged. That, however, is a long way from showing existing facilities of the type proposed are inadequately provided for.

I do not consider any planning grounds sufficient to overcome the conflict with the provisions of the scheme are evident. The appellant has not discharged its onus.

Appeal 84 of 2006 is dismissed.”

MCU05/0218 – Development Permit for Material Change of Use of Premises (Service Station)

An application was made for a full Development Permit for the proposed Service Station that was only granted a Preliminary Approval in the original Planning & Environment Court approval of 2003.

Council approved the development by Decision Notice dated 20 July 2007.

MCU06/0100 – Development Permit for Material Change of Use of Premises for Car Washing Station

An application was made for a Car Washing Station to be constructed in association with the above described approved Service Station.

Council approved the application by Negotiated Decision Notice dated 10 October 2007.

<p>MCU08/0105 – Application for Material Change of Use of Premises (Shopping Complex – Aldi Supermarket)</p>
<p>On 30 June 2008, an application was submitted to council for a 1,500m² Shopping Complex. The proposal sought to establish an Aldi supermarket within the floor area previously approved for showroom purposes under the 2003 Court approval.</p> <p>On 7 August 2008, council issued an Information Request seeking further information to satisfactorily assess the proposal citing a range of inconsistencies with the planning scheme provisions. The application lapsed on 23 August 2010 after the applicant failed to respond to council's Information Request during the statutory timeframe.</p>
<p>EXT09/0064 and EXT09/0065 – Extension to the Relevant Periods for MCU05/0218 & MCU06/0100 for Service Station and Car Washing Station</p>
<p>On 3 November 2009, council approved two separate requests to extend the life of the Service Station and Car Washing Station approvals.</p>
<p>EXT10/0029 – Application for Extension to the Relevant Period for MCU01/0088 Development Permit for Material Change of Use of Premises for Showrooms, Service Station, Convenience Restaurant, Garden Centre & Shopping Complex – Supermarket)</p>
<p>On 15 June 2010 a request was submitted to extend the life of the original 2003 Court approval by a period of two years.</p> <p>On 13 September 2010, council refused the request and the approval lapsed. The cited reasons for refusal were that:</p> <ul style="list-style-type: none"> • The Retail Centre Hierarchy provisions of the Maroochy Plan 2000 had changed since the time of the original application and the approval is inconsistent with the current provisions of the Maroochy Plan 2000 • The community awareness of the current development approval had diminished since the original approval resulting from the drawn out period of time between public notification, approval and the current request • The community would have had further rights to make a submission and it was considered likely the community would exercise those rights. <p>The applicant appealed council's decision not to extend the life of the approval, but then, on 16 June 2011, elected to discontinue the appeal.</p> <p>This marked the end of the 2003 Court approval.</p>
<p>MCU12/0170 – Application for Material Change of Use (Showroom – Bunnings Warehouse) and Preliminary Approval Overriding the Planning Scheme (Showroom, Shopping Complex, Shop, Convenience Restaurant, Fast-food Store, Service Station, Car Washing Station and Indoor Recreation)</p>
<p>On 25 October 2012 (not long after Bunnings Group Limited had acquired the site outright in 2011), an application was submitted to council for a 11,768m² Bunnings Warehouse (inclusive of a 2,000m² future expansion area).</p> <p>The application proposed a fresh design concept over the entire site, and included components seeking subdivision into four lots and the creation of a planning framework (by Preliminary Approval Overriding the Planning Scheme) to guide</p>

development over the balance of the site for nominated commercial and non-residential uses.

On 28 November 2012, council issued an Information Request together with advice that, in council's opinion, the scale of the proposed development would unlikely satisfy the *Maroochy Plan 2000* provisions.

The applicant withdrew the application on 6 January 2015 after the *Sunshine Coast Planning Scheme 2014* had taken effect and zoned the land Rural, and after council had granted requests to allow lodgement of fresh applications under the superseded planning scheme (see below).

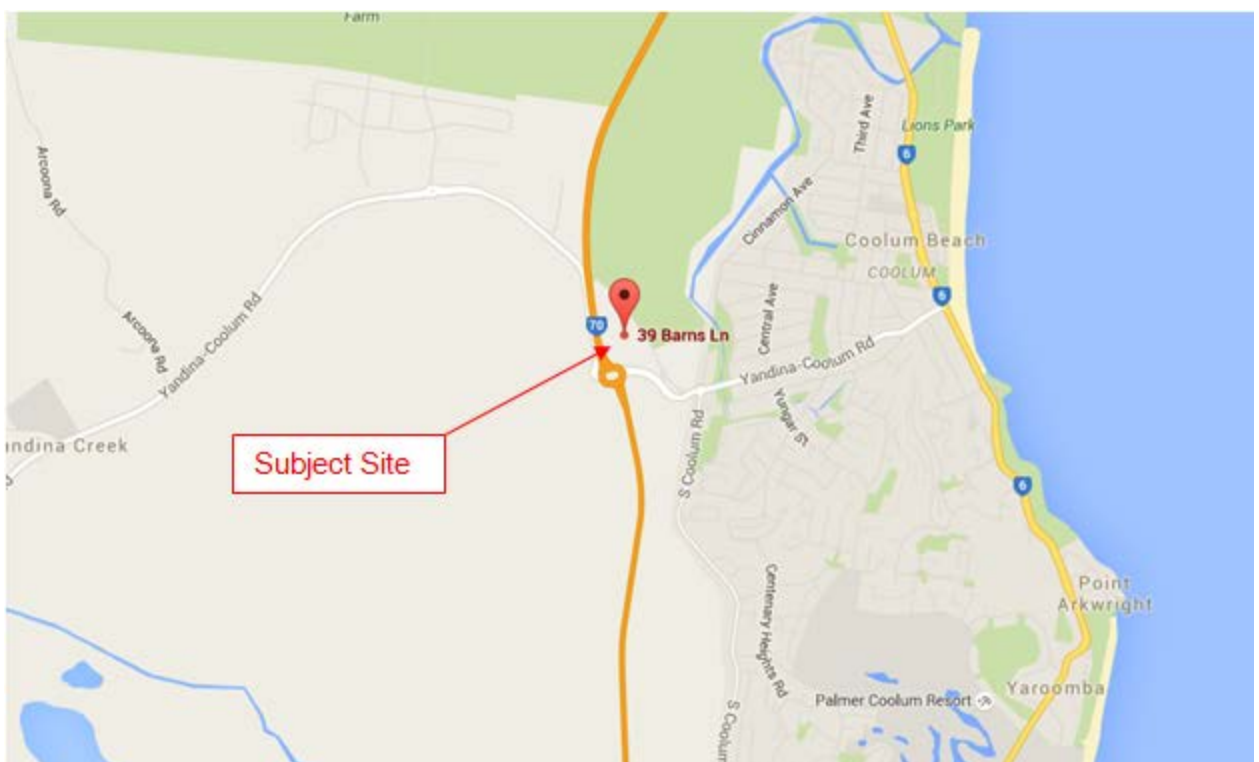
SPS14/0037, SPS14/0038 & SPS15/0130 – Requests to Assess and Decide a Proposed Development Application Under the Superseded *Maroochy Plan 2000* for a Material Change of Use for Showroom, Garden Centre and Restaurant (Bunnings Warehouse), Convenience Restaurant and Service Station

On 19 December 2014 and then 3 August 2015, council approved three separate requests to apply the superseded *Maroochy Plan 2000* to three proposed development applications. Council's approval of these requests extinguished any possible landowner claim for financial compensation as a result of lost land use entitlements by the taking effect of the Rural Zoning and other specific provisions of the Sunshine Coast Planning Scheme.

The three proposed development applications were identified by the applicant as Schemes A, B and C. "Scheme A" is the subject of this report.

Site Description

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



The site is 6.828ha in area, generally level and occupies the land area between Barns Lane, Yandina-Coolum Road and the Sunshine Motorway. The site has a road frontage of 407m to the Sunshine Motorway, 250m to Yandina-Coolum Road and 577m to Barns Lane.

The site forms part of the entrance “gateway” to Coolum Beach to visitors/residents travelling via the Sunshine Motorway and Yandina-Coolum Road. The site is approximately 1.8km to the east of the Coolum foreshore and village precinct.

The site was originally low-lying but has since been filled in accordance with bulk earthworks approvals that stem from conditions of the 2003 Court approval (now lapsed).

The site is largely cleared, other than a strip of mature vegetation located along the site’s southern boundary to Yandina-Coolum Road, western boundary to the Sunshine Motorway and northern boundary to Barns Lane.

An aerial image of the site as well as adjoining uses is shown on the image below.



Surrounding Land Uses

Land to the west and south of the site is vacant rural land previously used for cane production (now limited grazing) and performs a drainage/flood plain function. Land to the north and east is the Noosa National Park. Land to the south-east of the site is occupied by the Coolum State Primary School. Further south-east is a local shopping village and Woolworths supermarket on South Coolum Road.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- 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 and
- any Temporary Local Planning Instrument in place for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The State Planning Policy took effect in December 2013 and is applicable to this application.

The State Planning Policy has not been formally incorporated into the applicable version of the *Maroochy Plan 2000*. The application is, therefore, required to be assessed against the applicable components contained within Part E of the State Planning Policy: *Interim development assessment requirements*. The following State interests under Part E are triggered for the proposed development:

- Water Quality (land subject to Stormwater Management Design Objectives)
- Emissions and Hazardous Activities (land within a Management Area)
- Natural Hazards (land within a Flood Hazard Area & Potential Bushfire Impact Buffer)

The State interest requirements of the State Planning Policy are broad provisions that directly overlap with provisions already contained in the applicable version of the Maroochy Plan 2000 (and which are discussed elsewhere in this report). However, for completeness, the following brief assessment is provided.

With regard to Water Quality, the application involves a total combined hardstand impervious area of 32,751m², which is 48% of the total site area (68,280m²) and is, therefore, subject to the water quality requirements of the State Planning Policy. Development is required to avoid or otherwise minimise adverse impacts on the environmental value of receiving waters arising from stormwater quality or flow.

The applicant did not provide information demonstrating compliance with the State Planning Policy. Nonetheless, council's hydrology specialist has advised that the proposed stormwater quality treatment system is able to be supported (other than for the reconfiguring a lot component, as discussed later in this report). If the development was to be approved,

conditions could be imposed requiring water quality leaving the site to meet acceptable standards.

With regard to Natural Hazards, council's hydrology and ecology specialists are satisfied the proposed development would adequately avoid or mitigate the risks associated with the potential flood and bushfire hazards. Their reasons are explained later in this report under the assessment against the planning scheme codes.

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

The following State Planning Regulatory Provisions are applicable to this application:

- South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions
- State Planning Regulatory Provision (Adopted Charges)

The proposal is consistent with these State Planning Regulatory Provisions.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme.

Volume 3 Local Area Provisions

The Maroochy Plan 2000 describes the detailed local planning provisions in Volume 3 as representing Council's specific planning intent for a particular locality or area, and prevailing to the extent of any inconsistency with the more general statements contained in Volume 2 (the Strategic Plan). The Volume 2 Strategic Plan provisions are discussed later in this report.

The subject site is located in the Coolum Beach Planning Area (No. 11), and more specifically the Coolum West Gateway Planning Precinct (No. 7), and has a Master Planned Community precinct class.

Vision Statement and Coolum Planning Area Provisions

The Vision expressed for Coolum is that it *“will remain a small coastal community focussed on its seaside location”* and that it *“will have a compact village centre and will provide only a limited range of goods and services to meet the immediate needs of residents and visitors to the locality.”*

This Vision is reiterated in the following local planning provisions which apply to all development in the Coolum Planning Area:

“... It is also the role of this Planning Area to:

- ...
- *provide for Coolum Beach to remain a small scale tourist centre;*

- *provide for the Coolum Beach Village Centre to retain a small scale providing goods and services to residents of and visitors to Coolum.*
(Vol 3, Section 3.11.1)

“Coolum Beach will remain a casual, seaside village serving local retail, business, dining and entertainment needs only. The residents of Coolum have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity.”
(Vol 3, Section 3.11.2(2)(a))

“Commercial and business activities will be concentrated in the area north of Beach Road, south of Margaret Street and east of Sunrise Street. This will be a small scale Village Centre, accommodating a mix of boutique retail, business and community facilities. Within this Planning Area, the scale of retail and commercial activities will be limited to serving the immediate catchment area of Coolum and will not serve a district or higher order function.”

(Vol 3, Section 3.11.3(1)(a))

It is considered the proposed 12,150m² Bunnings Warehouse conflicts with all of the above provisions. It is clear from the expressed planning statements that development within Coolum is intended to be small scale with commercial uses predominantly located in the Village Centre Precinct. Most notably, local character, amenity and village identity were identified by local residents as being of greater importance than the provision of higher order and larger scale retail and commercial services, which can already be accessed by a 15 - 20 minute vehicle trip to either Noosa or Maroochydoore.

The proposed Bunnings store would trade to a catchment area well beyond Coolum. An independent economic peer review assessment commissioned by council advises the proposed Bunnings would draw approximately 85% of its trade from an identified Primary Trade Area of Coolum Beach, Peregian Springs, Yaroomba, Peregian Beach, Mount Coolum, Marcus Beach, Point Arkwright, Valdora, Yandina Creek, Verrierdale, and part of Maroochy River. An estimated 15% of its revenue would come from a secondary trade area (or “reference areas” as labelled by the applicant), which include the suburbs of Marcoola, Mudjimba, Twin Waters, Pacific Paradise, Eumundi, Eerwah Vale, North Arm, Bridges, Ninderry, Yandina and Kulangoor.

Council’s independent economic expert is of the view that the resident population of the Primary Trade Area, which is likely to be 32,000 persons by 2021, is very small for a Bunnings Warehouse where, typically, Bunnings stores would serve catchments greater than 50,000 persons. This indicates the proposed Bunnings store is larger than what would ordinarily be expected for a population the size of Coolum, particularly when considered in the context that Coolum residents already have the benefit of two existing Bunnings stores in close proximity.

The proposed development is large for Coolum, both in terms of its trade catchment and community expectations about proportionality to the population size, and is, therefore, considered in conflict with the above expressed planning intent for development in Coolum to remain small in scale and serving a local catchment only.

Coolum West Gateway Precinct Provisions

The subject site occupies the entire land area included in the Coolum West Gateway Planning Precinct (No. 7). As such, all provisions expressed for this Planning Precinct are applicable to the subject site.

The provisions identify that the site plays an important role as an entry statement into the Coolum Beach township, and that:

“Showrooms would be an appropriate use for this precinct, provided the following criteria were met to Council's satisfaction:

- *Buildings set within well landscaped grounds;*
- *Carparking located behind the buildings and not visible from the Sunshine Motorway and the Coolum-Yandina Road which forms the main entrance into the township;*
- *A range of goods and services which does not compete with the range of goods and services available in the Village Centre Precinct. Items for sale in this precinct should be restricted to larger scale items such as bulky goods.*”

The development complies with the first two statements insofar as it proposes a showroom that would sit behind a landscaped buffer, with its car parking unlikely to be visible from the Motorway or Yandina-Coolum Road. However, the proposed showroom would not be able to achieve compliance with the third test that it must be restricted to the sale of larger scale bulky goods items with a range that does not compete with those available in the Coolum Village Centre. Bunnings stocks a large range of goods, many of which are not bulky. Council's economic expert estimates the likely impact of the proposed Bunnings on other local hardware and related stores in the Primary Trade Area would be in the order of -15% to -25% and is likely to cause trading difficulties for these stores.

The list of existing stores identified by the applicant as being affected includes:

- Coolum Beach Mitre 10, located within the Coolum Village Centre Precinct
- Peregian Beach Home Timber & Hardware
- Yandina Home Timber & Hardware
- Peregian Garden Centre
- Poolwerx Coolum, located within the Coolum Village Centre Precinct
- PaintRight Coolum
- Coolum Reece Plumbing Centre
- The Rock Landscape and Garden Supplies
- Hume Doors and Timber
- Coolum Tile and Stone Studio
- Simon Home Frame & Truss, Sunshine Coast
- Lifestyle Windows
- Gowan Lea Timbers, Mudjimba
- Warehouse for Builders, Mudjimba
- Coolum Community Native Nursery

In addition to those stores identified by the applicant, submitters have also identified a number of other stores likely to be affected, including local mower sales/repairs, locksmiths, feedbarns, machinery hire shops, kitchen makers, and other similar stores within the trade catchment area. The potential impacts of a Bunnings Warehouse are wide reaching due to the diverse range of home improvement products stocked, including, but not limited to, bulk timber, bathroom and kitchen, builders hardware, building supplies, floor coverings, hand and power tools, lighting and electrical, nursery and garden supplies, paint and decorator supplies, and equipment hire.

Had the proposed Bunnings store been consistent with council's local planning aspirations for Coolum, as expressed through the retail hierarchy and local precinct provisions, the economic trade impact on other retailers would simply become a matter of commercial competition not regulated by the planning scheme. However, because the planning scheme does not envisage the subject site accommodating a hardware store having characteristics of

the proposed Bunnings, the impacts on other lawfully established businesses, which themselves fit within the desired planning framework, must be given considerable weight. Any decision to allow a large, unanticipated commercial development could upset the orderly planning for commercial uses within the planning scheme area and cause negative trade impacts for existing retailers, which, for some of those retailers, may not have been reasonably expected to occur. Indeed, the Coolum West Gateway Planning Precinct itself specifically provides that any showroom on the site must not have a range of goods and services that competes with that available in the Village Centre Precinct.

The applicant points out that *“the proposed retail style and range of products is very different from that typically available in the Village Centre, which typically comprises boutique clothing and other smaller specialty retail, cafes, restaurants, and services such as banks and real estate agents”*. While this may be true with regard to specialty retail, professional offices, boutique eateries and the like, the proposed Bunnings store would still compete with the range of goods and services provided by at least the Coolum Mitre 10 and Poolwerx Coolum, both of which are located within the Village Centre Precinct. It would also compete with the large number of other stores listed above that are located within the proposed Bunnings catchment area but not specifically within the defined Coolum Village Centre Precinct. It is considered the impact on these other store locations is still relevant to the assessment because, as explained above, a hardware store with the characteristics of the proposed Bunnings was not envisaged by the planning scheme to establish on the subject site.

For the reasons above, the proposed development is considered to be in conflict with the Coolum West Gateway precinct provisions.

It should be noted the Precinct provisions also allow for a range of other land uses including indoor recreation (ie. an indoor sports centre), outdoor recreation and government facilities where they are consistent with the intent and desired character of the precinct. When adding to these an allowance for small scale showrooms, it is apparent the subject site was intended to accommodate limited commercial uses and other services that, because of their typical design characteristics, are not easily located within established centre areas that are intended for more fine-grained development. As explained above, the proposed Bunnings store does not meet with this intent because it:

- is disproportionately sized for Coolum
- would perform much more than just a local role
- would compete with other stores that are already appropriately located within Council's planning framework and
- would not provide an essential community service such as government or sport and recreational facilities for Coolum.

Proposed Service Station & Convenience Restaurant

Planning staff previously reported to council in 2002 (prior to issue of the 2003 Court approval) that both a Service Station and Convenience Restaurant, where incorporating a drive-through facility, could be considered appropriate on the site. The assessment found that, because such uses are typically land consumptive in their design orientation around cars, an alternative location within Coolum's Village Centre Precinct along the coastal tourist strip would be a poor location for them. Such uses could jar with the intent for the village centre to primarily accommodate small retail outlets and boutique eateries with some residential units above ground level. This assessment is supported by the Village Centre Precinct provisions which expressly state:

“It is not expected that any further convenience restaurants will establish in this precinct, instead smaller boutique restaurants and eateries will be encouraged.”

While the subject site does present an opportunity to establish a Service Station and Convenience Restaurant outside the coastal tourist strip, neither use is actually identified as a Preferred and Acceptable Use for the Coolum West Gateway precinct. Approval of these uses could potentially lead to an undesirable “highway service centre” becoming the entry statement to Coolum Beach. The site is well positioned to attract the patronage of passing Motorway users and would undoubtedly perform well as a small highway service centre. Such an outcome could conflict with the expressed intent for the site to be developed in such a way that creates an attractive and appropriate entry statement to what is currently a scenic beachside township with a busy, but local, and small scale (or “boutique”) identity.

When combined with a proposed Bunnings store on the site, the ability of a Service Station and drive-through Convenience Restaurant to attract non-local passing trade from the Sunshine Motorway accentuates the overall proposal’s non-compliance with Key Character Element 3.11.3(1)(a) that “...*Within this Planning Area, the scale of retail and commercial activities will be limited to serving the immediate catchment area of Coolum and will not serve a district or higher order function*”.

For these reasons, the proposed Service Station and Convenience Restaurant are not recommended for approval as part of the development concept in its current form.

Comparison to Previous Commercial Approval

The applicant purports that the proposed development concept closely reflects the previous approval issued by the Planning & Environment Court in 2003 (which has since lapsed) for showrooms and other commercial uses over the site.

While there is some similarity between the two development concepts (eg. both involve Showrooms, Service Station and Convenience Restaurant uses), the current application differs in scale and expected trade catchment. The previously approved showroom floor space was limited to 4,900m² for the entire site and was designed in a modular format such that the floor space could be distributed across five smaller showroom tenancies. That development outcome would likely have resulted in a “home-maker village” type complex with smaller tenancies more directly targeted at the Coolum catchment area.

Despite the history of various commercial uses approved on the site, there has not yet been an approval issued for a very large format commercial showroom that would have the trade catchment area that Bunnings proposes, well beyond the immediate area of Coolum. The current application is considered to fail the same planning provisions that were challenged by Bunnings Group Limited’s last attempt to obtain an approval over the site, when the Planning & Environment Court dismissed its 2005 application for reasons that were summarised as:

“....

The major impediment to the proposal the subject of the appeal is conflict with the planning scheme. The conflict lies in the type and intensity of the proposed development, in addition to that already approved particularly with the proposed “Bunnings” use.

It may be concluded from the evidence that what is proposed, together with that already approved, would be accessed by persons from across a wide area.

...”

For the subject application, Bunnings are this time not attempting to co-locate with other previously approved commercial uses on the same site (which was the case in 2005) but, at 12,150m², the proposed stand-alone Bunnings store would still draw trade from a very large

catchment area causing the same planning scheme conflicts that were previously considered by the Court.

Volume 2 Strategic Provisions

Volume 2 of the planning scheme contains the Strategic Plan which establishes the strategic policy to be considered in the assessment of impact assessable development. The Strategic Plan includes Desired Environmental Outcomes (DEO), Strategic Implementation Measures and further detailed measures to address broad strategic issues across the region.

While the subject application is assessable against the Strategic Plan in Volume 2, it is the Planning Area provisions in Volume 3 that represent Council's specific planning intent for each locality and, therefore, constitute the primary basis for assessment. The Preface statements to Volumes 2 and 3 specifically state that:

"It is an incorrect use of the Strategic Plan, and an incorrect interpretation of this Planning Scheme, to rely on anything in the Strategic Plan to support or justify as being consistent with the Planning Scheme, an outcome which is contrary to the Planning Area provisions or the provisions of a Structure Plan."

This is the context for performing an assessment against the Strategic Plan in Volume 2.

Urban Development and Retail and Commerce Strategies

In the Strategic Plan mapping, Coolum Beach is identified as both "Urban" and a "Village Centre".

Sections 3 and 4 of the Strategic Plan set out the Shirewide strategies for "Urban Development" and "Retail and Commerce", and are supported by statements identified as Key Issues, Objectives and Implementation Measures.

Of relevance under the Urban Development strategy is Implementation Measure (1) of Section 3.5.6, which states:

"Approval is only likely to be granted to development of retail, commercial and service uses which are to be located on a specific site (in a Centre Precinct or site specifically identified) and which offer a service only to local communities (other than in the Maroochydore Principal Activity Centre) and are consistent with the intent for, and desired character of the Planning Area and Precinct in which it is to be situated. Consideration will be given to the characteristics of the proposed use, including its location and scale, which determine its accessibility to its locality and its ability to service areas beyond an immediate locality and consequently diminish the vital role played by such facilities in providing a community focus and identity."

Of relevance under the Retail and Commerce strategy are the provisions relating to the Retail and Commercial Centres Hierarchy, providing for the desired location of centre activities and policies for limiting ribbon development.

Section 4.3.2 (Major Activity Centres – dot point 1):

"The Major Activity Centres at Nambour and Sippy Downs will complement the Principal Activity Centre, with the establishment of higher order retailing, commercial and service functions encouraged to establish here in preference to the lower order centres in the hierarchy"

Section 4.3.3 (Village Centres – dot point 4):

“The total gross floor area for commercial uses in Village centres may consist of no more than 1,000m² gross floor area on any single development site.”

Section 4.3.3 (Village Centres – dot point 7):

“Development within a Village centre which fragments the centre or creates a focus away from the established centre in that locality will not be supported”

Section 4.4.1 (Village Centres – Item 23):

“The existing David Low Way based facilities at Coolum are the Village centre. Retail and commercial activities in Coolum Beach will be concentrated between Beach Road in the south and Margaret Street in the north, to be consistent with the Coolum Beach Village centre Precinct in the Coolum Beach Planning Area in Volume 3 of this Planning Scheme.”

All of the cited provisions above build upon the local planning intent previously discussed for the Coolum Beach Planning Area in Volume 3. There is a clear policy direction within the Strategic Plan that the centre's hierarchy for the overall planning scheme area must not be compromised. Individual development within an identified Village Centres such as Coolum must not create a focus away from the established centre area, with commercial/retail development to be small scale and serving the needs of the local catchment only. Higher order retailing and commercial development is to be established in the higher order centres.

Because of the scale of the proposed development and the higher order nature of Bunnings, and in combination with the Service Station and Convenience Restaurant components, it is considered the proposal would create a focus away from the Village Centre Precinct of Coolum Beach and diminish the established character and identity of Coolum as a local beachside community.

The proposed development is thus considered to be in conflict with aspects of the Shirewide “Urban Development” strategy and the Shirewide “Retail and Commerce” strategy.

Visual Amenity Strategy

The Visual Amenity Strategy in Section 7 of the Strategic Plan is also relevant to the proposed development. It outlines a strategy to protect the Shire's highest environmental values, land with aesthetic qualities and provides that visually important landforms should inform the design, character and intensity of development.

Of relevance to the proposed development are the following sections.

Section 7.4.2 (2):

“Specific attention will be focussed on development in the vicinity of the ridges between the railway towns and the coast (such as Kiel Mountain), isolated mountains such as Rosemount, Ninderry, Peregian, Coolum and Eerwah, the Blackall and Conondale Ranges, Buderim Escarpments...”

Section 7.4.3 (1), (2) and (3):

“Council may request that it be demonstrated how a proposal on sites abutting the Bruce Highway, Sunshine Motorway and David Low Way and other major roads as

identified by Council, or on sites close to and visible from these roads, is to project an attractive image to motorists travelling along the relevant road.

“Council may not support or may require modifications to proposals which may compromise the character of a rural, natural or otherwise intrinsically attractive scene. Unless the proposal is considered unacceptably intrusive, modifications may relate to elements such as buffering, landscaping, building setbacks and lot reconfiguration design.”

“Council will seek to implement landscape works in the Shire’s major road reserves. Where a development site abuts a State controlled road, such landscaping is to be provided as part of the buffering for visual amenity and for traffic noise, emissions and dust attenuation.”

Section 7.4.4 (1):

“In assessing relevant applications for development of land in the Shire’s rural towns and in discrete urban centres that display cohesive characters, the Council will encourage the enhancement of that character having regard to the intent and desired character of the Planning Area and Precinct in which the site is situated...”

Mt Coolum is identified as contributing to the picturesque natural setting of Coolum Beach and that the residents of Coolum Beach have chosen to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity. It is clear that development within the Coolum Beach planning area is to be small scale in order to maintain the casual, seaside character and identity of the town. Natural and topographical elements of the planning area, including Mt Coolum and the greenspace alongside the Motorway (both the open canelands and melaleuca forests), should be given considerable emphasis, particularly in their role in maintaining and enhancing the character of the Coolum Beach planning area by providing a backdrop to its urban parts.

The following images have been provided by the applicant as to the likely appearance of the development from the Sunshine Motorway:





Council's urban design specialist has reviewed the proposal and raises concern about the bulk and scale of the proposed Bunnings Warehouse building which, at approximately 205m in length without articulation, may cause adverse visual impacts to the entry of Coolum Beach and potentially cause a large urbanised structure out of character with the open space and landscape setting of the Sunshine Motorway.

As shown in the below image, the proposed Bunnings building would be the largest building/floor area within the Coolum Beach area, including the industrial park.



If the site were instead to be developed with a series of individual, smaller scale buildings set within a landscape of trees, it would reduce the overall scale of the development to achieve a more suitable "coastal" character with a "casual" atmosphere. Council's assessing landscape specialists are satisfied the proposed 20m wide landscape buffer would be sufficient to achieve an effective vegetative screen of the building over time. However, the presence of a massive structure behind a landscaped solution may still be noticeable to motorists, particularly given the 9.5m height of the proposed building on land which still yet requires additional fill to be placed in parts.

Further, a consequence of the building and its proposed 20m landscape buffer is that views across the site will be limited, and some long distance views to Mt Coolum may be impacted.

Council's urban design specialist is also concerned about other elements, including the proposed signage facing Yandina-Coolum Road, the proposed sewage pump station adjacent to the Sunshine Motorway and the parking and drive-through facilities close to the boundary with Yandina-Coolum Road. These components of the development will likely be visible and, therefore, require further assessment should an approval of the development be contemplated.

Grounds Despite Conflict

In response to council's Information Request, the applicant formally contends the development application is not in conflict with any of the planning scheme provisions cited above and is, therefore, not required to satisfy the test prescribed in the *Sustainable Planning Act 2009* of demonstrating that sufficient grounds exist in the public interest to justify the development despite the conflicts.

The key reasons cited by the applicant include:

- the proposal will not prejudice the viability of the Major Activity Centres at Nambour and Sippy Downs, nor the Principal Activity Centre at Maroochydoore. This point was agreed between previous Court experts for the 2005 Bunnings application
- the planning scheme does not mandate that showrooms cannot establish on the subject site and, in fact, are a consistent use in the Precinct
- the proposal will not be in a lower order centre
- the proposal will service a local catchment and will not compete with the Major Activity Centres by drawing customers from further afield
- population growth, retail demand trend changes, and changes in the retail landscape underscore that the proposal is appropriate to the Primary Trade Area
- demand for the proposal exists in the local Primary Trade Area
- the subject site is not actually shown on the Strategic Plan mapping as being within the part of Coolum identified as the Village Centre
- the proposal will not fragment the Coolum Village, and will not create a focus away from the main village centre because of the different role it plays to the subject site and the difference in the nature of uses
- the proposal will re-capture expenditure that is currently lost from Coolum Beach as a consequence of the area being poorly served by hardware stores
- the proposal will not impact the casual, seaside village character of Coolum
- the proposed Bunnings warehouse is a good match for Coolum and appropriate to the needs of the Primary Trade Area (local catchment)
- Coolum can viably host a Bunnings store
- the Code for Town and Village Centres is not applicable to the proposal and, therefore, the maximum 1000m² gross floor area requirement does not apply.

Some of the arguments put forward by the applicant have merit. As discussed in this report, there is clearly an aspiration in the Maroochy Plan 2000 for some form of commercial development on the site and for the subject site to play a different role for Coolum residents than the role played by the Village Centre Precinct. However, it is the heavy qualifiers the planning scheme places on that aspiration which the proposed Bunnings store is unable to meet, mainly to do with scale, trade catchment area and compatibility with the existing and desired character for Coolum to remain small and local and served by lower order retailing only.

Council's economic expert agrees the proposal will not have a significant impact upon the higher order centres at Maroochydoore, Nambour or Sippy Downs. This point is not in dispute for the proposal.

Council’s expert also agrees with the applicant that, if approved, there would be benefits to the community with respect to improved range, price and convenience. These benefits are described as “significant” by Council’s expert. However, it must be remembered that community benefits relating to the improvement of consumer choice will exist for any new commercial development proposal, regardless of where it is and whether it fits within the planning for the local area. In this case, the planning scheme explicitly provides, in Volume 3, Section 3.11.2(2)(a), that *“the residents of Coolum have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity”*. Thus, while community benefits would result from improved consumer choice, those benefits are not as valuable to Coolum residents as maintaining local character and identity. For this reason, there are not considered to be sufficient grounds in the public interest to justify the development despite the planning scheme conflicts.

Land Use and Works Provisions

The following codes that regulate land use and design are applicable to this application:

- Code for Town and Village Centres
- Design Code for Community Safety and Security
- Landscaping Design Code
- Transport, Traffic and Parking Code
- Operational Works Code
- Integrated Water Management Code
- Waste Management in Commercial and Community Uses Code
- Service Stations and Car Washing Stations Code
- Code for Reconfiguring Lots
- Siting and Design of Advertisements Code

The application has been assessed against each of the above applicable codes and, with the exception of both the Code for Reconfiguring Lots and Code for Town and Village Centres, is found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Code for Town and Village Centres	<p>The Code for Town and Village Centres applies to the development in that the application is Impact Assessable and, therefore, subject to assessment against the whole of the planning scheme to the extent relevant.</p> <p>Acceptable Measure A1.1 of Element 1 of the Code is considered relevant to the proposal and stipulates that <i>“any premises used for commercial purposes and having a gross floor area of over 1000m² are located only in a Town Centre Core or Town Centre Frame precinct.”</i></p> <p>The proposed Bunnings Warehouse building would be used for commercial purposes and comprise a gross floor area of 12,150m²; but is not proposed within a Town Centre Core of Town Centre Frame precinct (rather within the Master Planned Community precinct). As such, the proposal must demonstrate compliance with Performance Criteria P1 which requires that <i>“premises must be of a type and scale consistent with the desired character of the Precinct and locality in which it is situated”</i>.</p>

Code	Discussion
	<p>Town Centre Core and Frame precincts include locales in Maroochydore, Nambour, Sippy Downs, Mooloolaba and Kuluin and are intended to provide for higher order and intense retail, commercial, community, civic and entertainment uses in Major Activity Centres and Major Tourist Nodes.</p> <p>As detailed in the above assessment section of this report, the proposed Bunnings store does not meet the intent of the Coolum West Gateway precinct and Coolum Beach planning area because it:</p> <ul style="list-style-type: none"> • is disproportionately sized for Coolum • would perform much more than just a local role • would compete with other stores that are already appropriately located within Council's planning framework, and • would not provide an essential community service such as government or sport and recreational facilities for Coolum. <p>It is thus considered that the proposal is in conflict with Performance Criteria P1 of the Code for Town and Village Centres in that the proposal is not of a type and scale consistent with the desired character of the precinct and locality in which it is situated.</p>
Landscaping Design	<p>Council's landscape specialist advises that the proposal complies with the Code for Landscaping Design. The key issue for assessment is the landscape buffer/screen to the Sunshine Motorway to which the planning scheme requires a 40m wide vegetated buffer (and 20m to other state-controlled roads including Yandina-Coolum Road).</p> <p>The applicant proposes a continuous 20m wide buffer to the Sunshine Motorway, and approximately 40m to Yandina-Coolum Road. Council landscape officers are confident that, with correct plant species (which can be imposed through conditions), a viable screen could be established to screen the proposed building within the buffer width proposed. It should be noted that vegetation screens like this require time to achieve the required size to appropriately screen the associated development.</p> <p>Council have successfully conditioned many vegetated buffers for commercial and residential development which adjoin state-controlled roads, including:</p> <ul style="list-style-type: none"> • Kawana Way vegetated buffer adjacent to Brightwater Estate • Frizzo Road vegetated buffer adjacent to Palmview Forest Estate • Mooloolah Connection Road vegetated buffer to screen the sand mine. <p>If an approval were to be granted, a condition is recommended that all landscape buffers adjacent to the Sunshine Motorway and Yandina-Coolum Road are amalgamated into the main Bunnings allotment (proposed Lot 1). This provides full maintenance responsibility to Bunnings and makes compliance easier to manage if vegetation is fragmented/removed to allow sight lines to signage etc.</p>

Code	Discussion
	<p>Landscaping proposed along the Barns Lane frontage has exceeded the 2m code requirement. The proposal includes a 5m wide landscaped frontage within the site, as well as street trees to the Barns Lane road reserve. The opportunity exists to further condition works (as a community benefit) to landscape small areas of turf in front of the school on Barns Lane, as well as provide street trees along the Yandina-Coolum Road to the roundabout.</p> <p>A selection of appropriate shade and screening trees can be conditioned as part of the internal landscape for the car park.</p>
Transport, Traffic and Parking	<p>Council's engineering specialists advise that the proposed development complies with the Code for Transport, Traffic and Parking. The following comments are provided:</p> <p><u>Pedestrian Connections</u> A shared pathway on Barns Lane is proposed to provide pedestrian and off-road cycle access to the site, connecting with the existing path adjacent to the Coolum State School set-down and bus stop area in the existing Barns Lane cul-de-sac. The proposed pathway also allows parents picking up children from the Coolum State School to park within the subject site and walk to the school during peak times.</p> <p><u>External Road and Street System</u> Vehicle access to the development is proposed via Barns Lane to Yandina-Coolum Road at an existing signalised intersection. The traffic signals were constructed as a condition of a previous development approval on the site, which has since lapsed. Yandina-Coolum Road is a State-controlled road. The Department of Transport and Main Roads has identified that operation of the current signalised intersection with the proposed development is acceptable but has conditioned that the adjacent Yandina-Coolum Road/School Road/South Coolum Road roundabout be upgraded by the applicant to improve traffic capacity. The upgrade involves increasing the size of the roundabout so that two approach lanes can be provided on both the Yandina – Coolum Road (eastern and western) intersection legs. Two approach lanes on the southern (South Coolum Road) leg, as recently implemented by Council, would be retained. The applicant's traffic report submitted as part of the application advises that such an arrangement mitigates the impacts of the proposed development on this intersection.</p> <p><u>Upgrades to Barns Lane</u> The existing Barns Lane carriageway along the frontage of the site is proposed to be upgraded to an urban road standard. Because there are presently no other uses on Barns Lane, staff and parents associated with the Coolum State School currently use cleared and levelled parts of the road reserve near the school as an informal car park. This would be removed as Barns Lane is upgraded and traffic generated by the development uses the road. Some formalised parking along the school frontage of Barns Lane is proposed to be incorporated into the road upgrade. If an approval were to be granted, it is recommended that the applicant be required to construct a new school parking and set down area within the Barns Lane road</p>

Code	Discussion
	<p>reserve but offline from the main carriageway and Bunnings entrance driveways. Council's engineers have reviewed this matter and believe that an acceptable design for an offline parking and set down area could be achieved.</p> <p><u>Site Access</u> The proposed development is to be provided with 3 access points from Barns Lane. Council engineers are satisfied that all proposed access points, sight distances, driveways and queuing arrangements could, subject to conditions, be located and designed in accordance with Council requirements.</p> <p><u>Cyclist Facilities</u> The applicant has proposed a total of 10 staff cycle parking spaces as well as 3 visitor spaces, which is considered to be sufficient to accommodate the cyclist demands of the proposed development given that the majority of staff/customers are likely to travel to and from the site via vehicles.</p> <p>Shower, change room and locker facilities are proposed for Bunnings staff in an amenities area located within the proposed mezzanine staff facilities area.</p> <p><u>Car Parking</u> Car parking spaces for the proposed development are as follows:</p> <ul style="list-style-type: none"> • Bunnings Warehouse – 249 • Service Station – 15 • Convenience Restaurant – 38. <p>Council's specialist engineer has advised that an adequate car parking quantity has been provided to the proposed development. If an approval were to be granted, appropriate conditions for parking quantity (disabled users, visitors, staff and service vehicles) would be recommended in compliance with Australian Standard AS2890.</p> <p><u>Service Vehicles</u> The applicant submits that the proposal has been adequately designed for the servicing requirements of the proposed development. As part of the applicant's submitted traffic impact assessment, a drawing was provided demonstrating that a 19m articulated vehicle (fuel delivery vehicle) can stand along the southern boundary of the proposed Service Station, clear of the vehicle access on Barns Lane and the fuel canopy, enabling unobstructed access.</p>
Integrated Water Management	<p>Council's specialist hydrologist has advised that the proposed development complies with the Code for Integrated Water Management. The following comments are provided:</p> <p><u>Flooding</u> The site is subject to flooding from the Maroochy River. It has previously been filled to bring the majority of it above the 100 year ARI flood level. This filling has been done lawfully under earlier Operational Works approvals. It is understood that the filling resulted in some loss of floodplain storage and some very minor offsite impacts on peak flood levels during the critical 36 hour 100 year ARI</p>

Code	Discussion
	<p>event.</p> <p>The site is located in a critical section of the floodplain where floodwaters from the Maroochy River floodplain enter the nearby Stumers Creek. The significance of this flow from the Maroochy floodplain to Stumers Creek is critical as it is one of only two locations where the Maroochy River discharges to the ocean, the other being the Maroochy River mouth. Any change to the landform on the site which changes the distribution of flow between the Maroochy and Stumers Creek catchments cannot be permitted.</p> <p>A flood assessment report dated 26 April 2006 was submitted in support of the original fill platform. This report assessed flood impacts associated with filling of the lot to within 6 metres of its northern and western boundaries and 20 to 30 metres of its southern boundary. There was an acknowledgement in the 2006 report that filling in close proximity to the southern boundary would cause flood impacts. The subject application now proposes development to be contained within the existing fill platform so that no offsite flood impacts will result.</p> <p>Although access to the site is not possible by car during a 100 year ARI flood event and is inundated during a probable maximum flood, it is not a high risk scenario because:</p> <ul style="list-style-type: none"> • The site is not subject to flash flooding. The Maroochy River at Coolum has a long response time to peak flood levels occurring. Sufficient warning time can be given to evacuate the site. • The length of road inundated by floodwaters is very short, meaning that the evacuation route is very short. • No persons will be living on the site. <p>If an approval were to be granted, flooding related conditions can be applied to achieve compliance with the Code.</p> <p><u>Stormwater Quality and Lawful Point of Discharge</u></p> <p>The site is proposed to be graded to the south with discharge to an existing table drain in the Coolum-Yandina Road reserve. Analysis indicates that this table drain has very little grade but drains to the north then under the Sunshine Motorway to discharge to the west through cane drain over which there is no easement. The land which contains these cane drains is initially owned by the Department of Main Roads and is then under private ownership.</p> <p>There is no detention requirement in order to mitigate against any increase in peak flood levels. However, non-worsening must be demonstrated for the local catchment.</p> <p>The applicant has proposed stormwater detention so that peak flows from the development are mitigated to existing rates. Given that the site eventually discharges to a cane drain this approach is necessary because the cane drains are sensitive to any changes in the way in which local catchment stormwater is discharged to them.</p> <p>Large underground detention tanks are proposed by the applicant. However, there are issues with the current design in that detention is</p>

Code	Discussion
	<p>proposed to be poorly distributed around the site such that each of the proposed development lots are reliant on each other for stormwater detention. This matter would be required to be resolved if an approval were to be granted.</p> <p><u>Stormwater Quality/Water Sensitive Urban Design (WSUD)</u> Stormwater is proposed to be treated to meet current best practice load based reduction targets. This is proposed to be achieved utilising two end-of-line bio-retention basins and Council's hydrology specialist advises that the design is now satisfactory, subject to resolution of some matters to do with how the basins are distributed among the proposed development lots with suitable access to them.</p>
Waste Management in Commercial and Community Uses	Council's specialist environmental health officer has advised that sufficient waste storage facilities have been provided for the proposed development which is readily accessible for Waste Collection Vehicles (WCVs). If an approval were to be granted, conditions could be applied which would ensure that waste storage and servicing would be safe, convenient and not impact upon amenity.
Service Stations and Car Washing Stations	<p>Notwithstanding the discussion in this report about the appropriateness of the land use, the following comments are provided in relation to demonstrating compliance with the design requirements of the Code for Service Stations and Car Washing Stations:</p> <ul style="list-style-type: none"> • The site is of a suitable area, frontage dimension, provided with appropriate vehicle crossings and can achieve appropriate landscaping. • The proposal could be conditioned to provide fuel pumps and inlets which are located in accordance with AS1940 "<i>The storage and handling of flammable and combustible liquids</i>". • The proposed 163m² ancillary retail floor area exceeds the preferred maximum of 150m². However, the non-compliance is considered to be minor and not anticipated to impact on the viability of the preferred distribution of Centres. In the event of approval, the proposal could be conditioned to comply if determined necessary. • Council's environmental health specialist advises that sufficient waste storage facilities have been provided for the proposed development, readily accessible for Waste Collection Vehicles (WCVs). In the event of approval, conditions can be applied which would ensure that waste storage and servicing will be safe, convenient and not impact upon amenity.
Code for Reconfiguring Lots	<p>The proposed reconfiguring a lot component of the application is not recommended for approval at this stage, even if Council were to approve the proposed land uses.</p> <p>The application proposes to subdivide the site into 5 allotments, whereby proposed Lot 3 and 4 are intended to accommodate 'proposed future development' not subject to this application. Any development within these allotments would be subject to future development applications assessed against the <i>Sunshine Coast</i></p>

Code	Discussion
	<p><i>Planning Scheme 2014.</i> Under the 2014 planning scheme the site is zoned Rural and located outside of the Urban Growth Management Boundary. Any subdivision of the site at this stage would create “development ready” allotments that are not able to be developed due to planning restrictions. In this way, the proposed subdivision is considered premature.</p> <p>A better approach would be, if Council were to approve the proposed land uses, for a strategic planning exercise to be undertaken by Council to determine whether development of the balance parts of the site should be contemplated and, if so, in what way. Until that exercise has occurred it would be unwise to approve the fragmentation of the balance land into development ready lots that might prejudice a future planning direction taken by Council.</p> <p>Until then, the proposed subdivision is considered to conflict with the Code for Reconfiguring Lots, which requires that “<i>Lot size and dimensions are consistent with the desired character of the precinct in which the lot is situated,</i>” (Element (2), P1) and “<i>Lot reconfiguration facilitates the creation of safe, convenient, functionally efficient and attractive environments, which are consistent with the desired character of the precinct in which the development site is situated</i>” (Code Purpose, item (a)).</p> <p>This approach is also consistent with the intent for the Coolum West Gateway Precinct, which states that “<i>Council considers that a Local Area Master Plan, overall master plan or other Development Plan for this precinct is required if the precinct were to be redeveloped</i>”. It is further reinforced by the General Intent statements for the Master Planned Community precinct class, where it provides that “<i>Development which may prejudice the implementation of preferred future infrastructure servicing or land use activities is not intended</i>”.</p>
<p>Siting and Design of Advertisements</p>	<p>The proposed development generally complies with the Code for the Siting and Design of Advertisements.</p> <p>The proposal seeks a total of ten signs, nine of which relate to flush wall signs attached to the north, south and eastern facing walls of the proposed Bunnings building. A single freestanding pylon sign is also proposed to be located in the site’s south-eastern corner, advertising the proposed Bunnings Warehouse.</p> <p>The pylon sign is proposed to be 7m high, 2.4m wide and comprise a sign face area of 6m². The flush wall signs are proposed to comprise a combined sign face area of 362.5m².</p> <p>The key item of non-compliance is in regard to Acceptable Measure A2.1 of Element 3, which requires that no more than four flush wall signs are to be provided per site. The application instead proposes nine signs. Notwithstanding, the proposal is considered to still comply with Performance Criteria P2 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed flush wall signs are considered to be proportional to the building on which they are to be placed and not contribute to visual clutter.

Code	Discussion
	<ul style="list-style-type: none"> • The proposed flush wall signs have been designed such that they are complimentary to the proposed Bunnings Warehouse in terms of height and width • The majority of proposed flush wall signs have been removed from the western building elevation facing the Sunshine Motorway. <p>However, if an approval were to be granted, it is recommended that conditions be imposed to remove the proposed signage on the southern building elevation (facing Yandina-Coolum Road and its intersection with the Sunshine Motorway). These signs are considered unnecessary and face a direction that is intended to be fully screened by buffer landscaping. Allowing signage on this building elevation may create an undesirable incentive (over time) for the store operator to modify landscaping such that the signage is visible to the Motorway and Yandina Coolum Road for advertising purposes.</p>

Special Management Areas

The following special management areas are applicable to this application:

- Acid Sulfate Soils (Area 1: Land at or Below 5m AHD)
- Possible Bushfire Prone Areas (Low Hazard & Medium Hazard)
- Flood Prone Land (Flood Prone Area)
- Steep Land (15-20% and less than 15% slope)
- Wetlands Buffer (Within 100m buffer of a Wetland)
- Airports (Obstacle Limitation Surface – 154.6)

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each.

The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Code for Assessment and Management of Acid Sulfate Soils	<p>Council's environmental health specialist has advised that, while acid sulfate soils (ASS) may potentially be disturbed as a result of excavation works, this is considered to be a minor risk as the majority of the site has already been filled.</p> <p>Excavations for services and underground petrol tanks may encounter ASS, to which an investigation and management plan would be required to be provided at Operational Works stage prior to any works commencing. It is noted that this was previously a requirement of the Court and would be carried through as part of this development if an approval were to be granted.</p>
Code for Development in Bushfire Prone Areas	The site is mapped as a low and medium on the bushfire hazard overlay and thus triggers the Code for Development in Bushfire Prone Areas.

Code	Discussion
	<p>Council's specialist ecologist advises that although a portion of the site is contained within a mapped medium bushfire hazard area (along the frontage of Barns Lane) the application meets the requirements of the Code. The site design allows for a separation distance of more than 1.5 times the height of the neighbouring vegetation insofar as the proposed buildings are set back behind the proposed car park and the Barns Lane road corridor. The road network to and from the development allows easy access for fire-fighting and other emergency services. If an approval were to be granted, a requirement to prepare a site bushfire evacuation plan could be imposed by conditions of approval.</p>
Code for Waterways and Wetlands	<p>The application triggers the Code for Waterways and Wetlands due to its proximity to a mapped significant coastal wetland. Acceptable measure A1.1 requires a 100m buffer to the wetland.</p> <p>Council's specialist ecologist advises that while the proposal does not achieve a 100m vegetated buffer to the perimeter of the significant coastal wetland, the very nature of the land parcel which is separated from the wetland by Barns Lane (which is a wide road corridor) creates a sufficient separation buffer from the wetland. The application proposes standard practice water quantity and water quality solutions to prevent off site releases of nutrients and stormwater flows, together with stabilisation and landscaping along the frontage of the site to Barns Lane.</p>

CONSULTATION

IDAS Referral Agencies

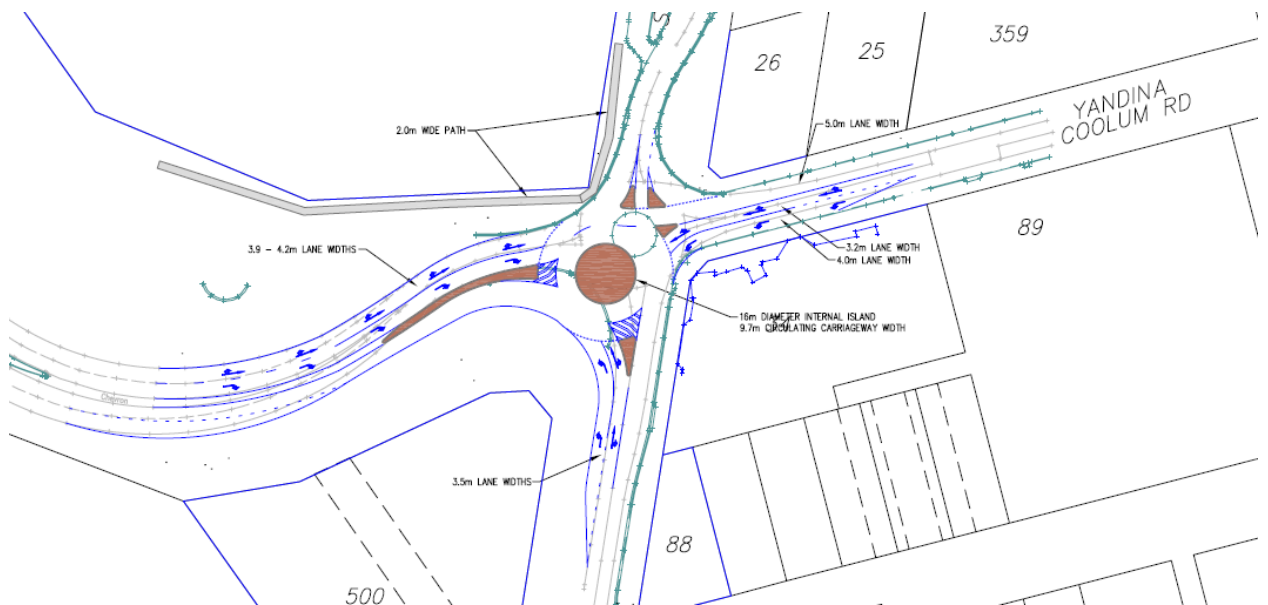
The application was referred to the following IDAS referral agencies:

Concurrence

Department of Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency for State controlled road matters as well as development impacting on State transport infrastructure. The Department responded by letter dated 11 August 2015 stating that the development is supported subject to conditions, the key items of which are summarised as below:

- development must be carried out generally in accordance with the plans approved by the department
- the Yandina-Coolum Road, School Road, and South Coolum Road roundabout must be upgraded such that the central island is realigned in a south west direction with two departure lanes on each leg (refer figure below)
- the site must not be accessed directly from the Sunshine Motorway or Yandina-Coolum Road.



Other Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Ecology Specialist, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit
- Traffic Engineering, Engineering and Environment Assessment Unit

The application was also forwarded to the following internal council Branches for comment:

Social Policy

Because the Coolum West Gateway precinct provisions refer to an indoor sports centre and also a “possible “government facility” node housing ambulance, police, fire and other necessary functions serving Coolum Beach and beyond”, the application was referred to council’s Social Policy Branch to determine if there is a current need for council to secure additional land for community facilities or open space at this location.

Council’s Senior Social Policy Officer responded advising the adopted Open Space Strategy and the Social Infrastructure Strategy have not identified the need for land at the subject site for the purposes of Open Space or Social Infrastructure.

Economic Development Branch

Council’s Economic Development Branch advised that it is broadly supportive of the proposed redevelopment of the site. Support was also given to the findings of council’s independent economic assessment.

Economic Development Branch advised that even a smaller Bunning store of 5,850m² would result in an estimated 70 additional retail jobs delivering a broader total economic impact of approximately \$15M per year and 113 ongoing jobs, according to economic modelling.

The Branch is broadly supportive of the applicant's proposition that the development would not have significant impacts on other higher order centres, nor compromise the role of Coolum Beach and its intended function. However, it was stated that a smaller store size of 5,850m² is better matched to the role and function of Coolum within the overall centre hierarchy and relevant trade area catchments.

Strategic Planning Branch

Council's Strategic Planning Branch advises that, as a result of the nature and scale of the proposed Bunnings Warehouse, the proposed development is expected to service a catchment area that is well beyond the immediate area of Coolum Beach and is likely to have an adverse impact on the local hardware and related specialty stores in Coolum Beach and Peregrine Beach as well as other large format hardware stores in Noosaville and Maroochydore.

The Branch advise that this is inconsistent with the Maroochy Plan 2000 provisions, in particular the intent of the Coolum West Gateway (Master Planned Community) Precinct, the intended role and function of the Coolum Beach Village Centre and the overall intent and desired character of the Coolum Beach Planning Area, which is intended to:

- provide a scale of development that maintains the casual, seaside village character of the planning area and a level of service that meets the day-to-day needs of the residents and visitors to the immediate catchment area of Coolum Beach
- not compete with the range of goods and services in the Coolum Beach Village Centre
- not serve a district or higher order function or compete with higher order centres.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 820 properly made submissions and 61 not properly made submissions were received. Of the total properly made submissions, 797 were against, 3 were for and 20 were neutral in regards to the proposed development.

Of the 820 submissions received, a total of 752 were in the form of a template proforma letter, some with additional information added to the standard text.

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

Issues	Comments
AGAINST	
Planning	
Changing the planning scheme	The application is for a Development Permit for Material Change of Use, Reconfiguring a Lot and Operational Works to be assessed against the superseded <i>Maroochy Plan 2000</i> (the planning scheme). It does not propose to change the planning scheme.
Proposed Bunnings does not comply with the definition for Showroom	Although there are some characteristics of Bunnings that might better fit into the definition of a "Shop", the overall operation of a Bunnings store as primarily a trade showroom with sale of many bulky goods has been accepted by staff to constitute a "Showroom" for the purpose of assessment in this instance.

Issues	Comments
<p>Proposed development conflicts with the following provisions contained with Volume 2 (Strategic Plan) of the Maroochy Plan 2000:</p> <p>Section 4.3.3 (Village Centres – dot point 7)</p> <p><i>“Development within a Village centre which fragments the centre or creates a focus away from the established centre in that locality will not be supported”</i></p> <p>Section 2.6 (2)(g)</p> <p><i>“Implement and support Council’s Sports Strategy Plan and Open Space Strategy which provide mechanisms to achieve useable open space for recreational or sporting purposes.”</i></p>	<p>A Bunnings Warehouse of the scale proposed is considered would create a focus away from the established centre. Further discussion regarding this item is provided in the above assessment section.</p> <p>Council’s Social Policy Branch have advised that the adopted Open Space Strategy and Social Infrastructure Strategy has not identified the need for this land at the site.</p>
<p>Proposed development conflicts with the vision statement for the Coolum Beach Planning Area, specifically:</p> <p><i>“Coolum Beach will remain a casual, seaside village serving local retail, business, dining and entertainment needs only.”</i></p> <p><i>“The residents of Coolum have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity.”</i></p> <p><i>“The Coolum Beach township will continue to develop as an attractive coastal village, with a growing number of boutique eateries, shops and tourist facilities.”</i></p>	<p>It is agreed the development would conflict with these provisions, for the reasons explained in this report.</p>
<p>Proposed development fails to demonstrate compliance with the intent of the Coolum Beach Planning Area, specifically the Coolum West Local Centre (4) Intent.</p>	<p>The site does not form part of the Coolum West Local Centre precinct. Rather it forms the Coolum West Gateway precinct.</p>
<p>Quanda Road industrial estate (Coolum Eco Industrial Park) is a better suited location.</p>	<p>It is agreed there are other locations within the Sunshine Coast region that would be better suited for a large scale Bunnings store.</p> <p>The proposed Bunnings is not identified in the planning scheme as a consistent use in the industrial zoned land at Quanda Road.</p>

Issues	Comments
Bunnings take up too much room	<p>The proposed development would comprise a total site cover of only 30.5%.</p> <p>The planning scheme does not specify a maximum site cover/plot ratio for the particular planning precinct, rather containing statements of intent which restrict the scale and intensity of development on the site in order to retain local character and identity. The proposal is considered not to achieve these outcomes for the reasons explained in this report.</p>
Council have previously rejected previous Bunnings applications	Each application is assessed on its merits and, therefore, earlier planning decisions are not directly relevant to the current assessment.
Proposal does not comply with the <i>Sunshine Coast Planning Scheme 2014</i>	The application must be assessed against the superseded <i>Maroochy Plan 2000</i> . Council's assessment is bound to the <i>Maroochy Plan 2000</i> only.
The proposed development will create a risk to safety for parents and children of Coolum State School.	Any approval of the proposed development could be conditioned to provide a satisfactory standard of traffic, parking and pedestrian upgrades to ensure safety to other users of Barns Lane.
'Rezoning' of the site is not in keeping with the planning scheme.	The application does not propose to 'rezone' the land.
The site is better suited for 'holiday apartments with cafes and shops underneath'	Multiple Dwelling Units, Restaurant and Shop are not identified as consistent land uses for the Coolum West Gateway (Master Planned Community) precinct.
Council should purchase the site and construct a park or half park/half reserve	Council's Social Policy Branch have advised that the adopted Open Space Strategy and Social Infrastructure Strategy has not identified the need for formal parkland in this location.
It is inappropriate to locate a 'convenience [fast food] restaurant' next door to the Coolum State School	There are no provisions of the planning scheme that require separation of convenience restaurants from schools.
The proposed development does not represent a community benefit	As explained in this report, there are likely to be benefits to the local community as a result of increased consumer choice. However, these benefits are not considered sufficient to justify an approval in this case.
A Bunnings warehouse is not a consistent use for the site	<p>The proposed Bunnings store has been accepted under the definition of a 'Showroom' under the <i>Maroochy Plan 2000</i>.</p> <p>While the local precinct provisions refer to the potential establishment of showrooms on the subject site, it is the proposed scale and trade catchment area of the development that makes the use inconsistent with the planning scheme in this case.</p>

Issues	Comments
Traffic	
<p>Increase in traffic will cause congestion on nearby road network</p>	<p>Both the Sunshine Motorway and Yandina-Coolum Road are State-controlled roads and thus under the jurisdiction of the State Government (Department of Transport & Main Roads).</p> <p>The application was referred to the State Assessment Referral Agency (SARA), from which conditions were imposed by the State that require the applicant to upgrade the Yandina-Coolum Road/School Road/South Coolum Road roundabout to improve traffic capacity via increasing the size of the approach to 2 lanes on both eastern and western legs.</p> <p>The applicant's traffic impact assessment advises that such an arrangement mitigates the impacts of the proposed development on this intersection.</p>
<p>The proposed development will remove the ability to park at the Coolum State School</p>	<p>Barns Lane currently provides an informal surplus parking area for users of the Coolum State School.</p> <p>The applicant proposes to upgrade Barns Lane along the full frontage of the site, to include a parking lane on the eastern side of the road (roughly where Coolum State School surplus parking occurs). The applicant also proposes to provide 302 parking spaces.</p> <p>If Council were to approve the application, it would be possible to require construction of a new separate school parking and set down area within the Barns Lane road reserve but offline from the main carriageway and Bunnings entrance driveways.</p>
<p>Tanah Street will see an increase in traffic movements as a result of the proposed development, causing potential impacts to residents safety.</p>	<p>Tanah Street is identified as being a District Collector street on Council's road hierarchy mapping, and is located approximately 2.5 kilometres south east of the site.</p> <p>It is not expected that Tanah Street will experience a noticeable increase in traffic movements as a result of the proposed development.</p>
<p>The applicant's traffic impact assessment did not properly analyse peak hour traffic volumes.</p>	<p>The applicant's traffic impact assessment was reviewed by the Department of Transport & Main Roads in their role as concurrence agency for the development.</p>
<p>The proposed upgrades to the School Road/Yandina-Coolum Road/South Coolum Road intersection would result</p>	<p>Yandina-Coolum Road is a State-controlled road and thus under the jurisdiction of the State Government (Department of Transport & Main</p>

Issues	Comments
in faster vehicle movements. In combination with the above point, the proximity of the existing pedestrian footpath to the road would increase the risk of safety to children attending the Coolum State School.	Roads). It is the Department's responsibility to assess traffic and pedestrian safety as a result of any proposed upgrades to the State road network.
Economics	
There are existing service stations in close proximity to the site	Staff concerns about the proposed Service Station are more about the role it would play attracting non-local traffic from the Sunshine Motorway and, therefore, contributing to the site becoming a 'destination' node and not serving the immediate catchment area only.
Existing businesses will not be able to compete with the proposed development	This is a concern for the reasons stated in this report. Given the planning scheme does not envisage a showroom having the characteristics of the proposed Bunnings, the likely impacts of up to 25% on existing retailers within the trade catchment area is a relevant consideration.
Lack of need for proposed development	As explained in this report, there are likely to be benefits to the local community as a result of increased consumer choice. However, these benefits are not considered to cause sufficient need to justify an approval in this case.
Viability of proposed development given existing Bunnings in Noosaville and Maroochydore	The likely trade success and viability of a new Bunnings store in Coolum is a matter for the applicant.
Retention of 'village atmosphere' to maintain the tourism industry	The proposed development would be out of character with the planning scheme's vision for Coolum to remain small scale with a casual, seaside character.
<p>A Bunnings warehouse would result in an oversupply of home improvement retail floor space and that the population of Coolum is not large enough to sustain such a development.</p> <p>The proposed development will cause local businesses to close, resulting in a loss of 'specialty' products which a Bunnings warehouse will not stock.</p>	Council's economic expert anticipates the impact on other traders within the catchment area to be in the order of -15% to -25%. Council's expert considers the proposed Bunnings would cause trading difficulties for existing retailers.
The planning scheme limits commercial development to 1,000m ² in the Coolum township, to which the proposal significantly exceeds and is thus expected to compete with.	The proposal conflict with Acceptable Measure A1.1 of Element 1 and the associated Performance Criteria of the Code for Town and Village Centres where it stipulates that " <i>any premises used for commercial purposes and having a gross floor area of over 1000m² are located only in a Town Centre Core or Town Centre Frame precinct.</i> "
The proposed Service Station and Convenience Restaurant would intercept travelers and take business away from the Coolum Village. It would also compromise the Strategic Plan in	The applicant's economic impact assessment submits that a new service station and convenience restaurant on the site is justified on the basis of consumer demand and standard rates of provision for the Primary Trade Area

Issues	Comments
<p>that:</p> <p>Section 3.5.6 (Implementation Point 1) To Provide for Retail Commercial and Service Industrial Activities Appropriate to Service the Residential Communities without Compromising Residential Amenity</p> <p><i>'Approval is only likely to be granted to development of retail, commercial and service uses which are to be located on a specific site (in a Centre Precinct or site specifically identified) and which offer a service only to local communities...'</i></p>	<p>which would see sufficient demand by 2019 to support additional service stations.</p> <p>Notwithstanding, staff have concerns with the appropriateness of the proposed Service Station and Convenience Restaurant at this location and the role it would play in making the site a destination centre and not serving the immediate catchment only.</p>
<p>A Bunnings Warehouse would reduce the value of properties in the surrounding area.</p>	<p>The planning scheme does not regulate development in terms of potential impacts on the value of land and property.</p>
Visual Amenity	
<p>Visual impacts of proposed development at entrance to Coolum.</p>	<p>Council's urban design specialist advises that the proposed Bunnings store does is not consistent with the preferred character and intent for the Coolum Beach planning area. This issue is discussed at length in this report.</p>
<p>The proposal conflicts with the intent of the Coolum Beach Planning Area in that it does not provide for <i>'an entry statement consistent with a casual, seaside village serving local retail, business...'</i> and that <i>'passing tourists/travellers will not be drawn into the Village by an entry such as this.'</i></p>	<p>The Coolum Beach Planning Area (Coolum West Gateway precinct) refers to an entry statement in the following way:</p> <p><i>"Provision should be made in this precinct for an entry statement which introduces the motorist to the Coolum Beach township. This entry statement could be in the form of a small park with appropriate signage."</i></p> <p>In the event of approval, Council could require a design which includes landscaping of the entry to Coolum Beach in accordance with the planning area intent.</p> <p>However, the presence of a service station and convenience restaurant could lead to the site becoming a small 'highway service centre', making the entry statement to Coolum Beach at odds with the planning scheme's preferred character statements.</p>
Environment	
<p>Proposed Bunnings warehouse will degrade the environment</p>	<p>The proposed development is to be located on a cleared site (as such would require minimal clearing of vegetation), and is not constrained by any identified waterways.</p>

Issues	Comments
	<p>Drainage from the proposed development has been designed such that there would be a 'non-worsening' outcome, and that current best practice load based reduction targets are able to be met.</p> <p>In terms of the mapped wetland buffer, Council's specialist ecologist has advised that the nature of the site allows for a separation buffer from the proposed development to the mapped wetland via Barns Lane. Further, the applicant proposes a water quantity and quality treatment system which is to prevent off site releases of nutrients and stormwater flows as well as long-term stabilisation and landscaping to the frontage of the site along Barns Lane.</p>
<p>The applicant's stormwater management plan does not address how contaminants associated with the proposed development will be managed, nor how <i>'scheduled water quality objectives will be maintained and the environmental values protected.'</i></p>	<p>Council's specialist hydrologist advises that the proposed stormwater quality treatment system is able to meet current best practice load based reduction targets.</p>
Environmental Health	
<p>The site is not a suitable location for a Service Station due to possible safety and health issues</p>	<p>The Code for Service Stations and Car Washing Stations does not require a separation distance to schools, only that facilities are no closer than 5m to any boundary of the site. Council's environmental health specialist advises that the site is of a suitable area, frontage dimension, provided with appropriate vehicle crossings and can achieve appropriate landscaping. It is also advised that any approval could be conditioned to provide fuel pumps and inlets which are located in accordance with AS1940 <i>"The storage and handling of flammable and combustible liquids"</i>.</p>
<p>Increases in traffic will cause health issues as a result of increased CO2 emissions.</p>	<p>The planning scheme does not regulate health issues as a result of traffic related emissions.</p>
<p>Construction noise will impact on children attending the Coolum State School.</p>	<p>If Council were to approve the development, a Construction Management Plan would ordinarily be required at the time of obtaining Operational Works approvals. A Construction Management Plan would be required to include measures that mitigate impacts such as noise to surrounding land uses.</p>
<p>The location of the proposed Service Station and Convenience Restaurant in respect of the Coolum State School will encourage children to purchase 'junk food'.</p>	<p>The planning scheme does not regulate the location of Service Stations and Convenience Restaurants in relation to schools.</p>

Issues	Comments
Miscellaneous	
Increased rubbish in surrounding streets and beaches.	The planning scheme does not regulate this issue.
Products offered are low quality, not locally sourced and put infrastructure at risk.	The planning scheme does not regulate product quality and source.
FOR	
Suitability of the Site	
Lack of environmental/topographical constraints.	It is agreed the site is largely cleared and topographically level and, therefore, presents limited environmental constraints to development.
Within an existing urban area with good exposure.	<p>The site is located on the outer fringe of Coolum's urban area, surrounded for the most part by the Noosa National Park and cane lands.</p> <p>The site's frontage to the Sunshine Motorway and Yandina-Coolum Road provides potential for exposure.</p>
Separation to adjacent roads.	The site has significant buffering to the Sunshine Motorway and Yandina-Coolum Road. These roads are under the control of the State and could potentially undergo road widening in the future.
Zoned Master Planned Community.	The site is zoned Master Planned Community under the <i>Maroochy Plan 2000</i> , and is identified as being potentially suitable for showrooms subject to the qualifying statements discussed at length in this report. The site's zoning under Maroochy Plan 2000 also supports indoor recreation, outdoor recreation and government facilities.
Close proximity to Coolum village centre.	The site is approximately 1.8km to the west of the Coolum Village Centre, and is not considered particularly proximate.
Designated 'Urban Footprint' under the SEQ Regional Plan.	<p>The site is designated as 'Urban Footprint' under the SEQ Regional Plan. However the provisions of the Regional Plan specifically provide that:</p> <p><i>"The Urban Footprint does not imply that all land included can be developed for urban purposes....</i></p> <p><i>Land in the Urban Footprint may be unsuitable for urban development for other reasons, including constraints such as flooding, land slope, scenic amenity, and the need to protect significant biodiversity values.</i></p> <p><u><i>Local government planning schemes are the main instrument that will establish and refine the desired use of land and the preferred timing of development within the Urban Footprint.</i></u></p>

Issues	Comments
The site has a history of planning approvals	<p>The site's application history is provided in the background section of this report. Despite the history, there are no current approvals over the site.</p> <p>Each application must be assessed on its own merits.</p>
The land is a developed commercial site, not natural bushland.	It is agreed the characteristics of the site have changed in the recent past with filling and traffic lights installed, making the site more suitable for commercial development.
State Government	
The Department of Transport and Main Roads have supported the application.	<p>The Department is a concurrence agency for state controlled road matters as well as development impacting on state transport infrastructure.</p> <p>It is Council's jurisdiction as assessment manager to decide whether the proposal complies with the land use aspirations for the subject site.</p>
Centres Hierarchy	
The proposed development will not materially impact on the higher order centres such as Maroochydore, Nambour and Sippy Downs.	As explained in this report, this is not one of the matters in dispute.
<p>The proposed Bunnings Warehouse will capture 'escape expenditure' from the Coolum catchment and will not attract expenditure from outside the catchment.</p> <p>The proposed development will cater only to an existing established retail/service provider catchment.</p>	<p>Council's third party economic expert has advised that the proposed Bunnings store would capture expenditure from a Primary Trade Area of Coolum Beach, Peregian Springs, Yaroomba, Peregian Beach, Mount Coolum, Marcus Beach, Point Arkwright, Valdora, Yandina Creek, Verrierdale, part of Maroochy River as well as 2 reference areas including the suburbs of Marcoola, Mudjimba, Twin Waters, Pacific Paradise, Eumundi, Eerwah Vale, North Arm, Bridges, Ninderry, Yandina and Kulangoor.</p> <p>This large catchment area exceeds the intent expressed in the planning scheme for the site to cater to a local Coolum catchment only.</p>
Previous similar developments did not attract the same level of concern from Council	The proposed development has different characteristics to the earlier approvals on the subject site, and similar characteristics to the more recent Bunnings application that was dismissed by the Planning & Environment Court in 2007.
Economics	
The population of the Coolum primary trade area has increased by 5,250 people and is expected to continue. At the same time, growth in hardware trade has increased – resulting in a need for additional hardware retailing options	Council's economic expert advises that the majority of Bunnings stores serve catchments of greater than 50,000 persons, with many servicing more than 100,000 persons. The population of Primary Trade Area is currently 28,000 persons and expected to increase to 32,000 by 2021.

Issues	Comments
	The expert also advises proposed development would likely cause trading difficulties for the hardware and similar specialist retailers in the catchment area.
Bunnings consistently demonstrate the provision of community benefit including providing construction and operational positions.	It is agreed the development would create jobs during its construction and operational phases, as it would for store proposed at any other location.
Bunnings will increase property value for Coolum.	The planning scheme does not regulate development in terms of potential impacts on the value of land and property.
A Bunnings on the subject site will reduce traffic congestion as customers/employees will not have to travel to Noosa or Maroochydore.	It is not considered likely that a Bunnings on the site would reduce overall traffic congestion as a result of shoppers not needing to travel to Noosa or Maroochydore. In any case, the Bunnings stores at Noosaville and Maroochydore were assessed with respect to their own traffic impacts and determined to warrant approval in each case.
A Bunnings Warehouse would attract new businesses to the Coolum area.	Whether or not new businesses would establish in the Coolum area as a result of Bunnings is unknown. However, Council's economic expert advises that Bunnings would have a negative impact on many existing traders.
Bunnings have a low impact on the environment and are a good corporate citizen.	It is agreed the development, subject to conditions of approval, would not have a significant impact on the environment. Whether or not Bunnings are a "good corporate citizen" is not relevant to the planning scheme assessment.
Visual Amenity	
The proposed development will allow the entrance to Coolum Beach to be cleaned up and beautified.	It is agreed that approval of the development would enable conditions to be applied requiring new landscaping and tidy management of the site. However, as discussed in this report, the proposal is of an overall scale that would be out of character with Coolum Beach and, therefore, impact on visual amenity over the long term.
Community	
The majority of locals want the jobs and facilities that will be provided.	It is agreed the development would create new jobs and greater consumer choice for stocked goods. However, these benefits are not considered sufficient to justify the conflicts with the planning scheme as explained in this report.

CONCLUSION

The application seeks approval for a Development Permit for Material Change of Use (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), a Development Permit to Reconfigure a Lot (1 lot into 5 lots) and a Development Permit for Operational Work (Placing an Advertising Device) on land at 39 Barns Lane, Coolum Beach.

While the intent for the Coolum Beach planning area and Coolum West Gateway precinct supports limited showroom development (subject to qualifiers on the scale and trade

catchment of those showrooms), the proposed Bunnings store is not consistent with these provisions because it:

- is disproportionately sized for Coolum
- would perform much more than just a local role
- would compete with other stores that are already appropriately located within council's planning framework and
- would not provide an essential community service such as government or sport and recreational facilities for Coolum.

In addition, the proposed Service Station and Convenience Restaurant would exacerbate non-compliance with the local planning provisions by potentially leading to the establishment of "highway service centre" entry statement to Coolum Beach and by drawing passing trade from the Sunshine Motorway, accentuating the non-local trade catchment of the development.

The proposed subdivision of the site into five allotments is considered premature until such time as council decide to approve commercial development on the site and then perform further local planning work to determine the desired extent and configuration of any future commercial development. Any subdivision as a result of the subject application would create "development ready" allotments that are not able to be developed due to current planning restrictions that apply over the land through operation of the *Sunshine Coast Planning Scheme 2014*.

The development proposal is in conflict with the planning scheme, and community benefits that may arise from job creation and improved consumer choice for shoppers are not considered sufficient to justify an approval at this location.

The application is recommended for refusal.

8.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (SHOWROOM, SERVICE STATION AND CONVENIENCE RESTAURANT), RECONFIGURATION OF A LOT (1 INTO 3 LOTS) AND OPERATIONAL WORKS (ADVERTISING DEVICES) - 39 BARNES LANE, COOLUM BEACH

File No:	MCU15/0100
Author/Presenter:	Principal Development Planner Planning and Environment Department
Attachments:	Att 1 - Proposal Plans129 Att 2 - Concurrence Agency Response139

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1654163>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Bunnings Group Limited
Proposal	<ul style="list-style-type: none"> Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant) Development Permit to Reconfigure a Lot (1 lot into 3 lots) Development Permit for Operational Work (Placing an Advertising Device)
Properly Made Date:	09/06/2015
Information Request Date:	22/07/2015
Information Response Received Date:	22/01/2016
Decision Due Date	17/05/2016
Number of Submissions	816 properly made and 72 not properly made submissions. Of the 816 properly made submissions, 792 were in objection
PROPERTY DETAILS	
Division:	9
Property Address:	39 Barnes Lane, Coolum Beach
RP Description:	Lot 102 SP 161821
Land Area:	6.828ha
Existing Use of Land:	Vacant
STATUTORY DETAILS	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban Village Centre
Planning Area / Locality:	Planning Area No.11 – Coolum Beach

Planning Precinct / Zone:	Precinct No. 7 – Coolum West Gateway (Master Planned Community)
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application over land at 39 Barns Lane Coolum Beach, for:

- Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant)
- Development Permit to Reconfigure a Lot (1 lot into 3 lots)
- Development Permit for Operational Work (Placing an Advertising Device)

The application is before council because of the significant level of public interest, with 816 properly made submissions having been received.

The application is subject to assessment against the *Maroochy Plan 2000*, with no weight able to be applied to the *Sunshine Coast Planning Scheme 2014*.

EXECUTIVE SUMMARY

The proposal seeks approval to establish a 8,600m² gross floor area Bunnings Warehouse store, together with a freestanding Service Station and Convenience Restaurant (each comprising a gross floor area of 300m²). The proposal also seeks approval to subdivide the site into 3 allotments in order to enable development staging and to provide future development possibilities on separate land titles, as well as establish associated advertising devices.

The application has been lodged concurrently with two other applications over the same site by the same applicant. Each of the three applications is similar in nature, differing primarily with regard to the size of the proposed Bunnings store and the consequential number of new allotments proposed for future development. The application, which is the subject of this report, is known as "Scheme B".

The key issues presented by the application are that of scale, the nature of the proposal in serving a catchment area extending well beyond Coolum, and impacts to visual amenity. In relation to each of the matters, the application was found to conflict with the Maroochy Plan provisions that prescribe the intent for the Coolum West Gateway Precinct and the Coolum Beach Planning Area more broadly. The development is also in conflict with the Strategic Plan, Code for Reconfiguring Lots and Code for Town and Village Centres, and the application has not demonstrated sufficient grounds for approval despite these conflicts.

In particular, the assessment has found that the proposed 8,600m² Bunnings store is disproportionately sized for Coolum, would perform much more than just a local role and would compete with other stores in the trade catchment area that are already appropriately located within council's planning framework. The proposed Service Station and Convenience Restaurant uses would accentuate the above identified issues and contribute to the establishment of the site as a destination that detracts from the local Coolum character and takes the focus away from the existing beachside Village Centre Precinct.

The Maroochy Plan 2000 identifies that the residents of Coolum are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain

local character and identity. The conflict with this and other provisions of the Maroochy Plan warrants that the development ought not be approved.

Therefore, the application is recommended for refusal.

OFFICER RECOMMENDATION

That Council REFUSE Application Nos. MCU15/0100, REC15/0099 and OPW15/0295 for a Development Permit for Material Change of Use of Premises (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), Development Permit to Reconfigure a Lot (1 Lot into 3 Lots) & Development Permit for Operational Work (Placing an Advertising Device) situated at 39 Barns Lane, Coolum Beach for the following reasons:

- (a) the proposal conflicts with the intent for the Coolum Beach Planning Area**
- (b) the proposal conflicts with the intent for the Coolum West Gateway (Master Planned Community) Precinct**
- (c) the proposal conflicts with the Urban Development strategy and the Retail and Commercial Centres Hierarchy contained in the Strategic Plan**
- (d) the proposal conflicts with the Code for Town and Village Centres**
- (e) the proposal conflicts with the Code for Reconfiguring Lots and**
- (f) the proposal has not demonstrated sufficient grounds in the public interest to justify or override the conflicts with the planning scheme.**

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Infrastructure Policy Branch have advised that the total infrastructure charge estimated for the Reconfiguring a Lot component is \$55,440, and \$1,356,880 for the Material Change of Use component.

PROPOSAL

The application seeks approval for a Development Permit for Material Change of Use (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), a Development Permit to Reconfigure a Lot (1 lot into 3 lots) and a Development Permit for Operational Work (Placing an Advertising Device) on land at 39 Barns Lane, Coolum Beach.

The application has been lodged by Bunnings Group Limited concurrently with two other applications over the same site. Each of the three applications is similar in nature, differing primarily with regard to the size of the proposed Bunnings store and the consequential number of new allotments proposed for future development. The application, which is the subject of this report, is known as "Scheme B" and proposes a Bunnings store having a gross floor area of 8,600m². The other two concurrent applications are known as "Scheme A" and "Scheme C", with proposed gross floor areas of 12,150m² and 5,850m² respectively.

The applicant states the purpose for the three concurrent applications is to maximise its potential options for achieving a development outcome over the site now that the land zoning has reverted back to Rural with the introduction of the *Sunshine Coast Planning Scheme 2014*.

The subject application has been lodged following council's approval, in December 2014, to allow assessment of the application under the superseded planning scheme (ie. the *Maroochy Plan 2000*). Had council refused to allow assessment under the superseded planning scheme, the landowner may have exercised a right to claim financial compensation as a result of lost land use entitlements by the taking effect of the Rural Zoning and other specific provisions of the Sunshine Coast Planning Scheme.

Each component of the subject application is described below:

Material Change of Use Component

The proposal is to establish a Bunnings Warehouse store (with a gross floor area of 8,600m²), together with a freestanding Service Station and Convenience Restaurant (each comprising a gross floor area of 300m²) located in the site's south east corner towards the junction of Barns Lane and Yandina-Coolum Road.

The proposed Bunnings store reflects the typical Bunnings layout and product lines, including its main "warehouse" retail floor, internal café, timber trade sales, building materials and landscape yard, outdoor nursery and bagged goods canopy.

The proposed tenants for the Convenience Restaurant and Service Station are either yet to be determined or not disclosed by the applicant. Planning staff anticipate that a common franchise fast-food restaurant would operate out of any approved Convenience Restaurant on the site.

The applicant purports that the proposed development concept closely reflects a previous approval issued by the Planning & Environment Court in 2003 (which has since lapsed) for showrooms and other uses over the site. The details of all past applications and approvals are tabulated later in this report.

The submitted plans depict three additional buildings on the site annotated as "*Proposed future development (not subject to this application)*". While shown on the submitted plans, these additional buildings were not formally included in the current application and are, therefore, not subject to assessment at this time. Any approval of the current application would first require removal of these buildings from the plans so as not to prejudice the assessment of any future applications. The future applications would be assessed under the Sunshine Coast Planning Scheme.

Aside from gross floor area, some other key aspects of the design concept as shown on the plans include:

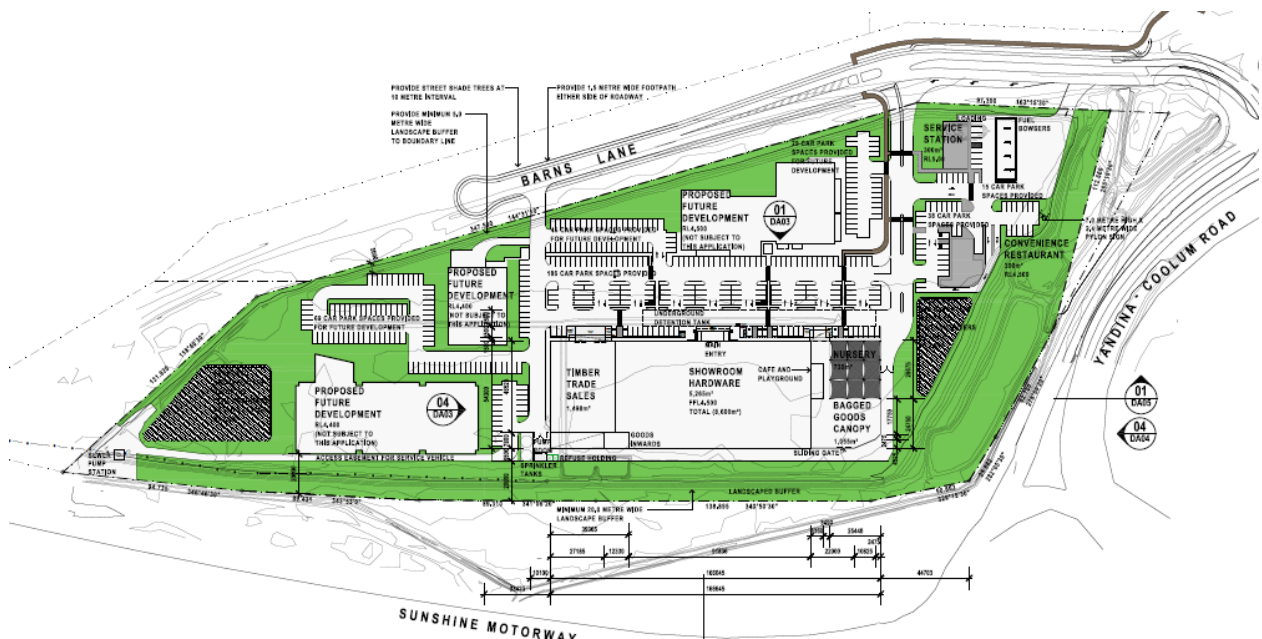
- a maximum building height of 9.5m for the Bunnings building (reducing to approximately 6.7m for the garden centre/nursery component)
- a maximum building height of 8m for the Service Station, and 5.7m for the Convenience Restaurant
- a total site cover of approximately 13.5%
- 239 car parking spaces, comprising 186 for the Bunnings building, 15 for the Service Station and 38 for the Convenience Restaurant
- minimum building setbacks of 5m to Barns Lane, approximately 40m to Yandina-Coolum Road and 26.5m to the Sunshine Motorway

- landscape planting buffers of approximately 20m to the Sunshine Motorway and 40m to Yandina-Cooloolo Road.

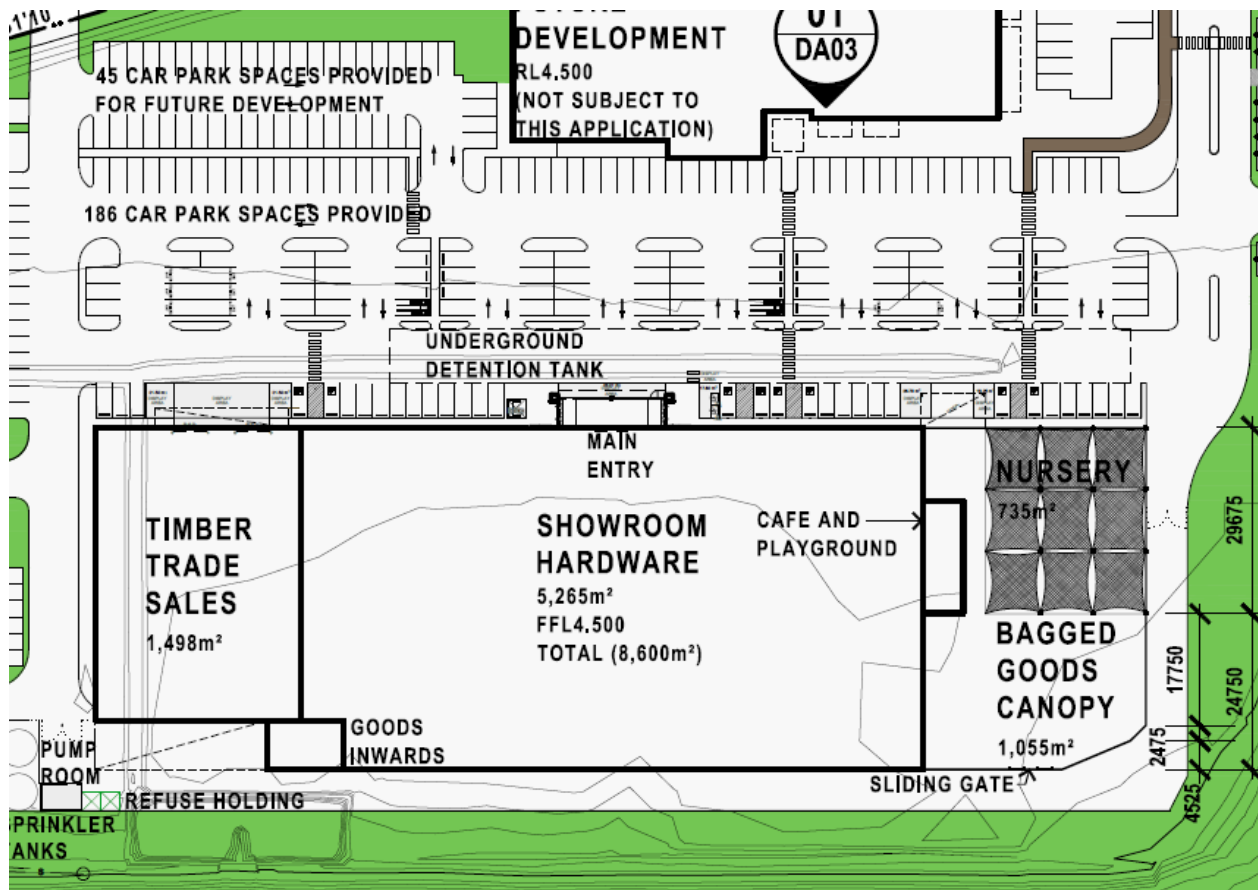
The Bunnings building is proposed to orient its main entrance eastward, with its back to the Sunshine Motorway (behind a landscape buffer). The Convenience Restaurant and Service Station are proposed in the south-east corner of the site, near the junction of Barns Lane and Yandina-Cooloolo Road.

The development would be served by three separate vehicle access points from Barns Lane, the first of which is an entry only that would provide convenient access for motorists to the proposed Service Station. The application proposes connections to, and extensions of, the existing pedestrian footpath network in the vicinity of Barns Lane.

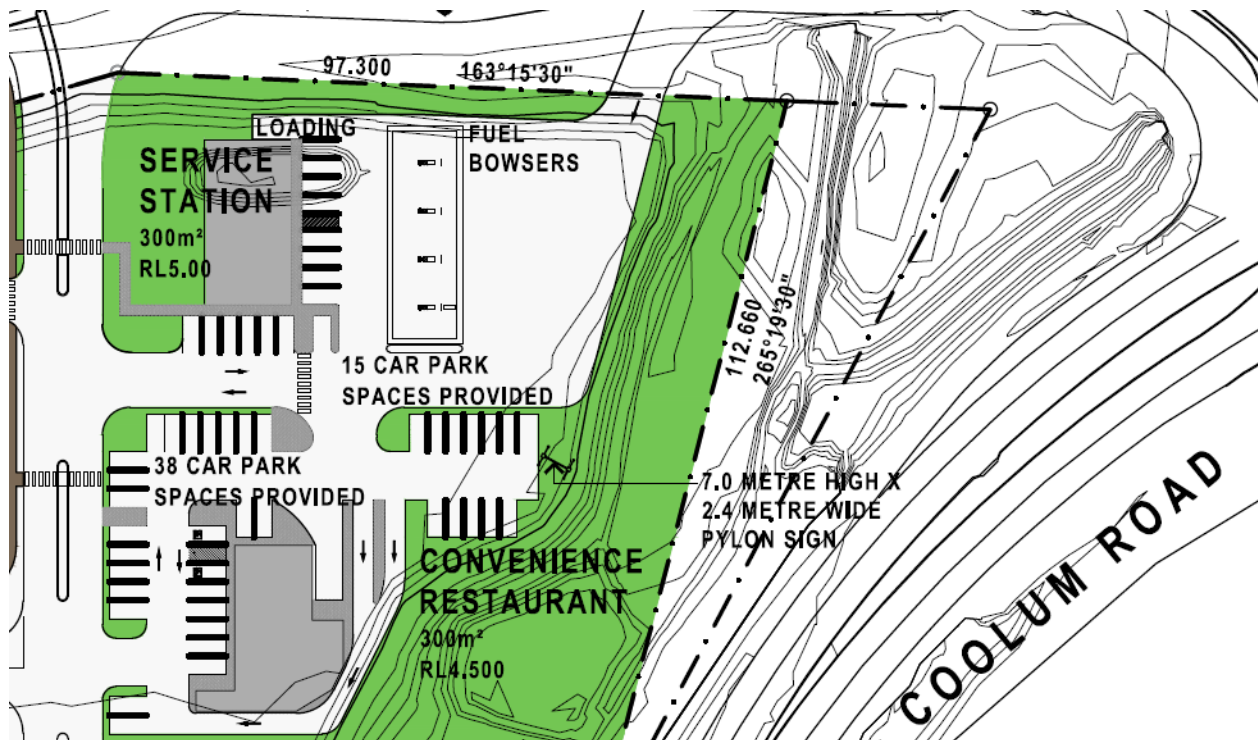
The proposed design concept is depicted in the images below:



Overall site plan



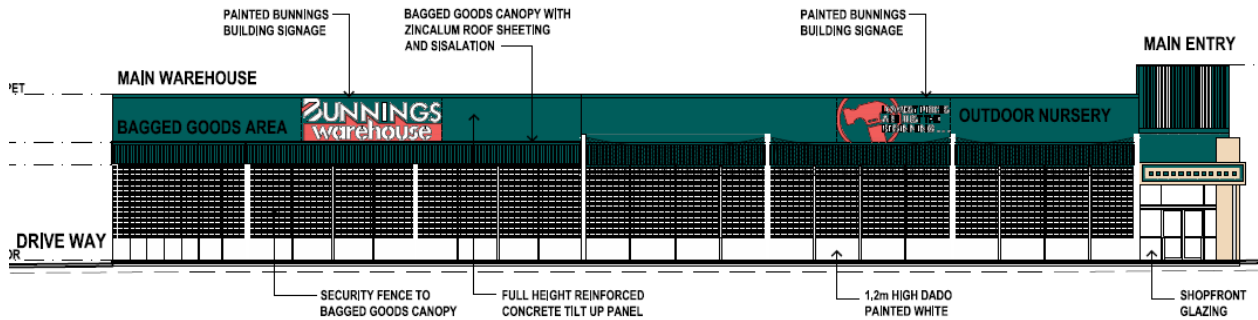
Bunnings Warehouse building



Service Station & Convenience Restaurant



East Elevation (view from Barns Lane)



South Elevation (view from Yandina-Coolum Road)



West Elevation (view from the Sunshine Motorway)

Reconfiguring a Lot Component

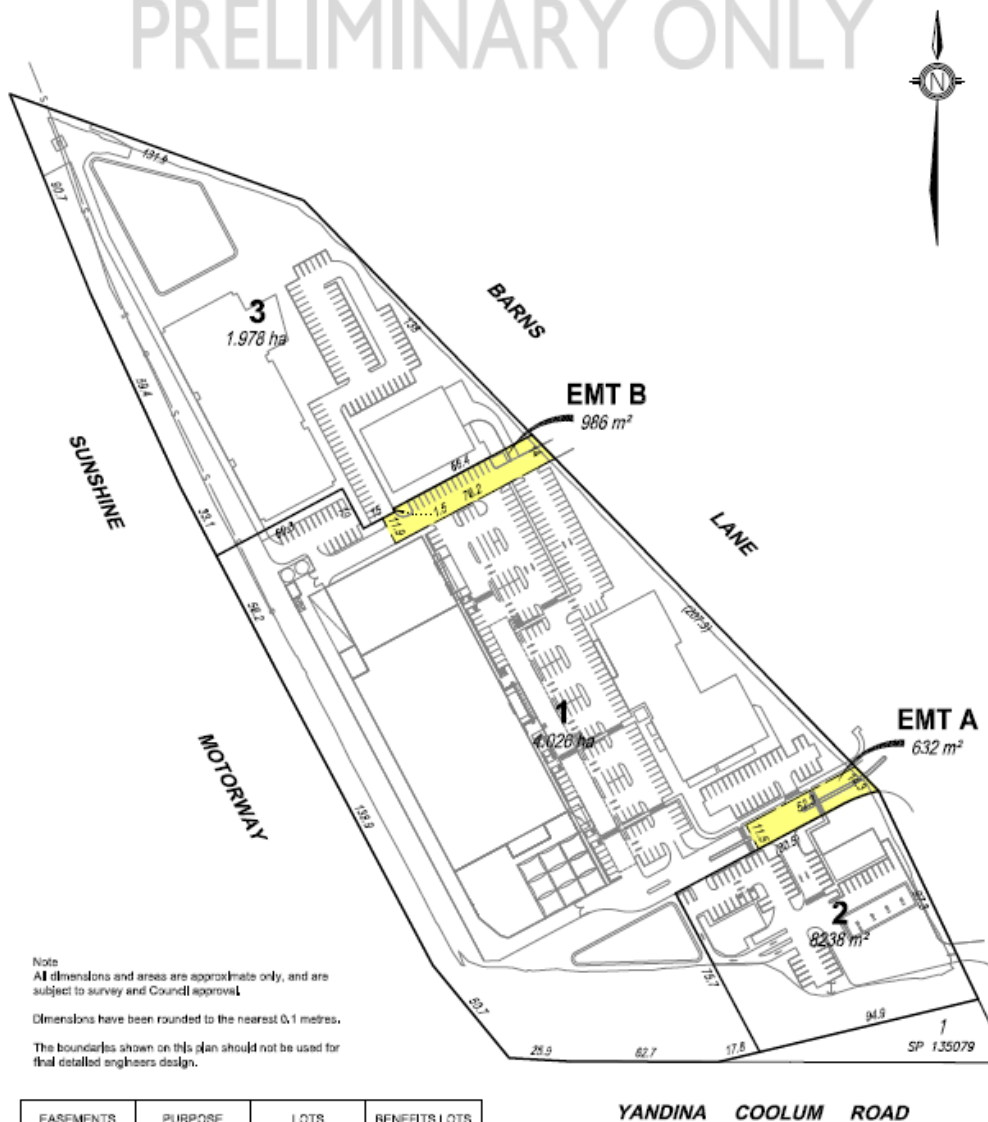
The applicant proposes to subdivide the overall site into 3 allotments in order to enable development staging and to provide future development possibilities on separate land titles.

Easements are proposed between the allotments to enable lawful access for all lots across the site and to the road network.

The proposed lots are described in the following table and accompanying image:

Proposed Lot	Proposed to Contain	Area
1	Bunnings Warehouse and associated parking	4.026ha
2	Service Station, Convenience Restaurant and associated parking	8,238m ²
3	Balance lot – future development & sewer pump station	1.978ha




PRELIMINARY ONLY



Operational Works Component (Advertising Devices)

The submitted application includes an Operational Work component seeking approval for 9 wall signs (painted to the building) and a single freestanding pylon sign (with a maximum height of 7m), described as follows:

Sign No.	Type/Sign Face Area (m ²)	Location	Example
1	Flush Wall Sign (3.2)	Main entrance facing east	Garden Centre
2	Flush Wall Sign (104.6)	Main entrance facing east	BUNNINGS warehouse
3	Flush Wall Sign (132.6)	Main entrance facing east	LOWEST PRICES ARE JUST THE BEGINNING...
4	Flush Wall Sign (4.8)	Main entrance facing east	Trade Timber
5	Flush Wall Sign (104.6)	Facing north	BUNNINGS warehouse
6	Flush Wall Sign (4.1)	Facing west	Goods Inward

Sign No.	Type/Sign Face Area (m ²)	Location	Example
7	Flush Wall Sign (19.75)	Facing south	
8	Flush Wall Sign (15)	Facing south	
9	Pylon Sign (6)	Facing in a general east to west direction (parallel with Yandina-Coolum Road), to be constructed just south of the Convenience Restaurant building	

The applicant states that a separate application for additional signage for the proposed Convenience Restaurant and Service Station will be made at a later time.

Almost all signage originally proposed on the western building elevation facing the Sunshine Motorway has now been removed by the applicant, but still exists on the southern building elevation facing Yandina-Coolum Road.

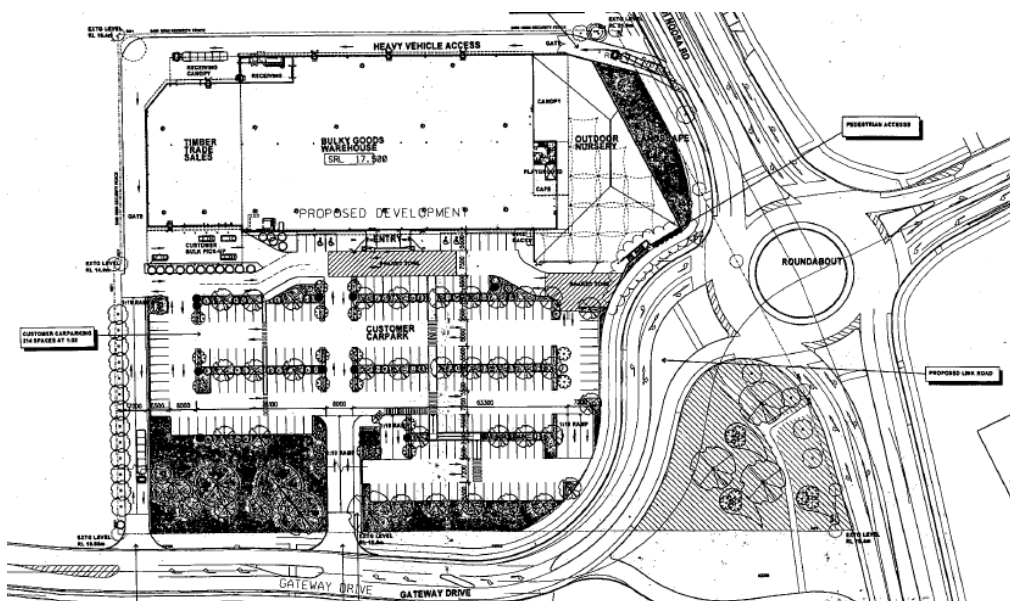
Comparison to Existing “Bunnings” Stores

To assist in providing context to the proposed development, the following sections describe the existing Bunnings stores in the Sunshine Coast area.

Noosaville

On 4 November 2010, the Planning & Environment Court dismissed an appeal by the applicant giving effect to a Material Change of Use approval for a Bunnings Warehouse at 178 Eumundi Noosa Road, Noosaville.

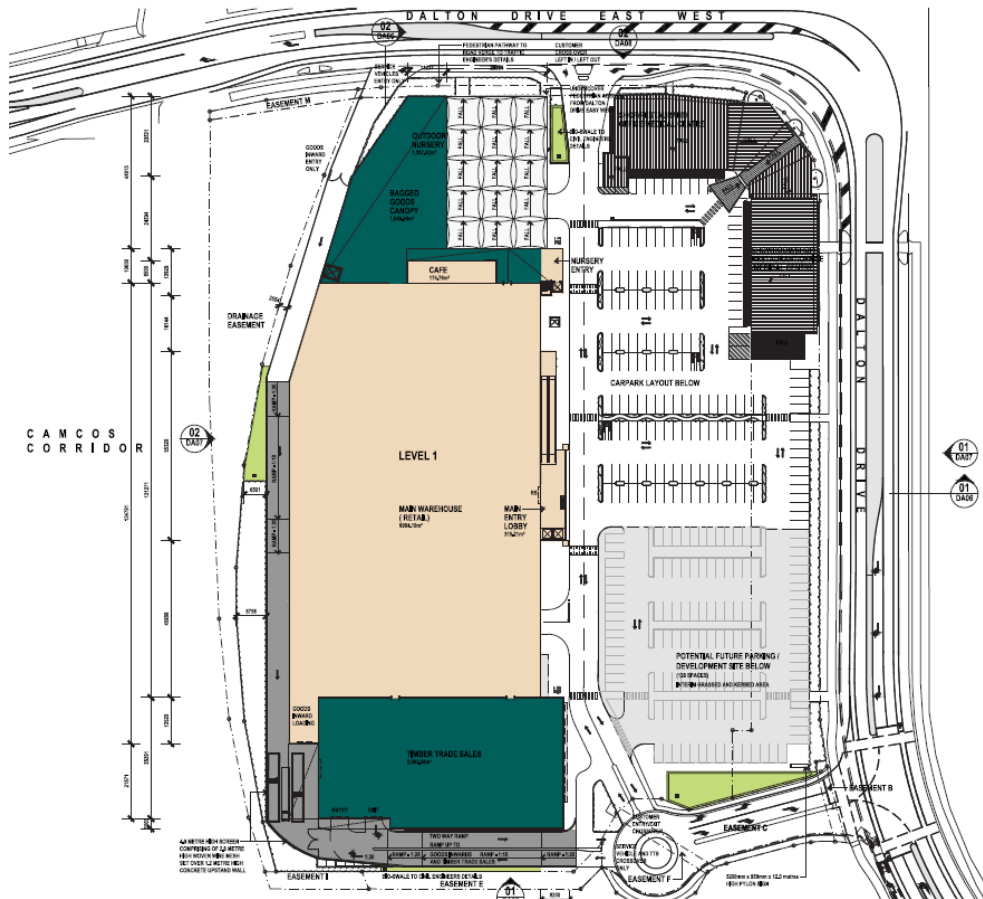
The application was assessed under the Noosa Plan, and its approval allowed a Bunnings store of approximately 7,750m² (inclusive of a 1,860m² nursery area).



Maroochydore (Dalton Drive)

On 5 September 2012, council issued a Negotiated Decision Notice for Material Change of Use approval for a Showroom and Shopping Complex at 70-98 Dalton Drive, Maroochydore.

The approval allowed a Bunnings Warehouse up to a maximum gross floor area of 15,000m² (inclusive of a 2,957m² nursery area and a 2,663m² timber trade area).

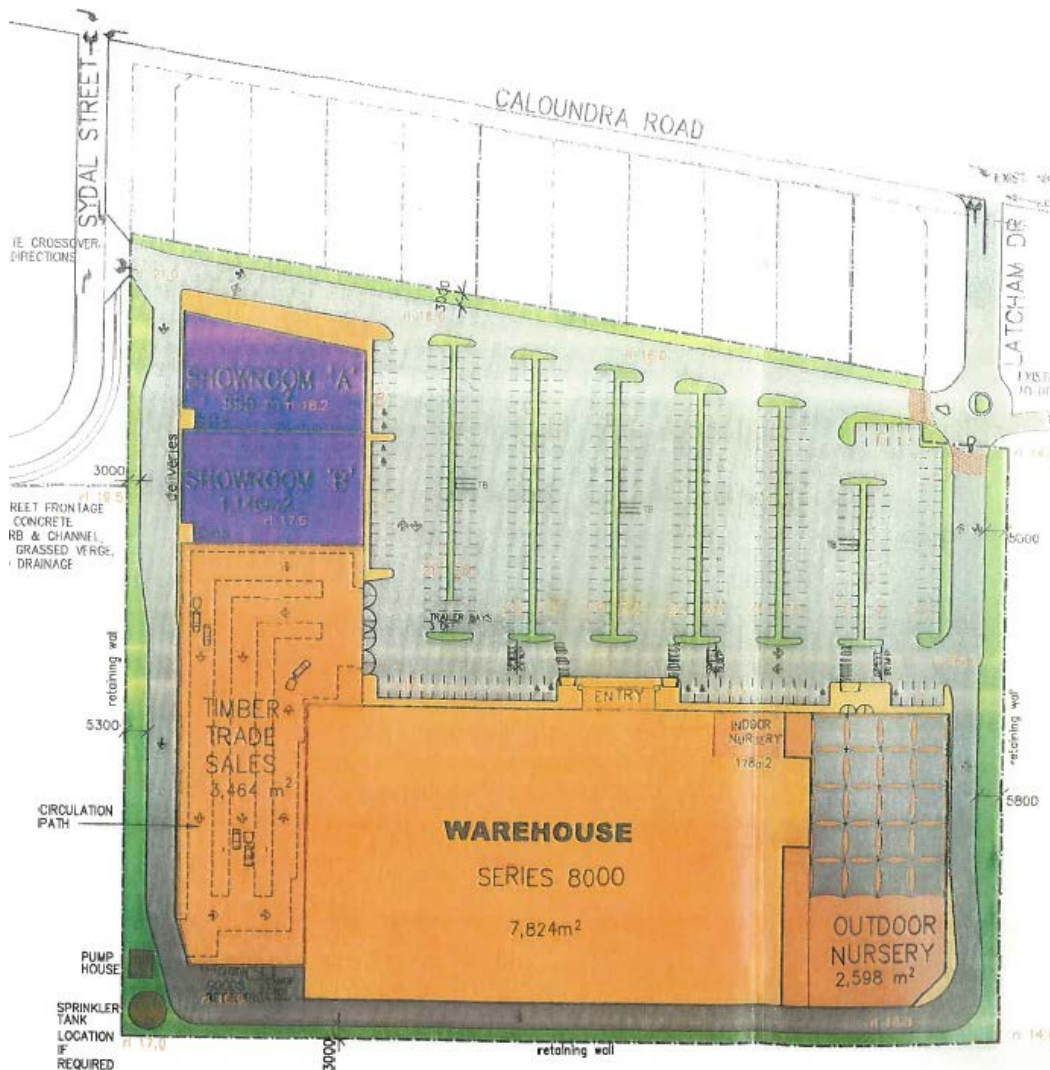


The new Dalton Drive store replaced the previous Maroochydore store located in the homemaker centre on Maroochydore Road, which had a gross floor area of 8,935m² and was constructed as part of a 1998 rezoning approval.

Caloundra

The Bunnings Warehouse building at Caloundra was a redevelopment of the then “BBC” hardware store site and other vacant land at 54-56 Caloundra Road, Little Mountain.

A Negotiated Decision Notice for Material Change of Use was issued on 14 March 2005 for Showrooms, Nursery and Food Outlet. The approval allowed a Bunnings Warehouse with a gross floor area of approximately 14,210m², together with two additional showrooms of 995m² and 1,146m².



SITE DETAILS

Background/Site History

The subject site was once the home of the “Llama Farm” tourist attraction and accommodated a rural produce store. The complex history of development applications and approvals that have occurred since that time include the following:

MCU01/0088 – Development Permit for Material Change of Use of Premises for Showrooms, Service Station, Convenience Restaurant, Garden Centre & Shopping Complex – Supermarket),

An application was submitted on 29 June 2001 seeking approval for a range of commercial uses including:

- Supermarket (2,750m²),
- Five Showrooms (in a modular format to allow a variety of tenancies, with a total of 4,900m² gross floor area),
- Service Station (300m²),
- Convenience Restaurant (300m²)
- stand alone Garden Centre (750m², plus additional 1,250m² outdoor growing area).

Plans submitted as part of the application indicated an additional 4 Showroom tenancies (2,800m²) as well as an Indoor Sports Centre (5,200m²) as possible future development. These 'future development' components did not form part of the application.

The application was impact assessable and attracted 126 properly made submissions.

A Negotiated Decision Notice approving the development was issued by Council on 27 November 2002, but was later appealed by submitters, mainly in relation to the approved supermarket component but also the quantum and scale of commercial development on the site. The Planning & Environment Court dismissed the appeal on 12 September 2003 and ordered that the development be approved subject to conditions.

The Service Station component was not granted a Development Permit but rather a Preliminary Approval only by the Court.

MCU01/0089 – Development Permit for Material Change of Use of Premises for Funeral Parlour & Special Use – Crematorium

An application was submitted on 2 July 2001 seeking approval for a Funeral Parlour and Crematorium in the site's north-western corner.

The application was run concurrently with the MCU01/0088 application mentioned above and attracted 2 properly made submissions, both objecting to the proposed development.

Council approved the development by Negotiated Decision Notice dated 26 November 2002, concurrent with its Negotiated Decision Notice for the commercial development mentioned above (MCU01/0088).

REC04/0206 – Application to Reconfigure a Lot (1 Lot into 4 Lots)

An application was submitted on 27 October 2004 seeking to subdivide the site into 4 lots to reflect the commercial development approved as part of MCU01/0088 and MCU01/0089 mentioned above.

The applicant withdrew the application by letter dated 31 July 2012 following requests by Council that a masterplan first be prepared for the site.

MCU05/0069 – Application for Material Change of Use of Premises (Shopping Complex – Supermarket, Showrooms, Convenience Restaurant, and Garden Centre)

An application was submitted on 24 May 2005 seeking approval for four Showrooms having a cumulative gross floor area of 8,315m², one of which was to accommodate a 5,815m² Bunnings Warehouse.

The four Showrooms, including the Bunnings store, were proposed in concert with, and additional to, the Supermarket, Showrooms and other commercial uses approved by the Court in 2003 (MCU01/0088 described above). The land area proposed to be occupied by the new uses was generally the same area at the rear of the site identified by the 2003 Court approval for unapproved 'future development' components including a possible future indoor sports centre.

The proposal was impact assessable and attracted 68 submissions (20 in support and 48 opposed).

Council refused the application in February 2006 and an appeal was subsequently lodged by the applicant. The appeal was heard in December 2006 and ultimately dismissed by Court judgement delivered on 7 March 2007. His Honour Judge Dodds concluded his reasons for dismissing the appeal as follows:

“....

The major impediment to the proposal the subject of the appeal is conflict with the planning scheme. The conflict lies in the type and intensity of the proposed development, in addition to that already approved particularly with the proposed “Bunnings” use.

It may be concluded from the evidence that what is proposed, together with that already approved, would be accessed by persons from across a wide area. Consumer’s choice would no doubt be enlarged. That, however, is a long way from showing existing facilities of the type proposed are inadequately provided for.

I do not consider any planning grounds sufficient to overcome the conflict with the provisions of the scheme are evident. The appellant has not discharged its onus.

Appeal 84 of 2006 is dismissed.”

MCU05/0218 – Development Permit for Material Change of Use of Premises (Service Station)

An application was made for a full Development Permit for the proposed Service Station that was only granted a Preliminary Approval in the original Planning & Environment Court approval of 2003.

Council approved the development by Decision Notice dated 20 July 2007.

MCU06/0100 – Development Permit for Material Change of Use of Premises for Car Washing Station

An application was made for a Car Washing Station to be constructed in association with the above described approved Service Station.

Council approved the application by Negotiated Decision Notice dated 10 October 2007.

MCU08/0105 – Application for Material Change of Use of Premises (Shopping Complex – Aldi Supermarket)

On 30 June 2008, an application was submitted to Council for a 1,500m² Shopping Complex. The proposal sought to establish an Aldi supermarket within the floor area previously approved for showroom purposes under the 2003 Court approval.

On 7 August 2008, Council issued an Information Request seeking further information to satisfactorily assess the proposal citing a range of inconsistencies with the planning scheme provisions. The application lapsed on 23 August 2010 after the applicant failed to respond to Council’s Information Request during the statutory timeframe.

EXT09/0064 and EXT09/0065 – Extension to the Relevant Periods for MCU05/0218 & MCU06/0100 for Service Station and Car Washing Station

On 3 November 2009, Council approved two separate requests to extend the life of the Service Station and Car Washing Station approvals.

EXT10/0029 – Application for Extension to the Relevant Period for MCU01/0088 Development Permit for Material Change of Use of Premises for Showrooms, Service Station, Convenience Restaurant, Garden Centre & Shopping Complex – Supermarket)

On 15 June 2010 a request was submitted to extend the life of the original 2003 Court approval by a period of 2 years.

On 13 September 2010, Council refused the request and the approval lapsed. The cited reasons for refusal were that:

- The Retail Centre Hierarchy provisions of the Maroochy Plan 2000 had changed since the time of the original application and the approval is inconsistent with the current provisions of the Maroochy Plan 2000
- The community awareness of the current development approval had diminished since the original approval resulting from the drawn out period of time between public notification, approval and the current request
- The community would have had further rights to make a submission and it was considered likely the community would exercise those rights.

The applicant appealed Council's decision not to extend the life of the approval, but then, on 16 June 2011, elected to discontinue the appeal.

This marked the end of the 2003 Court approval.

MCU12/0170 – Application for Material Change of Use (Showroom – Bunnings Warehouse) and Preliminary Approval Overriding the Planning Scheme (Showroom, Shopping Complex, Shop, Convenience Restaurant, Fast-food Store, Service Station, Car Washing Station and Indoor Recreation)

On 25 October 2012 (not long after Bunnings Group Limited had acquired the site outright in 2011), an application was submitted to Council for a 11,768m² Bunnings Warehouse (inclusive of a 2,000m² future expansion area).

The application proposed a fresh design concept over the entire site, and included components seeking subdivision into 4 lots and the creation of a planning framework (by Preliminary Approval Overriding the Planning Scheme) to guide development over the balance of the site for nominated commercial and non-residential uses.

On 28 November 2012, Council issued an Information Request together with advice that, in Council's opinion, the scale of the proposed development would unlikely satisfy the *Maroochy Plan 2000* provisions.

The applicant withdrew the application on 6 January 2015 after the *Sunshine Coast Planning Scheme 2014* had taken effect and zoned the land Rural, and after Council had granted requests to allow lodgement of fresh applications under the superseded planning scheme (see below).

SPS14/0037, SPS14/0038 & SPS15/0130 – Requests to Assess and Decide a Proposed Development Application Under the Superseded *Maroochy Plan 2000* for a Material Change of Use for Showroom, Garden Centre and Restaurant (Bunnings Warehouse), Convenience Restaurant and Service Station

On 19 December 2014 and then 3 August 2015, Council approved three separate requests to apply the superseded *Maroochy Plan 2000* to three proposed development applications. Council's approval of these requests extinguished any possible landowner claim for financial compensation as a result of lost land use entitlements by the taking effect of the Rural Zoning and other specific provisions of the Sunshine Coast Planning Scheme.

The three proposed development applications were identified by the applicant as Schemes A, B and C. "Scheme A" is the subject of this report.

Site Description

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



The site is 6.828ha in area, generally level, and occupies the land area between Barns Lane, Yandina-Coolum Road and the Sunshine Motorway. The site has a road frontage of 407m to the Sunshine Motorway, 250m to Yandina-Coolum Road and 577m to Barns Lane.

The site forms part of the entrance "gateway" to Coolum Beach to visitors/residents travelling via the Sunshine Motorway and Yandina-Coolum Road. The site is approximately 1.8km to the east of the Coolum foreshore and village precinct.

The site was originally low-lying but has since been filled in accordance with bulk earthworks approvals that stem from conditions of the 2003 Court approval (now lapsed).

The site is largely cleared, other than a strip of mature vegetation located along the site's southern boundary to Yandina-Coolum Road, western boundary to the Sunshine Motorway and northern boundary to Barns Lane.

An aerial image of the site as well as adjoining uses is shown on the image below.



Surrounding Land Uses

Land to the west and south of the site is vacant rural land previously used for cane production (now limited grazing) and performs a drainage/flood plain function. Land to the north and east is the Noosa National Park. Land to the south-east of the site is occupied by the Coolum State Primary School. Further south-east is a local shopping village and Woolworths supermarket on South Coolum Road.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- 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 and
- any Temporary Local Planning Instrument in place for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The State Planning Policy took effect in December 2013 and is applicable to this application.

The State Planning Policy has not been formally incorporated into the applicable version of the *Maroochy Plan 2000*. The application is, therefore, required to be assessed against the applicable components contained within Part E of the State Planning Policy: *Interim development assessment requirements*. The following State interests under Part E are triggered for the proposed development:

- Water Quality (land subject to Stormwater Management Design Objectives)
- Emissions and Hazardous Activities (land within a Management Area)
- Natural Hazards (land within a Flood Hazard Area & Potential Bushfire Impact Buffer)

The State interest requirements of the State Planning Policy are broad provisions that directly overlap with provisions already contained in the applicable version of the *Maroochy Plan 2000* (and which are discussed elsewhere in this report). However, for completeness, the following brief assessment is provided.

With regard to Water Quality, the application involves a total combined hardstand impervious area of 22,314m², which is 32% of the total site area (68,280m²) and is, therefore, subject to the water quality requirements of the State Planning Policy. Development is required to avoid or otherwise minimise adverse impacts on the environmental value of receiving waters arising from stormwater quality or flow.

The applicant did not provide information demonstrating compliance with the State Planning Policy. Nonetheless, council's hydrology specialist has advised that the proposed stormwater quality treatment system is able to be supported (other than for the reconfiguring a lot component, as discussed later in this report). If the development was to be approved, conditions could be imposed requiring water quality leaving the site to meet acceptable standards.

With regard to Natural Hazards, council's hydrology and ecology specialists are satisfied the proposed development would adequately avoid or mitigate the risks associated with the potential flood and bushfire hazards. Their reasons are explained later in this report under the assessment against the planning scheme codes.

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

The following State Planning Regulatory Provisions are applicable to this application:

- South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions
- State Planning Regulatory Provision (Adopted Charges)

The proposal is consistent with these State Planning Regulatory Provisions.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme.

Volume 3 Local Area Provisions

The Maroochy Plan 2000 describes the detailed local planning provisions in Volume 3 as representing Council's specific planning intent for a particular locality or area, and prevailing to the extent of any inconsistency with the more general statements contained in Volume 2 (the Strategic Plan). The Volume 2 Strategic Plan provisions are discussed later in this report.

The subject site is located in the Coolum Beach Planning Area (No. 11), and more specifically the Coolum West Gateway Planning Precinct (No. 7), and has a Master Planned Community precinct class.

Vision Statement and Coolum Planning Area Provisions

The Vision expressed for Coolum is that it *"will remain a small coastal community focussed on its seaside location"* and that it *"will have a compact village centre and will provide only a limited range of goods and services to meet the immediate needs of residents and visitors to the locality."*

This Vision is reiterated in the following local planning provisions which apply to all development in the Coolum Planning Area.

"... It is also the role of this Planning Area to:

- ...
- *provide for Coolum Beach to remain a small scale tourist centre;*
- *provide for the Coolum Beach Village Centre to retain a small scale providing goods and services to residents of and visitors to Coolum.*
(Vol 3, Section 3.11.1)

"Coolum Beach will remain a casual, seaside village serving local retail, business, dining and entertainment needs only. The residents of Coolum have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity."
(Vol 3, Section 3.11.2(2)(a))

"Commercial and business activities will be concentrated in the area north of Beach Road, south of Margaret Street and east of Sunrise Street. This will be a small scale Village Centre, accommodating a mix of boutique retail, business and community facilities. Within this Planning Area, the scale of retail and commercial activities will be limited to serving the immediate catchment area of Coolum and will not serve a district or higher order function."

(Vol 3, Section 3.11.3(1)(a))

It is considered the proposed 8,600m² Bunnings Warehouse conflicts with all of the above provisions. It is clear from the expressed planning statements that development within Coolum is intended to be small scale with commercial uses predominantly located in the Village Centre Precinct. Most notably, local character, amenity and village identity were identified by locals as being of greater importance than the provision of higher order and larger scale retail and commercial services, which can already be accessed by a 15 - 20 minute vehicle trip to either Noosa or Maroochydore.

The proposed Bunnings store would trade to a catchment area well beyond Coolum. An independent economic peer review assessment commissioned by council advises the proposed Bunnings would draw approximately 85% of its trade from an identified Primary Trade Area of Coolum Beach, Peregian Springs, Yaroomba, Peregian Beach, Mount Coolum, Marcus Beach, Point Arkwright, Valdora, Yandina Creek, Verrierdale, and part of Maroochy River. An estimated 15% of its revenue would come from a secondary trade area (or "reference areas" as labelled by the applicant), which include the suburbs of Marcoola, Mudjimba, Twin Waters, Pacific Paradise, Eumundi, Eerwah Vale, North Arm, Bridges, Ninderry, Yandina and Kulangoor.

Council's independent economic expert is of the view that the resident population of the Primary Trade Area, which is likely to be 32,000 persons by 2021, is very small for a Bunnings Warehouse where, typically, Bunnings stores would serve catchments greater than 50,000 persons. This indicates the proposed Bunnings store is larger than what would ordinarily be expected for a population the size of Coolum, particularly when considering the context that Coolum residents already have the benefit of two existing Bunnings stores in close proximity.

The proposed development is large for Coolum, both in terms of its trade catchment and community expectations about proportionality to the population size, and is, therefore, considered in conflict with the above expressed planning intent for development in Coolum to remain small in scale and serving a local catchment only.

Coolum West Gateway Precinct Provisions

The subject site occupies the entire land area included in the Coolum West Gateway Planning Precinct (No. 7). As such, all provisions expressed for this Planning Precinct are applicable to the subject site.

The provisions identify that the site plays an important role as an entry statement into the Coolum Beach township, and that:

"Showrooms would be an appropriate use for this precinct, provided the following criteria were met to Council's satisfaction:

- *Buildings set within well landscaped grounds;*
- *Carparking located behind the buildings and not visible from the Sunshine Motorway and the Coolum-Yandina Road which forms the main entrance into the township;*
- *A range of goods and services which does not compete with the range of goods and services available in the Village Centre Precinct. Items for sale in this precinct should be restricted to larger scale items such as bulky goods.*"

The development complies with the first two statements insofar as it proposes a showroom that would sit behind a landscaped buffer, with its car parking unlikely to be visible from the Motorway or Yandina-Coolum Road. However, the proposed showroom would not be able to achieve compliance with the third test that it must be restricted to the sale of larger scale bulky goods items with a range that does not compete with those available in the Coolum Village Centre. Bunnings stocks a large range of goods, many of which are not bulky. Council's economic expert estimates the likely impact of the proposed Bunnings on other local hardware and related stores in the Primary Trade Area would be in the order of -15% to -25% and is likely to cause trading difficulties for these stores.

The list of existing stores identified by the applicant as being affected includes:

- Coolum Beach Mitre 10, located within the Coolum Village Centre Precinct
- Peregrin Beach Home Timber & Hardware
- Yandina Home Timber & Hardware
- Peregrin Garden Centre
- Poolwerx Coolum, located within the Coolum Village Centre Precinct
- PaintRight Coolum
- Coolum Reece Plumbing Centre
- The Rock Landscape and Garden Supplies
- Hume Doors and Timber
- Coolum Tile and Stone Studio
- Simon Home Frame & Truss, Sunshine Coast
- Lifestyle Windows
- Gowen Lea Timbers, Mudjimba
- Warehouse for Builders, Mudjimba
- Coolum Community Native Nursery

In addition to those stores identified by the applicant, submitters have also identified a number of other stores likely to be affected, including local mower sales/repairs, locksmiths, feedbarns, machinery hire shops, kitchen makers, and other similar stores within the trade catchment area. The potential impacts of a Bunnings Warehouse are wide reaching due to the diverse range of home improvement products stocked, including, but not limited to, bulk timber, bathroom and kitchen, builders hardware, building supplies, floor coverings, hand and power tools, lighting and electrical, nursery and garden supplies, paint and decorator supplies, and equipment hire.

Had the proposed Bunnings store been consistent with council's local planning aspirations for Coolum, as expressed through the retail hierarchy and local precinct provisions, the economic trade impact on other retailers would simply become a matter of commercial competition not regulated by the planning scheme. However, because the planning scheme does not envisage the subject site accommodating a hardware store having characteristics of the proposed Bunnings, the impacts on other lawfully established businesses, which themselves fit within the desired planning framework, must be given considerable weight. Any decision to allow a large, unanticipated commercial development could upset the orderly planning for commercial uses within the planning scheme area and cause negative trade impacts for existing retailers, which, for some of those retailers, may not have been reasonably expected to occur. Indeed, the Coolum West Gateway Planning Precinct itself specifically provides that any showroom on the site must not have a range of goods and services that competes with that available in the Village Centre Precinct.

The applicant points out that "*the proposed retail style and range of products is very different from that typically available in the Village Centre, which typically comprises boutique clothing and other smaller specialty retail, cafes, restaurants, and services such as banks and real estate agents*". While this may be true with regard to specialty retail, professional offices, boutique eateries and the like, the proposed Bunnings store would still compete with the range of goods and services provided by at least Coolum Mitre 10 and Poolwerx Coolum, both of which are located within the Village Centre Precinct. It would also compete with the large number of other stores listed above that are located within the Bunnings catchment area but not specifically within the defined Coolum Village Centre Precinct. It is considered the impact on these other store locations is still relevant to the assessment because, as explained above, a hardware store with the characteristics of the proposed Bunnings was not envisaged by the planning scheme to establish on the subject site.

For the reasons above, the proposed development is considered to be in conflict with the Coolum West Gateway precinct provisions.

It should be noted the Precinct provisions also allow for a range of other land uses including indoor recreation (ie. an indoor sports centre), outdoor recreation and government facilities where they are consistent with the intent and desired character of the precinct. When adding to these an allowance for small scale showrooms, it is apparent the subject site was intended to accommodate limited commercial and other services that, because of their typical design characteristics, are not easily located within established centre areas that are intended for more fine-grained development. As explained above, the proposed Bunnings store does not meet with this intent because it:

- is disproportionately sized for Coolum
- would perform much more than just a local role
- would compete with other stores that are already appropriately located within council's planning framework and
- would not provide an essential community service such as government or sport and recreational facilities for Coolum.

Proposed Service Station & Convenience Restaurant

Planning staff previously reported to Council in 2002 (prior to issue of the 2003 Court approval) that both a Service Station and Convenience Restaurant, where incorporating a drive-through facility, could be considered appropriate on the site. The assessment found that, because such uses are typically land consumptive in their design orientation around cars, an alternative location within Coolum's Village Centre Precinct along the coastal tourist strip would be a poor location for them. Such uses could jar with the intent for the village centre to primarily accommodate small retail outlets and boutique eateries with some residential units above ground level. This assessment is supported by the Village Centre Precinct provisions which expressly state:

"It is not expected that any further convenience restaurants will establish in this precinct, instead smaller boutique restaurants and eateries will be encouraged."

While the subject site does present an opportunity to establish a Service Station and Convenience Restaurant outside the coastal tourist strip, neither use is actually identified as a Preferred and Acceptable Use for the Coolum West Gateway precinct. Approval of these uses could potentially lead to an undesirable "highway service centre" becoming the entry statement to Coolum Beach. The site is well positioned to attract the patronage of passing Motorway users and would undoubtedly perform well as a small highway service centre. Such an outcome could conflict with the expressed intent for the site to be developed in such a way that creates an attractive and appropriate entry statement to what is currently a scenic beachside township with a busy but local and small scale (or "boutique") identity.

When combined with a proposed Bunnings store on the site, the ability of a Service Station and drive-through Convenience Restaurant to attract non-local passing trade from the Sunshine Motorway accentuates the overall proposal's non-compliance with Key Character Element 3.11.3(1)(a) that "...*Within this Planning Area, the scale of retail and commercial activities will be limited to serving the immediate catchment area of Coolum and will not serve a district or higher order function*".

For these reasons, the proposed Service Station and Convenience Restaurant are not recommended for approval as part of the development concept in its current form.

Comparison to Previous Commercial Approval

The applicant purports that the proposed development concept closely reflects the previous approval issued by the Planning & Environment Court in 2003 (which has since lapsed) for showrooms and other commercial uses over the site.

While there is some similarity between the two development concepts (eg. both involve Showrooms, Service Station and Convenience Restaurant uses), the current application differs in scale and expected trade catchment. The previously approved showroom floor space was limited to 4,900m² for the entire site and was designed in a modular format such that the floor space could be distributed across five smaller showroom tenancies. That development outcome would likely have resulted in a “home-maker village” type complex with smaller tenancies more directly targeted at the Coolum catchment area.

Despite the history of various commercial uses approved on the site, there has not yet been an approval issued for a very large format commercial showroom that would have the trade catchment area that Bunnings proposes, well beyond the immediate area of Coolum. The current application is considered to fail the same planning provisions that were challenged by Bunnings Group Limited’s last attempt to obtain an approval over the site, when the Planning & Environment Court dismissed its 2005 application for reasons that were summarised as:

“... ”

The major impediment to the proposal the subject of the appeal is conflict with the planning scheme. The conflict lies in the type and intensity of the proposed development, in addition to that already approved particularly with the proposed “Bunnings” use.

It may be concluded from the evidence that what is proposed, together with that already approved, would be accessed by persons from across a wide area.

...”

For the subject application, Bunnings are this time not attempting to co-locate with other previously approved commercial uses on the same site (which was the case in 2005) but, at 8,600m², the proposed stand-alone Bunnings store would still draw trade from a very large catchment area causing the same planning scheme conflicts that were previously considered by the Court.

Volume 2 Strategic Provisions

Volume 2 of the planning scheme contains the Strategic Plan which establishes the strategic policy to be considered in the assessment of impact assessable development. The Strategic Plan includes Desired Environmental Outcomes (DEO), Strategic Implementation Measures and further detailed measures to address broad strategic issues across the region.

While the subject application is assessable against the Strategic Plan in Volume 2, it is the Planning Area provisions in Volume 3 that represent council’s specific planning intent for each locality and, therefore, constitute the primary basis for assessment. The Preface statements to Volumes 2 and 3 specifically state that:

“It is an incorrect use of the Strategic Plan, and an incorrect interpretation of this Planning Scheme, to rely on anything in the Strategic Plan to support or justify as being consistent with the Planning Scheme, an outcome which is contrary to the Planning Area provisions or the provisions of a Structure Plan.”

This is the context for performing an assessment against the Strategic Plan in Volume 2.

Urban Development and Retail and Commerce Strategies

In the Strategic Plan mapping, Coolum Beach is identified as both “Urban” and a “Village Centre”.

Sections 3 and 4 of the Strategic Plan set out the Shirewide strategies for “Urban Development” and “Retail and Commerce”, and are supported by statements identified as Key Issues, Objectives and Implementation Measures.

Of relevance under the Urban Development strategy is Implementation Measure (1) of Section 3.5.6, which states:

“Approval is only likely to be granted to development of retail, commercial and service uses which are to be located on a specific site (in a Centre Precinct or site specifically identified) and which offer a service only to local communities (other than in the Maroochydore Principal Activity Centre) and are consistent with the intent for, and desired character of the Planning Area and Precinct in which it is to be situated. Consideration will be given to the characteristics of the proposed use, including its location and scale, which determine its accessibility to its locality and its ability to service areas beyond an immediate locality and consequently diminish the vital role played by such facilities in providing a community focus and identity.”

Of relevance under the Retail and Commerce strategy are the provisions relating to the Retail and Commercial Centres Hierarchy, providing for the desired location of centre activities and policies for limiting ribbon development.

Section 4.3.2 (Major Activity Centres – dot point 1):

“The Major Activity Centres at Nambour and Sippy Downs will complement the Principal Activity Centre, with the establishment of higher order retailing, commercial and service functions encouraged to establish here in preference to the lower order centres in the hierarchy”

Section 4.3.3 (Village Centres – dot point 4):

“The total gross floor area for commercial uses in Village centres may consist of no more than 1,000m² gross floor area on any single development site.”

Section 4.3.3 (Village Centres – dot point 7):

“Development within a Village centre which fragments the centre or creates a focus away from the established centre in that locality will not be supported”

Section 4.4.1 (Village Centres – Item 23):

“The existing David Low Way based facilities at Coolum are the Village centre. Retail and commercial activities in Coolum Beach will be concentrated between Beach Road in the south and Margaret Street in the north, to be consistent with the Coolum Beach Village centre Precinct in the Coolum Beach Planning Area in Volume 3 of this Planning Scheme.”

All of the cited provisions above build upon the local planning intent previously discussed for the Coolum Beach Planning Area in Volume 3. There is a clear policy direction within the Strategic Plan that the centre's hierarchy for the overall planning scheme area must not be compromised. Individual development within an identified Village Centre such as Coolum must not create a focus away from the established centre area, with commercial/retail development to be small scale and serving the needs of the local catchment only. Higher order retailing and commercial development is to be established in the higher order centres.

Because of the scale of the proposed development and the higher order nature of Bunnings, and in combination with the Service Station and Convenience Restaurant components, it is considered the proposal would create a focus away from the Village Centre Precinct of Coolum Beach and diminish the established character and identity of Coolum as a local beachside community.

The proposed development is thus considered to be in conflict with aspects of the Shirewide "Urban Development" strategy and the Shirewide "Retail and Commerce" strategy.

Visual Amenity Strategy

The Visual Amenity Strategy in Section 7 of the Strategic Plan is also relevant to the proposed development. It outlines a strategy to protect the Shire's highest environmental values, land with aesthetic qualities and provides that visually important landforms should inform the design, character and intensity of development.

Of relevance to the proposed development are the following sections.

Section 7.4.2 (2):

"Specific attention will be focussed on development in the vicinity of the ridges between the railway towns and the coast (such as Kiel Mountain), isolated mountains such as Rosemount, Ninderry, Peregrin, Coolum and Eerwah, the Blackall and Conondale Ranges, Buderim Escarpments..."

Section 7.4.3 (1), (2) and (3):

"Council may request that it be demonstrated how a proposal on sites abutting the Bruce Highway, Sunshine Motorway and David Low Way and other major roads as identified by Council, or on sites close to and visible from these roads, is to project an attractive image to motorists travelling along the relevant road."

"Council may not support or may require modifications to proposals which may compromise the character of a rural, natural or otherwise intrinsically attractive scene. Unless the proposal is considered unacceptably intrusive, modifications may relate to elements such as buffering, landscaping, building setbacks and lot reconfiguration design."

"Council will seek to implement landscape works in the Shire's major road reserves. Where a development site abuts a State controlled road, such landscaping is to be provided as part of the buffering for visual amenity and for traffic noise, emissions and dust attenuation."

Section 7.4.4 (1):

"In assessing relevant applications for development of land in the Shire's rural towns and in discrete urban centres that display cohesive characters, the Council will

encourage the enhancement of that character having regard to the intent and desired character of the Planning Area and Precinct in which the site is situated..."

Mt Coolum is identified as contributing to the picturesque natural setting of Coolum Beach and that the residents of Coolum Beach have chosen to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity. It is clear that development within the Coolum Beach planning area is to be small scale in order to maintain the casual, seaside character and identity of the town. Natural and topographical elements of the planning area, including Mt Coolum and the greenspace alongside the Motorway (both the open canelands and melaleuca forests), should be given considerable emphasis, particularly in their role in maintaining and enhancing the character of the Coolum Beach planning area by providing a backdrop to its urban parts.

The following images have been provided by the applicant as to the likely appearance of the development from the Sunshine Motorway:



Council's urban design specialist has reviewed the proposal and raises concern about the bulk and scale of the proposed Bunnings Warehouse building which, at approximately 165m in length without articulation, may cause adverse visual impacts to the entry of Coolum Beach and potentially cause a large urbanised structure out of character with the open space and landscape setting of the Sunshine Motorway.

The proposed Bunnings building would be the largest building/floor area within the Coolum Beach area, including the industrial park.

If the site were instead to be developed with a series of individual, smaller scale buildings set within a landscape of trees, it would reduce the overall scale of the development to achieve a more suitable “coastal” character with a “casual” atmosphere. Council’s assessing landscape specialists are satisfied the proposed 20m wide landscape buffer would be sufficient to achieve an effective vegetative screen of the building over time. However, the presence of a massive structure behind a landscaped solution may still be noticeable to motorists, particularly given the 9.5m height of the proposed building on land which still yet requires additional fill to be placed in parts.

Further, a consequence of the building and its proposed 20m landscape buffer is that views across the site will be limited and some long distance views to Mt Coolum may be impacted.

Council’s urban design specialist is also concerned about other elements including the proposed signage facing Yandina-Coolum Road, the proposed sewage pump station adjacent to the Sunshine Motorway and the parking and drive-through facilities close to the boundary with Yandina-Coolum Road. These components of the development will likely be visible and, therefore, require further assessment should an approval of the development be contemplated.

Grounds Despite Conflict

In response to Council’s Information Request, the applicant formally contends the development application is not in conflict with any of the planning scheme provisions cited above and is, therefore, not required to satisfy the test prescribed in the *Sustainable Planning Act 2009* of demonstrating that sufficient grounds exist in the public interest to justify the development despite the conflicts.

The key reasons cited by the applicant include:

- the proposal will not prejudice the viability of the Major Activity Centres at Nambour and Sippy Downs, nor the Principal Activity Centre at Maroochydore. This point was agreed between previous Court experts for the 2005 Bunnings application
- the planning scheme does not mandate that showrooms cannot establish on the subject site and, in fact, are a consistent use in the Precinct
- the proposal will not be in a lower order centre
- the proposal will service a local catchment and will not compete with the Major Activity Centres by drawing customers from further afield
- population growth, retail demand trend changes, and changes in the retail landscape underscore that the proposal is appropriate to the Primary Trade Area
- demand for the proposal exists in the local Primary Trade Area
- the subject site is not actually shown on the Strategic Plan mapping as being within the part of Coolum identified as the Village Centre
- the proposal will not fragment the Coolum Village, and will not create a focus away from the main village centre because of the different role it plays to the subject site and the difference in the nature of uses
- the proposal will re-capture expenditure that is currently lost from Coolum Beach as a consequence of the area being poorly served by hardware stores
- the proposal will not impact the casual, seaside village character of Coolum
- the proposed Bunnings warehouse is a good match for Coolum and appropriate to the needs of the Primary Trade Area (local catchment)
- Coolum can viably host a Bunnings store

- the Code for Town and Village Centres is not applicable to the proposal and, therefore, the maximum 1000m² gross floor area requirement does not apply.

Some of the arguments put forward by the applicant have merit. As discussed in this report, there is clearly an aspiration in the Maroochy Plan 2000 for some form of commercial development on the site and for the subject site to play a different role for Coolool residents than the role played by the Village Centre Precinct. However, it is the heavy qualifiers the planning scheme places on that aspiration that the proposed Bunnings store is unable to meet, mainly to do with scale, trade catchment area and compatibility with the existing and desired character for Coolool to remain small and local and served by lower order retailing only.

Council's economic expert agrees the proposal will not have a significant impact upon the higher order centres at Maroochydhore, Nambour or Sippy Downs. This point is not in dispute for the proposal.

Council's expert also agrees with the applicant that, if approved, there would be benefits to the community with regard to improved range, price and convenience. These benefits are described as "significant" by council's expert. However, it must be remembered that community benefits relating to the improvement of consumer choice will exist for any new commercial development proposal, regardless of where it is and whether it fits within the planning for the local area. In this case, the planning scheme explicitly provides in Volume 3, Section 3.11.2(2)(a) that *"the residents of Coolool have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity"*. Thus, while community benefits would result from improved consumer choice, those benefits are not as valuable to Coolool residents as maintaining local character and identity. For this reason, there are not considered to be sufficient grounds in the public interest to justify the development despite the planning scheme conflicts.

Land Use and Works Provisions

The following codes that regulate land use and design are applicable to this application:

- Code for Town and Village Centres
- Design Code for Community Safety and Security
- Landscaping Design Code
- Transport, Traffic and Parking Code
- Operational Works Code
- Integrated Water Management Code
- Waste Management in Commercial and Community Uses Code
- Service Stations and Car Washing Stations Code
- Code for Reconfiguring Lots
- Siting and Design of Advertisements Code

The application has been assessed against each of the above applicable codes and, with the exception of both the Code for Reconfiguring Lots and Code for Town and Village Centres, is found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Code for Town and Village Centres	The Code for Town and Village Centres applies to the development in that the application is Impact Assessable and, therefore, subject to assessment against the whole of the planning scheme to the extent relevant.

Code	Discussion
	<p>Acceptable Measure A1.1 of Element 1 of the Code is considered relevant to the proposal and stipulates that <i>“any premises used for commercial purposes and having a gross floor area of over 1000m² are located only in a Town Centre Core or Town Centre Frame precinct.”</i></p> <p>The proposed Bunnings Warehouse building would be used for commercial purposes and comprise a gross floor area of 8,600m²; but is not proposed within a Town Centre Core or Town Centre Frame precinct (rather within the Master Planned Community precinct). As such, the proposal must demonstrate compliance with Performance Criteria P1 which requires that <i>“premises must be of a type and scale consistent with the desired character of the Precinct and locality in which it is situated”</i>.</p> <p>Town Centre Core and Frame precincts include locales in Maroochydore, Nambour, Sippy Downs, Mooloolaba and Kuluin and are intended to provide for higher order and intense retail, commercial, community, civic and entertainment uses in Major Activity Centres and Major Tourist Nodes.</p> <p>As detailed in the above assessment section of this report, the proposed Bunnings store does not meet the intent of the Coolum West Gateway precinct and Coolum Beach planning area because it:</p> <ul style="list-style-type: none"> • is disproportionately sized for Coolum • would perform much more than just a local role • would compete with other stores that are already appropriately located within Council’s planning framework, and • would not provide an essential community service such as government or sport and recreational facilities for Coolum. <p>It is thus considered that the proposal is in conflict with Performance Criteria P1 of the Code for Town and Village Centres in that the proposal is not of a type and scale consistent with the desired character of the precinct and locality in which it is situated.</p>
Landscaping Design	<p>Council’s landscape specialist advises that the proposal complies with the Code for Landscaping Design. The key issue for assessment is the landscape buffer/screen to the Sunshine Motorway to which the planning scheme requires a 40m wide vegetated buffer (and 20m to other state-controlled roads including Yandina-Coolum Road).</p> <p>The applicant proposes a continuous 20m wide buffer to the Sunshine Motorway, and approximately 40m to Yandina-Coolum Road. Council landscape officers are confident that, with correct plant species (which can be imposed through conditions), a viable screen could be established to screen the proposed building within the buffer width proposed. It should be noted that vegetation screens like this require time to achieve the required size to appropriately screen the associated development.</p>

Code	Discussion
	<p>Council have successfully conditioned many vegetated buffers for commercial and residential development which adjoin state-controlled roads, including:</p> <ul style="list-style-type: none"> • Kawana Way vegetated buffer adjacent to Brightwater Estate • Frizzo Road vegetated buffer adjacent to Palmview Forest Estate • Mooloolah Connection Road vegetated buffer to screen the sand mine. <p>If an approval were to be granted, a condition is recommended that all landscape buffers adjacent to the Sunshine Motorway and Yandina-Coolum Road are amalgamated into the main Bunnings allotment (proposed Lot 1). This provides full maintenance responsibility to Bunnings and makes compliance easier to manage if vegetation is fragmented/removed to allow sight lines to signage etc.</p> <p>Landscaping proposed along the Barns Lane frontage has exceeded the 2m code requirement. The proposal includes a 5m wide landscaped frontage within the site, as well as street trees to the Barns Lane road reserve. The opportunity exists to further condition works (as a community benefit) to landscape small areas of turf in front of the school on Barns Lane, as well as provide street trees along the Yandina-Coolum Road to the roundabout.</p> <p>A selection of appropriate shade and screening trees can be conditioned as part of the internal landscape for the car park.</p>
Transport, Traffic and Parking	<p>Council's engineering specialists advise that the proposed development complies with the Code for Transport, Traffic and Parking. The following comments are provided:</p> <p><u>Pedestrian Connections</u> A shared pathway on Barns Lane is proposed to provide pedestrian and off-road cycle access to the site, connecting with the existing path adjacent to the Coolum State School set-down and bus stop area in the existing Barns Lane cul-de-sac. The proposed pathway also allows parents picking up children from the Coolum State School to park within the subject site and walk to the school during peak times.</p> <p><u>External Road and Street System</u> Vehicle access to the development is proposed via Barns Lane to Yandina-Coolum Road at an existing signalised intersection. The traffic signals were constructed as a condition of a previous development approval on the site, which has since lapsed. Yandina-Coolum Road is a State-controlled road. The Department of Transport and Main Roads has identified that operation of the current signalised intersection with the proposed development is acceptable but has conditioned that the adjacent Yandina-Coolum Road/School Road/South Coolum Road roundabout be upgraded by the applicant to improve traffic capacity. The upgrade involves increasing the size of the roundabout so that two approach lanes can be provided on both the Yandina – Coolum Road (eastern and western) intersection legs. Two approach lanes on the southern (South Coolum Road) leg,</p>

Code	Discussion
	<p>as recently implemented by Council, would be retained. The applicant's traffic report submitted as part of the application advises that such an arrangement mitigates the impacts of the proposed development on this intersection.</p> <p><u>Upgrades to Barns Lane</u> The existing Barns Lane carriageway along the frontage of the site is proposed to be upgraded to an urban road standard. Because there are presently no other uses on Barns Lane, staff and parents associated with the Coolum State School currently use cleared and levelled parts of the road reserve near the school as an informal car park. This would be removed as Barns Lane is upgraded and traffic generated by the development uses the road. Some formalised parking along the school frontage of Barns Lane is proposed to be incorporated into the road upgrade. If an approval were to be granted, it is recommended that the applicant be required to construct a new school parking and set down area within the Barns Lane road reserve but offline from the main carriageway and Bunnings entrance driveways. Council's engineers have reviewed this matter and believe that an acceptable design for an offline parking and set down area could be achieved.</p> <p><u>Site Access</u> The proposed development is to be provided with 3 access points from Barns Lane. Council engineers are satisfied that all proposed access points, sight distances, driveways and queuing arrangements could, subject to conditions, be located and designed in accordance with Council requirements.</p> <p><u>Cyclist Facilities</u> The applicant submits that several areas within the parking area are of suitable size to accommodate the required bicycle parking – spaces have not been shown on the proposal plans.</p> <p>Shower, change room and locker facilities are proposed for Bunnings staff in an amenities area located within the proposed mezzanine staff facilities area.</p> <p><u>Car Parking</u> Car parking spaces for the proposed development are as follows:</p> <ul style="list-style-type: none"> • Bunnings Warehouse – 186 • Service Station – 15 • Convenience Restaurant – 38. <p>Council's specialist engineer has advised that an adequate car parking quantity has been provided to the proposed development. If an approval were to be granted, appropriate conditions for parking quantity (disabled users, visitors, staff and service vehicles) would be recommended in compliance with Australian Standard AS2890.</p> <p><u>Service Vehicles</u> The applicant submits that the proposal has been adequately designed for the servicing requirements of the proposed development. As part of the applicant's submitted traffic impact assessment, a drawing was provided demonstrating that a 19m</p>

Code	Discussion
	articulated vehicle (fuel delivery vehicle) can stand along the southern boundary of the proposed Service Station, clear of the vehicle access on Barns Lane and the fuel canopy, enabling unobstructed access.
Integrated Water Management	<p>Council's specialist hydrologist has advised that the proposed development complies with the Code for Integrated Water Management. The following comments are provided:</p> <p><u>Flooding</u></p> <p>The site is subject to flooding from the Maroochy River. It has previously been filled to bring the majority of it above the 100 year ARI flood level. This filling has been done lawfully under earlier Operational Works approvals. It is understood that the filling resulted in some loss of floodplain storage and some very minor offsite impacts on peak flood levels during the critical 36 hour 100 year ARI event.</p> <p>The site is located in a critical section of the floodplain where floodwaters from the Maroochy River floodplain enter the nearby Stumers Creek. The significance of this flow from the Maroochy floodplain to Stumers Creek is critical as it is one of only two locations where the Maroochy River discharges to the ocean, the other being the Maroochy River mouth. Any change to the landform on the site which changes the distribution of flow between the Maroochy and Stumers Creek catchments cannot be permitted.</p> <p>A flood assessment report dated 26 April 2006 was submitted in support of the original fill platform. This report assessed flood impacts associated with filling of the lot to within 6 metres of its northern and western boundaries and 20 to 30 metres of its southern boundary. There was an acknowledgement in the 2006 report that filling in close proximity to the southern boundary would cause flood impacts. The subject application now proposes development to be contained within the existing fill platform so that no offsite flood impacts will result.</p> <p>Although access to the site is not possible by car during a 100 year ARI flood event and is inundated during a probable maximum flood, it is not a high risk scenario because:</p> <ul style="list-style-type: none"> • The site is not subject to flash flooding. The Maroochy River at Coolum has a long response time to peak flood levels occurring. Sufficient warning time can be given to evacuate the site. • The length of road inundated by floodwaters is very short, meaning that the evacuation route is very short. • No persons will be living on the site. <p>If an approval were to be granted, flooding related conditions can be applied to achieve compliance with the Code.</p> <p><u>Stormwater Quality and Lawful Point of Discharge</u></p> <p>The site is proposed to be graded to the south with discharge to an existing table drain in the Coolum-Yandina Road reserve. Analysis indicates that this table drain has very little grade but drains to the north then under the Sunshine Motorway to discharge to the west</p>

Code	Discussion
	<p>through cane drain over which there is no easement. The land which contains these cane drains is initially owned by the Department of Main Roads and is then under private ownership.</p> <p>There is no detention requirement in order to mitigate against any increase in peak flood levels. However, non-worsening must be demonstrated for the local catchment.</p> <p>The applicant has proposed stormwater detention so that peak flows from the development are mitigated to existing rates. Given that the site eventually discharges to a cane drain this approach is necessary because the cane drains are sensitive to any changes in the way in which local catchment stormwater is discharged to them.</p> <p>Large underground detention tanks are proposed by the applicant. However, there are issues with the current design in that detention is proposed to be poorly distributed around the site such that each of the proposed development lots are reliant on each other for stormwater detention. This matter would be required to be resolved if an approval were to be granted.</p> <p><u>Stormwater Quality/Water Sensitive Urban Design (WSUD)</u> Stormwater is proposed to be treated to meet current best practice load based reduction targets. This is proposed to be achieved utilising two end-of-line bio-retention basins and Council's hydrology specialist advises that the design is now satisfactory, subject to resolution of some matters to do with how the basins are distributed among the proposed development lots with suitable access to them.</p>
Waste Management in Commercial and Community Uses	Council's specialist environmental health officer has advised that sufficient waste storage facilities have been provided for the proposed development which is readily accessible for Waste Collection Vehicles (WCVs). If an approval were to be granted, conditions could be applied which would ensure that waste storage and servicing would be safe, convenient and not impact upon amenity.
Service Stations and Car Washing Stations	<p>Notwithstanding the discussion in this report about the appropriateness of the land use, the following comments are provided in relation to demonstrating compliance with the design requirements of the Code for Service Stations and Car Washing Stations:</p> <ul style="list-style-type: none"> • The site is of a suitable area, frontage dimension, provided with appropriate vehicle crossings and can achieve appropriate landscaping. • The proposal could be conditioned to provide fuel pumps and inlets which are located in accordance with AS1940 "<i>The storage and handling of flammable and combustible liquids</i>". • The proposed 163m² ancillary retail floor area exceeds the preferred maximum of 150m². However, the non-compliance is considered to be minor and not anticipated to impact on the viability of the preferred distribution of Centres. In the event of approval, the proposal could be conditioned to comply if determined necessary. • Council's environmental health specialist advises that

Code	Discussion
	<p>sufficient waste storage facilities have been provided for the proposed development, readily accessible for Waste Collection Vehicles (WCVs). In the event of approval, conditions can be applied which would ensure that waste storage and servicing will be safe, convenient and not impact upon amenity.</p>
Code for Reconfiguring Lots	<p>The proposed reconfiguring a lot component of the application is not recommended for approval at this stage, even if Council were to approve the proposed land uses.</p> <p>The application proposes to subdivide the site into 3 allotments, whereby proposed Lot 1 and 3 are intended to accommodate 'proposed future development' not subject to this application. Any development within these allotments would be subject to future development applications assessed against the <i>Sunshine Coast Planning Scheme 2014</i>. Under the 2014 planning scheme the site is zoned Rural and located outside of the Urban Growth Management Boundary. Any subdivision of the site at this stage would create "development ready" allotments that are not able to be developed due to planning restrictions. In this way, the proposed subdivision is considered premature.</p> <p>A better approach would be, if Council were to approve the proposed land uses, for a strategic planning exercise to be undertaken by Council to determine whether development of the balance parts of the site should be contemplated and, if so, in what way. Until that exercise has occurred it would be unwise to approve the fragmentation of the balance land into development ready lots that might prejudice a future planning direction taken by Council.</p> <p>Until then, the proposed subdivision is considered to conflict with the Code for Reconfiguring Lots, which requires that "<i>Lot size and dimensions are consistent with the desired character of the precinct in which the lot is situated,</i>" (Element (2), P1) and "<i>Lot reconfiguration facilitates the creation of safe, convenient, functionally efficient and attractive environments, which are consistent with the desired character of the precinct in which the development site is situated</i>" (Code Purpose, item (a)).</p> <p>This approach is also consistent with the intent for the Coolum West Gateway Precinct, which states that "<i>Council considers that a Local Area Master Plan, overall master plan or other Development Plan for this precinct is required if the precinct were to be redeveloped</i>". It is further reinforced by the General Intent statements for the Master Planned Community precinct class, where it provides that "<i>Development which may prejudice the implementation of preferred future infrastructure servicing or land use activities is not intended</i>".</p>
Siting and Design of Advertisements	<p>The proposed development generally complies with the Code for the Siting and Design of Advertisements.</p>

Code	Discussion
	<p>The proposal seeks a total of ten signs, nine of which relate to flush wall signs attached to the north, south and eastern facing walls of the proposed Bunnings building. A single freestanding pylon sign is also proposed to be located in the site's south-eastern corner, advertising the proposed Bunnings Warehouse.</p> <p>The pylon sign is proposed to be 7m high, 2.4m wide and comprise a sign face area of 6m². The flush wall signs are proposed to comprise a combined sign face area of 362.5m².</p> <p>The key item of non-compliance is in regard to Acceptable Measure A2.1 of Element 3, which requires that no more than four flush wall signs are to be provided per site. The application instead proposes nine signs. Notwithstanding, the proposal is considered to still comply with Performance Criteria P2 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed flush wall signs are considered to be proportional to the building on which they are to be placed and not contribute to visual clutter. • The proposed flush wall signs have been designed such that they are complimentary to the proposed Bunnings Warehouse in terms of height and width • The majority of proposed flush wall signs have been removed from the western building elevation facing the Sunshine Motorway. <p>However, if an approval were to be granted, it is recommended that conditions be imposed to remove the proposed signage on the southern building elevation (facing Yandina-Coolum Road and its intersection with the Sunshine Motorway). These signs are considered unnecessary and face a direction that is intended to be fully screened by buffer landscaping. Allowing signage on this building elevation may create an undesirable incentive (over time) for the store operator to modify landscaping such that the signage is visible to the Motorway and Yandina Coolum Road for advertising purposes.</p>

Special Management Areas

The following special management areas are applicable to this application:

- Acid Sulfate Soils (Area 1: Land at or Below 5m AHD)
- Possible Bushfire Prone Areas (Low Hazard & Medium Hazard)
- Flood Prone Land (Flood Prone Area)
- Steep Land (15-20% and less than 15% slope)
- Wetlands Buffer (Within 100m buffer of a Wetland)
- Airports (Obstacle Limitation Surface – 154.6)

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

Code	Discussion
Code for Assessment and Management of Acid Sulfate Soils	<p>Council's environmental health specialist has advised that, while acid sulfate soils (ASS) may potentially be disturbed as a result of excavation works, this is considered to be a minor risk as the majority of the site has already been filled.</p> <p>Excavations for services and underground petrol tanks may encounter ASS, to which an investigation and management plan would be required to be provided at Operational Works stage prior to any works commencing. It is noted that this was previously a requirement of the Court and would be carried through as part of this development if an approval were to be granted.</p>
Code for Development in Bushfire Prone Areas	<p>The site is mapped as a low and medium on the bushfire hazard overlay and thus triggers the Code for Development in Bushfire Prone Areas.</p> <p>Council's specialist ecologist advises that although a portion of the site is contained within a mapped medium bushfire hazard area (along the frontage of Barns Lane) the application meets the requirements of the Code. The site design allows for a separation distance of more than 1.5 times the height of the neighbouring vegetation insofar as the proposed buildings are set back behind the proposed car park and the Barns Lane road corridor. The road network to and from the development allows easy access for fire-fighting and other emergency services. If an approval were to be granted, a requirement to prepare a site bushfire evacuation plan could be imposed by conditions of approval.</p>
Code for Waterways and Wetlands	<p>The application triggers the Code for Waterways and Wetlands due to its proximity to a mapped significant coastal wetland. Acceptable measure A1.1 requires a 100m buffer to the wetland.</p> <p>Council's specialist ecologist advises that while the proposal does not achieve a 100m vegetated buffer to the perimeter of the significant coastal wetland, the very nature of the land parcel which is separated from the wetland by Barns Lane (which is a wide road corridor) creates a sufficient separation buffer from the wetland. The application proposes standard practice water quantity and water quality solutions to prevent off site releases of nutrients and stormwater flows, together with stabilisation and landscaping along the frontage of the site to Barns Lane.</p>

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

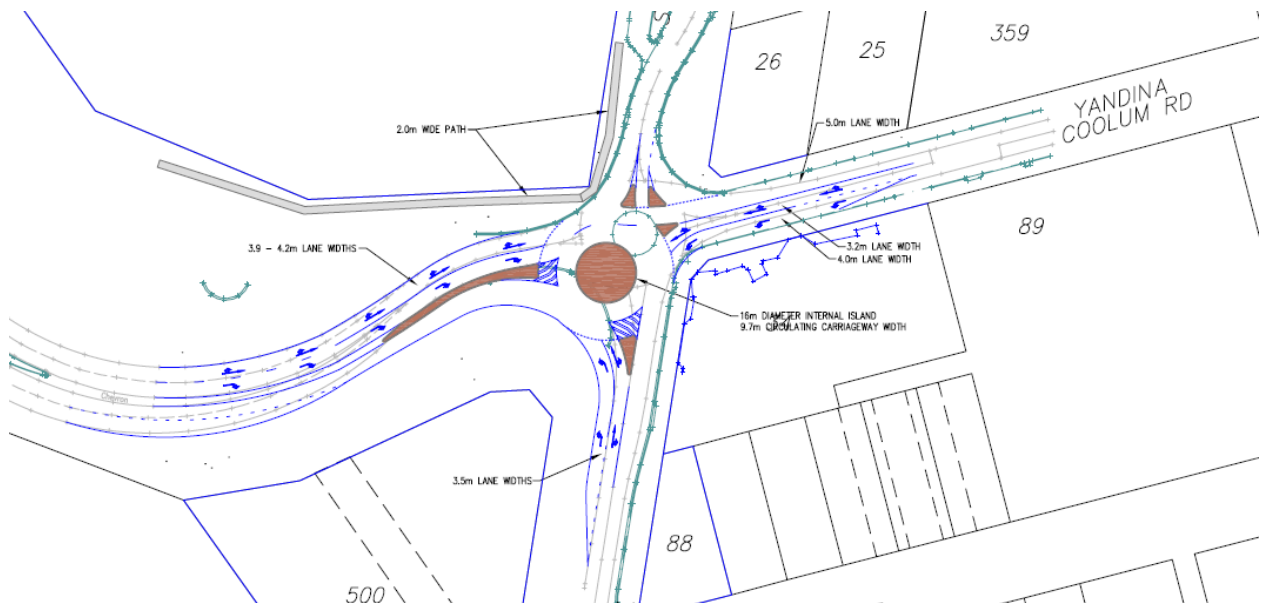
Concurrence

Department of Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency for State controlled road matters as well as development impacting on State transport infrastructure. The department responded by

letter dated 11 August 2015 stating that the development is supported subject to conditions, the key items of which are summarised as below:

- development must be carried out generally in accordance with the plans approved by the department
- the Yandina-Coolum Road, School Road, South Coolum Road roundabout must be upgraded such that the central island is realigned in a south west direction with 2 departure lanes on each leg (refer figure below)
- the site must not be accessed directly from the Sunshine Motorway or Yandina-Coolum Road.



Other Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Ecology Specialist, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit
- Traffic Engineering, Engineering and Environment Assessment Unit

The application was also forwarded to the following internal council Branches for comment:

Social Policy

Because the Coolum West Gateway precinct provisions refer to an indoor sports centre and also a "possible "government facility" node housing ambulance, police, fire and other necessary functions serving Coolum Beach and beyond", the application was referred to council's Social Policy Branch to determine if there is a current need for council to secure additional land for community facilities or open space at this location.

Council's Senior Social Policy Officer responded advising the adopted Open Space Strategy and the Social Infrastructure Strategy have not identified the need for land at the subject site for the purposes of Open Space or Social Infrastructure.

Economic Development Branch

Council's Economic Development Branch advised that it is broadly supportive of the proposed redevelopment of the site. Support was also given to the findings of council's independent economic assessment.

Economic Development Branch advised that even a smaller Bunning store of 5,850m² would result in an estimated 70 additional retail jobs delivering a broader total economic impact of approximately \$15M per year and 113 ongoing jobs, according to economic modelling.

The Branch is broadly supportive of the applicant's proposition that the development would not have significant impacts on other higher order centres, nor compromise the role of Coolum Beach and its intended function. However, it was stated that a smaller store size of 5,850m² is better matched to the role and function of Coolum within the overall centre hierarchy and relevant trade area catchments.

Strategic Planning Branch

Council's Strategic Planning Branch advises that, as a result of the nature and scale of the proposed Bunnings Warehouse, the proposed development is expected to service a catchment area that is well beyond the immediate area of Coolum Beach and is likely to have an adverse impact on the local hardware and related specialty stores in Coolum Beach and Peregian Beach as well as other large format hardware stores in Noosaville and Maroochydore.

The Branch advise that this is inconsistent with the *Maroochy Plan 2000* provisions, in particular the intent of the Coolum West Gateway (Master Planned Community) Precinct, the intended role and function of the Coolum Beach Village Centre and the overall intent and desired character of the Coolum Beach Planning Area, which is intended to:

- provide a scale of development that maintains the casual, seaside village character of the planning area and a level of service that meets the day-to-day needs of the residents and visitors to the immediate catchment area of Coolum Beach
- not compete with the range of goods and services in the Coolum Beach Village Centre
- not serve a district or higher order function or compete with higher order centres.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 816 properly made submissions and 72 not properly made submissions were received. Of the total properly made submissions, 792 were against, 4 were for and 20 were neutral in regards to the proposed development.

Of the 816 submissions received, a total of 722 were in the form of a template proforma letter, some with additional information added to the standard text.

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

Issues	Comments
AGAINST	
Planning	
Changing the planning scheme	The application is for a Development Permit for Material Change of Use, Reconfiguring a Lot and Operational Works to be assessed against the superseded <i>Maroochy Plan 2000</i> (the planning scheme). It does not propose to change the planning scheme.
Proposed Bunnings does not comply with the definition for Showroom	Although there are some characteristics of Bunnings that might better fit into the definition of a “Shop”, the overall operation of a Bunnings store as primarily a trade showroom with sale of many bulky goods has been accepted by staff to constitute a “Showroom” for the purpose of assessment in this instance.
<p>Proposed development conflicts with the following provisions contained with Volume 2 (Strategic Plan) of the Maroochy Plan 2000:</p> <p>Section 4.3.3 (Village Centres – dot point 7)</p> <p><i>“Development within a Village centre which fragments the centre or creates a focus away from the established centre in that locality will not be supported”</i></p> <p>Section 2.6 (2)(g)</p> <p><i>“Implement and support Council’s Sports Strategy Plan and Open Space Strategy which provide mechanisms to achieve useable open space for recreational or sporting purposes.”</i></p>	<p>A Bunnings Warehouse of the scale proposed is considered would create a focus away from the established centre. Further discussion regarding this item is provided in the above assessment section.</p> <p>Council’s Social Policy Branch have advised that the adopted Open Space Strategy and Social Infrastructure Strategy has not identified the need for this land at the site.</p>
<p>Proposed development conflicts with the vision statement for the Coolum Beach Planning Area, specifically:</p> <p><i>“Coolum Beach will remain a casual, seaside village serving local retail, business, dining and entertainment needs only.”</i></p> <p><i>“The residents of Coolum have indicated they are prepared to forgo the provision of higher order and larger scale retail and commercial services in order to maintain local character and identity.”</i></p> <p><i>“The Coolum Beach township will continue to develop as an attractive</i></p>	It is agreed the development would conflict with these provisions, for the reasons explained in this report.

Issues	Comments
<i>coastal village, with a growing number of boutique eateries, shops and tourist facilities."</i>	
Proposed development fails to demonstrate compliance with the intent of the Coolum Beach Planning Area, specifically the Coolum West Local Centre (4) Intent.	The site does not form part of the Coolum West Local Centre precinct. Rather it forms the Coolum West Gateway precinct.
Quanda Road industrial estate (Coolum Eco Industrial Park) is a better suited location.	It is agreed there are other locations within the Sunshine Coast region that would be better suited for a large scale Bunnings store. The proposed Bunnings is not identified in the planning scheme as a consistent use in the industrial zoned land at Quanda Road.
Bunnings take up too much room	The proposed development would comprise a total site cover of only 13.5%. The planning scheme does not specify a maximum site cover/plot ratio for the particular planning precinct, rather containing statements of intent which restrict the scale and intensity of development on the site in order to retain local character and identity. The proposal is considered not to achieve these outcomes for the reasons explained in this report.
Council have previously rejected previous Bunnings applications	Each application is assessed on its merits and, therefore, earlier planning decisions are not directly relevant to the current assessment.
Proposal does not comply with the <i>Sunshine Coast Planning Scheme 2014</i>	The application must be assessed against the superseded <i>Maroochy Plan 2000</i> . Council's assessment is bound to the <i>Maroochy Plan 2000</i> only.
The proposed development will create a risk to safety for parents and children of Coolum State School.	Any approval of the proposed development could be conditioned to provide a satisfactory standard of traffic, parking and pedestrian upgrades to ensure safety to other users of Barns Lane.
'Rezoning' of the site is not in keeping with the planning scheme.	The application does not propose to 'rezone' the land.
The site is better suited for 'holiday apartments with cafes and shops underneath'	Multiple Dwelling Units, Restaurant and Shop are not identified as consistent land uses for the Coolum West Gateway (Master Planned Community) precinct.
Council should purchase the site and construct a park or half park/half reserve	Council's Social Policy Branch have advised that the adopted Open Space Strategy and Social Infrastructure Strategy has not identified the need for formal parkland in this location.
It is inappropriate to locate a 'convenience [fast food] restaurant' next door to the Coolum State School	There are no provisions of the planning scheme that require separation of convenience restaurants from schools.

Issues	Comments
The proposed development does not represent a community benefit	As explained in this report, there are likely to be benefits to the local community as a result of increased consumer choice. However, these benefits are not considered sufficient to justify an approval in this case.
A Bunnings warehouse is not a consistent use for the site	<p>The proposed Bunnings store has been accepted under the definition of a 'Showroom' under the <i>Maroochy Plan 2000</i>.</p> <p>While the local precinct provisions refer to the potential establishment of showrooms on the subject site, it is the proposed scale and trade catchment area of the development that makes the use inconsistent with the planning scheme in this case.</p>
Traffic	
Increase in traffic will cause congestion on nearby road network	<p>Both the Sunshine Motorway and Yandina-Coolum Road are State-controlled roads and thus under the jurisdiction of the State Government (Department of Transport & Main Roads).</p> <p>The application was referred to the State Assessment Referral Agency (SARA), from which conditions were imposed by the State that require the applicant to upgrade the Yandina-Coolum Road/School Road/South Coolum Road roundabout to improve traffic capacity via increasing the size of the approach to 2 lanes on both eastern and western legs.</p> <p>The applicant's traffic impact assessment advises that such an arrangement mitigates the impacts of the proposed development on this intersection.</p>
The proposed development will remove the ability to park at the Coolum State School	<p>Barns Lane currently provides an informal surplus parking area for users of the Coolum State School.</p> <p>The applicant proposes to upgrade Barns Lane along the full frontage of the site, to include a parking lane on the eastern side of the road (roughly where Coolum State School surplus parking occurs). The applicant also proposes to provide 239 parking spaces.</p> <p>If Council were to approve the application, it would be possible to require construction of a new separate school parking and set down area within the Barns Lane road reserve but offline from the main carriageway and Bunnings entrance driveways.</p>

Issues	Comments
Tanah Street will see an increase in traffic movements as a result of the proposed development, causing potential impacts to residents safety.	<p>Tanah Street is identified as being a District Collector street on Council's road hierarchy mapping, and is located approximately 2.5 kilometres south east of the site.</p> <p>It is not expected that Tanah Street will experience a noticeable increase in traffic movements as a result of the proposed development.</p>
The applicant's traffic impact assessment did not properly analyse peak hour traffic volumes.	The applicant's traffic impact assessment was reviewed by the Department of Transport & Main Roads in their role as concurrence agency for the development.
The proposed upgrades to the School Road/Yandina-Coolum Road/South Coolum Road intersection would result in faster vehicle movements. In combination with the above point, the proximity of the existing pedestrian footpath to the road would increase the risk of safety to children attending the Coolum State School.	<p>Yandina-Coolum Road is a State-controlled road and thus under the jurisdiction of the State Government (Department of Transport & Main Roads).</p> <p>It is the Department's responsibility to assess traffic and pedestrian safety as a result of any proposed upgrades to the State road network.</p>
Economics	
There are existing service stations in close proximity to the site	Staff concerns about the proposed Service Station are more about the role it would play attracting non-local traffic from the Sunshine Motorway and, therefore, contributing to the site becoming a 'destination' node and not serving the immediate catchment area only.
Existing businesses will not be able to compete with the proposed development	This is a concern for the reasons stated in this report. Given the planning scheme does not envisage a showroom having the characteristics of the proposed Bunnings, the likely impacts of up to 25% on existing retailers within the trade catchment area is a relevant consideration.
Lack of need for proposed development	As explained in this report, there are likely to be benefits to the local community as a result of increased consumer choice. However, these benefits are not considered to cause sufficient need to justify an approval in this case.
Viability of proposed development given existing Bunnings in Noosaville and Maroochydore	The likely trade success and viability of a new Bunnings store in Coolum is a matter for the applicant.
Retention of 'village atmosphere' to maintain the tourism industry	The proposed development would be out of character with the planning scheme's vision for Coolum to remain small scale with a casual, seaside character.
<p>A Bunnings warehouse would result in an oversupply of home improvement retail floor space and that the population of Coolum is not large enough to sustain such a development.</p> <p>The proposed development will cause</p>	Council's economic expert anticipates the impact on other traders within the catchment area to be in the order of -15% to -25%. Council's expert considers the proposed Bunnings would cause trading difficulties for existing retailers.

Issues	Comments
local businesses to close, resulting in a loss of 'specialty' products which a Bunnings warehouse will not stock.	
The planning scheme limits commercial development to 1,000m ² in the Coolum township, to which the proposal significantly exceeds and is thus expected to compete with.	The proposal conflict with Acceptable Measure A1.1 of Element 1 and the associated Performance Criteria of the Code for Town and Village Centres where it stipulates that <i>"any premises used for commercial purposes and having a gross floor area of over 1000m² are located only in a Town Centre Core or Town Centre Frame precinct."</i>
<p>The proposed Service Station and Convenience Restaurant would intercept travelers and take business away from the Coolum Village. It would also compromise the Strategic Plan in that:</p> <p>Section 3.5.6 (Implementation Point 1) To Provide for Retail Commercial and Service Industrial Activities Appropriate to Service the Residential Communities without Compromising Residential Amenity</p> <p><i>'Approval is only likely to be granted to development of retail, commercial and service uses which are to be located on a specific site (in a Centre Precinct or site specifically identified) and which offer a service only to local communities...'</i></p>	<p>The applicant's economic impact assessment submits that a new service station and convenience restaurant on the site is justified on the basis of consumer demand and standard rates of provision for the Primary Trade Area which would see sufficient demand by 2019 to support additional service stations.</p> <p>Notwithstanding, staff have concerns with the appropriateness of the proposed Service Station and Convenience Restaurant at this location and the role it would play in making the site a destination centre and not serving the immediate catchment only.</p>
A Bunnings Warehouse would reduce the value of properties in the surrounding area.	The planning scheme does not regulate development in terms of potential impacts on the value of land and property.
Visual Amenity	
Visual impacts of proposed development at entrance to Coolum.	Council's urban design specialist advises that the proposed Bunnings store does is not consistent with the preferred character and intent for the Coolum Beach planning area. This issue is discussed at length in this report.
The proposal conflicts with the intent of the Coolum Beach Planning Area in that it does not provide for <i>'an entry statement consistent with a casual, seaside village serving local retail, business...'</i> and that <i>'passing tourists/travellers will not be drawn into the Village by an entry such as this.'</i>	<p>The Coolum Beach Planning Area (Coolum West Gateway precinct) refers to an entry statement in the following way:</p> <p><i>"Provision should be made in this precinct for an entry statement which introduces the motorist to the Coolum Beach township. This entry statement could be in the form of a small park with appropriate signage."</i></p> <p>In the event of approval, Council could require a design which includes landscaping of the entry to</p>

Issues	Comments
	<p>Coolum Beach in accordance with the planning area intent.</p> <p>However, the presence of a service station and convenience restaurant could lead to the site becoming a small 'highway service centre', making the entry statement to Coolum Beach at odds with the planning scheme's preferred character statements.</p>
Environment	
<p>Proposed Bunnings warehouse will degrade the environment</p>	<p>The proposed development is to be located on a cleared site (as such would require minimal clearing of vegetation), and is not constrained by any identified waterways.</p> <p>Drainage from the proposed development has been designed such that there would be a 'non-worsening' outcome, and that current best practice load based reduction targets are able to be met.</p> <p>In terms of the mapped wetland buffer, Council's specialist ecologist has advised that the nature of the site allows for a separation buffer from the proposed development to the mapped wetland via Barns Lane. Further, the applicant proposes a water quantity and quality treatment system which is to prevent off site releases of nutrients and stormwater flows as well as long-term stabilisation and landscaping to the frontage of the site along Barns Lane.</p>
<p>The applicant's stormwater management plan does not address how contaminants associated with the proposed development will be managed, nor how <i>'scheduled water quality objectives will be maintained and the environmental values protected.'</i></p>	<p>Council's specialist hydrologist advises that the proposed stormwater quality treatment system is able to meet current best practice load based reduction targets.</p>
Environmental Health	
<p>The site is not a suitable location for a Service Station due to possible safety and health issues</p>	<p>The Code for Service Stations and Car Washing Stations does not require a separation distance to schools, only that facilities are no closer than 5m to any boundary of the site. Council's environmental health specialist advises that the site is of a suitable area, frontage dimension, provided with appropriate vehicle crossings and can achieve appropriate landscaping. It is also advised that any approval could be conditioned to provide fuel pumps and inlets which are located in accordance with AS1940 "The storage</p>

Issues	Comments
	<i>and handling of flammable and combustible liquids</i> ".
Increases in traffic will cause health issues as a result of increased CO2 emissions.	The planning scheme does not regulate health issues as a result of traffic related emissions.
Construction noise will impact on children attending the Coolum State School.	If Council were to approve the development, a Construction Management Plan would ordinarily be required at the time of obtaining Operational Works approvals. A Construction Management Plan would be required to include measures that mitigate impacts such as noise to surrounding land uses.
The location of the proposed Service Station and Convenience Restaurant in respect of the Coolum State School will encourage children to purchase 'junk food'.	The planning scheme does not regulate the location of Service Stations and Convenience Restaurants in relation to schools.
Miscellaneous	
Increased rubbish in surrounding streets and beaches.	The planning scheme does not regulate this issue.
Products offered are low quality, not locally sourced and put infrastructure at risk.	The planning scheme does not regulate product quality and source.
FOR	
Suitability of the Site	
Lack of environmental/topographical constraints.	It is agreed the site is largely cleared and topographically level and, therefore, presents limited environmental constraints to development.
Within an existing urban area with good exposure.	The site is located on the outer fringe of Coolum's urban area, surrounded for the most part by the Noosa National Park and cane lands. The site's frontage to the Sunshine Motorway and Yandina-Coolum Road provides potential for exposure.
Separation to adjacent roads.	The site has significant buffering to the Sunshine Motorway and Yandina-Coolum Road. These roads are under the control of the State and could potentially undergo road widening in the future.
Zoned Master Planned Community.	The site is zoned Master Planned Community under the <i>Maroochy Plan 2000</i> , and is identified as being potentially suitable for showrooms subject to the qualifying statements discussed at length in this report. The site's zoning under Maroochy Plan 2000 also supports indoor recreation, outdoor recreation and government facilities.
Close proximity to Coolum village centre.	The site is approximately 1.8km to the west of the Coolum Village Centre, and is not considered

Issues	Comments
	particularly proximate.
Designated 'Urban Footprint' under the SEQ Regional Plan.	<p>The site is designated as 'Urban Footprint' under the SEQ Regional Plan. However the provisions of the Regional Plan specifically provide that:</p> <p><i>"The Urban Footprint does not imply that all land included can be developed for urban purposes...."</i></p> <p><i>Land in the Urban Footprint may be unsuitable for urban development for other reasons, including constraints such as flooding, land slope, scenic amenity, and the need to protect significant biodiversity values.</i></p> <p><u>Local government planning schemes are the main instrument that will establish and refine the desired use of land and the preferred timing of development within the Urban Footprint."</u></p>
The site has a history of planning approvals	<p>The site's application history is provided in the background section of this report. Despite the history, there are no current approvals over the site.</p> <p>Each application must be assessed on its own merits.</p>
The land is a developed commercial site, not natural bushland.	It is agreed the characteristics of the site have changed in the recent past with filling and traffic lights installed, making the site more suitable for commercial development.
State Government	
The Department of Transport and Main Roads have supported the application.	<p>The Department is a concurrence agency for state controlled road matters as well as development impacting on state transport infrastructure.</p> <p>It is Council's jurisdiction as assessment manager to decide whether the proposal complies with the land use aspirations for the subject site.</p>
Centres Hierarchy	
The proposed development will not materially impact on the higher order centres such as Maroochydore, Nambour and Sippy Downs.	As explained in this report, this is not one of the matters in dispute.
<p>The proposed Bunnings Warehouse will capture 'escape expenditure' from the Coolum catchment and will not attract expenditure from outside the catchment.</p> <p>The proposed development will cater only to an existing established retail/service provider catchment.</p>	Council's third party economic expert has advised that the proposed Bunnings store would capture expenditure from a Primary Trade Area of Coolum Beach, Peregian Springs, Yaroomba, Peregian Beach, Mount Coolum, Marcus Beach, Point Arkwright, Valdora, Yandina Creek, Verrierdale, part of Maroochy River as well as 2 reference areas including the suburbs of Marcoola, Mudjimba, Twin Waters, Pacific

Issues	Comments
	<p>Paradise, Eumundi, Eerwah Vale, North Arm, Bridges, Ninderry, Yandina and Kulangoor.</p> <p>This large catchment area exceeds the intent expressed in the planning scheme for the site to cater to a local Coolum catchment only.</p>
<p>Previous similar developments did not attract the same level of concern from Council</p>	<p>The proposed development has different characteristics to the earlier approvals on the subject site, and similar characteristics to the more recent Bunnings application that was dismissed by the Planning & Environment Court in 2007.</p>
Economics	
<p>The population of the Coolum primary trade area has increased by 5,250 people and is expected to continue. At the same time, growth in hardware trade has increased – resulting in a need for additional hardware retailing options</p>	<p>Council's economic expert advises that the majority of Bunnings stores serve catchments of greater than 50,000 persons, with many servicing more than 100,000 persons. The population of Primary Trade Area is currently 28,000 persons and expected to increase to 32,000 by 2021.</p> <p>The expert also advises proposed development would likely cause trading difficulties for the hardware and similar specialist retailers in the catchment area.</p>
<p>Bunnings consistently demonstrate the provision of community benefit including providing construction and operational positions.</p>	<p>It is agreed the development would create jobs during its construction and operational phases, as it would for store proposed at any other location.</p>
<p>Bunnings will increase property value for Coolum.</p>	<p>The planning scheme does not regulate development in terms of potential impacts on the value of land and property.</p>
<p>A Bunnings on the subject site will reduce traffic congestion as customers/employees will not have to travel to Noosa or Maroochydore.</p>	<p>It is not considered likely that a Bunnings on the site would reduce overall traffic congestion as a result of shoppers not needing to travel to Noosa or Maroochydore. In any case, the Bunnings stores at Noosaville and Maroochydore were assessed with regard to their own traffic impacts and determined to warrant approval in each case.</p>
<p>A Bunnings Warehouse would attract new businesses to the Coolum area.</p>	<p>Whether or not new businesses would establish in the Coolum area as a result of Bunnings is unknown. However, Council's economic expert advises that Bunnings would have a negative impact on many existing traders.</p>
<p>Bunnings have a low impact on the environment and are a good corporate citizen.</p>	<p>It is agreed the development, subject to conditions of approval, would not have a significant impact on the environment. Whether or not Bunnings are a "good corporate citizen" is not relevant to the planning scheme assessment.</p>
Visual Amenity	
<p>The proposed development will allow the entrance to Coolum Beach to be</p>	<p>It is agreed that approval of the development would enable conditions to be applied requiring</p>

Issues	Comments
cleaned up and beautified.	new landscaping and tidy management of the site. However, as discussed in this report, the proposal is of an overall scale that would be out of character with Coolum Beach and, therefore, impact on visual amenity over the long term.
Community	
The majority of locals want the jobs and facilities that will be provided.	It is agreed the development would create new jobs and greater consumer choice for stocked goods. However, these benefits are not considered sufficient to justify the conflicts with the planning scheme as explained in this report.

CONCLUSION

The application seeks approval for a Development Permit for Material Change of Use (Showroom, Garden Centre and Restaurant, Service Station and Convenience Restaurant), a Development Permit to Reconfigure a Lot (1 lot into 3 lots) and a Development Permit for Operational Work (Placing an Advertising Device) on land at 39 Barns Lane, Coolum Beach.

While the intent for the Coolum Beach planning area and Coolum West Gateway precinct supports limited showroom development (subject to qualifiers on the scale and trade catchment of those showrooms), the proposed Bunnings store is not consistent with these provisions because it:

- is disproportionately sized for Coolum
- would perform much more than just a local role
- would compete with other stores that are already appropriately located within Council's planning framework and
- would not provide an essential community service such as government or sport and recreational facilities for Coolum.

In addition, the proposed Service Station and Convenience Restaurant would exacerbate non-compliance with the local planning provisions by potentially leading to the establishment of "highway service centre" entry statement to Coolum Beach and by drawing passing trade from the Sunshine Motorway, accentuating the non-local trade catchment of the development.

The proposed subdivision of the site into 3 allotments is considered premature until such time as Council decide to approve commercial development on the site and then perform further local planning work to determine the desired extent and configuration of any future commercial development. Any subdivision as a result of the subject application would create "development ready" allotments that are not able to be developed due to current planning restrictions that apply over the land through operation of the *Sunshine Coast Planning Scheme 2014*.

The development proposal is in conflict with the planning scheme, and community benefits that may arise from job creation and improved consumer choice for shoppers are not considered sufficient to justify an approval at this location.

The application is recommended for refusal.

8.1.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (SERVICE STATION) 55 CALOUNDRA ROAD, LITTLE MOUNTAIN

File No:	MCU15/0291
Author/Presenter:	Development Planner Planning and Environment Department Principal Development Planner Planning and Environment Department
Appendices:	App A - Conditions of Approval171
Attachments:	Att 1 - Proposal Plans193

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1721681>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Verve Building Design & Concepts
Proposal	<ul style="list-style-type: none"> • Development Permit for Material Change of Use (Service Station) • Development Permit for Operational Work (Engineering Works – Stormwater, Earthworks) • Development Permit for Operational Works (Advertising Devices)
Properly Made Date:	10/12/2015
Information Request Date:	15/01/2016
Information Response Received Date:	01/03/2016 (Concurrence Agency Response 24/03/2016)
Decision Due Date	25/05/2016 (2 nd 20 business days)
Number of Submissions	N/A (Code Assessable)
PROPERTY DETAILS	
Division:	2
Property Address:	55 Caloundra Rd, Little Mountain
RP Description:	Lot 1 RP 97821
Land Area:	1,672m ²
Existing Use of Land:	Commercial
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (3 August 2015)
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban Area
Planning Area / Locality:	Caloundra West Local Plan Area
Planning Precinct / Zone:	Specialised Centre Zone
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use for a Service Station, Operational Works for Engineering Works – (Stormwater, Earthworks) and Operational Works for Advertising Signage.

The application is before council at the request of the divisional councillor.

The application is assessed against the Sunshine Coast Planning Scheme 2014.

EXECUTIVE SUMMARY

The application seeks approval for a Service Station and ancillary facilities (including shop).

Under the provisions of the Sunshine Coast Planning Scheme, the proposed use is defined as a 'Service Station'. The subject site is included in the Caloundra West Local Plan Area in the Specialised Centre Zone. A Service Station in the Specialised Centre Zone is a Consistent Use and is subject to Code Assessment. The three primary codes relating to the proposed development are the Caloundra West local plan code, Specialised Centre zone code and the Service Station code. Generally the proposed Service Station complies with the codes or can be conditioned to comply.

Code Assessable applications do not require any public notification under the provisions of the *Sustainable Planning Act 2009*. However, the Service Station is immediately adjacent to existing residential uses, and council received correspondence from residents in the locality during the assessment, including a petition with 141 signatures against the proposal.

The Service Station code nominates specific acceptable measures for when a Service Station is located adjacent to existing residential uses. These requirements include a minimum 5m setback, restricted operating hours of 7:00AM-10:00PM, and a minimum 2m high acoustic fence.

The subject application proposes a setback of 1.5m and 24/7 operating hours. The applicant proposes alternative compliance to these acceptable measures and has provided additional supporting information including an Acoustic Report and associated recommendations (i.e. acoustic barriers).

Non-conformities with Acceptable Measures of the Service Station code where adjacent to sensitive residential uses are not supported. Council assessment has found that the acceptable measures of the Service Station code should be enforced in this instance to safeguard the residential amenity of the adjacent uses.

Council can condition compliance in this instance, specifically, that the proposed development maintains a 5m setback, the use is restricted to 7:00AM-10:00PM operating hours, and the acoustic barrier will be 3-4m high.

OFFICER RECOMMENDATION

That Council APPROVE With Conditions Application Nos. MCU15/0291 & OPW15/0787 for a Development Permit for Material Change of Use of Premises (Service Station), Development Permit for Operational Work (Engineering Works – Stormwater, Earthworks) & Development Permit for Operational Work (Advertising Devices) situated at 55 Caloundra Road Little Mountain, in accordance with Appendix A.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure. However, preliminary estimates indicate that credits received for the existing commercial floor area would likely outweigh any charges.

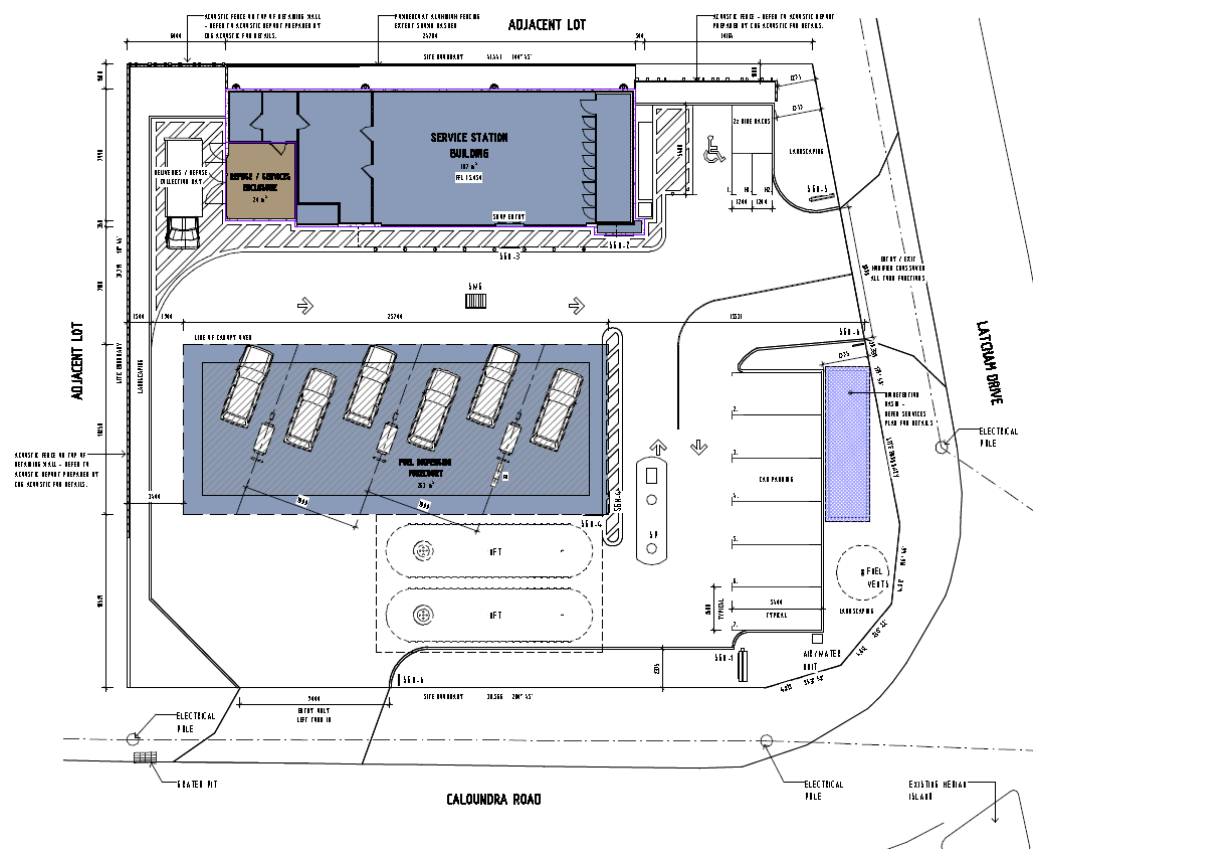
PROPOSAL

The application seeks approval for a Service Station with 6 fuelling bays and ancillary facilities, including vehicle manoeuvring, car parking for 7 vehicles, loading bays and waste storage areas, and a shop of 187m². Three fuel pumps under an awning, with an area of 263m², are proposed. Vehicle access is proposed from Caloundra Road (entry only left turn in) and Latcham Drive (Entry & Exit). A building is proposed with 187m² gross floor area which includes a sales area, service counter, office, food preparation areas, store room and toilet. A 20m² refuse storage area is located adjacent to the building. Proposed parking on the site includes 7 car spaces (including a disabled space), a service vehicle/ loading dock area, 2 motorcycle spaces and bike racks.

The application proposes that the building will be setback 1.5m from the northern boundary, and the awning over the fuel dispensing area will be setback 3.4m from the eastern boundary. Setbacks to the street frontage otherwise exceed 10m to Latcham Drive/Caloundra Road.

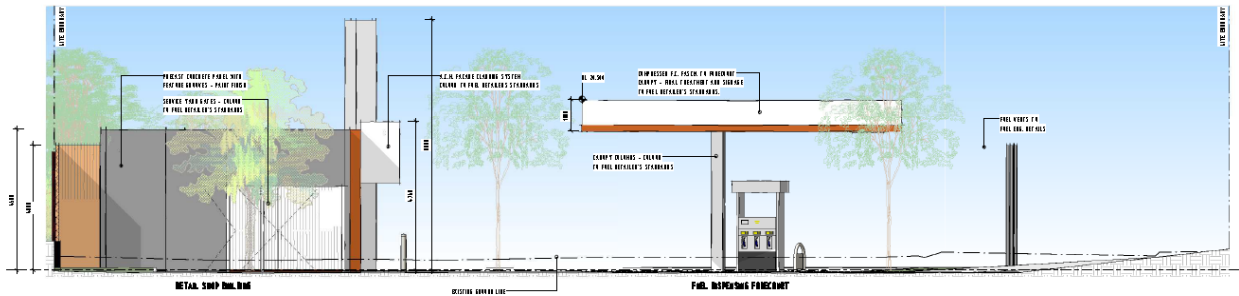
Fuel storage tanks are proposed to be located underground. Fuel vents are located in the south-western corner of the site near the Caloundra Road intersection. A landscape strip is proposed to the street frontages, generally 2-3m wide. The landscape strip includes a bioretention area near the proposed crossover to Latcham Drive.

The proposed arrangement is depicted in extracts of the proposal plans below:





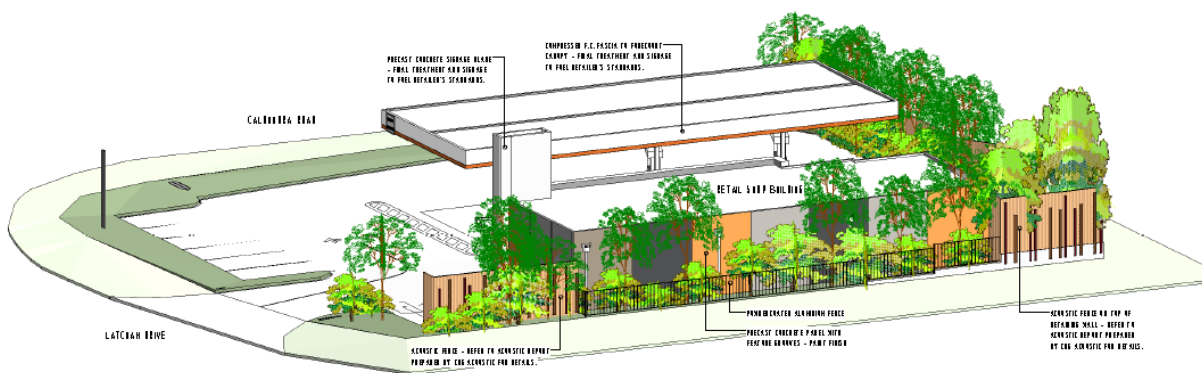
1 BUILDING NORTH ELEVATION
1:30



2 SITE WEST ELEVATION
1:30



1 SITE PERSPECTIVE 1
1:30



2 SITE PERSPECTIVE 2
1:30

Perspectives & Elevations

SITE DETAILS

Background/Site History

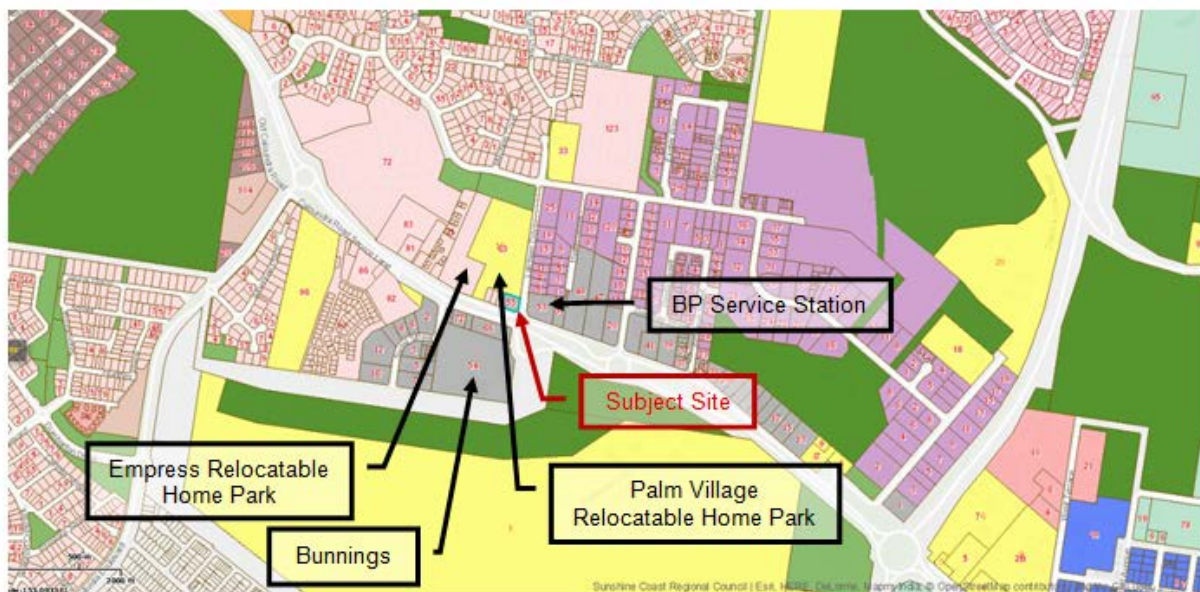
The site has historically been used for a range of commercial purposes. A summary of planning applications on council records is provided below.

Application No.	Decision and Date
1972/10029	Town Planning Consent Application to establish a General Store and Dwelling
1986/10005	Town Planning Consent Application to establish a Vehicle Showroom
1996/60005	Application to register an Existing Lawful Non-Conforming Use being a Vehicle Showroom
2004/56M0031	Material Change of Use to establish an Outdoor Sales Premise/Showroom/Caretakers Residence and Operational Works for Landscaping and Site Development

Site Description & Surrounding Land Uses

Site & Locality Description	
Road Frontage	Approximately 80m (Caloundra Road and Latcham Drive)
Existing Significant Vegetation	No significant or mapped vegetation
Topography	Generally flat; gentle slope towards Latcham Drive
Surrounding Land Uses	Residential (North and West) Commercial (East and South)

The site is located on the corner of Caloundra Road and Latcham Drive, Little Mountain. The area is a gateway to Caloundra from the Bruce Highway, and the site is located in a transition area from residential to commercial land uses.



Context of Subject Site



Aerial Photo of Subject Site (highlighted in blue) September 2015



Subject site viewed from opposite side of Caloundra Road (06/04/2016)



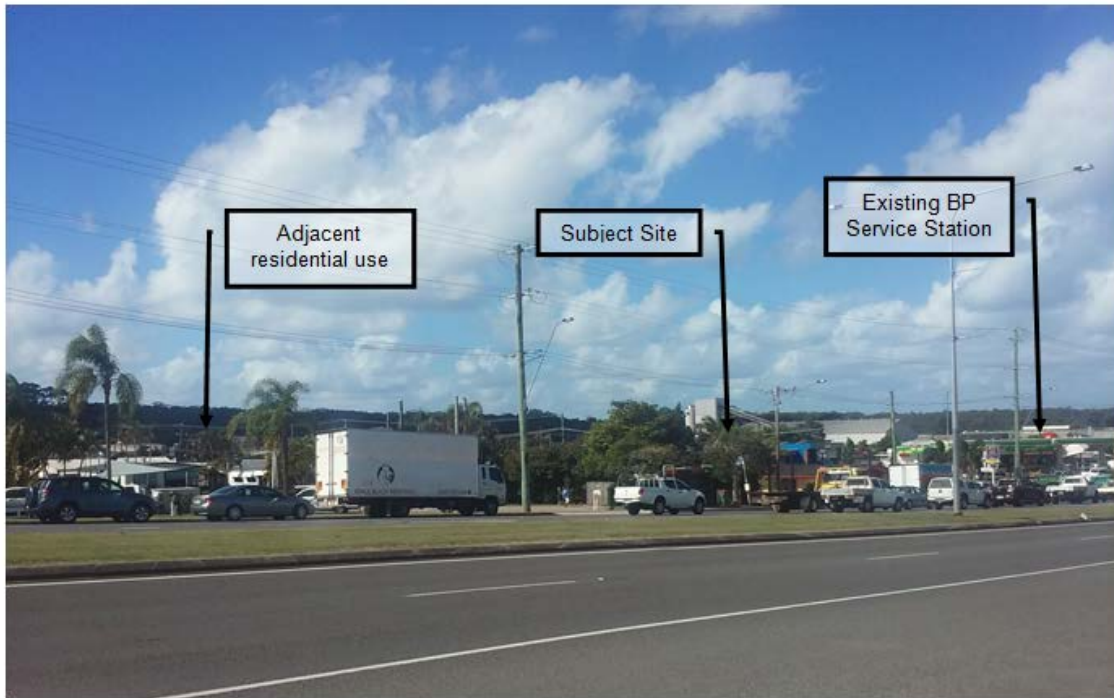
Existing BP on opposite side of Latcham Drive (06/04/2016)



Existing (vacant) commercial use (06/04/2016)



Existing commercial uses on opposite side of Caloundra Road (06/04/2016)



Subject site viewed from opposite site of Caloundra Road (06/04/2016)

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- 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 and
- any Temporary Local Planning Instrument in place for the local government area.

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

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Caloundra City Plan 2004. The application has been assessed against the following planning scheme codes:

- Specialised Centre zone code
- Caloundra West local plan code

- Service Station code
- Advertising devices code
- Landscape code
- Nuisance code
- Safety and security code
- Stormwater management code
- Sustainable design code
- Transport and parking code
- Waste management code
- Works, services and infrastructure code

Under the provisions of the Sunshine Coast Planning Scheme, the proposed use is defined as a 'Service Station'. The subject site is included in the Caloundra West Local Plan Area in the Specialised Centre Zone. A Service Station in the Specialised Centre Zone is a Consistent Use and is subject to Code Assessment.

Section 5.3.3 (c) (iii) (B) of the Sunshine Coast Planning Scheme establishes that, for code assessment, the Performance Outcomes or Acceptable Outcomes of the code comply with the Purpose and Overall Outcomes of the code. The three primary codes relating to the proposed development are the Caloundra West local plan code, Specialised Centre zone code and the Service Station code. The proposed development complies, or can be conditioned to comply with, with the Acceptable Outcomes of the Service station code.

Service Station Code

Setbacks

The proposal does not comply with Acceptable Outcome AO3.2 of the Service Station Code.

Acceptable Outcome AO3.2

For side and rear boundary setbacks, all buildings or structures are setback at least 2 metres from the property boundary.

OR

Where adjoining an existing residential use or land included a residential zone, all buildings and structures are setback at least 5 metres from the property boundary.

Performance Outcome PO3

Buildings and structures associated with the service station are sited so as to:-

- (a) ensure the safe and efficient use of the site and operation of the facility;*
- (b) protect streetscape character; and*
- (c) provide adequate separation to adjoining land uses.*

The applicant proposes that the building will be setback 1.5m from the northern boundary, and the awning over the fuel dispensing area will be setback 3.4m from the western boundary. Acceptable Measure AO3.2 of the Service Station Code requires a 5m setback to all property boundaries where the Service Station is adjoining a residential use.

The applicant proposes that the reduced setbacks comply with the Performance Outcome. The applicant argues that a 2m high acoustic wall on the boundary would have poorer amenity to the northern neighbour than if the rear wall of the building was setback 1.5m with landscape separation and a low fence (as proposed - see highlighted in red below).

“The service station ensures the amenity of existing or planned residential areas is protected and noise, light or odour nuisance is avoided”.

The applicant’s proposal for extended operating hours by alternative compliance with Performance Outcome PO9 is not accepted. It is important that all measures possible are implemented to protect the existing residential amenity, and compliance with the Acceptable Outcomes is, therefore, recommended in this circumstance. A condition requiring compliance with the 7:00AM – 10:00PM operating hours is recommended.

In summary, the site is immediately adjacent (north and east) to existing residential uses and residential zoned land. The Service Station Code anticipates circumstances where Service Stations are located adjacent to residential uses and, in these circumstances, includes specific Acceptable Outcomes. The Acceptable Outcomes relate to hours of operation, setbacks and height of any acoustic fences. It is imperative that the residential amenity of the adjoining residential properties is protected.

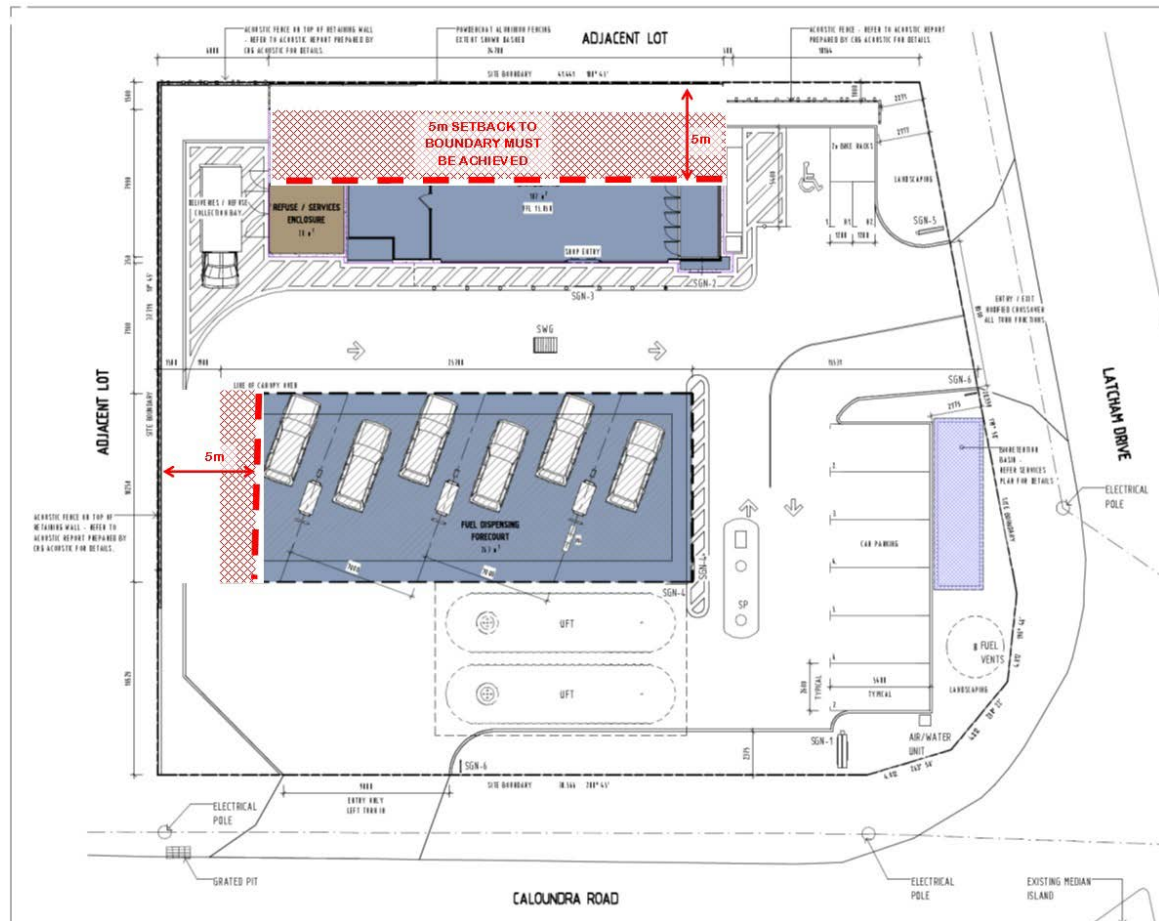
Conditions are recommended to ensure compliance to the Acceptable Outcomes of the Service Station Code. This would result in a significant reduction in proposed gross floor area of the proposed building and awning. However, the primary use, being a Service Station (and all associated fuel dispensing areas and vehicle maneuvering), would still function in principle (albeit with a smaller floor area of the ancillary, shop component).

Street Presentation & Landscaping

A minimum 2m wide landscape buffer is proposed (and is recommended to be conditioned) in accordance with the Service Station code. The proposed Service Station generally complies with the Landscape Code and it is also recommended that a condition be included for the provision of 5 street trees.

The landscaping proposed provides a continuous buffer to all site boundaries and the street frontages (except at the location of the vehicle crossovers). The loading bay and waste collection areas are located at the rear of the site and will not be prominent from Caloundra Road. The proposed landscaping and street presentation is considered an improvement over the existing arrangement. The landscaping will comply with the Caloundra West Local Plan Code by enhancing the visual amenity of Caloundra Road (within the reasonable expectations of the type of development anticipated in the Specialised Centre Zone, and compared to the existing vacant use).

Proposed plan for endorsement (with proposed amendments in red showing code complying setbacks as discussed above)



Advertising Devices Code

The applicant proposes signage which does not comply with some aspects of the Advertising Devices code. The proposed signage includes 24hr illuminated signs and pylon signs that do not comply with the 3m setback to the street frontage. Illumination of the signage is recommended to be limited to 10:00PM (as per operating hours discussed above). Considering the character of existing signage in the locality, a 2m setback (instead of 3m) for the two pylon signs is considered acceptable. A condition can be included to this effect.

It is noted that, further to Council requirements, concurrence agency advice is that any signage will need to be in accordance with the Department of Transport and Main Roads' Roadside Advertising Guide. It is the applicant's responsibility to ensure compliance with this guide.

Overlay Provisions

The following Overlays are applicable to this application:

- Land Subject to Acid Sulfate Soils Overlay (Area 2: land above 5m AHD and below 20m AHD)
- Land Subject to Airport Environs Overlay (Obstacle Limitation Surface (OLS))
- Height of Buildings and Structures Overlay (8.5m)
- Land Subject to Regional Infrastructure Overlay (Major Road Corridor and Buffer)
- Land Subject to Scenic Amenity Overlay (Scenic Route)
- Priority Infrastructure Plan (Priority Infrastructure Area)

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency under Schedule 7, Table 3, Item 1 (State-controlled road) of the *Sustainable Planning Regulation 2009*. The department responded by letter dated 24 March 2016 (Reference SDA-0116-027129). The primary requirement of the SARA conditions was that the vehicle crossover to Latcham Drive should be moved north to maximise distance from the Caloundra Road intersection.

Other Referrals

The application was forwarded to the following internal council specialists and their Assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit

Public Notification

The application was Code Assessable and did not require any public notification under the provisions of the *Sustainable Planning Act 2009*.

Correspondence received from adjoining residences

While no formal submissions can be considered for a Code Assessable Development Application under the provisions of the *Sustainable Planning Act 2009*, correspondence was received from adjoining owners, which included a petition with 141 signatures from Palm Village Residents, a letter from the owners of Palm Village, and a letter from Sunshine Coast Survey & Planning C/- Owners and Residents of Palm Village. The following table provides a summary and assessment of the issues raised.

Issues	Comments
Concern about potential health risks (i.e. Fumes, Odour)	The proposal has been reviewed by Council's Environmental Health Specialist and any approval can include conditions that regulate odour, noise and light emissions in accordance with current standards and best practice.
Concern that there are too many service Stations in the locality already	This is not a town planning issue and has not been considered in the context of this report. It is noted that a Service Station is a consistent use in the Specialised Centre Zone.
Concern the proposed development will devalue homes	This is not a town planning issue and has not been considered in the context of this report.

Issues	Comments
Concern the proposed development will be an eye sore.	The site is currently vacant and in need of maintenance. Three dimensional perspectives have been provided by the Applicant that demonstrates a clean, modern design. A Service Station is a consistent use in the Specialised Centre Zone. Compared to the existing vacant use, the proposed Service Station will facilitate an acceptable level of street presentation.
Concern about additional noise and lighting.	The proposal has been reviewed by Council's Environmental Health Specialist and any approval can include conditions that regulate odour, noise and light emissions. An acoustic report has been prepared by the applicant. The report demonstrates that applicable acoustic standards could be met. The approval can condition this, and any incidental infrastructure (i.e. acoustic fences to all adjoining residences).
Concern about the risk of combustion from fuels stored onsite.	The proposal has been reviewed by Council's Environmental Health Specialist and any approval can include conditions that regulate fuel storage and delivery in accordance with current standards and best practice. Strict operating measures and compliance with all current legislation will minimise risk.
Concern the bus stop would have to move.	The proposed driveway arrangement would be designed around the existing bus stop, power pole, drainage pit, footpaths etc. The proposal does not require the bus stop to move.
Perceived loss of green space between Palm Village and 55 Caloundra Road.	The proposed development is confined within the boundaries of Lot 1 RP 97821 and any incidental work in the road reserve (crossovers etc.). The proposal is not for development on any adjoining sites. If any vegetation on the shared boundary needs to be removed (i.e. to build an acoustic fence) it can be replaced.
Request that there be no relaxation in setback to Northern Boundary.	Council has undertaken its own assessment and determined that the 5m setback stipulated by the Acceptable Outcomes of the Service Station Code should be required in this instance (in line with residents' concerns). Refer to summary of assessment of Service Station code specifically relating to setbacks above.
Request that there be no relaxation to the allowable hours of operation.	Council has undertaken its own assessment and determined that the hours of operation stipulated by the Acceptable Outcomes of the Service Station Code (7:00AM – 10:00PM) should be required in this instance (in line with residents' concerns). Refer to summary of assessment of Service Station code specifically relating to hours of operation above.
The applicant should provide a landscaping plan.	It is noted a Landscape Plan was provided by the applicant in the Information Response.
Comment the Fuel Tank Fill point should be considered with regards to residential amenity.	The fuel tank fill points have been considered as part of the overall site operational arrangements. The proposal has been reviewed by Council's Environmental Health Specialist and any approval

Issues	Comments
	can include conditions that regulate fuel storage and delivery in accordance with all relevant standards and best practice. Strict operating measures and compliance with all current legislation will minimise impact on residential amenity.
Comment the retaining/ acoustic walls should be 2m above existing ground level.	The proposal has been reviewed by Council's Environmental Health Specialist and any approval can include conditions that nominate the minimum height of the Acoustic Barrier Fence (proposed conditions are for acoustic barrier with varying heights between three and four meters generally consistent with the fence proposed in the Acoustic Report submitted by the Applicant).
Concern the Loading dock location will impact amenity (noise, odour, vermin).	The proposal has been reviewed by Council's Environmental Health Specialist. The loading dock is located at the rear of the site (away from Caloundra Road) to separate back-of-house functions from the road frontage. The approval can include conditions that regulate odour, noise and light emissions. Standard conditions regarding waste storage and collection can also be included, ensuring waste is stored correctly to limit vermin.
Comment the canopy structure should be setback 5m (not 4m proposed).	Council has undertaken its own assessment and determined that the 5m setback stipulated by the Acceptable Outcomes of the Service Station Code should be required in this instance.
Concern the vehicle crossover will not work as it is immediately adjacent to a bus stop, power pole, drainage pit, footpaths and a main entry/exit point for Palm Village.	Engineering drawings have been provided by the applicant that demonstrates the Caloundra Road crossover can be designed clear of all obstructions.
Contention that the proposed development does not comply with PO2 & PO9 of the Caloundra West Local Plan Code.	The proposed development complies with, or can be conditioned to comply with, the Acceptable Outcomes of the codes. PO2 of the Caloundra West Local Plan Code is achieved as the proposed development (with associated landscaping and street trees) will be an overall improvement of the existing streetscape character, especially in the context of the existing vacant buildings that will be replaced. It is noted that PO9 relates to the District Centre Zone. The site is in the Specialised Centre Zone.

The development is generally consistent with the planning scheme. The following key matters are noted:

- the subject site is included in the Caloundra West Local Plan Area in the Specialised Centre Zone
- a Service Station in the Specialised Centre Zone is a Consistent Use and is subject to Code Assessment
- the three primary codes relating to the proposed development are the Caloundra West local plan code, Specialised Centre zone code and the Service Station code and

- generally, the proposed Service Station complies with the codes or can be conditioned to comply.

CONCLUSION

The proposed development generally complies with the requirements of the planning scheme and does not raise any significant issues of non-compliance that cannot be addressed by reasonable and relevant conditions.

Therefore, the application is recommended for approval.

8.1.4 DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - 419 MOOLOLAH ROAD, EUDLO

File No: MCU15/0260
 Author/Presenter: Senior Development Planner
 Planning and Environment Department
 Attachments: Att 1 - Proposal Plans211

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1712891>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	National Broadband Network (NBN Co.)
Proposal	Development Permit for Material Change of Use of Premises (Telecommunications Facility)
Properly Made Date:	19 November 2015
Information Request Date:	Not applicable
Information Response Received Date:	Not applicable
Decision Due Date	13 May 2016 (2 nd 20 business days)
Number of Submissions	57 properly made & 20 not properly made – all but 1 of these submissions were objections
PROPERTY DETAILS	
Division:	5
Property Address:	419 Mooloolah Road, Eudlo
RP Description:	Lot 2 SP 145971
Land Area:	8.55 hectares
Existing Use of Land:	Dwelling House
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (3 August 2015)
SEQRP Designation:	Regional Landscape and Rural Production Area
Strategic Plan Designation:	Rural Landscape and Enterprise Area
Planning Area / Locality:	Not applicable
Planning Precinct / Zone:	Rural
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use of Premises (Telecommunications Facility) at 419 Mooloolah Road, Eudlo. The application is before council due to the level of public interest.

EXECUTIVE SUMMARY

The application seeks approval for a Material Change of Use to establish a Telecommunications Tower in association with the establishment of the Fixed Wireless network infrastructure of the National Broadband Network (NBN). This application is one of five (5) such applications lodged by NBN Co. since the introduction of the *Sunshine Coast Planning Scheme 2014*.

Fixed Wireless is a network of base station facilities that provide a broadband service via radio transmissions. These base stations communicate directly with antennas fixed to individual premises (e.g. dwellings or businesses) to deliver wireless broadband access.

The facility is proposed to be located within a lease area within the subject site, being private property at 419 Mooloolah Road, Eudlo. The tower is proposed to have a total height of 41m. The proposal also includes two (2) outdoor cabinets with 0.65m² base areas.

The proposal is considered to conflict with the Strategic Framework and the Telecommunications facility code because it:

- impacts upon the amenity of nearby residential, community and other sensitive land uses
- would not positively contribute toward the identity and sense of place for the locality
- has not sufficiently demonstrated the at the preferred co-location outcomes have been satisfied.

The proposal has not demonstrated sufficient grounds in the public interest to justify or override the identified conflicts. Any benefit to the community associated with improving local network services is outweighed by the poor site location. There is nothing unique about the subject site that would justify establishment of the tower at the proposed location.

Given the above, the application is recommended for refusal.

OFFICER RECOMMENDATION

That Council REFUSE Application No. MCU15/0260 for a Development Permit for Material Change of Use of Premises (Telecommunications Facility) situated at 419 Mooloolah Road, Eudlo for the following reasons:

- (a) the proposed development conflicts with the Strategic Framework of the Sunshine Coast Planning Scheme 2014 with regard to identity and sense of place for the community**
- (b) the proposed development conflicts with the Purpose and Overall Outcomes and the Performance Outcomes of the Telecommunications Facility code**
- (c) the proposal has not demonstrated sufficient grounds in the public interest to justify or override the identified conflicts.**

FINANCE AND RESOURCING

Infrastructure charges are not applicable to Telecommunication Facilities.

PROPOSAL

The application seeks approval for a Material Change of Use to establish a Telecommunications Tower in association with the establishment of the Fixed Wireless network infrastructure of the National Broadband Network (NBN).

Fixed Wireless is a network of base station facilities that provide a broadband service via radio transmissions. These base stations communicate directly with antennas fixed to individual premises (e.g. dwellings or businesses) to deliver wireless broadband access.

The facility is proposed to be located within a lease area within the subject site, being private property at 419 Mooloolah Road, Eudlo. The location of the proposed facility within the subject property is shown below:

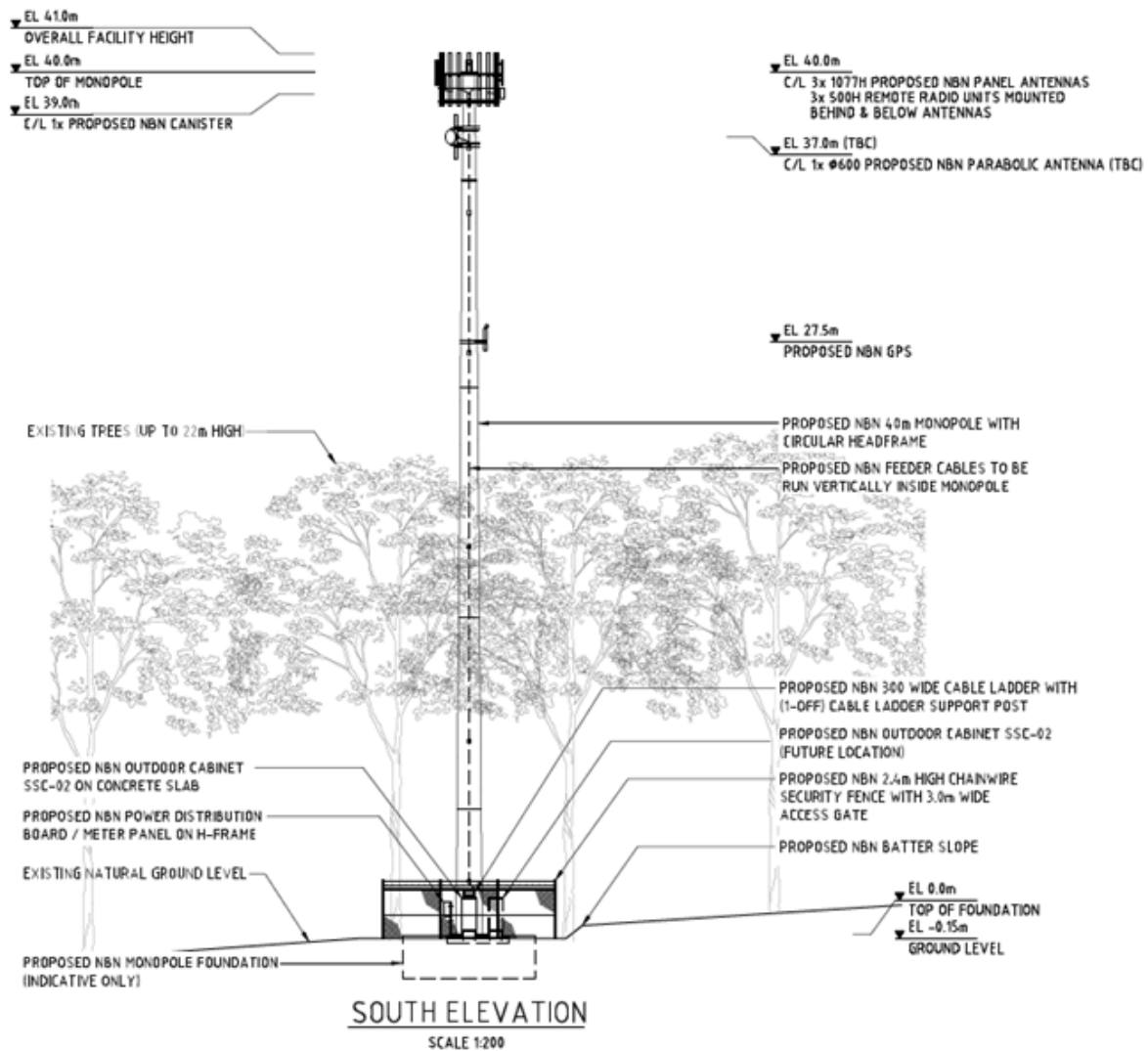


The proposed tower is proposed to have a total height of 41m. It comprises a 40m high monopole with a circular headframe which would accommodate:

- three (3) x panel antennas (1.07 m long) mounted at a centreline elevation of 40m and
- one (1) parabolic dish antenna (0.6 m in diameter), installed at a centreline elevation of 37m.

The proposal also includes two (2) outdoor cabinets with 0.65m² base areas, which would be located at the base of the facility within a secure compound, measuring approximately 80m² in area.

The elevation below shows the overall height of the proposed development:



SITE DETAILS

Background/Site History

There is no background or site history information relevant to this application.

NBN Co. and the Sunshine Coast Planning Scheme 2014

This application is one of five (5) such applications lodged by NBN Co. since the introduction of the *Sunshine Coast Planning Scheme 2014*. Only two (2) have been decided to date. One was for a new 37m high tower located at Hunchy. Council officers refused this application due to its proximity to residential properties and significant visual amenity impacts. The other application involved the 'co-location' of an additional 5m extension to an existing 39m high telecommunications tower located on Bald Knob, and was subsequently approved in October 2015.

Site Description

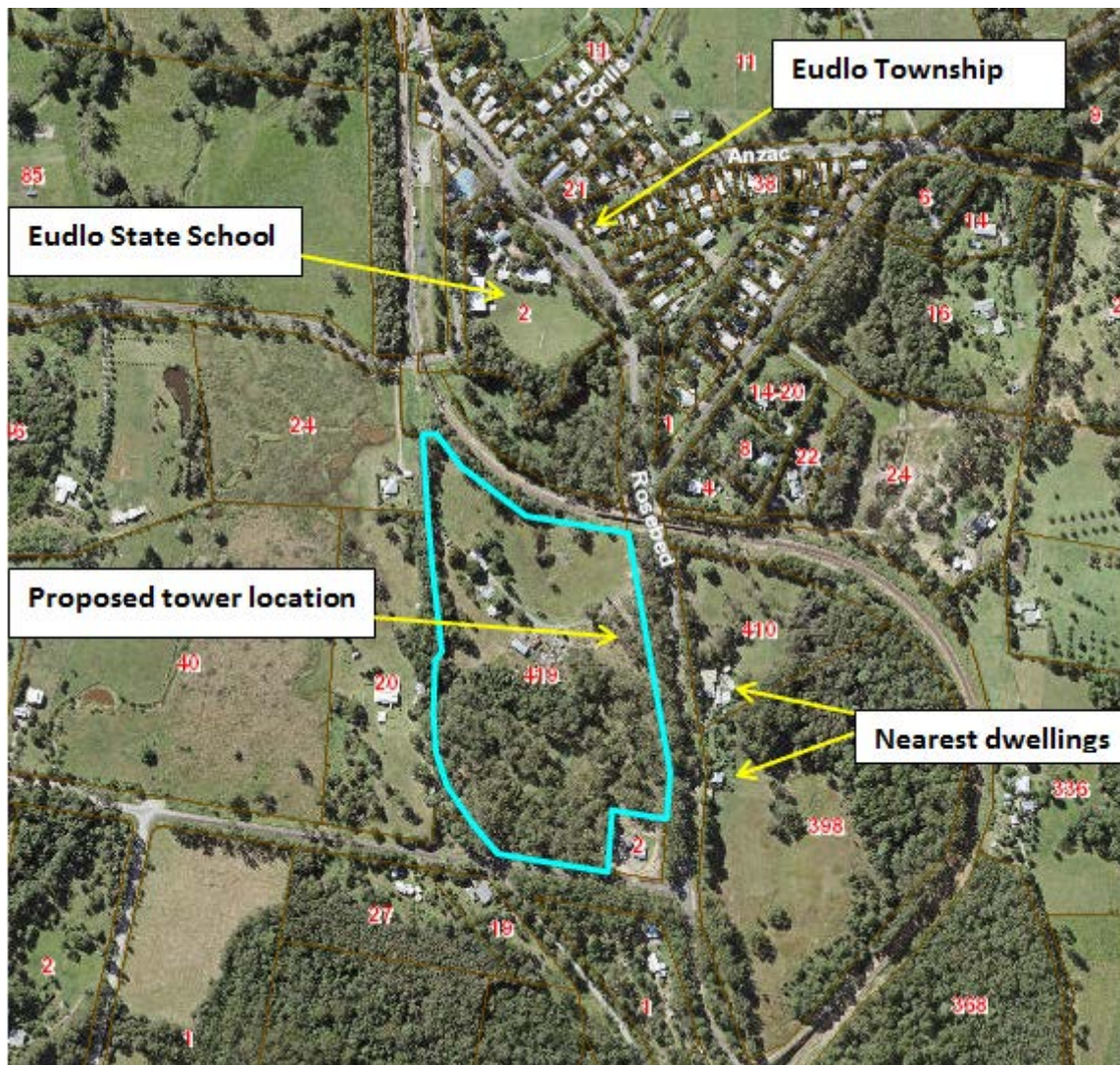
The site is located to the immediate south of the north coast railway line and approximately 300m south of the Eudlo Township. The rural site contains a dwelling house, some sheds and heavy equipment, located in the central portion of the subject land. The site falls away from Mooloolah Road at approximately 14%. The southern portion of the site contains protected vegetation. Access to the site is gained via Mooloolah Road, immediately south of the rail line bridge.

Surrounding Land Uses

The Eudlo township and primary school are located to the north of the site. The site's northern boundary abuts the railway line, which passes between the subject lot and the Eudlo township. Other surrounding land uses comprise small to medium sized rural land holdings, generally ranging between 0.5 to 10 hectares. The nearest dwelling (an objector) is located 65m to the east of the proposed tower, with the next nearest being 140m away. In total, there are approximately 25 existing dwellings that would be located with 400m of the proposed facility. The Eudlo State School is located approximately 270m to the north.

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





ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- the Planning Scheme for the local government area

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

Statutory Instruments – State and Other

State Planning Policies

The State Planning Policy has been deemed by the Minister for State Development, Infrastructure and Planning as being appropriately reflected in council's planning scheme and, therefore, does not warrant a separate assessment.

South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. The proposed development does not conflict with the regional land use intent, regional policies and desired regional outcomes for the Regional Landscape and Rural Production Area.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Sunshine Coast Planning Scheme 2014. The following sections relate to the provisions of the Planning Scheme.

Strategic Framework

The Specific Outcomes of Element 1 – *Coordinated and sustainable infrastructure* contained within the Strategic Framework provides that *infrastructure is located and designed to protect the landscape amenity of the Sunshine Coast and make a positive contribution to the landscape character, identity and sense of place of the locality*. While the proposed tower may not necessarily make a positive or negative contribution to the landscape character, more importantly, it would not positively contribute toward the identity and sense of place of the locality. This is particularly pertinent to those residential properties located proximate to site, as discussed later in this report. Overall, the proposal does not further the intent of the Strategic Plan in this respect.

Zone

The subject site is located with the Rural Zone. The proposed land use is identified as a 'potentially consistent use' in the Rural Zone Code. In considering the proposed use as potentially consistent, it must be determined that the use is appropriate for the zone having regard to such matters as its location, nature, scale and intensity.

Planning Scheme Codes

Visual Impact of the Tower

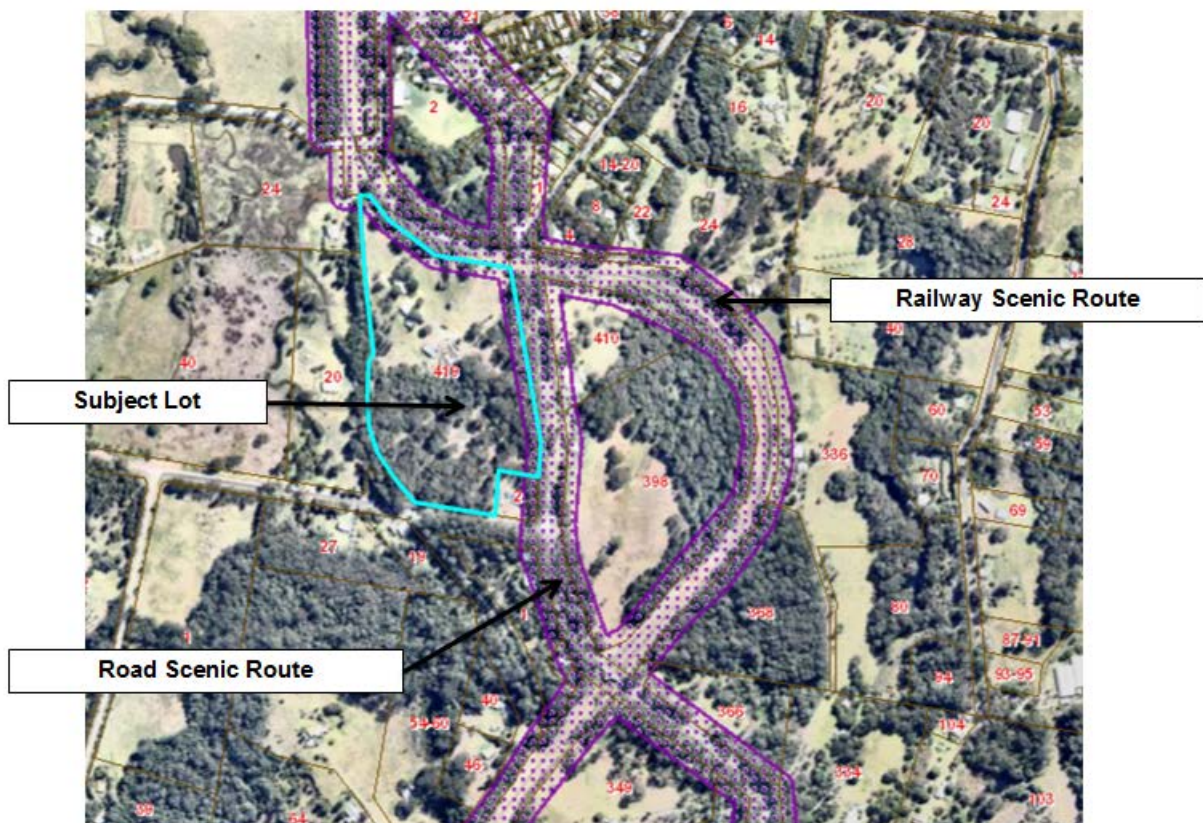
The 41m high tower is proposed to be located at the eastern part of the subject site, approximately 12m from the site's boundary to Mooloolah Road. It is to be located on a knoll with an elevation of approximately 42m AHD (being the highest part of the subject site). The proposed tower would also extend some 20m above the existing surrounding trees. A visual assessment was not provided by the applicant. However, an inspection of the site and surrounds was undertaken by council officers. Eudlo is characterised by significant stands of trees and this would assist in obscuring the tower, particularly when viewed from ground level. However, it is also noted that the proposal is almost double the height of the surrounding vegetation. As a result, the upper portion of the tower would be visible from certain locations as well as the bulk of the facility through gaps in trees along the site road frontage. Some locations from where the tower would be visible include, but are not limited to, the northern parts of the Eudlo township, McGilchrist and Anzac Roads, portions of the

rail line and some parts along Logwoods Road. It would also likely be visible from some of the more elevated properties along Slaughter Yard Road.

Despite the fact that existing vegetation would likely obscure some of the visual impact of the tower, it is important to consider that vegetation cannot be relied upon (particularly road side trees) for visual screening in the long term. There is no guarantee that such vegetation will remain indefinitely.

Nonetheless, council's urban designer prepared a computerised model of the proposal to better understand its potential visual impacts. Overall, it revealed that glimpses of the tower would be possible, although movement along the roads will generally make those momentary, and the distance to the tower and the ability to only see a partial view would not create a substantial impact. Moreover, because roads leading to the town are generally highly vegetated with undulating terrain, in combination with the vegetation, views are commonly directed away from the subject site. However, it is acknowledged that the dwellings located opposite the site will be impacted by the more permanent view of the tower through the trees.

It is noted that Mooloolah Road and the railway line are both designated scenic routes in the Planning Scheme, identified in both the Scenic amenity overlay code and the Strategic Framework (Map SFM6). These Scenic Routes are identified in the image below:



The Specific Outcomes of the Strategic Framework relating to 'Landscape elements and features' intends that *Scenic Routes are protected and enhanced as major transport routes providing a high level of scenic and visual amenity to travellers*. In addition, the Scenic amenity overlay code and the Telecommunications facility code require that development:

- does not detract from the visual amenity of an identified scenic route
- does not adversely affect the amenity of surrounding premises
- protects distance views from the scenic route to significant landscape features and

- is located with compatible uses and facilities.

With regard to these four points, although the proposed tower would be visible from some locations (albeit often obscured), including along the identified Scenic Routes, it is not expected that it would be so severe as to significantly detract from the visual amenity of those routes by travellers, or compromise distance views to any landscape features. However, it may still adversely affect the amenity of surrounding premises, particularly those dwellings located proximate to the site. The proposal would not comply with the fourth point, requiring it to be located with compatible uses and facilities. The tower is proposed as a new stand-alone facility within surrounding rural (and rural residential) land.

Acceptable Outcome AO2.1 of the Telecommunications facility code requires that such facilities be of a similar height to surrounding structures or vegetation. At double the height of the surrounding trees, it does not meet this requirement. The Performance Outcome requires that the facility be integrated with its setting and not be visually dominant or obtrusive. Whether or not the proposal would be visually obtrusive relative to its setting is more a matter of individual opinion. This issue is explored further below.

Proximity to Sensitive Land Uses

Acceptable Outcome AO1 of the Telecommunications facility code requires that such facilities are located at least 400m from residential uses and 500m from an educational establishment. Instead, the proposed tower would be located proximate to residential properties, with the closest dwelling located approximately 65m to the east and a total of approximately 25 houses being located within the required 400m separation distance. It would also be located only 270m from the Eudlo Primary School instead of the required 500m. The image below gives an indication as to the number of dwellings (and the school) within a 400m radius of the proposed tower.



In failing the distance separation requirements of the Code's Acceptable Outcome, the applicant must justify that the proposal meets the associated Performance Outcome (PO1). PO1 requires that Telecommunication Facilities are *located so as to minimise any adverse impacts on the amenity of nearby residential, community and other sensitive land uses*. The Planning Scheme defines a *sensitive land use* as the following:

- (a) *child care centre;*
- (b) *community care centre;*
- (c) *community residence;*
- (d) *dual occupancy;*
- (e) *dwelling house;*
- (f) *educational establishment;*
- (g) *health care services;*
- (h) *hospital;*
- (i) *multiple dwelling;*
- (j) *nature-based tourism;*
- (k) *office;*
- (l) *relocatable home park;*
- (m) *residential care facility;*
- (n) *resort complex;*
- (o) *retirement facility;*
- (p) *rooming accommodation;*

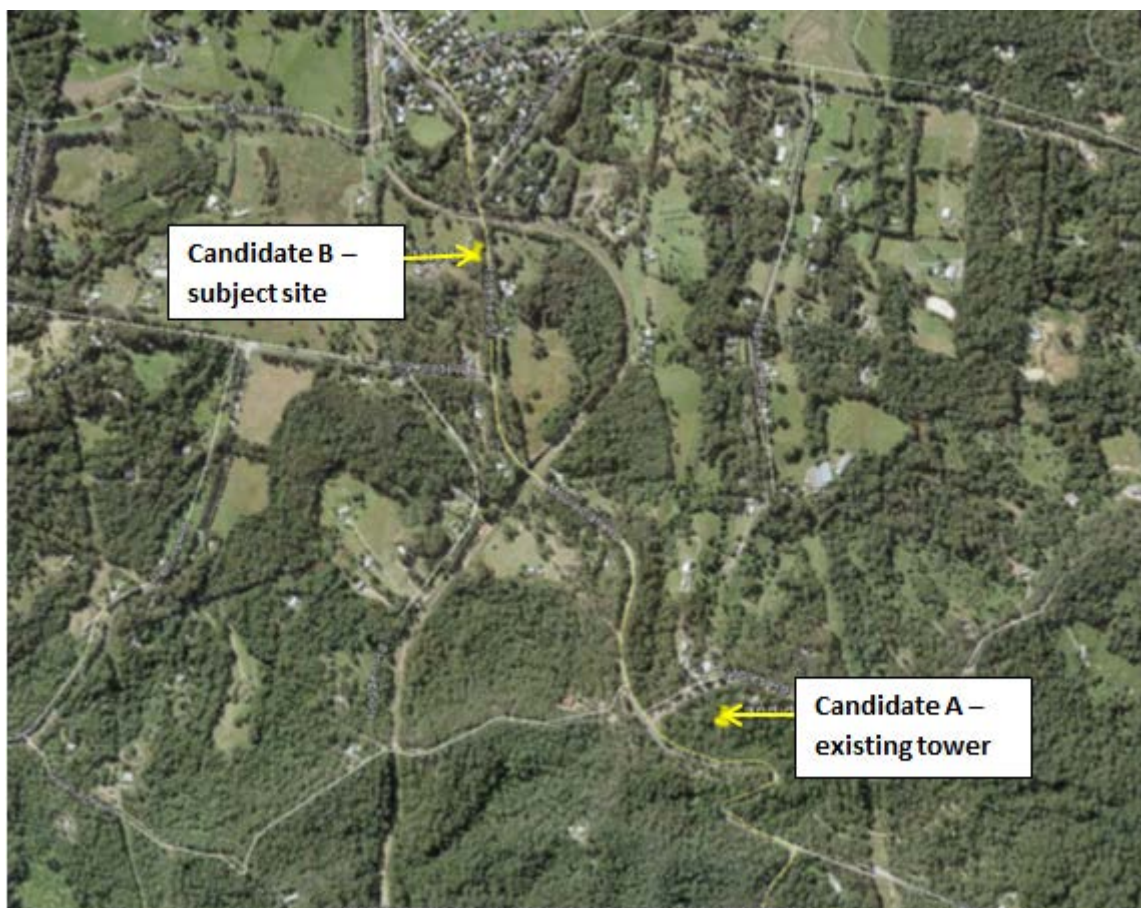
- (q) *short-term accommodation; and*
(r) *tourist park.*

Given that a separate Performance Outcome (PO3) deals with health and safety aspects of Telecommunications Facilities, and also because the definition of *sensitive land use* includes uses such as schools, child care centres, hospitals, and numerous residential and tourist type uses, it is concluded that PO1 is intending to address visual amenity impacts as well as create a sense of separation as a result of community expectation about such facilities.

Having regard to this Performance Outcome, the proposal is in direct conflict with it. Taking into account that the associated Acceptable Outcome requires separation of 400m from any residential use and 500m from any educational establishment, it is considered that the proposal would adversely impact upon the amenity of nearby sensitive land uses, particularly as perceived and expected by the local community.

Alternative siting opportunities

The applicant only investigated one other potential site (as identified by the image below) located at Nobles Road, which already contains a 30m (Telstra) tower. It is located approximately 1.2km to the south of the subject site and was approved by council in May 2010.



Given that part of the subject site where the proposed tower is to be located (Candidate B in the image above) is at 42m AHD, a 41m tower would only have a total height of 83m AHD. However, the existing 30m high tower (Candidate A in the image above) is located on land at 110m AHD, resulting in a total height of 140m AHD, significantly higher than the proposal. The existing tower also has good line of sight over tree tops in all directions.

The Planning Scheme supports and prefers co-location over the establishment of new telecommunication towers, and co-location of the NBN infrastructure on this existing facility would, therefore, be likely achievable. It would be more appropriately located there because only six dwellings are located within 400m of this facility. The application dismisses this co-location opportunity stating that it *would not be able to provide a reliable service to the whole Eudlo community*. However, no further rationale is provided as to why this would be the case. It is considered that this option should be explored further by the applicant.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency for State Controlled Road Matters, Public Passenger Transport and Railways. The department responded by letter dated 4 February 2016 imposing conditions for the development relating to site access. These conditions would only take effect if council were to approve the subject application.

Other Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Environment Officer, Engineering and Environment Assessment Unit
- Ecology Specialist, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit

Public Notification

The application was publicly notified for 15 business days in accordance with the requirements of the *Sustainable Planning Act 2009*. 57 properly made submissions and 20 not properly made submissions were received.

Issue	Comments
The site should be subject to a cultural heritage assessment	Cultural heritage is regulated under separate legislation and it is the applicant's responsibility to ensure compliance when undertaking any works.
Visual amenity impact	The proposal seeks to introduce a new 41m tall structure along identified scenic routes. While the tower, particularly the upper portion would be visible from some locations, visual impacts alone are not considered fatal to the proposal, given the amount of vegetation obscuring views of the site.
Health and safety effects	The Telecommunications facility code requires compliance with the <i>Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2003</i> . It is the applicant's responsibility to ensure compliance is achieved with the Standard. If the application were approved, a condition could be imposed requiring compliance with the Standard.

Issue	Comments
Height of proposed tower is excessive	The Scheme does not nominate a maximum height for telecommunications facilities. The nominated 8.5m limit contained in the Height of Buildings and Structures Overlay Code height limit does not apply to telecommunications facilities.
The application was not properly notified. Some residents were unaware of the proposal.	The <i>Sustainable Planning Act 2009</i> specifies when public notification for impact assessable applications is to occur. While it is the applicant's obligation to ensure compliance with public notification requirements, all aspects of the applicant's public notification were checked by Council officers and considered to be in accordance with the requirements of the <i>Sustainable Planning Act 2009</i> .
Amenity impacts on nearby dwellings and the nearby school	The proposal seeks to establish the proposed telecommunications tower within close proximity to numerous dwellings as well as the school, thereby conflicting with the Telecommunications facility code, as identified in this report.
Co-location should be sought on existing facilities	There is an existing (Telstra) tower located approximately 1.2km to the south of the subject site. The Planning Scheme prefers co-location of telecommunication facilities over the establishment of new towers and this should be explored further by the applicant (NBN Co).

CONCLUSION

The Telecommunications Facility is proposed to be located on a rural parcel of land in a relatively prominent position along an identified Scenic Route, but would be partially obscured by existing vegetation within the locality. Although the proposed development, at 41m in height, is effectively double the height of the surrounding existing vegetation, it would not result in visual impacts so significant that it would directly compromise the Scenic amenity overlay code. However, it does represent a conflict with the Telecommunications facility code in relation to appropriate separation from sensitive land uses and its siting with compatible uses. Further, the proposal also would not positively contribute toward the identity and sense of place of the locality, thereby conflicting with the Planning Scheme's Strategic Intent.

On balance, the proposed development would result in unacceptable impacts upon the amenity of nearby residential, community and other sensitive land uses and, therefore, does not accord with community expectations. Moreover, the applicant has not sufficiently demonstrated that the preferred co-location outcomes have been satisfied.

The proposal has not demonstrated sufficient grounds in the public interest to justify or override the identified conflicts with the planning scheme. Any benefit to the community associated with improving local network services is outweighed by the poor site location. There is nothing unique about the subject site that would justify establishment of the tower at the proposed location.

Given the above, the application is recommended for refusal.

8.1.5 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - 797-809 DAVID LOW WAY, MUDJIMBA QLD 4564

File No:	MCU15/0069
Author/Presenter:	Manager Development Services Planning and Environment Department
Appendices:	App A - Conditions of Approval233
Attachments:	Att 1 - Proposal Plans251

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1615916>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Surfing World Sunshine Coast Pty Ltd
Proposal	Development Permit for Material Change of Use of Premises (Service Station and two (2) Convenience Restaurants)
Properly Made Date:	18/05/2015
Information Request Date:	29/05/2015
Information Response Received Date:	05/11/2015
Decision Due Date	6/04/2016 (2 nd 20 Business Days)
Number of Submissions	100 submissions objecting to the proposal - 88 were properly made and 12 not properly made
PROPERTY DETAILS	
Division:	8
Property Address:	797-833 David Low Way, Mudjimba
RP Description:	Lot 1,2 & 3 RP 175157
Land Area:	7.006ha
Existing Use of Land:	Dwelling House & Vacant Land
STATUTORY DETAILS	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban & Rural or Valued Habitat
Planning Area / Locality:	North Shore
Planning Precinct / Zone:	Neighbourhood Residential & General Rural Lands
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for a Material Change of Use of Premises for a Service Station and two (2) Convenience Restaurants at 797-833 David Low Way Mudjimba. The application is before council due to significant community interest.

The application is assessed against the superseded Maroochy Plan 2000, with no weight able to be applied to the Sunshine Coast Planning Scheme 2014.

EXECUTIVE SUMMARY

The application seeks approval for a Development Permit for a Material Change of Use (Service Station and two (2) Convenience Restaurants) at 797-833 David Low Way, Mudjimba.

A Superseded Planning Scheme Request was made and the application is assessable against the Maroochy Plan 2000. The application is impact assessable and required Public Notification. A total of 88 properly made submissions against the development were received.

The subject site is located on David Low Way, between the local centres of Pacific Paradise and Marcoola, and is situated approximately 250 metres south-east of the Sunshine Coast Airport. The proposed development comprises a service station (24 fuel pumps) and two convenience restaurants in separate buildings. The proposal is intended to operate 24 hours, 7 days per week.

The proposed development is located over three allotments, with a total lot size of 7.006ha. The proposal results in a development footprint of approximately 15.4%. The subject site contains a building platform that is clear of vegetation, is level and is situated above expected flood events. The proposal gains direct access to David Low Way via a proposed roundabout and exit lane. The proposal is setback approximately 60 metres to existing development to the north-west, 40 metres from the adjoining residential development to the east, 130 metres to the vacant block to the west and 160 metres to residential development along the southern boundary of the site.

The proposed development complies with all design and environmental management code provisions of the Maroochy Plan 2000, due to the size of the available development area and the site being clear of identified constraints. However, the proposal represents out-of-centre. The proposal also conflicts with the Intent for both the Neighbourhood Residential Precinct and General Rural Lands Precinct.

Despite the proposal resulting in out-of-centre development, the Strategic Plan aims to support land intensive uses (service stations) outside of local centres. Further, the Strategic Plan also encourages the development of industrial uses (service stations) which would complement and consolidate future activity nodes and, in particular, the Sunshine Coast Airport. The subject site is constrained for residential development, due to noise impacts associated with the Sunshine Coast Airport. As a result of such limitations, the site represents an appropriate location for the development of industrial and commercial uses to complement the Sunshine Coast Airport.

Further, the current partial zoning of the land for residential purposes is no longer considered a good planning outcome, having been overtaken by events in the intervening 16 years of the Maroochy Planning Scheme.

Due to the site's location in proximity to the Sunshine Coast Airport and major transport corridor, sufficient grounds have been found in support of the proposal despite conflict with the planning scheme:

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE With Conditions Application No. MCU15/0069 and grant a Development Permit for a Material Change of Use of Premises (Service Station and two (2) Convenience Restaurants) situated at 797-809, 811-821, 823-833 David Low Way, Mudjimba, in accordance with Appendix A and**
- (b) **find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:**
 - 1. **the proposal is appropriately located to support the future expansion of the Sunshine Coast Airport**
 - 2. **the proposed use is appropriately located along a major transit corridor and includes road infrastructure as well as land dedication for the future road upgrade of David Low Way**
 - 3. **the site is urban land which is heavily constrained by the airport operations and inappropriate for any form of permanent residential use envisaged at the time of drafting the Maroochy Plan 2000 and**
 - 4. **the Maroochy Plan 2000 has been overtaken by time and events, especially growth in the airport and planning for the new runway.**

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Transport and Infrastructure Policy Branch advised that the total infrastructure charge estimate for this development is \$212,480.

PROPOSAL

The application seeks approval for a Development Permit for a Material Change of Use to establish a Service Station and two (2) Convenience Restaurants at 797-833 David Low Way, Mudjimba. The subject site is colloquially known as the 'Surfing World' site and is situated approximately 250 metres south-east of the Sunshine Coast Airport.

The development seeks to provide an integrated main road service station facility, intended to support the Pacific Paradise, Mudjimba and Coolum catchment, as well as the Sunshine Coast Airport. The proposed development is intended to operate 24 hours a day, 7 days per week.

The proposed development would comprise three separate buildings, as well as a combined parking area. The proposed convenience restaurants, and associated drive-through facilities, are situated either side of the service station which contains a small convenience store component.

The proposal fronts David Low Way and represents a development footprint of approximately 15.4%. Despite the small proportion of site cover, the proposal is moderate in scale, with the

proposal including a total building height of 8.2 metres, combined gross floor area of 1060m², 122 parking spaces and a total development footprint of approximately 1.08ha. A breakdown of the development elements is provided below.

Locality Plan



Building 1 – Convenience Restaurant

- 460m² gross floor area
- 58 parking spaces

Building 2- Service Station

- 3 Bowsers (24 fuel pumps)
- 200m² gross floor area
- 14 parking spaces

Building 3 – Convenience Restaurant

- 400m² gross floor area
- 50 parking spaces

The proposed development includes a minimum building setback of 22 metres from the David Low Way frontage (60 metres to existing development to the north-west), 40 metres

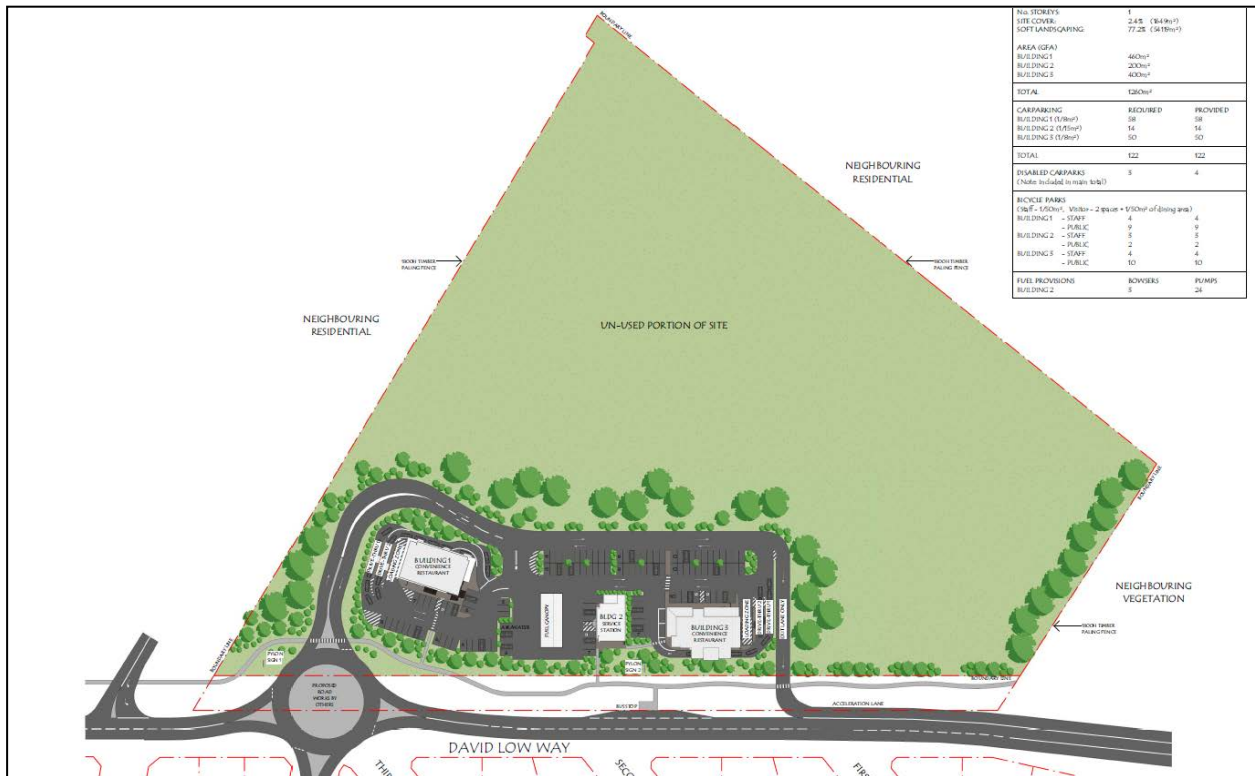
from the adjoining residential development to the east (Le Compte), 130 metres to the vacant block to the west and 160 metres to residential development along the southern boundary of the site. The proposal also includes a 15 metre wide land dedication along the frontage of the site (approximately 5100m²) for the future upgrade of David Low Way.

All proposed structures are located on the northern portion of the site and would gain direct access and exit from David Low Way, via a proposed roundabout and exit lane. The proposal includes a bus stop and pedestrian footpath located along the frontage of the site.

The proposed convenience restaurants would provide for established well known fast-food outlets, which are not currently available in the surrounding townships of Pacific Paradise, Twin Waters, Marcoola, Mudjimba and Bli Bli, with the current closest offerings located in Coolum Beach and Maroochydore.

The proposed development requires impact assessment under the Maroochy Plan 2000, due to it being inconsistent with the General Rural Lands and Neighbourhood Residential Precincts.

Proposal Plan



SITE DETAILS

Background/Site History

There are a number of previous applications and appeals that relate to the subject site. These are detailed below.

MCU00/0166 – Development Permit for Material Change of Use (Integrated Tourist Facility)

An application for a Material Change of Use (Integrated Tourist Facility) was submitted to council on 28 September 2000.

The development was known as the 'Surfing World Development'. The proposal included a number of uses including:

Surfing museum
Warehouse for sale of surfing related products
Backpackers (surf camp) of 516 beds
Eateries
Tourist adventure facilities (surf riding facilities)
Educational cinema

The application was impact assessable and received 25 submissions and one petition with 110 signatories.

Council resolved to approve the application, with a Decision Notice approving the application issued on 1 May 2001.

A total of five (5) submitter appeals were received regarding council's decision on the application. The application was deliberated in the Planning and Environment Court on 16 August 2002. The court refused the application on the grounds that the proposal conflicted with the planning scheme and there were insufficient 'planning grounds' to justify approval.

MCU07/0216 – Development Permit for Material Change of Use (Shopping Complex, Showrooms and Hotel)

An application for or Material Change of Use (Shopping Complex, Showrooms and Hotel) was submitted to council on 19 December 2007. The application was impact assessable and 67 properly made submissions and 10 not properly made submissions were received.

Council resolved to refuse the application on 19 November 2009.

On 16 December 2009, the applicant appealed the submission.

On 27 January 2015, council received a notice of Notice of Discontinuance from the appellant.

OPW14/0258 – Application for Operational Works (Bulk Earthworks)

An application for Operational Works (Bulk Earthworks) was submitted to council on 5 June 2014.

A Decision Notice approving the development was sent to the applicant on 3 December 2014.

The applicant requested a Permissible Change to Development Permit (OPW14/0258.01) on 27 January 2015. The requested change sought alterations to the approved fill platform.

On 2 February 2015, council issued a Change to Development Permit.

The applicant requested a further Permissible Change to Development Permit (OPW14/0258.02) on 28 May 2015. This request sought further variations to the extent of the fill platform. The application has not been decided to date and is awaiting resolution of the flooding and drainage impacts.

SPS15/0022 – Request to Assess and Decide a Proposed Development Application Under the Superseded *Maroochy Plan 2000*

A request to apply the Superseded Planning Scheme (Maroochy Plan 2000) was applied for on 4 March 2015 due to the loss of development rights under the Sunshine Coast Planning Scheme 2014 from the Maroochy Plan 2000 as a result of zoning changes.

On 31 March 2015, the request was approved.

In accordance with the requirements under s.99(2) of the *Sustainable Planning Act 2009*, the applicant was required to make an application for a Development Permit, within six (6) months of receiving the Decision Notice of the Superseded Planning Scheme Request. The applicant has complied with this requirement. Accordingly, the application is to be assessed against the Maroochy Plan 2000, with no weight able to be applied to the Sunshine Coast Planning Scheme 2014.

Site Description

The site is a slightly irregular shape comprising 3 separate lots, with a total lot size of 7.006ha. The site is located within the North Shore Planning Area and is situated over two precincts, with Lot 3 situated within the North Shore Rural (General Rural Lands) Precinct and Lots 1 and 2 situated within the Mudjimba (Neighbourhood Residential) Precinct.

Excluding the dwelling house on Lot 3, and the vegetation buffer along the frontage, the site is clear of structures and vegetation. The site has a frontage of 340 metres to David Low Way, with existing access points for the dwelling on Lot 3 and for the balance of the site.

A significant portion of the site has recently been filled under Development Permit (OPW14/0258.01). The Development Permit approved a filled pad of approximately 3.74ha in area above the 1% Annual Expected Precipitation (AEP) flood event, with compensatory cut on the southern portion of the site.

It is noted that each lot is burdened by a 10 metre wide stormwater easement which traverses the southern rear boundary of each lot. These easements, in association with the compensatory cut of the site, form part of a stormwater drainage solution, which utilises the rear of the lot as detention to mitigate stormwater issues associated with the site. These easements are located well clear of, and do not impinge upon, the proposed development.

Subject Site



Surrounding Land Uses

The subject site is located within an area primarily used for residential purposes, with dwelling houses located north, south and east of the site. The site adjoins vacant land to the west.

The site is located within close proximity to important local and state infrastructure, with the Sunshine Coast Airport situated approximately 250 metres north-west of the site and David Low Way (State Controlled Road) fronting the site. The Sunshine Coast Airport includes the associated Sunshine Coast Airport Industrial Park, which is located approximately 800 metres north-west of the site. The Sunshine Coast Airport Industrial Park is identified as an industrial area of regional significance that provides high levels of access to regional freight corridors.

The site is located between two local centres, with the Pacific Paradise Local Centre situated approximately 900 metres south-west of the site, and the Marcoola Local Centre approximately 800 metres north of the site. Both small centres comprise local commercial, retail and service outlets.

The proposal is also located within close proximity to existing service station facilities, specifically:

- 1.2 km to the existing BP service station – Pacific Paradise and
- 1 km to the existing 7/11 service station – Marcoola.

It is noted that an additional service station in Mudjimba (MCU15/0093) was recently approved, which is located approximately 830 metres south-west of the site. The service station is yet to be constructed.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- the Planning Scheme for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The Queensland Government established the State Planning Policy (SPP) in December 2013 to simplify and clarify matters of state interest in land use planning and development. The SPP took effect superseding all previous State Planning Policies, and is applicable to this application.

Subsequently, the Queensland Government, as part of its planning reform process, amended the SPP (July 2014) to incorporate current Government priorities. The amended single SPP was not formally incorporated into the Maroochy Plan 2000. This application has, therefore, been assessed against Part E of the State Planning Policy: Interim development assessment requirements.

The proposed development is of a scale and intensity that does not trigger further assessment against the SPP.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. Policy 8.6 of the South East Queensland Regional Plan aims to '*Exclude out-of-centre land use development that would detrimentally impact on activity centres*'.

The proposal is located in the rural and neighbourhood residential precincts. Accordingly, the proposal is considered 'out of centre development'. Section 8 of the South East Queensland Regional Plan identifies that out-of-centre development can diminish the vitality of activity centres and detract from economic growth by diluting public and private investment in centre-related activities and infrastructure.

Despite the proposal's conflict with Section 8 of the South East Queensland Regional Plan, it is considered that there are sufficient public interest grounds to justify the approval despite the conflict. The grounds for approval despite conflict are discussed later in this report.

State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions
- State Planning Regulatory Provision (Adopted Charges)

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme. The proposed uses are defined under the Maroochy Plan 2000 as a service station and convenience restaurants. The application is required to be assessed against the entire Maroochy Plan 2000.

To assist in the assessment of the application, the report has been broken down into three specific areas, including Land Use Intent, Development Context and Site Constraints, and Amenity.

Land Use Intent

The Maroochy Plan 2000 includes a number of elements, specifically the Strategic Plan, Planning Areas and Precincts, which provide high level guidance for development within the region.

As discussed in the ‘Site Description’ section of the report, the proposal is situated within the North Shore Planning Area, and located within the Neighbourhood Residential and General Rural Lands Precincts. Convenience restaurants and service stations are not identified as preferred and acceptable land uses in the North Shore Planning Area, or the Neighbourhood Residential and General Rural Lands Precincts, and require impact assessment.

The proposal conflicts with the precinct intents for both the Neighbourhood Residential and General Rural Lands Precinct, with the intent for the General Rural Lands Precinct specifying that the precinct is intended to remain in non-urban uses. Additionally, the intent for the Neighbourhood Residential Precinct specifies that residential uses at higher densities and commercial and industrial uses are undesirable on the subject site. It is noted that other forms of residential use may be appropriate in this precinct, where developed in response to the site constraints and environmental values. However, it is considered that the zoning under the Maroochy Plan 2000 may have been overtaken by time and events since the drafting of that Scheme more than 16 years ago.

Although the proposal conflicts with the precinct intent, it is considered that the site is not appropriate for rural uses due to proximity to residential uses and the airport, isolation from surrounding rural lands and small lot size, which would not be sufficient to operate viable rural uses on the site. Additionally, the site is clear of constraints as a result of previous approvals on the site.

Given the proximity of the airport to the subject site, traditional residential lot development is not appropriate on the site. Moreover, the site is appropriately located to support the ongoing operation and expansion of the Sunshine Coast Airport. The Vision Statement of the North Shore Planning Area specifies, among other things, that:

“... The Sunshine Coast Airport will continue to expand its roles as both a regionally significant air transport facility and a regional “gateway”, with surrounding lands developed and used in ways which are compatible with the airport’s operations, the area’s significant environmental values, and the needs of local communities”.

It is considered that the proposed integrated service station facility satisfies the vision of the North Shore Planning Area in this aspect, with the development having the potential to

provide support for the ongoing operation of the airport by providing travellers and tourists access to fuel and food opportunities.

It is noted that there are a number of service stations within close proximity to the site, with the existing and approved service stations located within the Pacific Paradise and Marcoola centres. Despite this, the proposed development would be the first available service station that is directly accessible from the Sunshine Motorway via the North Shore Connection Road.

Although the proposal has the potential to support the ongoing expansion of the Sunshine Coast Airport, the proposal would result in a departure from the Strategic Plan in relation to out-of-centre development, outside of the Pacific Paradise and Marcoola local centres.

The Strategic Plan identifies that local retail, commercial and service uses are to be concentrated into urban nodes in urban communities. The planning scheme specifies that applications for retail, commercial and service uses outside of centres will not be supported. The Strategic Plan also identifies that, in most cases, sufficient land has already been allocated for Local Centres. It is not intended that Local centres are to be extended beyond their intended scale, or to establish retail or commercial development beyond the scale of local centres. Nevertheless, it is not readily apparent how either of the two small local centres could accommodate such a development.

Additionally, even if genuine public demand for additional development is demonstrated, the Strategic Plan requires that council consider the matter of whether the development justifies a review of the relevant planning area provisions to accommodate the demand. It is not intended that such demand be met by the approval of new or expanded centres.

The zoning of the site was reviewed in the preparation of the Sunshine Coast Planning Scheme. While the site may have potential for non-residential land uses, due to its proximity to the airport and its obvious impacts, the site was zoned for 'Limited Development'. However, as a 'superseded scheme' development application, the Sunshine Coast Planning Scheme has no legal relevance and is simply indicative that the zoning under Maroochy Plan 2000 has been overtaken by time and events, such as the growth in the scale of the airport operations.

Further, despite the proposal conflicting with the Strategic Plan in relation to out-of-centre development, section 4.4.2 of the Strategic Plan also specifies that "*Land consumptive uses such as showrooms, car yards and service stations are provided for in specific locations...*" Council officers consider the site an appropriate '*specific location*' due to size and location of the site, its proximity to the Sunshine Coast Airport, as well as the Sunshine Coast Airport Industrial Park. It is also noted that section 5.3.8 of the Strategic Plan encourages the "*development of industrial uses (service station) which will complement and consolidate future activity nodes and in particular the Sunshine Coast Airport locality*".

The Strategic Plan also seeks to minimise the extent of ribbon development on major arterial roads. The premise of limiting ribbon development is to minimise the impacts upon traffic safety and efficiency, the impacts of signage, cluttered activity and rows of buildings, and parking areas on the character of the area.

It is noted that the proposal would not result in an on-going ribbon development between the Pacific Paradise and Marcoola Centres, due to this length of road being constrained by other land uses. It is considered that the proposal would not impact upon existing infrastructure, due to the site gaining direct access to David Low Way, which has sufficient capacity to service the development. Further, the proposal would not impact upon the character of the area by way of built form and signage. This is due to the low-rise built form of the development, landscaping treatments and proximity to the airport, sporting complex and

industrial area which lends itself to a range of land uses and existing signage treatments. As such, the proposal would not result in negative impacts normally associated with ribbon development.

To further determine the need for the proposal, an independent economic analysis was undertaken. The review indicated that there is a moderate, but not strong, level of community and economic need for the proposed development. This is primarily due to the size of the catchment, with the population not being disadvantaged at the present time.

Further analysis of the surrounding catchment has been undertaken by council officers in order to identify other potential in-centre sites capable of supporting the development. It was found that the available sites within the centre zone are not capable of supporting the proposed development, due to the specific nature of the facility proposed and unavailability of suitable lots in proximity/visibility to the Sunshine Coast Airport.

Although the proposed use has merit, due to, the ability of the proposal to provide support to the ongoing operation and future expansion of the Sunshine Coast Airport, ability to support the broader Pacific Paradise, Mudjimba, Marcoola and Bli Bli localities and potential to mitigate amenity impacts upon surrounding residents through reasonable and relevant conditions, the proposal remains in conflict with the Maroochy Plan 2000.

Despite this conflict, the following are considered to be sufficient grounds for approval despite conflict with the planning scheme:

- the proposal is appropriately located to support the future expansion of the Sunshine Coast Airport;
- the proposed use is appropriately located along a major transit corridor and includes road infrastructure as well as land dedication for the future road upgrade of David Low Way;
- the site is urban land which is heavily constrained by the airport operations and inappropriate for any form of permanent residential use envisaged at the time of drafting the Maroochy Plan 2000; and
- the Maroochy Plan 2000 has been overtaken by time and events, especially growth in the airport and planning for the new runway.

Development Context and Site Constraints

The development is proposed on a lot with a site area of 7.006ha. Due to the significant size of the lot, the proposal represents a small proportion of the site (15.4%) and complies with the maximum allowable site cover, minimum setbacks, vehicle manoeuvring and car parking areas and space for waste storage required by the relevant use code, being the Code for Service Stations and Car Washing Facilities.

Further, the filled building pad is free of known physical constraints including vegetation, flooding and acid sulfate soils. Despite this, the site is impacted by a number of mapped Special Management Areas, as identified in the planning scheme. These Special Management Areas have been addressed by previous approvals OPW14/0258 and OPW08/0405 (Le Compte). These previous approvals have been acted upon and have resulted in the clearing of vegetation on site (excluding the buffer along David Low Way) and the filling of a 3.66ha building pad on which the proposed development would be located.

Despite the previous approvals resulting in filling of the site, Development Permit (OPW14/0258) did not assess the potential impacts resulting from on and off site flooding associated with constructing access to the site. Accordingly, the proposal does not comply with Element 3, Acceptable Measure A1.1 of the Code for Integrated Water Management, as the frontage works result in the physical alteration to the localised flood prone area.

Performance Criteria P1 of the code specifies that:

Development does not result in:

- *Adverse impacts on flood conveyance capacity;*
- *Unacceptable risk to people's safety; and*
- *Adverse impacts on the capacity to use land within the floodplain.*

The applicant provided a Flood Impact Assessment provided as part of the Operational Works application (OPW14/0258.01). The applicant submits the report makes mention of a roundabout, specifically stating that cross drainage would minimise any impact on the local catchment, and the applicant advises the design of the roundabout and access would be finalised through a subsequent Operational Works application.

Council commissioned a revised flood impact assessment to determine the impacts of the roundabout and access arrangement. Council officers have indicated that, based on the current flood modelling, any impacts resulting from the roundabout fill and associated works can be mitigated through the construction of appropriately sized drainage structures, thereby complying with the Code.

Therefore, any approval should include a requirement that the works associated with the approval be undertaken in accordance with the updated flood impact assessment.

Amenity

The proposal is situated in proximity to surrounding residential development, the Sunshine Coast Airport and David Low Way. Both David Low Way and the Sunshine Coast Airport are significant noise generators, which currently impact upon existing residential development, and will increasingly do so over time.

The applicant has identified that the development is proposed to be operated 24 hours a day, 7 days per week. Due to the hours of operation, the proposal has the potential to further impact upon surrounding residential development, particularly during hours after nightfall.

The Code for Development in the Vicinity to the Airport includes a number of requirements to ensure that development is not impacted upon, or does not impact upon, the ongoing operation of the airport. The applicant has identified that the proposal would include suitable noise attenuation measures to limit the acoustic impacts of aircraft upon the proposed development. However, as there are no permanent residential uses proposed, this is of limited concern.

It is noted that the proposal may impact upon surrounding residential land uses. The Strategic Plan identifies that "*consideration will be given to the impacts of noise, dust, smell, light and traffic on neighbouring properties by assessing the nature of the proposed activities, buildings and site layout, the roads from which access is obtained and the locations and design of activity areas, parking area, access points and sources of noise, smell or light relative to residential neighbours*".

The following sections will discuss potential impacts of light and noise and odour generated from the proposal upon surrounding residential development.

Light and Noise

The subject site and surrounding residential development is situated under a flight path. Accordingly, the locality is already significantly impacted by light and noise. In light of this,

the additional noise and light impacts created by the proposal would be somewhat concealed by background noise and light levels associated with the Sunshine Coast Airport.

Additionally, the off-site impacts upon surrounding land uses from vehicles and patrons on site should be minimal due to the location of the structures on the site, with the proposed development being setback 40 metres from existing development to the east, 60 metres to existing development to the north-west and 160 metres to development to the south. It is noted that no residential development is located south-west of the site.

Despite the above, the Sunshine Coast Airport currently operates from 7am to 10pm. Accordingly, there is a perceived decrease in headlight glare and vehicle noise along David Low Way, between the hours from 10pm to 7am. As such, the proposal has the potential to impact upon surrounding development between these hours through introducing a commercial and industrial use within an established area containing residential development. Such impacts could result from mechanical plant noise, headlight glare, traffic noise, as well as noise from patrons, particularly when the airport operations are quieter. Due to the proposed operation hours these noise impacts are likely to extend beyond that currently imposed by the airport.

Although there are similar uses in other locations that are allowed to operate on a 24/7 basis, these service stations and convenience restaurants are generally located in centre zones and have limited potential to impact upon the amenity of surrounding residential uses.

Considering the separation distances and site cover, there is ability to ameliorate adverse noise and light impacts resulting from the operation of the development. Accordingly, it is recommended that conditions are imposed, including:

- limit operational hours to reflect the Sunshine Coast Airport, with opening hours being 5am and closing hours 10pm
- require quality landscaping treatments to reduce headlight glare internally
- vegetated screening along the perimeter of the development, designed such that 80% of the development will be screened at maturity to reduce the impacts of internal headlight glare
- construct an acoustic barrier and landscape screening to dwellings to the east to mitigate noise from incoming vehicles to the site
- apply fixed plant and equipment noise restrictions and reduction devices/techniques.

Odour

The proposal would result in food and fuel vapour odours from the service station and convenience restaurants. These odours have the potential to impact upon the amenity of surrounding residential development. Council specialists have indicated the proposal is sufficiently setback from surrounding residential development so as to cause negligible impacts.

However, to ensure the proposal does not result in significant odour impacts on surrounding development, council specialists recommend a number of conditions to mitigate odour impacts, including requirements for ducting for commercial kitchen discharge points in accordance with *Australian Standard AS1668.2-2012*, as well as a vapour recovery system. It is recommended that the mitigation measures are made to require certification by a qualified person to ensure the works are appropriately undertaken in accordance with the conditions.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of State Development, Infrastructure and Planning (SARA)

The department is a concurrence agency for development in proximity to State Controlled Roads. The department responded by letter dated 8 January 2016 identifying that the department had no objection to access being taken from the David Low Way in the manner proposed. Further the department provided development conditions to be imposed. The conditions relate to:

- approved plans
- stormwater and flood management
- frontage works requirements and
- requirements for construction management.

Other Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit
- Traffic Engineering, Engineering and Environment Assessment Unit
- Strategic Planning Branch and
- Sunshine Coast Airport Branch.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 88 properly made submissions and 12 not properly made submissions were received.

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

Issues	Comments
The proposal conflicts with the Maroochy Plan 2000 in relation to ribbon development and out-of-centre development.	The proposal does not comply with the Strategic Plan in relation to out-of-centre development. Despite this, the proposal is considered appropriate, as the development would not result in the loss of character in the area, is appropriately serviced by David Low Way and supports the ongoing operation and expansion of the Sunshine Coast Airport.

Issues	Comments
	<p>Further, the partial zoning of the site for permanent residential development is now considered inappropriate for achievement of the future economic growth of the region through the growth of the airport operations.</p> <p>Additionally, council officers consider that there are sufficient grounds for approval despite conflict with the planning scheme.</p>
The proposed development will impact upon similar existing land uses.	An economic review of the application has indicated that there is a moderate but not a strong level of community and economic need for the proposed development.
Development will result in loss of character for the North Shore Precinct.	The proposed development is situated on David Low Way in proximity to the Sunshine Coast Airport and Industry Park. Accordingly, development within this area contains a number of building forms including industrial and residential. As such, the proposal will not result in the loss of character given lack of identifiable character along this strip of the David Low Way and proximity of similar industrial and commercial land uses.
Hours of operation will impact upon the amenity of adjoining development	The proposed 24/7 hours of operation are not supported by council officers, due to the ability of the development to impact upon residential development beyond the Sunshine Coast Airport hours of operation. Accordingly, conditions have been recommended to limit the hours of operation from 5am to 10pm.
Safety risks resulting from the storage of hazardous chemicals in proximity to a flight path.	The proposal is situated outside the extended runway airport safety zones specified in Regulatory Map 1.8 (7 of 7) of the Maroochy Plan 2000.
The proposal will further impacts on ecological values and will result in increased localised flooding.	<p>The subject site has been cleared and filled under previous Development Permits OPW14/0258 & OPW08/0405. The proposed development would not result in further on site clearing, due to the development being situated on a portion of the site that is clear of constraints.</p> <p>Further, council specialists have identified that the proposal would not result in further localised flooding impacts.</p>
Sufficient space for commercial uses located within existing centres of Pacific Paradise and Maroocha.	It is acknowledged that there are sites located within the Pacific Paradise and Maroocha Local Centres. However, these sites are not of a sufficient size or located to support the ongoing operation and extension to the Sunshine Coast Airport.
Public Notification was not carried out in accordance with the requirements of the <i>Sustainable Planning Act 2009</i> .	The Public Notification sign was removed 1 day before the advertised timeframes specified on the sign.

Issues	Comments
	<p>Despite this, the sign was positioned on site outside of the advertised timeframes, with the signs being located on the site for 16 business days, satisfying the required 15 day notification period.</p> <p>It is considered that the removal of the sign 1 day before the advertised timeframes has not adversely affected the awareness of the public of the existence and nature of the application and that this has not restricted the opportunity of the public to make properly made submissions.</p>
Zoning should not be changed to support commercial development	The application would result in industrial and commercial uses on site. Despite this, the approval of commercial and industrial development on site does not change the zoning of the site and any future application would be required to be assessed against the zoning of the current planning scheme.
Residents purchased land surrounding the site with the understanding that the site would be developed for low yield residential development, not commercial development.	<p>It is acknowledged that the application is contrary to the Maroochy Plan 2000 and has been assessed as a non-complying, impact assessable application.</p> <p>Assessment of the application has demonstrated that the proposed uses are acceptable, given the location of the site and the constraints of the expanding Sunshine Coast Airport.</p>
Development should not be supported as there are Aboriginal artefacts previously identified on site.	The <i>Aboriginal Cultural Heritage Act 2003</i> puts the responsibility for protection of Aboriginal cultural heritage on the applicant. It is recommended that an advisory note be included in the Decision Notice that identifies the duty of care required by applicants.
Council has not provided sufficient grounds to support a full fee-waiver for the development application.	This is not a relevant planning consideration.
Developer has previously funded election campaigns for Councillors.	This is not a relevant planning consideration.

CONCLUSION

The application seeks a Development Permit for a Material Change of Use (Service Station and two (2) Convenience Restaurants), located at 797 – 833 David Low Way, Mudjimba.

The proposal is situated on a site that has sufficient land to accommodate all land use requirements including setbacks, site cover and parking. The proposal also fronts a major transport corridor (David Low Way) and is free of land constraints including flooding, vegetation and steep land.

Although the proposal complies with all design and environmental requirements, the proposal results in out-of-centre and ribbon development. Despite this, the Maroochy Plan 2000 aims to support land intensive uses, such as service stations, outside of local centres. Further, the

Maroochy Plan 2000 also encourages the development of industrial uses which will complement and consolidate future activity nodes, in particular the Sunshine Coast Airport. It is considered that the proposed service station, in particular, fulfills this intent.

There are insufficient sites available within the Pacific Paradise and Marcoola localities to support such a development. Further, the proposed development is appropriately situated to support the ongoing operation and future expansion of the Sunshine Coast Airport and would provide employment opportunities and services to the surrounding localities of Pacific Paradise, Marcoola and Mudjimba.

There are sufficient public interest grounds to justify support of the application having regard to the particular site, despite conflict with the planning scheme.

The application can be appropriately conditioned to reduce any adverse impacts to neighbouring properties. It is, therefore, recommended that the application be approved.

8.1.6 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 44 LOTS) - 1808 DAVID LOW WAY, COOLUM BEACH

File No: REC15/0175

Author/Presenter: Senior Development Planner
Planning and Environment Department

Attachments: Att 1 - Proposal Plans283

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1695658>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	KHA Development Managers
Proposal:	<ul style="list-style-type: none"> Development Permit to Reconfigure a Lot (1 Lot into 44 Lots) Development Permit for Material Change of Use of Premises (44 Detached Houses and 408m² Shops)
Properly Made Date:	29/09/2015
Information Request Date:	12/11/2015
Info Response Received Date:	26/11/2015
Decision Due Date:	4/03/2015
Number of Submissions:	197 Properly made submissions <ul style="list-style-type: none"> 195 <u>in support</u> of the application 2 <u>objecting</u> to the application 18 Not properly made submissions, all in support of the application
PROPERTY DETAILS	
Division:	9
Property Address:	1808 David Low Way, Coolum Beach
RP Description:	Lot 103 SP 159953
Land Area:	1.8150 hectares total site Rear part of the site subject of this application 1.051 hectares
Existing Use of Land:	Vacant undeveloped Stage 3 component of the Element development. Temporary car parking associated with first stages of the Element development
STATUTORY DETAILS	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Urban Footprint
Strategic Plan	Urban
Planning Area:	11 – Coolum Beach
Precinct:	1 – Coolum Beach Village Centre
Assessment Type:	Impact Assessable

PURPOSE

The purpose of this report is to seek council's determination of an application for Development Permit to Reconfigure a Lot (1 Lot into 44 Lots) and a Material Change of Use of Premises (44 Detached Houses and 408m² Shops) at 1808 David Low Way, Coolum Beach.

The application is assessed against the Maroochy Plan 2000.

The application is before council at the request of the divisional councillor.

EXECUTIVE SUMMARY

The application seeks approval of a Reconfiguration of a Lot for 44 lots and a Material Change of Use to establish detached houses on each of the proposed lots, as well as 408m² of shops in the form of small home offices associated with eight of the proposed houses. The development is proposed on vacant undeveloped land that is located at the rear of the existing Element development at David Low Way, Coolum Beach (Element Stage 3 site). The proposed 44 residential lots range in size from 140m² to 175m² with an internal community title road accessing the site from William Street.

The eight home offices are located on proposed lots 1 - 3, 9,16 and 23 – 25, being the four corners of the subject site. The proposed home offices are 30m² each, with entrances to the street frontage.

The land is located within the Village Centre precinct in the Maroochy Plan 2000, which intends to be the core of the Coolum Beach tourist and business area and accommodate a range of business, retail, entertainment and community uses and provide a range of goods and services to the local population. The proposed development is a small lot residential subdivision containing only a small component of home offices and is inconsistent with the strategic intent of the planning scheme and the intent for the Coolum Beach Village Centre.

The proposed subdivision results in the fragmentation of centre zoned land with lot sizes that would be unsuitable for any other purposes over the long term. Therefore, the proposal would compromise the possibility of the land ever being able to be used for its intended purpose, to the detriment of the broader Coolum community into the future.

The development results in the loss of public on-street car parking and has not proposed to provide the parking (24 spaces) that is required on this land as a requirement of the Element approval.

The proposed design results in poor built form outcomes which are inconsistent with the character and intent of the Coolum Village Centre, including the back yards of houses proposed on the street frontage and garages set back 1 metre from the street.

There are insufficient planning grounds to justify approval of the application despite the conflict with the planning scheme.

OFFICER RECOMMENDATION

That Council REFUSE Application No. REC15/0175 and MCU15/0207 for a Reconfiguration of a Lot (1 Lot into 44 Lots) and a Material Change of Use (44 Detached Houses and 408m² Shops) situated at 1808 David Low Way, Coolum Beach, for the following reasons:

- (a) the proposal conflicts with the Retail and Commercial Centres Hierarchy provisions contained in the Strategic Plan
- (b) the proposal conflicts with the intent for the Coolum Beach Planning Area and Coolum Beach Village Centre Precinct
- (c) the proposal conflicts with the intent for Coolum Beach Village Centre Precinct
- (d) the proposal conflicts with the minimum lot size and dimension requirements of the Code for Reconfiguring Lots
- (e) the proposal conflicts with the Code for Town and Village Centres
- (f) the development results in the loss of public car parking, both on site and on street and
- (g) the proposal has not demonstrated sufficient grounds in the public interest to justify or override the conflicts with the planning scheme.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Transport and Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development:

INFRASTRUCTURE CHARGE AMOUNT BREAKDOWN	
Creation of 44 lots	\$665,280
Houses with 408m² shops	\$61,690
TOTAL	\$726,970

PROPOSAL

The application seeks approval for a Reconfiguration of a Lot application to establish 44 Lots on vacant undeveloped land that is located at the rear of the Element development at David Low Way, Coolum Beach (Element Stage 3). The proposed 44 residential lots range in size from 140m² to 175m² with an internal community title road accessing the site from William Street.

This application includes a development application for a Material Change of Use to establish detached houses on each of the proposed lots, as well as 408m² of shops in the form of small home offices associated with eight of the proposed houses. The proposed home offices are located on proposed Lots 1 - 3, 9, 16 and 23 – 25 and are 30m² each with entrances to the street frontage.

The purpose of the detached house component of this application is due to the site's zoning as District Centre under the Sunshine Coast Planning Scheme, which identifies houses as an inconsistent use and would require each of the houses to undergo Impact Assessment. The inclusion of the impact assessable component for the 44 houses as part of this application eliminates the need for future owners of the proposed lots to require 44 individual impact assessable house applications.

The proposed houses predominantly address the internal private driveway. However, Lots 8 to 17 have separate driveways onto the public road.

Figure 1 - Reconfiguration of a Lot Plan

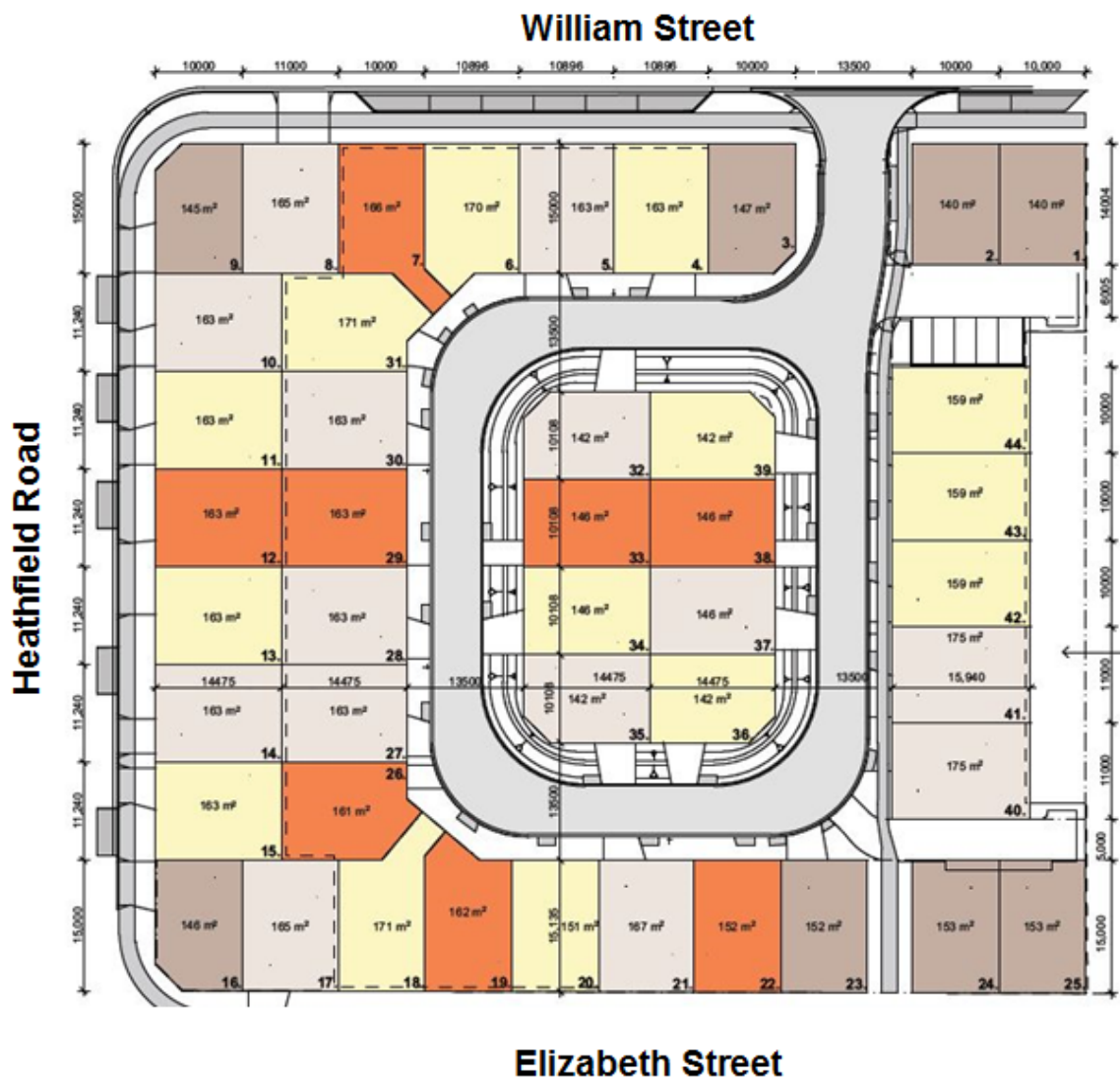
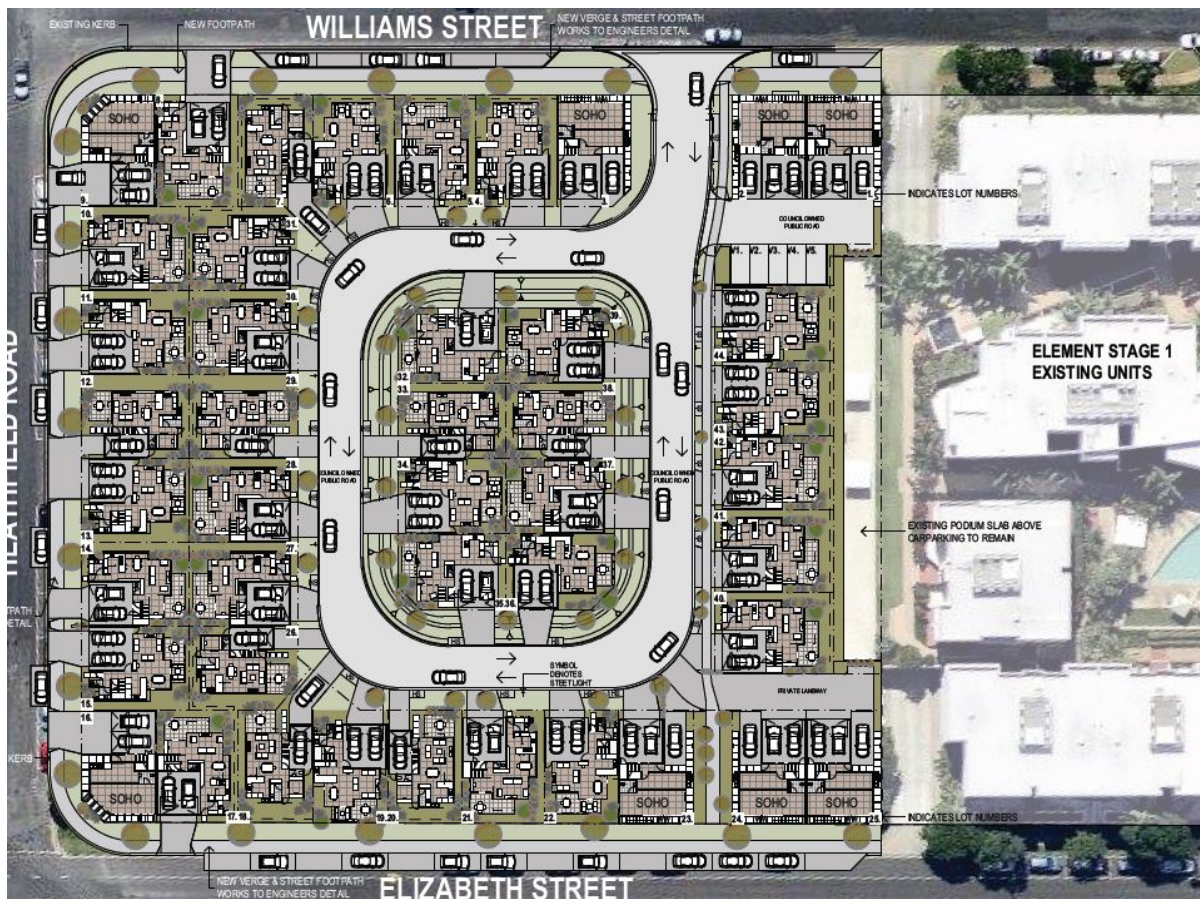


Figure 2 - Site Plan including proposed houses and SOHO component



SITE DETAILS

Background / Site History

A request was submitted to council on 19 May 2015 seeking the application be considered under the superseded planning scheme (Maroochy Plan 2000 - SPS15/0015). Council agreed to assess the application under the superseded planning scheme by delegation on 18 June 2015.

- MCU01/0162 - Original Decision Notice, dated 2 January 2002. The part of the site subject to this application is approved for 96 units as Stage 3 of the approved MCU01/0162 development. Stages 1 and 2 have been constructed, but Stage 3 consisting of the 96 units has never being acted on. This approval is still current
- MCU01/0162 - Negotiated Decision Notice, dated 13 November 2002
- Executed Infrastructure Agreement for the payment of monetary contributions, dated 18 November 2002
- Approved change to approval (CCC03/0007), dated 22 July 2003.

One of the modifications associated with this change involved a change to Condition 11 of the approval relating to car parking. The following words were added to Condition 11:

*To facilitate staging of the development temporary on-site car parking is permitted.
(Amended 6 November 2002) (Amended 16 July 2003).*

- As part of the change, council agreed to allow a temporary at grade car parking area on the part of the land that is now subject of this application. The temporary car park was to facilitate retail car parking requirements of the commercial/retail component of the

Element development until such time as Stage 3 of the approval was constructed and the remaining and final part of the basement car park could be provided. The component of the missing parking that is currently being provided on the temporary at grade parking area is 24 spaces. This application does not provide for those 24 car parking spaces. They are necessary to allow the existing Element development to meet its car parking requirements.

- Endorsed plan modification under Condition 9A, dated 9 May 2007.

Site Description

<i>Site & Locality Description</i>	
Road Frontage	The site has frontage to Elizabeth Street to the south, Heathfield Road to the west and William Street to the north. Access easements to the subject site are in place over the existing driveways for the Element development. The subject application does not propose to utilise the access rights over the existing driveways.
Existing Significant Vegetation	The site is clear of any vegetation
Topography:	The site is flat
Surrounding Land Uses:	The site is surrounded by a mix of uses as follows: <u>North:</u> mix of commercial uses including a Mitre 10 hardware shop, charity shop, service station and chemist, and a vacant lot within the Centre zone. <u>East:</u> existing stages of the Element mixed use development. Further east is David Low Way and the Coolum Beach Caravan park. <u>South:</u> commercial development fronting David Low Way, the Coolum Beach Bowls Club, and a mix of residential uses. <u>West:</u> Church, small scale offices and a mixed use development.

Figure 3 – Aerial Locality Plan



Figure 4 – Aerial Locality Plan



STATUTORY ASSESSMENT:

The application has been assessed against the following statutory instruments.

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 Policies

The State Planning Policy took effect in December 2013 and is applicable to this application.

The State Planning Policy has not been formally incorporated into the applicable version of the *Maroochy Plan 2000*. The application is, therefore, required to be assessed against the applicable components contained within Part E of the State Planning Policy: *Interim development assessment requirements*. The following State interests under Part E are triggered for the proposed development:

- Water Quality (land subject to Stormwater Management Design Objectives)
- Natural Hazards Risk and Resilience (land within a Flood Hazard Area)
- State Transport Infrastructure (Public Passenger Transport Facility)
- Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer)

The State interest requirements of the State Planning Policy are broad provisions that directly overlap with provisions already contained in the applicable version of the *Maroochy Plan 2000* (and which are discussed elsewhere in this report). However, for completeness, the following brief assessment is provided.

With regard to Water Quality, the application involves a significant increase in the combined hardstand impervious area of the site and is, therefore, subject to the water quality requirements of the State Planning Policy. Development is required to avoid or otherwise minimise adverse impacts on the environmental value of receiving waters arising from stormwater quality or flow.

Council's hydrology specialist has advised that, although the proposed stormwater quality treatment system has not been demonstrated to be adequate at this stage, if the development were to be approved, conditions could be imposed requiring water quality leaving the site to meet acceptable standards.

With regard to Natural Hazards, council's hydrology and ecology specialists are satisfied the proposed development could adequately avoid or mitigate the risks associated with potential flooding.

With regard to State Transport Infrastructure, the development will not adversely impact on the site's integration with the existing public passenger transport facility located on the David Low Way frontage of the site.

With regard to Wildlife Hazard, the development would not increase the potential for the site to attract birds and bats or create additional risk to the safety of the airport.

The proposed development generally complies with the relevant elements of the State Planning Policy.

South East Queensland Regional Plan

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

State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions
- State Planning Regulatory Provision (Adopted Charges)

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

Volume 2 - Retail and Commerce of the Strategic Plan identifies the overall strategic direction and intent for retail and commercial development across the region. The proposed development compromises the strategic intent of the planning scheme which identifies Coolool as an important Tourist Centre which should “*provide a range of commercial, retail, service and entertainment facilities primarily satisfying the needs of tourists.*” These types of uses are intended to occur within the centre zoned land in the Coolool Planning area. The subject application proposes predominantly small lot residential development with some home office components within a zone that is intended to facilitate the retail, commercial and entertainment uses that the Strategic Plan encourages for Coolool.

The subject site is a strategically important site as it is one of the last undeveloped centre lots remaining in Coolool. This proposal does not realise the site's strategic value in facilitating the planning scheme intent for the Coolool Village Centre; not only for this site itself, but also for the surrounding village centre zoned land in terms of promoting increased activity in the area and the associated flow on effects on surrounding uses.

The applicant has argued that the lack of retail/commercial use associated with this application is justified, as the existing approval of the land (being Stage 3 to the Element) provided residential units only with no commercial component. Although the approval for units on the land is for residential only, the approved 96 unit development still achieves a

better residential outcome for the site in terms of density, provision of landscaping and open space, provision of the approved car parking required as part of the overall Element development, and general efficiencies of units as opposed to small lot housing.

The proposed development conflicts with Section 4.3.3 (Village Centres) of the Strategic Plan which seeks for *“centres to provide a range of retail and commercial facilities satisfying the needs of their host towns. The strategy seeks to enhance the character of the towns and their centres and it must therefore ensure that existing business areas retain their role as the principal retail and Commercial Service centres of their towns.”*

The proposed small lot housing development would not facilitate the intent for this centre zoned land to remain as the principal retail and commercial centre of Coolum. The application proposes houses that predominantly face the internal road and turn their back on the street and includes multiple driveways and garage doors set back 1 metre from the street. The proposed development would detrimentally impact on the intended character of the village centre and the ability for this site to accommodate uses to achieve the intended role of the Coolum Village Centre.

The proposal includes some small home office components only and compromises the ability for this site to deliver the land uses that are generally expected in this precinct, which *“include small scale supermarkets that service the local community only, specialty shops, a range of local community services, such as libraries and health and education facilities, and small scale tourist facilities.”*

Furthermore, small lot subdivision as proposed is inconsistent with the following statement for Village Centre Precincts: *“development within a Village centre which fragments the centre or creates a focus away from the established centre in that locality will not be supported.”*

The impact of the proposed subdivision and associated houses on this site must be considered not only on the impacts of this site, but the impact it would have on the three streets to which it has frontage. Elizabeth Street, Heathfield Road and William Street would all be impacted if this site were developed for small lot housing as proposed. A lack of active pedestrian generating uses on the subject site would affect the long term commercial viability of land fronting these streets. The land located on the opposite side of these street frontages is also centre zoned and is required by the planning scheme to provide active pedestrianised uses along the street. If the land were developed with back yards of houses and double garages fronting the street on the other side of the road, it could compromise the village centre character of the area, the vibrancy of the street and the future development viability of those blocks as intended by the planning scheme.

Local Area Provisions

The subject site is located in the Village Centre Precinct of the Coolum Beach Planning Area.

Village Centre precincts are *“intended to accommodate a mix of business, service industry, municipal and community uses which serve the needs of local residents, residents of surrounding rural areas, and tourists and other visitors.”*

Village Centres are intended to be focused on attractive and comfortable pedestrian oriented street environments with *“footpaths with verandahs or awnings, and buildings built up to the road alignment, to create attractive, pedestrian-friendly, street spaces.”*

“A mix of non-residential and residential premises within these Centres is expected, including sites or buildings with shops or other commercial uses at the front and dwellings behind.”

The development does include some small components of home office elements which address the street (identified as "SOHO" on the submitted plans). These components do achieve the intent for the precinct and would facilitate the type of outcome that would foster activity and provide opportunity for uses that this precinct is seeking. However, these components of the development are minimal making up only a small percentage of the site's street frontage and are small tenancies (30m²) which are only an ancillary component of the primary use being a dwelling house. This limits the ability for them to accommodate a variety of the uses listed above and includes a risk that they are only ever used as a residential extension of the houses.

The proposed development does not adequately achieve the intent for the Village Centre Precinct.

The precinct intent for the Coolum Beach Village Centre specifically identifies the subject site and encourages opportunities for mixed accommodation, commercial and entertainment uses.

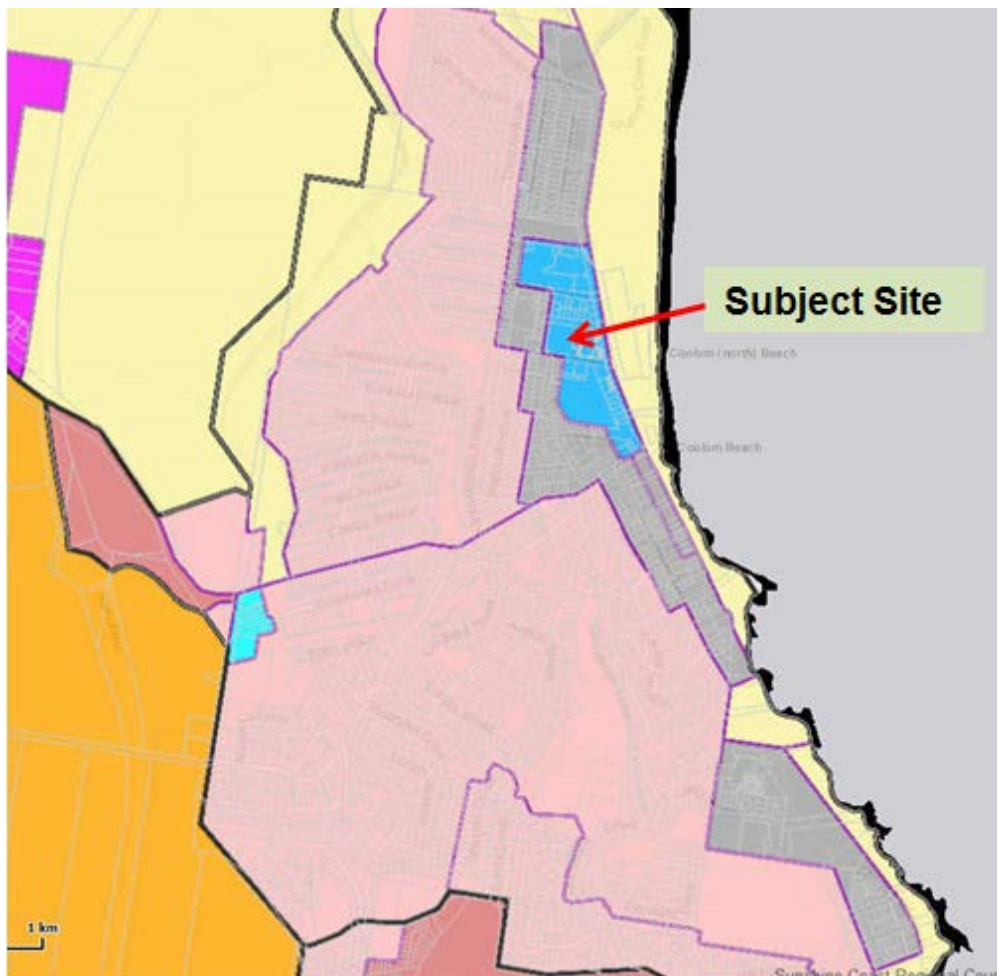
The loss of this land for residential houses only, albeit with a limited home office component, prejudices the opportunity for a range of commercial, retail, entertainment, community and eating premises that would be available to benefit the broader community into the future. This would affect the ability for this centre to operate as the primary centre for Coolum and the planning scheme's intention for this Precinct to serve the daily needs of the community and visitors.

The applicant has not provided an economic impact assessment to demonstrate what the economic impact of this development would be in the future as a result of proposing houses which are not a consistent or intended use in this precinct.

The proposed small lot houses are inconsistent with the existing and intended character for the Coolum Village Centre precinct. This type of development in this location does not create active street frontages or a "*comfortable, attractive and interesting pedestrian environment*" as envisioned by the planning scheme. The houses are predominantly turning their back on the street with back yards adjacent to the majority of the site's Elizabeth and Williams Street frontages. The full extent of the site's Heathfield Road frontage proposes multiple driveways and garage doors set back 1 metre from the street. This arrangement would result in 9 new driveways and bin collection through wheelie bins on the street frontage.

The extent of home offices proposed is insufficient to adequately achieve the active frontage intended for this precinct in the planning scheme. They form an ancillary component of the primary use of the site for small lot detached houses, which is not a preferred or intended use in this location and compromises the delivery of the uses that are intended to occur within this centre.

The map below shows the Maroochy Plan zoning of the Coolum planning area. Small lot housing types of development such as the proposed are intended to be located within the Mixed Housing precinct designation, which is shown as grey on the map. These areas are intended to accommodate a mix of residential types and densities, and some sites within the Mixed Housing precinct may be more appropriate for the proposal insofar as it would not cause the loss of centrally located commercial zoned land.



The application has not adequately demonstrated that sufficient grounds exist to support the proposed development despite the conflict with the intent of the planning scheme planning area and precinct.

Land Use and Works Provisions

The following codes which regulate land use and design are applicable to this application:

- Code for Town and Village Centres
- Code for Reconfiguring Lots
- Code for the Development of Detached Houses and Display Homes
- Code for Mixed Use Premises
- Code for Transport Traffic and Parking
- Code for Landscaping Design
- Code for Integrated Water management
- Design Code for Community Safety and Security
- Operational Works Code

The application has been found to conflict with one or more elements of the applicable statutory instruments and cannot be conditioned to comply. The pertinent issues arising out of the assessment are discussed below.

Code	Discussion
Code for Town and Village Centres	<p>The proposed development is inconsistent with the following elements of this Code.</p> <p>The development includes only a small component of home office use which totals only a small percentage of the site's frontage to the public streets. The remainder of the development does not achieve the code requirement of "<i>incorporating activities that are likely to foster casual, social and business interaction for extended periods (such as shopfronts, indoor/outdoor cafes and restaurants).</i>" The site's frontages to William Street and Elizabeth Streets are predominantly the back yards of houses.</p> <p>The site's frontage to Heathfield Road accommodates houses with garages addressing the street at only 1 metre off the boundary. This outcome conflicts with the Acceptable Measure to "<i>provide clear or relatively clear windows and, where provided, grille or translucent security screens rather than solid shutters, screens or roller-doors.</i>"</p> <p>Furthermore, the Code requires that "<i>car parking areas, service areas and access driveways are located where they will not dominate the streetscape, and in Town Centre Cores and Village Centres will not unduly intrude upon pedestrian use of footpaths, through:</i></p> <ul style="list-style-type: none"> • <i>the use of rear access lanes,</i> • <i>parking and service areas situated at the rear of the site or below ground level, and</i> • <i>shared driveways.</i>" <p>The inclusion of 7 driveways from Heathfield Road, which require cars to reverse off onto the road, is an unsafe and inefficient outcome.</p> <p>The proposed development conflicts with Element 3 Performance Criteria 1 and 3 of the Code which requires development to contribute to the desired townscape character of the precinct and have their primary use addressing the street frontage. The development predominantly faces the internal road with private house back yards adjacent the street. Insufficient grounds have been provided to warrant support of the development despite the conflict with these Performance Criteria.</p>
Code for Reconfiguring Lots	<p>The proposed development is inconsistent with <i>Element 2 Lot Size and Dimensions</i> of the Code. The Code for Reconfiguring Lots does not envisage centre zoned land being subdivided for detached houses. The minimum lot size specified in the Code is 1,200m² with a minimum frontage width of 40 metres, which is intended to facilitate future development of the uses that are planned to occur in centre zoned precincts (commercial, community, retail and mixed use developments). The planning scheme does not anticipate small lot housing development occurring in centre precinct and, therefore, does not include small lot provisions that relate to these precincts. The proposal includes 140m² allotments with frontages down to 10 metres wide and is inconsistent with the associated Performance Criteria P1, which requires lot size and dimensions of subdivisions to be consistent with the desired character of the Precinct.</p>

Code	Discussion
	<p>The Performance Criteria relating to small residential lots (of less than 600m²), stipulates that small lots are only created where they are consistent with the desired character for the Precinct. The proposed small lot housing development is inconsistent with the desired character of the precinct and is, therefore, inconsistent with the Code for Reconfiguring a Lot.</p> <p>The proposed subdivision results in the fragmentation of centre zoned land with lot sizes that would be unsuitable for any other purpose over the long term. Therefore, the proposal would extinguish the possibility of the land ever being able to be used for its intended purpose, to the detriment of the broader Coolum community into the future.</p> <p>Insufficient grounds have been provided to warrant support for the development despite the conflict with the planning scheme.</p>

Overlay Provisions

The following planning scheme overlays are applicable to this application:

- Acid Sulphate Soils

The application has been assessed against the above applicable code and found to be compliant with it. No further assessment is necessary.

Other Planning Considerations

Car Parking

The current site has 12 delineated on-street car parking spaces along Heathfield Road, and unmarked on-street parking along Elizabeth Street (approximately 12 spaces) and Williams Street (approximately 15 spaces). There is also an existing onsite car park area of about 27 spaces. This totals approximately 66 spaces. As a result of new driveways, the site entrance, and the loss of the onsite car park, the proposed development would reduce this parking to the following: 5 spaces on Heathfield Road, 6 spaces on Williams Street and approximately 14 (unmarked) spaces on Elizabeth Street, resulting in a total of 25 on-street spaces. Overall, this would result in a loss of approximately 41 public parking spaces (14 of those on the street) in Coolum's village centre.

In 2003, council approved a change to the approved Element development. As part of the change, council agreed to allow a temporary at grade car parking area on the part of the land that is now the subject of this application. The temporary car park was to facilitate retail car parking requirements of the commercial/retail component of the Element development until such time as Stage 3 of the approval was constructed and the remaining and final part of the basement car park could be provided. The component of the missing parking that is currently being provided on the temporary at grade parking area is 24 spaces. The subject application does not provide detail on how those 24 car parking spaces would be provided. The spaces are necessary to allow the existing Element development to accommodate the car parking requirements under its approval. A subdivision was approved over the land (Council reference REC03/0167) and includes a volumetric component below the subject site to allow for the basement car park to be constructed in the future. This requirement lies with the Stage 3 of the Element development and would be lost should stage 3 of the Element not

proceed. Therefore, should approval of this application be contemplated, it is recommended the requirement to provide these 24 car parking spaces be imposed on the development.

Figure 5 – Temporary Car Park location Plan



Road Layout

Council's engineering specialist has assessed the proposed driveway and access arrangement associated within the proposed subdivision and provides the following assessment.

The application proposes a looped private roadway within the site, including private laneway stubs (one with some visitor parking proposed). The proposed private street reserve width is 13.5 metres, which is less than the 14 - 14.5 metres required for the equivalent public street (an "access place" street listed in *Planning Scheme Policy No. 6 Transport, Traffic and Parking*). Also, the internal roadway serves a frontage of 30 lots, which (if a public road) would classify it as an "access street" in the *Planning Scheme Policy No. 6 Transport, Traffic and Parking*, and would require a reserve width of 16 - 16.5 metres, and street parking on at least one side. As private roadways, the road widths are not necessarily bound by the Planning Scheme road requirements. However, due to the small lot sizes, lack of frontage, verge taken up by stormwater and parking features, and the overall narrow proposed roadway, this development would increase the utilisation of public on-street parking on adjacent roadways and also decrease the visual amenity along the internal private road (with zero landscaping proposed on the northern, western and southern outside verges). When considered with the decrease in existing on-street parking resulting from the development, the proposed internal private street sizing is not sufficient for the proposed development.

CONSULTATION:

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence*Department of Infrastructure, Local Government and Planning (SARA)*

The department is a concurrence agency for State controlled road matters. The department responded by letter dated 6 January 2016 imposing conditions on the development. The conditions relate to access and controlling the impacts of stormwater from the development.

Other Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Unit
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*.

197 properly made submissions and 18 not properly made submissions were received.

Of the properly made submissions, 195 were in support of the application and 2 were objecting to the application.

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

<i>Issues</i>	<i>Comments</i>
SUPPORT	
Proposed 44 small lot houses are a better outcome than the 96 units that have been approved as Stage 3 of the Element development.	<p>The approved units are already approved and existing development rights cannot be revoked. This application is being assessed against what the applicable planning scheme provisions require for a new type of development on the land, regardless of what can be developed under the existing approval.</p> <p>However, the following points relate to the differences between the approved development and proposed development:</p> <ul style="list-style-type: none"> - The approved unit development on the site facilitates a higher residential density on the site delivering a density more consistent with the site's location and the site's close proximity to services and commercial uses. <p>The approved units facilitate a better urban design outcome than the proposed subdivision for the following reasons:</p>

Issues	Comments
	<ul style="list-style-type: none"> - Inclusion of communal open space and landscaped area. - More efficient use of the land in terms of consolidated access and car parking, bulk bins as opposed to large number of wheelie bins on the street.
<p>The built form achieves a high quality design outcome.</p>	<p>The proposed development results in small lot houses which do not achieve a high quality outcome or the intended built form for a Village Centre precinct for the following reasons:</p> <ul style="list-style-type: none"> - houses predominantly address the internal private road and have their backyard addressing the street. - The development includes 10 additional driveways onto the street and an internal road. - The site's full frontage to Heathfield Road would consist of 11 metre frontages with garage doors setback 1 metre from the front boundary. - The extent of home office component does not create an adequate active and pedestrianised frontage. <p>The development is lacking in a number of key built form outcomes required in Centre Precincts including:</p> <ul style="list-style-type: none"> - Pedestrian shelter in the form of awning over the pedestrian paths. - Active frontages addressing the street with the exception of 8 small home office tenancies. - Design that minimises the use of the street for waste collection.
<p>Coolum residents want boutique developments that fit with the casual village atmosphere.</p>	<p>The planning scheme reflects an overall vision and intent for appropriate growth and development on the Sunshine Coast, subject to extensive community consultation. This application is inconsistent with the intent of the planning scheme for the reasons explained in this report.</p>
<p>High quality landscaping has been integrated into the development.</p>	<p>The extent of landscaping is minimal. No communal open space or usable green space is provided as part of the application.</p>
<p>The low rise 2 storey built form of the proposed development is consistent with the existing development along Williams Street, Heathfield Road and Elizabeth Street.</p>	<p>It is agreed that the predominant building height and scale along the streets surrounding this site is currently low rise and small scale. Most of the land located opposite this site is also located within the Village Centre zone and within the District Centre Zone in the Sunshine Coast Planning Scheme. It is therefore intended and expected that this area will gradually be redeveloped over time for a mix of uses with active street frontages and height limits in</p>

Issues	Comments
	accordance with the planning scheme (up to 12 metres high).
The development is located within an existing urban area and, therefore, will not have any substantial environmental impacts.	The site is cleared and does not involve environmental impacts that could not be addressed through conditions.
The development will create local job growth during construction and operation phases.	The development will facilitate jobs and economic benefit during construction. This would apply to any development. It is noted that other forms of development usually associated with a Centre zone including mixed use, commercial development etc would have significantly more economic and ongoing employment benefits than 44 small lot houses. The applicant did not provide an economic impact assessment to identify the economic impacts associated with the loss of a large centre zoned lot for small lot houses.
OBJECTION	
The proposal conflicts with the planning scheme and there are insufficient grounds to approve the application.	It is agreed there are conflicts with the planning scheme for the reasons explained in this report.
Development proposes 10 additional driveways as well as the main internal driveway. Design requires cars to reverse on to the road and interfere with the road network. This is particularly dangerous for the corner blocks.	It is agreed the proposed driveways and access arrangements for the 10 lots on the western part of the site adjacent Heathfield Road are inconsistent with the outcomes sought by the Code for Town and Village Centres, which requires shared driveways and pedestrian friendly streets.
The development results in the loss of on-street car parking.	It is agreed the proposed development results in the loss of existing on-street car parking particularly on Heathfield Road where multiple driveways are proposed. Further detail is included in the parking section of this report.
The development only includes small retail/commercial components at the north east and north west corners of the site. This layout does not encourage pedestrian traffic on these streets and does not satisfy the requirements for active street frontages.	The proposed home office elements do facilitate activity on the street frontage. However, they are only a minor percentage of the development and do not adequately achieve the intent and desire character for the precinct which requires active street frontages and a variety of commercial, retail, community, entertainment and mixed use uses to service the community and visitors.
Proposal does not provide green communal open space. The bulk of the built form limits ability for landscaping deep planting.	It is agreed the development does not propose communal open space and includes limited landscaped areas.
The internal roadway does not meet the planning scheme requirements. Insufficient for vehicle movement and pedestrian safety.	This point is agreed, as per the discussion contained in this report.
Proposal does not meet the vision for	It is agreed the proposed development does not

<i>Issues</i>	<i>Comments</i>
the coastal village character of Coolum. Reflects a mini suburbia with a density that is inconsistent with the desired character of the Coolum beach CBD.	realise the vision for the Coolum Village Centre and would potentially prevent a future development opportunity from occurring that might be consistent with the planning intent and benefit of the wider community.
Existing approval is far more consistent with the planning scheme than this proposal.	<p>The comparison with the existing approval is not a relevant planning ground and emphasis has been placed on assessing this application on its merits against the planning scheme rather than comparison with the existing approval. However, it is noted that efficiencies associated with units including access, servicing, landscaping and communal open space are more effectively delivered than through single detached houses. The approved development does not include any additional access or driveways from the street with all access occurring through the existing access locations associated with Stages 1 and 2 of the Element.</p> <p>The proposed development results in the loss of 24 car parking spaces which, as part of a change to the existing Element approval, have been provided in a temporary arrangement on this site. Should approval of the subject application development be contemplated, conditions requiring the 24 parking spaces should be imposed as a requirement.</p> <p>Furthermore, the application would result in the loss of approximately 14 on-street parking spaces to the community.</p>

CONCLUSION

The proposed development is inconsistent with the requirements of the planning scheme and cannot be conditioned to comply. Insufficient grounds have been provided to justify approval of the application despite the conflict with the planning scheme.

Therefore, the application is recommended for refusal.

8.2 CORPORATE SERVICES**8.2.1 APRIL 2016 FINANCIAL PERFORMANCE REPORT**

File No: Financial Reporting

Author: Coordinator Financial Services
Corporate Services Department

Attachments: Att 1 - April 2016 Financial Performance Report 305

PURPOSE

To meet Council's legislative obligations, a monthly report is to be presented to Council on its financial performance and investments.

EXECUTIVE SUMMARY

The monthly financial performance report provides Council with a summary of performance against budget at the end of each month in terms of the operating result and delivery of the capital program.

Operating Performance

The operating result at 30 April 2016 of \$72.7 million shows a positive variance of \$12.1 million compared to the YTD current budget.

Table 1: Operating Result as at 30 April 2016

April 2015	Current Budget \$000	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Operating Revenue	395,974	360,061	366,037	5,976	1.7
Operating Expenses	371,661	299,423	293,341	(6,081)	2.0
Operating Result	24,313	60,639	72,696	12,057	19.9

Capital Performance

As at 30 April 2016, \$114.4 million (72.0%) of Council's \$158.8 million 2015/16 Capital Works Program was financially expended (including region making projects). The year to date anticipated spend was \$123.8 million, with financial expenditure 7.6% behind budget.

The core Capital program has actual spend of \$94.9 million against a target of \$104.4 million, 9.1% behind budget.

Write-off unrecoverable income

This report also contains a recommendation to write off two unrecoverable debts for a total of \$30,439.54 (GST inclusive) with further detail contained in the proposal section of the report.

The "Credit Accounts, Debt Collection & Write off Policy" states that to write off any debt greater than \$10,000, a report is to be submitted to Council for approval. This limit is stipulated in the delegation of authority under Council Resolution OM5.1.3 on the 23rd of April 2008.

Investment Performance & Cash holdings

Council's investment portfolio remains within the guidelines established under the Investment Policy.

For the month ending 30 April 2016 Council had \$324.1 million in investment cash (excluding Trust Fund) with an average interest rate of 3.1%, being 0.64% above benchmark.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "April 2016 Financial Performance Report" and**
- (b) write-off unrecoverable income of \$10,247.07 GST exclusive (\$11,271.78 GST inclusive) in relation to Dynamic Road Maintenance Services (DRMS) and**
- (c) write-off unrecoverable income of \$17,425,24 GST exclusive (\$19,167.76 GST inclusive) in relation to Robert Keys.**

FINANCE AND RESOURCING

There are no financing implications as a result of this report.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*

Outcome: 5.2 - A financially sustainable organisation

Operational Activity: 5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION**Internal Consultation**

All departments or branches participated in the formation of the recommendations associated with this report.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

The operating result at 30 April 2016 of \$72.7 million shows a positive variance of \$12.1 million compared to the YTD current budget.

Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

Operating Revenue

Year to Date (YTD) actual revenues as at 30 April 2016 of \$366.0 million shows a positive variance of \$6.0 million.

Table 2: Substantial Revenue variances as at 30 April 2016

Operating Revenue Large Variances	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Net Rates and Utility Charges	241,635	242,535	901	0.4
Fees and Charges	51,324	54,076	2,752	5.4
Other Revenue	11,888	13,423	1,535	12.9
Interest Received from Investments	7,277	7,946	669	9.2

Net Rates & Utilities Charges

The favourable variance of \$900,000 has reduced by \$400,000 from March 2016 month end. This is in line with previous comments that the additional income was a timing difference due to the movement in prepaid rates.

Fees & Charges

The April 2016 results are showing a favourable variance of \$2.8 million which relates to:

- \$980,000 for development services fees and charges, 7% favourable to budget
- \$920,000 for increased holiday park fees (mainly Coolum, Maroochydore & Cotton Tree), overall the Holiday Parks are \$856,000 favourable to budget
- \$451,000 favourable variance in waste tip fees due to the higher development activity in the region
- \$125,000 for increased revenue at cemeteries
- \$107,000 for increased licensing and permits revenue.

Other Revenue

The favourable variance of \$1.5 million related to:

- \$280,000 favourable variance due to increased rebates in Fleet and Recoverable Civil Works
- \$230,000 for a milestone payment for Doonan Creek DTMR Koala offset, not anticipated to be received this financial year
- Sundry Recoupment across all major venues has exceeded budget by \$329,000.

Interest Received from Investments

The favourable variance of \$669,000 is due to higher than anticipated cash levels. Cash levels have increased from Budget Review 2 due to \$25.0 million in capital works being deferred until 2016/17 and favourable variances on the operating statement.

Operating Expenses

Year to Date (YTD) actual expenditure as at 30 April 2016 of \$293.3 million shows a positive variance of \$6.1 million.

Table 3: Substantial Expenditure variances as at 30 April 2016

Operating Expenditure Large Variances	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Employee Costs	100,348	100,040	(309)	(0.3)
Materials and Services	120,406	114,332	(6,074)	(5.0)

Employee Costs

Employee costs are currently showing a favourable variance of \$309,000, or 0.3%. This has decreased slightly from March 2016 due to a number of vacancies being filled.

Materials and Services

Materials and Services are \$6.1 million favourable to budget at the end of April 2016 (5.0%). There is a general underspend at the end of April across all departments with some more significant areas being:

- timing variance on new waste contracts yet to incur actual costs \$885,000
- reduced internal asphalt sales from the Quarry resulting in a reduction in materials required to produce goods and a favourable material spend of \$543,000
- \$474,000 for timing differences on maintenance activities in the Civil Asset Management
- Property Branch \$446,000 favourable due to a range of timing differences including electricity and water and sewerage costs.
- Lower prices of fuel have resulted in a favourable variance of \$273,000
- \$230,000 for insurance claims lower than budget
- operating projects and levies are \$2.1 million favourable to budget, with these funds quarantined for the delivery of Council approved projects and levies.

Capital Revenue

Capital revenues, at \$88.4 million, are favourable \$3.7 million to the YTD current budget. Cash grants and cash contributions are ahead of budget by \$7.5 million. Constructed assets are \$3.9 million below budget, however constructed assets for the quarter will not be recognised until June 2016.

Table 4: Capital revenue variances as at 30 April 2016

Capital Revenue	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Capital Grants and Subsidies	7,365	9,175	1,810	24.6
Capital Contributions - Cash	21,010	26,756	5,745	27.3
Contributed Assets	56,374	52,476	(3,899)	(6.9)

Capital Expenditure

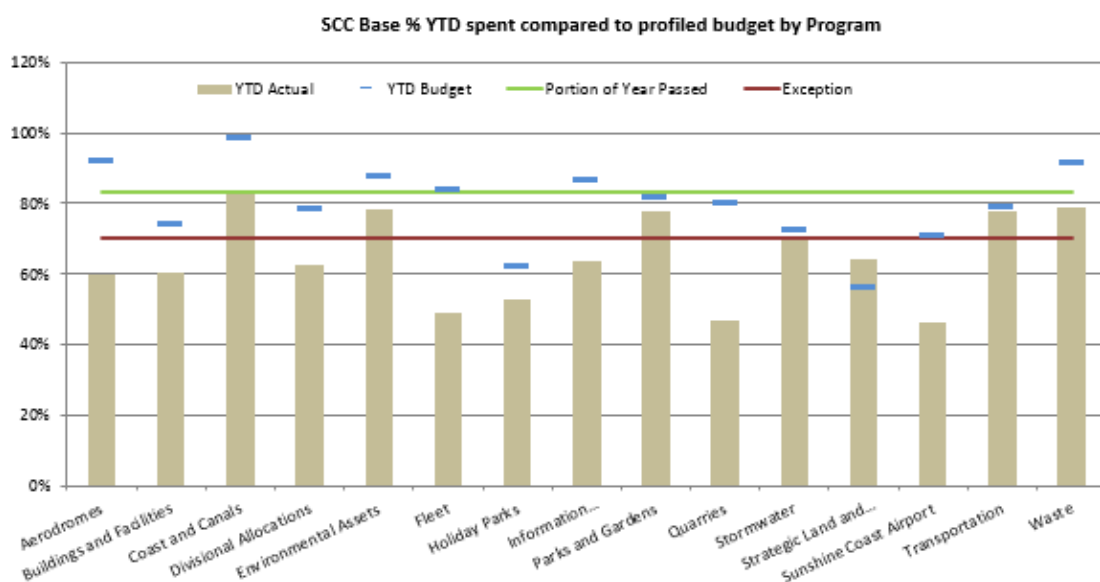
As at 30 April 2016, \$114.4 million (72.0%) of Council's \$158.8 million 2015/16 Capital Works Program was financially expended (including region making projects). The year to date anticipated spend was \$123.8 million, with financial expenditure 7.6% behind budget.

The core Capital program has actual spend of \$94.9 million against a target of \$104.4 million, 9.1% behind budget.

Table 5: Capital expenditure variances by program as at 30 April 2016

Capital Works Program	Forecast Budget \$000	YTD Current Budget \$000	YTD Actual \$000	YTD Variance	% Variance on YTD budget
Aerodromes	548	507	327	(180)	(35.5)
Buildings and Facilities	8,746	6,534	5,272	(1,263)	(19.3)
Coast and Canals	2,042	2,022	1,688	(334)	(16.5)
Divisional Allocations	3,560	2,800	2,230	(570)	(20.4)
Environmental Assets	1,669	1,476	1,306	(169)	(11.5)
Fleet	3,935	3,323	1,922	(1,402)	(42.2)
Holiday Parks	792	495	420	(75)	(15.2)
Information Technology	5,032	4,372	3,192	(1,181)	(27.0)
Parks and Gardens	15,328	12,622	11,944	(678)	(5.4)
Quarries	496	400	233	(167)	(41.7)
Stormwater	6,802	4,952	4,729	(222)	(4.5)
Strategic Land and Commercial Properties	6,658	3,780	4,273	493	13.0
Sunshine Coast Airport	5,792	4,132	2,665	(1,466)	(35.5)
Transportation	62,596	49,807	48,578	(1,229)	(2.5)
Waste	7,818	7,171	6,154	(1,017)	(14.2)
Total SCC Core Capital Program	131,814	104,393	94,933	(9,460)	(9.1)
Corporate Major Projects	100	87	50	(36)	-
Maroochydore City Centre - Council delivery	8,044	6,728	6,695	(33)	(0.5)
Maroochydore City Centre - SunCentral delivery	7,754	4,610	3,694	(916)	(19.9)
Solar Farm	9,866	7,438	8,412	974	-
Sunshine Coast Airport Runway	1,225	528	631	103	19.4
Total Other Capital Program	26,990	19,391	19,482	91	0.5
TOTAL	158,804	123,784	114,415	(9,369)	(7.6)

The following Base Capital Projects have further information provided due to YTD spend of less than 70%.



Aerodromes

The two major projects which account for 46% of the Aerodrome's program are both in progress and nearing completion scheduled for May 2016. Other vegetation works will also continue to the end of financial year.

Buildings & Facilities

The YTD profiled budget of 75% expected completion is a reflection that the projects scheduled for the latter half of the financial year are well underway:

- the construction of the Sippy Creek Animal Pound/ Refuge (\$1.8 million), being managed by Project Delivery Branch, continues to be delivered on schedule. This project has a 70% financial completion rate. This is a multiyear project, with completion expected next financial year
- various works for The Events Centre, totalling \$1.1million were scheduled towards the final quarter to accommodate centre programming. They are now 66% financially completed with the remaining major works anticipating completion by mid-June.
- the \$850,000 Aquatic Facilities capital program is 60% financially complete. Remaining contracts for projects totalling \$340,000 are in place and on track for completion this financial year.
- the Roys Road Depot Master Plan is a multi-year staged project, with the design and early site preparation works scheduled for April – June this financial year. This is progressing as scheduled with a financial completion to date of 50%.

Fleet

This \$3.9 million program is currently 49% financial complete. A further 45% of the program has been committed with a significant portion relating to large roads maintenance trucks that require a seven month build time. The first round of trucks have been delivered to the Coast, with expected payment in May 2016. These trucks arrived a week later than expected and did not meet the April close off period. June 2016 will see delivery and payment for all remaining orders, which remain on schedule.

Holiday Parks

There are two significant projects amounting to 63% of the program, both are in progress and expect to expend current year funds by June 2016:

- Maroochy Beach Camp Kitchen – the contract has been awarded, with construction to commence following the Australian National Titles in April. Completion still anticipated in Mid-June 2016; and
- Mudjimba Expansion is a two year project that commenced in April 2016, with further funds available in the 2016/17 program. The contract to complete the works required to the onsite services is underway, reflected in the 68% financial spend to date.

Information Technology

The Information Technology program has expended 63% of full year budget at the end of April 2016, \$1.2 million behind forecasted spend. The only identified risk to financial completion of this program is a final payment for the Events Management software. This payment will not take place until any post implementation issues have been resolved, and with a scheduled implementation in mid-June 2016, this is unlikely to take place in this financial year.

Quarries

The \$500,000 Quarry Program is currently 47% financially complete. A significant portion of the program is attributable to Quarry Development Works which will be informed by a Geotechnical report currently underway. This report is due to be finalised in June and allocated funds are expected to be delivered this financial year. The other major allocation relates to a staged electrical and computer system upgrade for the asphalt plant. Technical work has been finalised, with installation scheduled for early June 2016, however the resale program is now looking like continuing on to year end and the computer upgrade may now be delayed.

Strategic Land & Commercial Properties

Major projects within the Strategic Land, Economic Development and Land Re-Development sub-programs are substantially complete with over 85% financially completed to date. Settlements for Environmental Land are also progressing well, following the recognition of some deferrals last month and two of the three acquisitions being finalised to date and the third planned for June. Negotiations for acquisitions within the LGIP Transport Corridors sub-program continue with five settlements anticipated in May/June 2016, and a further three to be confirmed, however may not occur until early next financial year.

Sunshine Coast Airport

Projects totaling 43% of the \$5.79 million Airport Program are substantially complete, with an associated 70% financial spend and a further 26% recognised as savings on the finalised Aerospace precinct Stage 3 project. This saving will however be reallocated to the international terminal upgrade, where tenders for the upgrade came in over initial estimates. This upgrade is now scheduled to be a multiyear project due to time constraints with international flights.

Table 6: Capital job quantities and budgeted value by status as at 30 April 2016 (excluding region making projects):

Project summary by Job status (SCC Base only)	Number of Capital Jobs	%	Current Budget \$000	%
Not Started	63	4.5%	1,582	1.2%
Works in Progress	600	42.8%	73,964	56.1%
Complete	682	48.6%	53,997	41.0%
On Hold	58	4.1%	2,271	1.7%
Total	1,403		131,814	

The total number of jobs increased by 42 in the month of April, to recognise the design projects for 2016/17 budget, introduced at a high level in Budget Review 2 2016/17. The status of the design jobs are still to be updated, and therefore there has been a significant increase to the Not Started category. It is expected that a large number of these jobs will move into a work in progress status in the month of May.

Jobs completed went from 593 in March 2016 (\$45.0 million) to 682 in April 2016 (\$54.0 million).

Write-off of unrecoverable income

Dynamic Road Maintenance Services (DRMS) purchased 345.60 tonnes of type 2.5 road base on 21 and 23 October 2014. The product was delivered but not utilised as DRMS considered it to be unsuitable. Several attempts to recover the debt have been undertaken.

A debt of \$10,247.07 GST exclusive (\$11,271.78 GST inclusive) remains and is recommended for write-off in this report.

An Embraer aeroplane owned by Robert Keys was parked at Sunshine Coast Airport from May 2012 to January 2014 and consequently incurred airport usage charges. These charges amounted to \$17,425.24 GST exclusive (\$19,167.76 GST inclusive). Several attempts to recover this debt, including engaging with a solicitor, have been made with no success.

A debt of \$17,425,24 GST exclusive (\$19,167.76 GST inclusive) remains and is recommended for write-off in this report.

The "Credit Accounts, Debt Collection & Write off Policy" states that to write off any debt greater than \$10,000, a report is to be submitted to Council for approval. This limit is stipulated in the delegation of authority under Council Resolution OM5.1.3 on the 23rd of April 2008.

Investment Performance & Cash Holdings

Council's investment portfolio remains within the guidelines established under the Investment Policy.

For the month ending 30 April 2016 Council had \$324.1 million in investment cash (excluding Trust Fund) with an average interest rate of 3.10%, being 0.64% above benchmark.

Comparing these results to the same period last year, Council held \$269.3 million in cash (excluding Trust Fund) and the average interest rate was 2.92%, being 0.71% above benchmark.

The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill Index (BAUBIL) and the Bank Bill Swap Rate (BBSW) for term deposits.

Table 7: Cash Flow variances as at 30 April 2016

Net Cash Flows	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Operating Activities	112,633	141,952	29,319	0.3
Investing Activities	(94,498)	(90,809)	3,689	(0.0)
Financing Activities	(13,746)	(13,746)	-	-
Closing Cash Balance	291,775	324,783	33,008	0.1

The financial ledger cash balance at the end of April 2016 was \$324.7 million, which was \$33.0 million above forecasted cash holdings. This higher cash holding is made up of lower than anticipated spend on capital and operating projects and higher than anticipated revenues.

Legal

This report ensures that Council complies with its legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations and the *Local Government Act 2009*.

Policy

Council's 2015/16 Investment Policy, 2015/16 Debt Policy, 2015/16 Revenue Policy and Revenue Statement.

Corporate Services Credit Accounts, Debt Collection and Write Off Policy.

Risk

Failure to achieve the budgeted operating result will negatively impact Council's capacity to complete its capital expenditure program.

Previous Council Resolution**Special Meeting Budget 25 June 2015, Council adopted the 2015/2016 Budget - Council Resolution (SM15/20)**

That Council:

- (a) *receive and note the report titled "Adoption of the 2015/2016 Budget and Forward Estimates for the 2016/2017 to 2024/2025 Financial Years"*
- (b) *adopt the 2015/2016 Capital Works Program, endorse the indicative four-year program for the period 2016/2017 to 2019/2020, and note the five-year program for the period 2020/2021 to 2024/2025 (Appendix A) and*
- (c) *adopt the 2015/2016 Budget Schedules (Appendix B) including Forward Estimates.*

Ordinary Meeting 17 September 2015, Council adopted the Budget Review 1 2015/16 (OM15/151)

That Council:

- (a) *receive and note the report titled "Budget Review 1 2015/16"*
- (b) *adopt the amended 2015/16 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A)*
- (c) *establish a Natural Disaster Restricted Cash Component of \$5 million, funded from the 2014/15 operating result and*
- (d) *in addition to (b) and (c), amend the budget to include the sum of \$90,000 in 2015/16 budget for Caloundra Skate Park as part of the Aquatic Centre complex.*

Ordinary Meeting 28 January 2016, Council adopted the Budget Review 2 2015/16 (OM16/3)

That Council:

- (a) *receive and note the report titled "Budget Review 2 2015/16" and*
- (b) *adopt the amended 2014/15 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A).*

Ordinary Meeting 28 January 2016, Council adopted the Mary Cairncross Scenic Reserve Building Renewal Project – Construction Funding (OM16/8)

That Council:

- (a) *receive and note the report titled "**Mary Cairncross Scenic Reserve Building Renewal Project - Construction Funding**", including the artists impressions for the final design*
- (b) *note the Queensland Tourism Infrastructure Fund \$1 million funding offer and the associated funding agreement conditions stating that Council is required to provide evidence on or before 31 January 2016 that it has (or has secured) sufficient funding (in addition to the Grant) required to complete the Activity and entering into a building contract with the successful tenderer on or before 15 April 2016*
- (c) *authorise the Chief Executive Officer to enter into contract with the successful tenderer*
- (d) *endorse the bringing forward of \$2,768,650 from 2017/18 – 2020/21 to the 2016/17 capital forecasts for the Environmental Visitor Education Facilities Sub Program to bring the budget to \$3,218,650 for approval during the 2016/17 budget adoption and*

- (e) *note that there is a proposed increase in the 2015/16 adopted capital budget for the Environmental Visitor Education Facilities Sub Program of \$266,350 as part of Budget Review 2*
- (f) *allocate a maximum of \$20,000 from existing budgets for twelve months commencing April 2016 to assist in the establishment of temporary facilities to provide continuity in the provision of hospitality services at the reserve during the demolition and construction phase of the building renewal project.*

Ordinary Meeting 21 April 2016, February 2016 Financial Performance Report (OM16/51)

That Council:

- (a) *receive and note the report titled “February 2016 Financial Performance Report” and*
- (b) *adopt the amended 2015/16 Capital Program to include the identified capital budget adjustments (Appendix A).*

Ordinary Meeting 19 May 2016, March 2016 Financial Performance Report (OM16/71)

That Council:

- (a) *receive and note the report titled “March 2016 Financial Performance Report” and*
- (b) *adopt the amended 2015/16 Capital Program to include the identified capital budget adjustments (Appendix A).*

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

**8.2.2 DELEGATION TO THE CHIEF EXECUTIVE OFFICER - SECTION 257
LOCAL GOVERNMENT ACT**

File No:	Delegations
Author:	Manager Corporate Governance Corporate Services Department
Appendices:	App A - Delegation to the Chief Executive Officer319 App B - Sustainable Planning Act delegation - 2009-35 (V5) ...337

PURPOSE

The purpose of this report is to present to council a new delegation of authority for the Chief Executive Officer.

EXECUTIVE SUMMARY

Council has a range of powers and functions to perform which are conferred under a number of different Acts of Parliament including the *Local Government Act 2009* as well as subordinate legislation and local laws. Council is able to delegate its powers to implement and enforce these responsibilities.

The Corporate Governance Branch recently undertook a review of Queensland legislation relevant to local government operations (local government Acts) and council's current adopted delegations of authority. The Local Government Association of Queensland (LGAQ) assisted by providing a listing which identified relevant Queensland Acts that specifically relate to local government activities and areas of responsibility (refer Schedule 1 of Appendix A).

Under Council's current delegation of authority framework the Chief Executive Officer is conferred with a number of powers which are capable of delegation under the relevant prescribed Acts for each relevant delegation. These powers are specifically listed based on the relevant provisions in the Acts and local laws. As Council's delegations are quite specific, it has been identified that some of these powers may be limited and some powers under the relevant local government Acts have not been delegated by Council to the Chief Executive Officer. It is important for Council to maintain and improve operational efficiency as well as mitigate Council's risk exposure by implementing a system which supports the prevention of actions being taken in the absence of delegated authority. Accordingly, a review of Council's delegations to the Chief Executive Officer has been undertaken and a new approach is recommended.

Given the specificity and limitation of Council's current delegation instruments, a general delegation has been drafted which seeks to ensure that those powers that are capable of delegation under the relevant Acts (and any corresponding subordinate legislation) referenced in Schedule 1 of Appendix A are delegated to the Chief Executive Officer.

Further to this, Schedule 2 of Appendix A details all powers that are not capable of delegation by Council in relation to those Acts, subordinate legislation and local laws as they are powers that are required to be exercised by resolution.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Delegation to the Chief Executive Officer - Section 257 Local Government Act”
- (b) adopt Delegation 2016-73 (V1) Delegation to the Chief Executive Officer (Appendix A)
- (c) adopt Sustainable Planning Act delegation 2009-35 (V5) (Appendix B) and
- (d) note that all existing specific delegations of authority to the Chief Executive Officer are retained.

FINANCE AND RESOURCING

The cost of preparation of the delegation has been \$10,137 which has been met through existing core budget provisions within the Corporate Governance Branch.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*
Outcome: We serve our community by providing this great service
Operational Service: S31 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported

CONSULTATION

Internal Consultation

Internal consultation occurred with the following officers:

- Chief Executive Officer
- Chief Legal Officer
- Director Corporate Services
- Coordinator Governance Process and Policy, Corporate Governance
- Coordinator CEO Governance
- Mayor Mark Jamieson
- Cr Tim Dwyer
- Cr Greg Rogerson
- Cr Steve Robinson
- Cr Peter Cox
- Cr Jason O’Pray
- Cr Ted Hungerford
- Cr Jenny McKay

External Consultation

McCullough Robertson Lawyers were contracted to assist with the preparation of the delegation and attached schedules.

The LGAQ delegation database was consulted to assist with the identification of relevant legislation.

Community Engagement

No community engagement was required for the preparation of this report as it relates to an internal administrative activity.

PROPOSAL

Local Government Delegations

Council has a range of powers and functions to perform which are conferred under a number of different Acts of Parliament including the *Local Government Act 2009* as well as subordinate legislation and local laws. Under Section 257 of the *Local Government Act 2009*, Council may delegate its powers under an Act (meaning any Act conferring jurisdiction on Local Government, and subordinate legislation under these Acts and Local Laws) to the Chief Executive Officer.

Section 257 (2) of the *Local Government Act 2009* places some limitations on the powers and functions that can be delegated and, in particular, Council must not delegate a power that an Act states must be exercised by resolution.

Direct delegation from Council to officers other than the Chief Executive Officer is not possible. Once powers are delegated to the Chief Executive Officer, it is then a matter for the Chief Executive Officer to exercise those powers himself or he is permitted, under Section 259 of the *Local Government Act 2009*, to further delegate the powers conferred upon him to appropriately qualified employees or contractors of Council. The Chief Executive Officer delegates many powers and functions to other officers of Council who assist the Chief Executive Officer in ensuring that the many roles of the Council (i.e. providing a service to its community while meeting its legislative responsibilities) are met in a timely, effective and efficient manner.

A delegation of power is not a devolution of power. The delegated power is still able to be exercised by Council. Under Section 257(4) of the *Local Government Act 2009* a delegation to the Chief Executive Officer must be reviewed annually by Council.

Proposed new CEO delegation

Council's current delegation of authority framework specifically details the local government Acts where Council has delegated certain powers to the Chief Executive Officer. As Council's current delegations are quite specific, there are a number of powers under numerous local government Acts which have not been delegated to the Chief Executive Officer.

It is important for Council to maintain and improve operational efficiency as well as mitigate Council's risk exposure by implementing a system which supports the prevention of actions being taken in the absence of delegated authority. Accordingly, a review of Council's delegations to the Chief Executive Officer has been undertaken and a new approach is recommended.

The proposed new delegation broadly confers all powers capable of delegation under the relevant Acts from Council to the Chief Executive Officer (detailed in schedule 1 of Appendix A and any corresponding subordinate legislation). The proposed new delegation also details those powers not capable of delegation and those powers that remain with Council to be exercised by resolution (see Schedule 2 of Appendix A).

The intention of this new delegation is to ensure that the Chief Executive Officer is delegated all powers capable of delegation in order to deliver the responsibilities and obligations of a local government which are prescribed under legislation.

The delegation includes a delegation criteria and a delegation administrative procedure section which provides additional information to delegated officers to ensure that delegations

are exercised within a decision-making framework that is based on great governance, enterprise risk management principles and within an environment of integrity and accountability.

Councillor Workshop

On 26 April 2016, the Chief Executive Officer held a workshop for the Mayor and councillors on the proposed CEO delegation. During this workshop councillors raised a couple of general concerns with regards to the exercise of delegated authority by staff, specifically with regards to decisions made under the Sustainable Planning Act. In response to the concerns raised, the CEO presents to council an amendment to the current Sustainable Planning Act delegation (Appendix B) to include the following in the delegation criteria:

In exercising the powers delegated under Chapter 6 of the Sustainable Planning Act 2009, where a development application has been decided by council the delegated officer must give due consideration to the materiality of the changes sought through a negotiated decision notice and consult with the divisional councillor where those changes would have a material impact on the outcome of the original decision.

The inclusion of this paragraph will ensure that all officers with delegated authority under the Sustainable Planning Act delegation consult with the divisional councillor where it is applicable.

Corporate Governance will continue to provide education and awareness to all delegated officers with regards to the exercise of delegated powers.

Legal

McCullough Robertson Lawyers assisted with the preparation of the delegation to ensure legal validity. The LGAQ delegation database prepared by King & Co Solicitors was also referred to during the development process.

Policy

There are no specific policies relating to delegations of authority however when exercising the delegation, action will occur in accordance with any relevant subject matter policies.

Risk

The delegation has been prepared to mitigate the risk of any gaps within council's existing delegation of authority framework. It will ensure the Chief Executive Officer is provided with overall coverage of legislative power (as per schedule 1) to ensure continued business efficacy over council activities and business operations.

Previous Council Resolution

There are no previous resolutions in relation to this particular delegation, however council gave consideration to the annual review of delegations in accordance with section 257(4) of the *Local Government Act 2009* at the following meetings:

Ordinary Meeting 23 July 2015 - Council Resolution (OM15/113)

That Council:

- (a) receive and note the report titled "Instruments of Delegation"*
- (b) make instruments of delegation as contained in (Appendix A-M) for inclusion in council's Delegation Register*
- (c) discontinue instruments of delegation as contained in (Appendix N) and remove from council's Delegation Register and*
- (d) note that a review of council's Delegation Register has occurred in accordance with Section 257 of the Local Government Act 2009.*

Ordinary Meeting 15 October 2015 - Council Resolution (OM15/176)

That Council:

- (a) receive and note the report titled "Instruments of Delegation"*
- (b) make instruments of delegation as contained in (Appendix A-D) for inclusion in council's Delegation Register*
- (c) discontinue instruments of delegation as contained in (Appendix E) and remove from council's Delegation Register and*
- (d) note that a review of council's Delegation Register has occurred in accordance with Section 257 of the Local Government Act 2009.*

Related Documentation

There is no related documentation in relation to this report.

Critical Dates

There are no critical dates relevant to this report.

Implementation

Implementation action will include:

- Updating council's delegation register
- Linking s259 delegations of authority

8.3 COMMUNITY SERVICES

8.3.1 SUNSHINE COAST COMMUNITY SAFETY ACTION PLAN 2016-2020

File No:	Council meetings 16 June 2016
Author:	Development Officer Community Services Department
Appendices:	App A - Draft Community Safety Action Plan 2016-2020 349

PURPOSE

The purpose of this report is to present the draft Sunshine Coast Community Safety Action Plan 2016-2020 to council for consideration (Appendix A).

EXECUTIVE SUMMARY

The development of the draft Sunshine Coast Community Safety Action Plan 2016-2020 (Action Plan) delivers on a commitment identified under the *Sunshine Coast Corporate Plan 2014-2019* goal of “A strong community” to “develop a Community Safety Plan in accordance with council’s *Community Safety Policy* and *Public Space Closed Circuit Television (CCTV) Policy*”.

It is recognised that community safety is a shared responsibility between all levels of government, non-government organisations and the community, and that each level of government has a different role to play in building safe communities. The intent of the draft Action Plan is to integrate with and complement existing networks and activities that are undertaken by others, which contribute to community safety outcomes.

Community safety in the context of the draft Action Plan is defined as “actual and perceived safety concerns and risks of harm and injury that may affect the community’s quality of life and wellbeing”.

The draft Action Plan provides specific actions that are aligned with the direction of the *Sunshine Coast Social Strategy 2015*, *Community Safety Policy 2014* and *Public Space Closed Circuit Television (CCTV) Policy 2014*. The primary focus is on social conditions and risk factors that facilitate crime, and measures that attempt to reduce the opportunities for crime related activity in the physical environment.

Through three key priority areas, the draft Action Plan seeks to contribute to the delivery of:

- Stronger, resilient and safer communities through partnerships
- Strong community safety messaging
- Great spaces and places.

The draft Action Plan is not intended to respond to all components of community safety, as these are addressed by a number of other existing council policies, strategies and plans, local laws and state and federal legislation. Accordingly, the actions focus on:

- Strong community partnerships formed to address community safety issues and build the capacity of our community and partners.
- Crime Prevention Through Environmental Design (CPTED) and Closed Circuit Television (CCTV) that contributes to the design of public spaces that reduce the opportunities for crime.
- Alcohol, drugs and anti-social behaviour strategies that aim to reduce harm associated with alcohol and drug abuse and associated behaviours.

- Graffiti management that promotes the rapid response to the removal of illegal graffiti improving public perceptions of safety.

Ultimately, the draft Action Plan is an on-the-ground response to council's strategic policy position. It is designed to support current activities undertaken by council's Community Safety Officer, with some new internally focussed projects that will enhance council's current contribution to community safety.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Sunshine Coast Community Safety Action Plan 2016-2020"**
- adopt the Sunshine Coast Community Safety Action Plan 2016-2020 (Appendix A)**
- note that the Chief Executive Officer may make minor amendments to the "Sunshine Coast Community Safety Action Plan 2016-2020" to allow for final editing and publication.**

FINANCE AND RESOURCING

Council has a dedicated Community Safety Officer resource that is largely responsible for implementation of the identified actions as contained within the draft Sunshine Coast Community Safety Action Plan 2016-2020. The salary costs associated with this role are part of the core budget in Community Services. There are a minimal number of key projects surrounding social messaging initiatives, graffiti management programs, crime related data analysis and CPTED training for staff, which have budget implications attached to their implementation. These associated allocations are accommodated within the draft 2016/17 budget.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.1 - Safe and healthy communities
Operational Activity:	2.1.8 - Develop a Community Safety Plan in accordance with Council's Community Safety Policy and Public Space Closed Circuit Television (CCTV) Policy

CONSULTATION

Internal Consultation

Council's Community Safety Officer presented on this matter to Council at the Strategic Discussion Forum on Thursday 5 May, 2016.

In development of the draft Action Plan comprehensive internal consultation was undertaken across the organisation with key staff.

All feedback received has been considered in the finalisation of the draft Action Plan. Amendments made in response to the feedback have improved the structure of the document and the clarity of some actions.

External Consultation

In March 2016, the draft Action Plan was circulated to targeted external agencies whose daily operations respond to community safety issues. The agencies included:

- Community Solutions
- Queensland Police Services (including Neighbourhood Watch)
- Caloundra Safe
- Buderim Safe
- Collaborative Approach to Liquor Management (CALM)
- Suncoast Cooloola Outreach Prevention and Education (SCOPE).

These external agencies were supportive of the Draft Action Plan and raised no concerns nor requested amendments.

Community Engagement

The draft Sunshine Coast Community Safety Action Plan 2016-2020 is a corporate response that guides council's Community Safety Officer's role and priorities, and is consistent with the direction of council's *Sunshine Coast Corporate Plan 2014-2019*, *Sunshine Coast Social Strategy 2015*, *Community Safety Policy 2014* and *Public Space Closed Circuit Television (CCTV) Policy*. As such, no further community engagement has been undertaken in relation to this report.

As actions are delivered, it is perceived that engagement with other key stakeholders and the community will occur as required.

PROPOSAL

In December 2014, council adopted the *Community Safety Policy 2014* and the *Public Space Closed Circuit Television (CCTV) Policy 2014*. These documents outline council's position on the scope and extent of its role in community safety.

In June 2015, council adopted the *Sunshine Coast Social Strategy 2015*. This document informs the priority areas that are the focus of the draft Sunshine Coast Community Safety Action Plan 2016-2020.

The draft Action Plan provides specific actions that are aligned with the intent of the *Sunshine Coast Social Strategy 2015* and the associated policies pertaining to community safety, and builds upon council's *Corporate Plan 2014-2019* commitment for "A Strong Community".

It is recognised that community safety and building safe communities is a shared responsibility between all levels of government, non-government organisations and the community. The intent of the draft Action Plan is to integrate with and complement existing networks and activities that are undertaken by others, which contribute to community safety outcomes.

The *Community Safety Policy 2014* identifies five guiding principles, which also underpin the draft Sunshine Coast Community Safety Action Plan 2016-2020:

- Evidence-based decision making
- Strengthening community and partnerships
- Integrated and coordinated proactive approach
- Compliance with relevant legislation
- Monitoring and evaluation.

Through three key priority areas, the draft Action Plan seeks to deliver:

- Stronger, resilient and safer communities through partnerships – working together with people and organisations and the pooling of resources
- Strong community safety messaging – raising awareness and facilitating community based solutions to local needs
- Great spaces and places – public spaces and places where people feel safe and can enjoy themselves.

The draft Action Plan is not intended to respond to all components of community safety, as these are addressed by a number of other existing council policies, strategies and plans, local laws and state and federal legislation. Accordingly, the actions focus on:

- Strong community partnerships formed to address community safety issues and build the capacity of our community and partners.
- Crime Prevention Through Environmental Design (CPTED) and Closed Circuit Television (CCTV) that contributes to the design of public spaces that reduce the opportunities for crime.
- Alcohol, drugs and anti-social behaviour strategies that aim to reduce harm associated with alcohol and drug abuse and associated behaviours.
- Graffiti management that promotes the rapid response to the removal of illegal graffiti improving public perceptions of safety.

The draft Action Plan:

- details how council intends to enhance safety and perceptions of safety, to assist in the prevention of crime and to coordinate actions to increase actual and perceived safety in public spaces
- directs efforts for building partnerships with key organisations, groups and individuals and provides for a multi-disciplinary approach across council to address community safety issues
- is an on-the-ground response to council's strategic community safety policy position and will deliver improved community safety outcomes for the region.

Legal

There are no legal implications relevant to this report.

Policy

There are no policy implications associated with this report. All intended actions are consistent with and complementary to council's existing policy positions (*Community Safety Policy 2014* and the *Public Space Closed Circuit Television (CCTV) Policy 2014*), and together will form an enhanced response to community safety across the region.

Risk

There are no risks associated with this report. It reflects the current activities undertaken by council's Community Safety Officer, with some new internally focussed actions that will assist council's ongoing contribution to community safety.

Previous Council Resolution

Ordinary Meeting 11 December 2014 (OM14/176)

That Council:

- (a) receive and note the report titled "Community Safety Policy/Closed Circuit Television Policy"*
- (b) adopt the Community Safety Strategic Policy (Appendix A)*
- (c) adopt the Public Space Closed Circuit Television Strategic Policy (Appendix B) and*

(d) refer appropriate Closed Circuit Television capital and operational funding to future annual Council budgets for consideration to ensure all systems are “fit for purpose”

Related Documentation

- Sunshine Coast Corporate Plan 2014-2019
- Sunshine Coast Social Strategy 2015
- Sunshine Coast Community Safety Policy 2014
- Sunshine Coast Public Space Closed Circuit Television (CCTV) Policy 2014
- Sunshine Coast Open Space Landscape Infrastructure Manual (LIM) 2015 edition
- Sunshine Coast Planning Scheme 2014

Critical Dates

The development of the draft Community Safety Action Plan 2016-2020 is an identified activity in the *Corporate Plan 2014-2019* for delivery in the 2015/16 financial year.

Implementation

Following council’s adoption of the draft Community Safety Action Plan 2016-2020, the graphic design of the document will be finalised.

If adopted by Council, the implementation of the draft Action Plan over the next four years will require monitoring and review of the actions within the three priority areas. Monitoring will take place annually through the evaluation of the effectiveness of community safety partnerships, the impact of strong community safety messaging, the perceptions of how safe people feel in the region’s public spaces and places and feedback from stakeholders and members of the community.

In addition, advancements in smart city technology will require council to be responsive to change and ensure that the *Sunshine Coast Public Space Closed Circuit Television (CCTV) Policy 2014* remains current including any necessary amendments to the subordinate draft Action Plan.

8.3.2 UPDATE OF THE SUNSHINE COAST AQUATIC PLAN 2011 - 2026

File No:	Council Meetings
Authors:	Planning Officer (Community) Community Services Department Coordinator Sport and Community Venues Community Services Department
Appendices:	App A - Aquatic Plan 2011 - 2026 June Edition (<i>Under Separate Cover</i>)5/148

PURPOSE

As part of the operational activities identified in the Corporate Plan actions for 2015/16, a periodic review of the *Sunshine Coast Aquatic Plan 2011 – 2026* (the Aquatic Plan) has been conducted. This report seeks Council endorsement of the 2016 revised edition of the Aquatics Plan.

EXECUTIVE SUMMARY

The purpose of the Aquatic Plan is to guide the planning, development and management of the aquatic network across the Sunshine Coast local government area to 2026. Since the Aquatic Plan was endorsed by council on the 7 March 2011, there have been changes to the local government area boundary and the associated population forecast estimates. As a result, the Aquatic Plan has been reviewed to incorporate these changes, and to provide an update on the completed recommendations as at June 2016.

The Aquatic Plan now reflects the Sunshine Coast Council local government area boundaries whilst maintaining the approved policy context.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Update of the Sunshine Coast Aquatic Plan 2011 - 2026” and
- (b) endorse the 2016 edition of the Sunshine Coast Aquatic Plan 2011 – 2026 (Appendix A).

FINANCE AND RESOURCING

Whilst the revision of the Aquatic Plan represents no additional capital costs to council, implementation of future recommendations within the Plan will require council operational and capital works consideration.

Since the adoption of the Aquatic Plan in 2011, council has invested \$4.3M in capital works across the aquatic network, at an average of \$867,000 per annum (2011/12 – 2015/16). Council’s forward 10 year capital works plan (2016/17 – 2025/26) pending adoption proposes a further \$7.8M investment in the network. The majority of projects listed in the forward capital works program includes rehabilitation and renewal works such as pool surface retiling, filtration upgrades, replacement of pool seals and reticulation pipework etc.

In terms of the forward Aquatic program, the plan does identify major works at Beerwah as being the next priority for Council to consider. A \$100,000 allocation has been proposed in the 2017/18 capital works program to further scope and design the required works. The forward capital program does include an approximate \$1M allocation in 2018/19 for stage 1 upgrade works at the Beerwah Aquatic Centre.

Other major investigative works are proposed for the following centres:

- Nambour Aquatic Centre - undertake a feasibility study which develops concept plans for the provision of leisure water and adequate car parking (short term). This feasibility work will be undertaken in the 2016/17 financial year. This is a \$60,000 allocation and was confirmed in Council's adoption of the Nambour Activation Plan.
- Kawana Aquatic Centre - undertake a site master plan to realise the venue's potential as the regional aquatic facility (medium term). This master plan is planned to be undertaken in the 2018/19 financial year.
- Caloundra Aquatic Centre - undertake a site master plan to realise the venue's potential as a major district aquatic facility (medium-long term). This master plan is planned to be undertaken in the 2020/2021 financial year.
- Coolum Peregian Aquatic Centre - undertake a site master plan giving consideration to an improved program pool facility and introduction of leisure water (long term). This master plan is planned to be undertaken in the 2022/23 financial year.

Whilst there are funds allocated for the investigative, feasibility and planning works, any capital upgrades resulting from these studies are currently not included in the forward capital program. It should be noted that the cost of implementing all recommendations in the Aquatic Plan are most likely to be beyond the capacity of council to fund in its own right. To this end, external funding and/or partnerships with other agencies or the private sector should be sought wherever possible.

In addition to the above capital works investment, council invested \$2.7M operationally throughout the 2014/15 financial year across the aquatic network. This included contract management, maintenance, administration, utility costs and depreciation across the nine council owned public aquatic centres, as well as contributions made to ensure community access across four community pools. The current 2015/16 financial year budget forecasts an operating loss of approximately \$2.9M across the aquatic network.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.1 - Safe and healthy communities
Operational Activity:	2.1.3.5 - Undertake periodic review of the Sunshine Coast Sport and Active Recreation Plan 2011-2026 and Sunshine Coast Aquatics Plan 2011-2026

CONSULTATION

Internal Consultation

As the review of the Aquatic Plan precedes the review of parent policy documents such as the *Sunshine Coast Social Infrastructure Strategy 2011* and the *Sunshine Coast Open Space Strategy 2011*, there was close internal collaboration with the Planning and Environment Department during the review period, particularly around the Desired Standards of Service associated with sporting facilities and land acquisition.

As the direction of the forthcoming review of the *Sunshine Coast Social Infrastructure Strategy 2011* and the *Sunshine Coast Open Space Strategy 2011* is currently in the inception phase, minor changes may be necessary to reflect any amendments made to these parent policy documents.

External Consultation

Extensive community, club and stakeholder consultation was conducted during the original development of the Aquatic Plan. Given there has been no material change to the policy direction or capital commitments endorsed by Council, no external consultation was conducted during this periodic review.

Community Engagement

As there has been no material change to the policy direction or capital commitments endorsed by Council, community engagement was not conducted during this periodic review.

PROPOSAL

The purpose of the *Sunshine Coast Aquatic Plan 2011 – 2026* is to inform and guide the planning, development and management of the aquatic network across the Sunshine Coast region through to 2026. The document forms a strategic planning tool for Council and is based on an assessment of current Council aquatic infrastructure, demographic planning, contemporary pool design and management trends

The Aquatic Plan sets out outcome areas, strategies and recommendations required to ensure the aquatic network on the Sunshine Coast offers a diverse range of quality aquatic facilities and infrastructure which positively contributes towards Sunshine Coast's character, identity and vibrancy and helps attain physically active and healthy communities.

The Aquatic Plan notes that aquatic facilities are well distributed, with a high percentage of residents living within a five kilometre radius of a Council owned or supported swimming pool. However, growth areas, particularly the new residential developments of Palmview and Caloundra South, will provide additional demands that the revised Aquatic Plan has considered and responds to accordingly.

Since endorsement of the Aquatic Plan, Council has completed a range of recommendations including:

- the adoption of a Desired Standards of Service including provision standards, site selection and design criteria
- the completion of a disability access audit and risk assessment across all Council controlled aquatic venues
- inform the relevant planning processes of the requirements for aquatic provision for two new aquatic facilities within Palmview and Caloundra South
- review lease and management arrangements across the network
- introduce standard software and benchmarking mechanisms across the network
- development and implementation of a funding policy for non-council aquatic facilities
- finalisation of outstanding tenure agreements across the network
- completion of the Beerwah Aquatic Centre Feasibility Study
- completion of concept plans for Coolum-Peregian, Eumundi, Caloundra and Kawana Aquatic Centres and
- significant annual capital investment across the council owned aquatic network principally on rehabilitation and renewal projects.

The revised edition of the Aquatic Plan classifies future recommendations across five key outcome areas, including:

- Planning the Council owned aquatic network for growth and change
- Improving management arrangements and community outcomes

- Developing partnerships in aquatic service provision
- Marketing and promoting the aquatic network and
- Sunshine Coast Council owned venue recommendations.

It should also be noted that Council's Community Services Department will be undertaking a series of best value reviews, with the first of these being a review of the region's aquatic centre management models and tenure arrangements.

As a number of management agreements and leases approach the end of existing terms, this analysis is required to provide recommendations on contemporary approaches to management. It is envisaged that the review will determine the most appropriate tenure arrangements for the sites, including determination of contributions toward operational and capital costs (where appropriate), factoring in site size, patronage and facility mix per site.

Broadly, the Aquatic Network Management Model Review will consider the following:

- The current functionality of existing tenure arrangements
- Best practice model for staged tenure renewals across the network
- Future tenure terms and conditions, including appropriate contributions toward operational and capital expenses
- Usage, catchment and capacity of each site
- Relationship and hierarchy of the regional aquatic network
- Community expectations and needs
- Levels of service and available resources and
- Alignment with relevant Sunshine Coast Council and State Government plans, policies and industry guidelines.

It is expected that the review will be completed, and a report made available for presentation to Council throughout 2016. The adoption of this revised strategy will not be impacted by the findings of the Aquatic Network Management Model Review.

Legal

There are no legal implications to this report.

Policy

The *Sunshine Coast Aquatic Plan 2011-2026* was developed to inform Council's policy on aquatic network provision throughout the region.

Risk

- Failure to maintain an adequate level of service for community facilities may result in increased future costs and lead to community dissatisfaction
- Detailed planning reduces the risk of ad-hoc development, which may be to the detriment of future service provision and uses
- Raising community expectations without adequate funding options available to implement recommendations could result in community dissatisfaction
- Updated information now reflects accurate local government area boundaries and current and future population forecasts.

Previous Council ResolutionSunshine Coast Aquatic Plan 2011-2026
(SM11/8)

That Council:

- (a) receive and note the report titled "Sunshine Coast Aquatic Plan 2011-2026";*
- (b) adopt the Draft Sunshine Coast Aquatics Plan 2011-2026 (Appendix A);*
- (c) develop a detailed and prioritised multi year implementation plan based on councils' long term financial model and other revenue sources;*
- (d) refer an annual budget bid of \$80,000 towards the introduction of standard software and benchmarking mechanisms across the council aquatic network to the appropriate operational budget and sub-program for implementation from 2011/12;*
- (e) prepare a report to council which reviews and assesses the performance of the existing aquatic network against standards and benchmarks and makes recommendations to inform future council decision making as part of council's value and success program; and*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Aquatics Plan 2011-2026.*

Related Documentation

- *Sunshine Coast Council Corporate Plan 2014-2019*
- *Sunshine Coast Social Strategy 2015*
- *Sunshine Coast Social Infrastructure Strategy 2011*
- *Sunshine Coast Open Space Strategy 2011*
- *Sunshine Coast Access and Inclusion Plan 2011-2016*
- *Sunshine Coast Sustainable Transport Strategy 2011 – 2031*

Critical Dates

This review has been conducted to meet timelines associated with 2015/16 Corporate Plan actions.

Implementation

Recommendations included within the Aquatic Plan have been categorised into short (within 4 years), medium (5-9 years) and long term (10-15 years) actions.

It is acknowledged the cost of implementing all recommendations will be beyond the responsibility and/ or capacity of Council to fund in its own right. To this end, Infrastructure Charges Schedules obtained through Local Government Infrastructure Planning (LGIP) and external funding contributions should be provided via developer contributions and agreements, State and Federal funding programs and through partnerships with public and private providers.

It is recommended that the actions be reviewed annually in line with capital works and operational planning and a further detailed review of the Plan be conducted at the 10 year point of the Plan's lifecycle.

8.3.3 UPDATE OF THE SUNSHINE COAST SPORT AND ACTIVE RECREATION PLAN 2011 - 2026

File No:	Council Meetings
Authors:	Planning Officer (Community) Community Services Department Team Leader Sports Planning and Development Community Services Department
Appendices:	App A - Sport and Active Recreation Plan 2011 - 2026 June Edition (<i>Under Separate Cover</i>)73/148

PURPOSE

As part of the operational activities identified in the Corporate Plan actions for 2015/16, a periodic review of the *Sunshine Coast Sport and Active Recreation Plan 2011 – 2026* (the Sport and Active Recreation Plan) has been conducted. This report seeks Council endorsement of the 2016 revised edition of the Sport and Active Recreation Plan.

EXECUTIVE SUMMARY

The purpose of the Sport and Active Recreation Plan is to guide council's provision of sports facilities and services across the region. Since the Sport and Active Recreation Plan was endorsed by council on the 7 March 2011, changes have been made to the local government area boundary and the associated population forecast estimates. As a result, the Sport and Active Recreation Plan has been reviewed to incorporate these changes, and to provide an update on the completed recommendations as at June 2016.

The Sport and Active Recreation Plan now reflects the Sunshine Coast Council local government area boundaries whilst maintaining the approved policy context and direction.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Update of the Sunshine Coast Sport and Active Recreation Plan 2011 - 2026" and
- (b) endorse the 2016 edition of the Sunshine Coast Sport and Active Recreation Plan 2011 – 2026 (Appendix A).

FINANCE AND RESOURCING

Whilst the revision of the Sport and Active Recreation Plan represents no additional capital costs to council, implementation of recommendations within the Plan will require council operational and capital works consideration.

Since endorsement of the Sport and Active Recreation Plan in 2011, \$16m (approximately \$3.2m annually) has been expended on delivering recommendations contained within the Plan and subsequent Master Plans on sport and recreation infrastructure across the region.

In terms of future allocations, the draft 2016/17 capital works budget identifies the following in respect to allocations for the next ten years:

Element	\$000
Cost of components delivered to date since Master Plan adoption	\$16,006
2016/17 Capital Program	\$5,634
2017/18 Capital Program	\$3,670
2018/19 Capital Program	\$4,900
2019/20 Capital Program	\$4,300
2020/21 Capital Program	\$4,850
2021/22 Capital Program	\$5,400
2022/23 Capital Program	\$6,225
2023/24 Capital Program	\$3,500
2024/25 Capital Program	\$3,600
2025/26 Capital Program	\$5,000
Unfunded	
Short term (0 – 4 years)	\$9,719
Medium term (5 – 9 years)	\$32,471
Long term (10+ years)	\$17,407

As can be seen from the columns furthest to the right, there is a funding shortfall for the delivery of all of the elements. This shortfall is \$9.7 million over the next four years, \$32.4 million in years 5-9 and \$17 million in the period ten years and beyond. As communicated in this report, there is not an expectation that the entirety of this funding shortfall should be borne by Council and other funding sources will become available into the future. However, despite the potential for external funding to being sourced, Council will need to consider an increase to its allocations for the delivery of these Master Plans if it wishes to close the gap between funded and unfunded project components. Conversations regarding resource/funding gaps will be facilitated in the development of a Sports Strategy for the Sunshine Coast, noting that this Strategy will be delivered in the 2016/17 financial year.

Within the above budget estimates are some 'new' council projects with significant expenditure attached, namely:

- new AFL fields at Meridan Sports Complex (\$3M)
- new clubhouse for Regional Tennis Centre at Caloundra Central Park (\$1.54M)
- major realignment and re-development of facilities at Glasshouse Mountains (\$4.6M)
- new eastern field at Maroochydore Multi-Sports Complex (\$2M)
- new multi-use events centre at Nambour Showgrounds (\$5.2M)
- new lit soccer field, golf clubhouse and additional tennis court at Maleny (\$1M)
- conversion of field 3 at Sunshine Coast Stadium to synthetic surface (\$700K)
- a second synthetic hockey pitch at Ballinger Park (\$3M)

Not included in the above budget estimates are significant new sport and recreation projects which will ultimately be delivered as a result of strategic land acquisitions made by Council in recent years. The two major projects are new sporting complexes to be delivered as a result of strategic land acquisitions, namely those at Diddilbah Road and Caloundra Road.

It should also be noted that the Facility Development Plan for Sunshine Coast Stadium identifies an upgrade to the value of \$16.2M in the long term. Council has resolved that this not be endorsed until such time that a region wide National Stadium Feasibility Study has been undertaken - this Study is planned for completion in the 2016/17 financial year.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*
Outcome: 2.1 - Safe and healthy communities
Operational Activity: 2.1.3.5 - Undertake periodic review of the Sunshine Coast Sport and Active Recreation Plan 2011-2026 and Sunshine Coast Aquatics Plan 2011-2026

CONSULTATION

Internal Consultation

As the review of the Sport and Active Recreation Plan precedes the review of parent policy documents such as the *Sunshine Coast Social Infrastructure Strategy 2011* and the *Sunshine Coast Open Space Strategy 2011*, there was close internal collaboration with the Planning and Environment Department during the review period, particularly around the Desired Standards of Service associated with sporting facilities and land acquisition.

As the direction of the forthcoming review of the *Sunshine Coast Social Infrastructure Strategy 2011* and the *Sunshine Coast Open Space Strategy 2011* is currently in the inception phase, minor changes may be necessary to reflect any amendments made to these parent policy documents.

External Consultation

Extensive community, club and stakeholder consultation was conducted during the original development of both the Sport and Active Recreation Plan. Given there has been no material change to the policy direction or capital commitments endorsed by Council, no external consultation was conducted during these reviews.

The Department of National Parks, Sport and Racing (DNPSR) was requested to provide a peer review of the Sport and Active Recreation Plan. This was deemed appropriate to ensure consistency between Council's current approach and State policy direction.

Community Engagement

As there has been no material change to the policy direction or capital commitments endorsed by Council, community engagement was not conducted during this periodic review.

PROPOSAL

The purpose of the *Sunshine Coast Sport and Active Recreation Plan 2011 - 2026* is to develop a strategic position that guides current and future provision of sports facilities and services to meet the needs of the Sunshine Coast region's diverse communities over a 15 year period.

The Sport and Active Recreation Plan examines sport and active recreation activities only, defined as those which have formal rules, scoring, event organisation and administration structures. It excludes activities already addressed in Council's 2009 'Difficult to Locate Sports Study'; non-competitive, passive activities; wholly private sector funded activities as well as activities covered in other recent Council strategies.

The Sport and Active Recreation Plan closely aligns with the *Sunshine Coast Open Space Strategy 2011* which guides open space provision and articulates Council's commitment, role and management in the acquisition and embellishment of recreation parks and sports reserves across the region.

Since endorsement of the Sport and Active Recreation Plan, Council has completed a range of actions including:

- the development of 15 Master or Facility Development Plans for sporting facilities throughout the Sunshine Coast region including Ballinger Park Sports Complex, Beerwah Sportsground, Caloundra Central Park Sport and Recreation Precinct, Coolum Sports Complex, Elizabeth Daniels Sports Complex, Glasshouse Mountains Sports Complex, Maleny Community Precinct, Maleny Showgrounds, Maroochydore Junior Rugby League Club, Maroochydore Multi-Sports Complex, Meridan Fields Sports Complex, Mooloolah Recreation Reserve, Nambour Showgrounds, Palmwoods Sports Complex, Reserve 1000, Sunshine Coast Stadium and Witta Sportsground
- the adoption of a Desired Standards of Service (DSS) that articulates a proposed sports reserve supply of 2 hectares per 1000 residents to provide healthy and active opportunities for residents of the Sunshine Coast. The standards of service also describe a suitable quality of land to be made available (e.g. size, proximity, shape, slope, road frontage, flood immunity, freedom from hazards etc.) as well as catchment radius' for sporting land
- the acquisition of suitable sports reserve land at Doonan, Meridan Plains, Mooloolah, Pacific Paradise and Woombye
- the preservation of sports reserve land and its use in Council's amended Planning Scheme
- the development and implementation of a range of community grant programs that support the not-for-profit sporting sector to seek operational and capital funding opportunities
- the adoption of the *Community Groups Occupying Council Owned or Council Managed Controlled Land and/or Infrastructure Policy* to provide an equal level of service to the not-for-profit sporting sector
- the establishment of a number of Sports Complex Advisory Groups to facilitate improved coordination between sports to improve their effectiveness and
- the establishment of Caloundra Tennis Club as the regional tennis centre to service the Sunshine Coast region.

The adoption of the 2016 edition of the *Sunshine Coast Sport and Active Recreation Plan 2011 – 2026* will ensure recommendations contained within the Plan will continue to be implemented to provide improved healthy and active opportunities to the Sunshine Coast community.

Legal

There are no legal implications to this report.

Policy

The *Sunshine Coast Sport and Active Recreation Plan 2011-2026* was developed to inform Council's policy on sport and active recreation throughout the region.

Risk

- Failure to maintain an adequate level of service for community facilities may result in increased future costs and lead to community dissatisfaction
- Detailed planning reduces the risk of ad-hoc development, which may be to the detriment of future service provision and uses
- Raising community expectations without adequate funding options available to implement recommendations could result in community dissatisfaction

Previous Council Resolution*Sunshine Coast Sport and Active Recreation Plan 2011-2026*
(SM11/9)

That Council:

- (a) receive and note the report titled “Sunshine Coast Sport and Active Recreation Plan 2011-2026”;*
- (b) discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) develop a detailed and prioritised multi-year implementation plan based on Councils’ long term financial model and other revenue sources; and*
- (e) delegate to the Chief Executive Officer to make appropriate amendments to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026” in consultation with divisional councillors in accord with established criteria and upgraded input information;*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

Related Documentation

- *Sunshine Coast Council Corporate Plan 2014-2019*
- *Sunshine Coast Social Strategy 2015*
- *Sunshine Coast Social Infrastructure Strategy 2011*
- *Sunshine Coast Open Space Strategy 2011*
- *Sunshine Coast Access and Inclusion Plan 2011-2016*
- *Sunshine Coast Skate and BMX Plan 2010 -2020*
- *Sunshine Coast Sustainable Transport Strategy 2011 – 2031*
- *2009 Difficult to Locate Sports Study*

Critical Dates

This review has been conducted to meet timelines associated with 2015/16 Corporate Plan actions.

Implementation

Recommendations included within the Sport and Active Recreation Plan have been categorised into short (within 4 years), medium (5-9 years) and long term (10-15 years) actions.

It is acknowledged the cost of implementing all recommendations would be beyond the responsibility and/ or capacity of Council to fund in its own right. To this end, Infrastructure Charges Schedules obtained through Local Government Infrastructure Planning (LGIP) and external funding contributions should be provided via developer contributions and agreements, State and Federal funding programs and through partnerships with public and private providers.

It is recommended that the actions be reviewed annually in line with capital works and operational planning.

8.3.4 SUNSHINE COAST ARTS ADVISORY BOARD MEMBERSHIP

File No: Council Statutory Meeting - 16 June 2016

Author: Director Community Services
Community Services Department

Report to be provided

8.4 INFRASTRUCTURE SERVICES

Nil

8.5 ECONOMIC DEVELOPMENT AND MAJOR PROJECTS**8.5.1 APPLICATION OF NATIONAL COMPETITION POLICY REFORM 2016-2017**

File No:	Council meetings	
Author:	Coordinator Commercial Analysis Economic Development and Major Projects Department	
Attachments:	Att 1 - Reform Options and Key Differences	385
	Att 2 - Business Activity Identification.....	387
	Att 3 - Business Activity Full Cost Recovery Performance 2014-2015	391

PURPOSE

To make recommendations for the application of National Competition Policy reforms for the 2016-2017 financial year.

EXECUTIVE SUMMARY

The key recommendations for the 2016-2017 financial year resulting from the annual review of the application of National Competition Policy reforms to Council's business activities are outlined in this report.

The recommended business activity structure for 2016-2017 is as follows:

- Apply Full Cost Pricing to the Waste & Resources Management significant business activity
- Apply the Code of Competitive Conduct to Sunshine Coast Airport, Sunshine Coast Holiday Parks, and Quarries business activities.

The reform options and key differences between Full Cost Pricing, Commercialisation, Corporatisation and Code of Competitive Conduct, and cost-recovery pricing principles are outlined in **Attachment 1**.

Legislative requirements and the process for business activity identification are illustrated in **Attachment 2**.

Business activity full cost recovery performance for 2014-2015 is shown in **Attachment 3**.

In March 2015, the Competition Policy Review Panel released the Final Report of the review of the *Competition and Consumer Act 2010* (Cwlth) (Harper Review). The recommendations in the Final Report are far reaching and will impact on many aspects of Australia's economy.

The Australian Government released its response to the Harper Review in November 2015. The Government supports 39 of the Harper Review's recommendations in full or in principle and a further five recommendations in part. The Government also notes or remains open to 12 recommendations in areas where implementation will be considered following further review and consultation, including with the States and territories.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Application of National Competition Policy Reform 2016-2017”
- (b) apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2016-2017 financial year in accordance with section 44(1)(b) of the Local Government Act 2009 and
- (c) apply the Code of Competitive Conduct to the following business activities, for the 2016-2017 financial year, in accordance with section 47 of the Local Government Act 2009:
 - (i) Sunshine Coast Airport
 - (ii) Sunshine Coast Holiday Parks
 - (iii) Quarries.

FINANCE AND RESOURCING

The finance and resourcing implications of applying the National Competition Policy Reforms primarily relate to competitive neutrality and cost reflective pricing for Council’s business activities.

CORPORATE PLAN

Corporate Plan Goal:	<i>A public sector leader</i>
Outcome:	5.2 - A financially sustainable organisation
Operational Activity:	5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION

Internal Consultation

General Manager Sunshine Coast Airport
Manager Civil Asset Management
Manager Finance
Manager Fleet and Quarry
Manager Waste and Resources Management
Coordinator Sunshine Coast Holiday Parks
Solicitor, Legal Services Branch

PROPOSAL

Background

In the mid to late 1990s, a suite of market and economic reforms were introduced to stimulate growth and job creation in Australia. For local governments in Queensland these reforms revolved around the following:

1. The extension of the trade practices laws prohibiting anti-competitive activities to all businesses including local government businesses
2. The introduction of competitive neutrality so that private businesses could compete on an equal footing with those owned by local government
3. The review and reform of all laws that restrict competition
4. Specific reform and price monitoring of the water industry.

National Competition Policy reforms are applied to various identified 'business activities' of the Council. **Attachment 1** outlines the reform options and the key difference between Commercialisation, Full Cost Pricing, Code of Competitive Conduct, and cost recovery pricing principles.

Attachment 2 sets out the legislative requirements, threshold analysis of Council's business activities and the process for annual business activity identification.

Attachment 3 shows business activity full cost recovery performance based on 2014-2015 actual results.

Classification of Council's Business Activities

Business activities are classified against expenditure thresholds set each financial year. For significant business activities, expenditure for this purpose is the operating expenditure less depreciation and any expenditure to achieve competitive neutrality which is not actually incurred plus loan redemption payments. The 2016-2017 thresholds are as follows:

- Significant Business Activities (SBA) have expenditure over the \$9.171 million threshold
- Business Activities (BA) have expenditure over the \$324,000 threshold.

The classification of Council's business activities are listed in Table 1 below for 2015-2016 and 2016-2017.

Table 1: Current and Proposed Business Activity Classification

Business Activity	2015-2016 Current Classification	2016-2017 Proposed Classification
Waste and Resources Management	SBA	SBA
Sunshine Coast Airport	BA	BA
Sunshine Coast Holiday Parks	BA	BA
Quarries	BA	BA

A public benefit assessment is required when business activities move classification from a business activity to a Significant Business Activity. A public benefit assessment determines which reform option will achieve the greatest net community benefit.

Summary Outcomes of Business Activity Review

The recommended 2016-2017 business activity structure based on the annual business activity review and identification conducted in accordance with the legislation is to:

1. apply the Full Cost Pricing in accordance with section 44(1)(b) of the *Local Government Act 2009* to the Waste and Resource Management significant business activity and

2. apply the Code of Competitive Conduct to the Sunshine Coast Holiday Parks, Sunshine Coast Airport and Quarries business activities, in accordance with sections 47 of the *Local Government Act 2009*.

Council's Annual Budget

The intent of the legislation is to enhance transparency regarding the financial performance of business activities, requiring them to be reported separately from other Council activities in the budgeted financial reports. Income and expense statements are to be published in the budget separately for commercialised business units, significant business activities operating under full cost pricing, as well as other business activities in accordance with the reporting formats consistent with those contained in the organisational policy. Details regarding community service obligations are also required to be published for each business activity.

The budget process for significant business activities and business activities under the code of competitive conduct includes the following key stages:

- Revenue requirements are determined from long term financial plans and full cost pricing models (that includes recovery of efficient operating costs, return of capital and return on capital)
- Activity based costing analysis is undertaken to determine outputs for products and services provided by each business activity
- An overarching price strategy is determined regarding accepted level of cost recovery
- Council informed regarding price strategy for each business activity to achieve full cost recovery
- Approved pricing strategy and activity based costing outputs used to inform increases in rates and utility charges/fees and charges

Council's Annual Report

The annual report of Council requires the inclusion of business activity identification and performance. As the annual financial statements are included in Council's annual report, business activity identification and performance are to be contained in the body of the financial statements in line with legislative requirements (and reporting formats consistent with those contained in the organisational policy).

Audit

Queensland Audit Office undertakes annual compliance and financial statement audits that incorporate competition reform compliance and reporting.

Australian Government's Response to the Harper Competition Policy Review

The Government supports the following Harper Review recommendations that will impact local governments:

- The Government will work with the States and territories to secure their agreement to a reform agenda including a new set of overarching principles to guide competition policy implementation at all levels of government (Recommendation 1)
- Review competitive neutrality policies and regulations and remove regulatory restrictions that unnecessarily restrain competition unless the restrictions satisfy a public interest test (Recommendations 8 and 15)
- The consideration of competition in planning and zoning rules (Recommendation 9)

- Review their policies governing commercial arrangements with the private sector and non-government organisations, including procurement policies, commissioning, public private partnerships and privatisation guidelines and processes (Recommendation 18).

Legal

In accordance with Chapter 3 of the *Local Government Act 2009* and the *Local Government Regulation 2012*, Council is required each year to identify any new 'financially significant' business activities, and also to identify its business activities.

There are no legal implications with applying the National Competition Policy Reforms.

Attachment 2 describes the current statutory requirements.

Policy

The organisational policy on Competition Reform Compliance sets out a framework outlining annual compliance requirements in relation to the application of competition policy principles to Council's nominated business activities in accordance with applicable legislative requirements.

Guidelines have been prepared to assist with ongoing compliance in the application of National Competition Policy to Council's nominated business activities, in accordance with applicable legislative requirements.

The organisational policy will be reviewed in light of the Australian Government's Response to the Harper Review of Competition Policy.

Risk

Council would not be complying with the key legislative National Competition Policy principles contained in the *Local Government Act 2009* and *Local Government Regulation 2012* if the National Competition Policy Reforms are not applied.

Previous Council Resolution

Council applied the National Competition Policy Reforms for the 2015-2016 financial year as resolved at the Special Meeting held on 2 June 2015.

Council Resolution (SM14/18).

That Council:

- receive and note the report titled "**Application of National Competition Policy Reform 2015-2016**"; and*
- apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2015-2016 financial year in accordance with section 44(1)(b) of the Local Government Act 2009; and*
- apply the Code of Competitive Conduct to the following business activities, for the 2015-2016 financial year in accordance with section 47 of the Local Government Act 2009:*
 - Sunshine Coast Airport*
 - Holiday Parks*
 - Quarries.*

Related Documentation

Local Government Act 2009

Local Government Regulation 2012

Competition and Consumer Act 2010 (Cwlth)

Critical Dates

The resolution applies to the 2016-2017 financial year.

Implementation

The revised National Competition Policy reforms will be applied for the 2016-2017 financial year. As the recommended business activity structure for 2016-2017 is the same as the business activity structure currently in place, there are no significant changes in process required.

The organisational policy on Competition Reform Compliance will be reviewed to ensure it remains consistent with any legislative changes flowing from the Australian Government's Response to the Harper Review of Competition Policy.

8.6 OFFICE OF THE MAYOR AND THE CEO**8.6.1 AUDIT COMMITTEE MEETING 23 MAY 2016**

File No:	Council meetings	
Author:	Manager Audit and Assurance Office of the Mayor and Chief Executive Officer	
Appendices:	App A - Audit Committee Charter.....	397
	App B - Internal Audit Charter	401
	App C - Internal Audit Work Plan	407
Attachments:	Att 1 - Audit Committee Minutes 23 May 2016	409

PURPOSE

To provide Council with information on matters reviewed at the Audit Committee Meeting held 23 May 2016 (*Section 211 Local Government Regulation 2012*) and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

EXECUTIVE SUMMARY

The Audit Committee is a mandatory Advisory Committee of Council established in accordance with Section 105 of the *Local Government Act 2009*. The Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Cr Tim Dwyer and Cr Christian Dickson.

The Audit Committee agenda was distributed electronically to all Councillors on 16 May 2016 with agenda reports categorised as Chief Executive Update, External Audit, Audit and Assurance, Governance and Risk reports.

In addition to the standard Audit Committee reporting, the Information Communication Technology Services (ICTS) Transition Strategy and the Fraud Risk Management Update including KPMG's Fraud Risk Assessment reports were presented.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Audit Committee Meeting 23 May 2016"**
- (b) endorse the Audit Committee (Appendix A) and Internal Audit Charters (Appendix B) and**
- (c) endorse the 2016 – 2017 Internal Audit Work Plan (Appendix C).**

FINANCE AND RESOURCING

There are no finance and resourcing issues associated with this report.

CORPORATE PLAN

Corporate Plan Goal:	<i>A public sector leader</i>
Outcome:	5.2 - A financially sustainable organisation
Operational Activity:	5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION

Internal Consultation

Executive Leadership Team

External Consultation

External members of the Audit Committee

Community Engagement

There has been no community engagement

PROPOSAL

The Audit Committee is a mandatory Advisory Committee which meets four times each year and is established in accordance with *Section 105 Local Government Act 2009*. The Committee has no delegated authority and is a source of independent advice to Council and to the Chief Executive Officer.

The Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Cr Tim Dwyer and Cr Christian Dickson. The Audit Committee agenda has previously been distributed electronically to all Councillors.

The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties, in particular:

- Corporate Governance and responsibilities in relation to the organisation's financial reporting, internal control structure, risk management systems and the external and internal audit functions
- maintain an independent and objective forum promoting transparency, accountability and an ethical culture throughout council
- maintain by scheduling regular meetings, open lines of communications with Council, Executive Management, External Audit and Internal Audit, to exchange information and views
- oversee and appraise the quality and efficiency of audits conducted by both the Internal and External Audit functions and
- ensure both the Internal and External Audit functions are independent and effective.

In accordance with *Section 211 of the Local Government Regulation 2012*, the Audit Committee must provide Council with a written report about the matters reviewed at the Audit Committee Meeting and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

The matters reviewed at the 23 May 2016 Audit Committee Meeting were as follows.

Chief Executive Officer's Update

- Update on significant issues being addressed by Council.

External Audit Reports

- 2015/16 Annual Financial Statement Risk and Planning Assessment
- The Queensland Audit Office Briefing Paper and Interim Audit Update
- Draft Policy – AASB 124 Related Party Disclosures.

Audit and Assurance Reports

The following internal audit reports were presented at the meeting.

- Commissioning of Contributed Assets
- Customer Contact Centres – Cash Handling and Receipting
- Infringement System Processes
- Corporate Purchase Card Processes
- Audit and Assurance Status Report covering progress on the approved 2015 - 2016 Internal Audit Work Plan
- 2016 – 2017 Internal Audit Work Plan for Council's consideration
- Audit Committee and Internal Audit Charters for Council's consideration

Management's implementation of the 23 internal and external audit recommendations is being monitored by the Audit Committee.

Governance Reporting

- Information Communication Technology Services (ICTS) Transition Strategy outlining future changes to the Information Communication Technology Services Business Model
- Fraud Risk Management Update including KPMG's Fraud Risk Assessment report confirming the sound control
- Governance and Risk report covering Governance in Action, Risk Management Program, and Integrity Management
- Work Health and Safety report covering safety statistics and one reportable incident.

Legal

There are no legal implications with this report

Policy

Compliance with the *Local Government Act 2009* and *Local Government Regulation 2012*.

Risk

Specific risks have been detailed in the various agenda reports.

Previous Council Resolution

Audit Committee and Internal Audit Charters were previously endorsed by Council 15 October 2015 OM15/184.

Related Documentation

Audit Committee Agenda for 23 May 2016 was issued to Councillors 16 May 2016.

Critical Dates

There are no critical dates associated with this report.

Implementation

Implementation of both the Audit Committee resolutions and the internal and external audit recommendations are monitored by the Audit Committee.

8.6.2 OUTCOME OF THE BIENNIAL REVIEW OF THE SUNSHINE COAST ECONOMIC FUTURES BOARD

File No:	Council meetings
Author:	Corporate Strategy and Policy Coordinator Office of the Mayor and Chief Executive Officer
Attachments:	Att 1 - Evaluation Tool – Biennial Review of the Sunshine Coast Economic443 Att 2 - Amended Charter of the Sunshine Coast Economic Futures Board447 Att 3 - Combined Assessment and Recommendations - Biennial Review457 Att 4 - Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies463

PURPOSE

This report seeks to advise council of the outcomes of the biennial review of the Sunshine Coast Economic Futures Board (“the Board”) undertaken by the Chief Executive Officer in consultation with the former and current Chairs of the Board.

The report also seeks council’s endorsement of a proposed increase in Board members’ sitting fees in line with the updated Queensland Government guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*.

EXECUTIVE SUMMARY

At the Ordinary Meeting of 30 January 2014 (OM14/12), council approved the establishment of the Board as an advisory committee of council under section 264 of the Local Government Regulation 2012. The purpose of the Board is to guide the progress and implementation of *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033* to help achieve the region’s economic vision and aspirational goals for 2033.

At this Ordinary Meeting, council also endorsed the Charter for the Board. Clauses 11.1 to 11.3 of the Charter indicate that the Chief Executive Officer in consultation with the Chair of the Board will conduct a biennial assessment of the Board’s governance model and performance, including its membership mix, skills and composition, and provide the evaluation outcomes and recommendations to council for consideration. The Charter also states that the first biennial review of the Board should occur prior to 1 January 2016.

The Chief Executive Officer commenced the biennial review of the Board in December 2015 in consultation with the former and current Chairs, Mayor Mark Jamieson and Mr David Foster, Director of Seaside Consulting and former Chief Executive Officer of Suncorp Bank respectively. Input was also sought from Board members in addition to advice from council officers. An Evaluation Tool was developed for the review (see **Attachment 1**) and used to guide the assessment process.

The review process also considered the Board’s achievements to date, as identified in its publically-released Annual Reports for 2013-14 and 2015-16.

Following an analysis of all review feedback, nine recommendations were made across the governance and performance categories outlined in the Evaluation Tool. The recommendations include:

1. Office of the Mayor and Chief Executive Officer to convene an annual working session for Councillors and Board members, to provide external perspectives and advice on a range of topics identified by council.
2. Council to establish a communication plan to increase awareness and understanding of the Board's role with:
 - State and federal representatives and departments; and
 - Chambers of Commerce and the Sunshine Coast Business Council.
3. The Chair of the Board to invite industry and business experts to meetings as required, on an invited guest basis, to provide additional input and information to assist the Board in its deliberations on key issues or projects.
4. The Board secretariat to amend the Board's Charter, in section 5 and 7, to replace the title of Manager, Economic Development with Manager, Office of Mayor and CEO and Director, Economic Development and Major Projects, in line with designated responsibilities for the Board.
5. Board members' remuneration, in the form of sitting fees, is amended in line with the Queensland Government's updated guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*, which took effect in mid-2015.
6. In line with the Board's greater focus on issues and outcomes, the Board secretariat to implement the following administrative actions in consultation with the Chair:
 - a smaller number of topics for discussion at meetings
 - 'Board member only' discussions as an agenda item and
 - meeting minutes to include any specific issues, actions, outcomes or requests/recommendations for council.
7. The Board Charter to be amended at section 7 'Meeting Practice' to provide for: 'Board member only' discussions; and recommended changes to meeting Minutes.
8. Council and the Board to identify appropriate opportunities to enhance and better leverage Board members' networking and business connections for the benefit of the region and to assist the region in its advocacy endeavours and pursuits.
9. In support of member's professional development, it is recommended that council provide Board members with:
 - access to council's monthly Business E-News and
 - links to council's development and planning publications at <https://www.sunshinecoast.qld.gov.au/Development/Stay-Connected/Publications>.

The majority of the review's recommendations aim to better promote, support or focus the work program and activities of the Board to achieve improved advisory outcomes for council and the region - in particular, the provision of independent and strategic advice on key regional economic issues or projects in support of the Regional Economic Development Strategy.

Recommendations 4 and 7 from the review propose several administrative amendments to the Board Charter to improve meeting practice and to correctly identify the council manager with operational responsibility for the Board. In accordance with the Chief Executive Officer's responsibilities set out in section 12 of the Board's Charter, amendments have now been made to the Charter (**Attachment 2**) to reflect these recommended administrative changes.

Recommendation 5 of the review recommends that Board members' remuneration, in the form of sitting fees, is increased in line with new Queensland Government sitting fee schedules for members of boards.

Council, in approving the formation of the Board at its Ordinary Meeting on 30 January 2014 (OM14/12), endorsed the provision of sitting fees to eligible Board members in accordance with a Category E-1 board under the Queensland Government *Remuneration Guidelines for Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities*.

Since this time, the Queensland Government has updated its remuneration fee schedule, which took effect in mid-2015. The revised fee schedule is contained within the new

guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies (Attachment 4)*. The applicable rates for Board members' sitting fees in these guidelines have increased and now fall under "Regulation, Administration and Advice - Level 3".

The adoption of the updated sitting fee rates would represent a modest increase in expenditure for Council, noting that the Mayor does not receive Board remuneration. The new sitting fees, compared with fees adopted in 2014, represent an increase of \$19.00 per full-day meeting or \$9.00 per half-day meeting for each member, and an increase of \$56.00 per full-day meeting or \$19.00 per half-day meeting for the Chair.

Under this new sitting fee rate – assuming quarterly Board meetings comprising an anticipated two full-day meetings and two half-day meetings - council expenditure on sitting fees over a 12 month period would total \$5,670, as compared with \$5,222 under old sitting fee rates. Adopting the new Queensland Government fee schedule under this quarterly meeting scenario would therefore total an estimated increase of \$448 in sitting fees per annum.

This report seeks council's endorsement of an increase in Board members' sitting fees, in line with the updated Queensland Government guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Outcome of the Biennial Review of the Sunshine Coast Economic Futures Board "
- (b) note the nine recommendations arising from the Biennial Review of the Sunshine Coast Economic Futures Board
- (c) note that administrative amendments, relating to meeting practice and council designation titles, have been made to the Board Charter by the Chief Executive Officer in line with the review recommendations and his responsibilities under clause 12.1 of the Board Charter and
- (d) endorse an increase in Board members' sitting fees, in line with the updated Queensland Government guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*.

FINANCE AND RESOURCING

Board members receive remuneration in line with item (h) of the Council Resolution of 30 January 2014 (OM14/12). Council endorsed the provision of sitting fees to eligible Board members in accordance with a Category E-1 board under the Queensland Government *Remuneration Guidelines for Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities* (see Table 1).

There has been no increase or change to Board members' sitting fees since its inaugural meeting on 21 May 2014.

Table 1: 2014 Sitting fee rates for non-government members of Queensland Government boards.

CATEGORY E - 1	Half-Day (4 hours or less a day)	Full-Day (More than 4 hours in a day)
Chairperson	\$167	\$334
Ordinary member	\$141	\$281

Since this time, the Queensland Government has updated its remuneration fee schedule, which took effect in mid-2015. Within the government's updated guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies (Attachment 4)*, the applicable rates for Board members' sitting fees have increased and now fall under "Regulation, Administration and Advice - Level 3".

Under the updated remuneration schedule, "Regulation, Administration and Advice - Level 3", the applicable new sitting fee rates for Board members would be as follows (Table 2):

Table 2: 2015 Sitting fee rates for non-government members of Queensland Government boards.

CATEGORY R,A & A (Level 3)	Half-Day (4 hours or less a day)	Full-Day (More than 4 hours in a day)
Chairperson	\$195 (a \$28.00 increase on 2014)	\$390 (a \$56.00 increase on 2014)
Ordinary member	\$150 (a \$9.00 increase on 2014)	\$300 (a \$19.00 increase on 2014)

Recommendation 5 from the biennial review of the Board recommends that members' sitting fees are increased in line with the applicable rates contained within the updated Queensland Government sitting fee schedule for non-government members of boards (**Attachment 4**).

The adoption of the updated sitting fee rates would represent a modest increase in expenditure for Council, noting that the Mayor does not receive Board remuneration. The new sitting fees, compared with fees adopted in 2014, represent an increase of \$19.00 per full-day meeting or \$9.00 per half-day meeting for each member, and an increase of \$56.00 per full-day meeting or \$19.00 per half-day meeting for the Chair.

Under this new sitting fee rate - assuming quarterly meetings comprising an anticipated two full-day meetings and two half-day meetings for the Chair and five members – the Board's sitting fees over a 12 month period would total \$5,670, compared with a total of \$5,222 under current sitting fee rates. Adopting the new Queensland Government fee schedule, under this quarterly meeting scenario over a twelve month period, would therefore total an estimated increase of \$448 in sitting fees for council in comparison with current sitting fee rates.

It should be noted that in addition to sitting fees, Board members who live outside of the Sunshine Coast (currently two members) are able to claim domestic travel expenses to travel to meetings, based on existing council policies and procedures. Members may also receive appropriate out-of-pocket expenses as determined by the Chief Executive Officer.

CORPORATE PLAN

Corporate Plan Goal: *A new economy*

Outcome: 1.1 - Strong economic leadership, collaboration and identity

Operational Activity: 1.1.1.1 - Continue to support the activities of the Sunshine Coast Economic Futures Board, including the development of the New Economy Annual Report and the first biennial review of the Board

CONSULTATION

Internal Consultation

The Chief Executive Officer commenced the biennial review of the Board in December 2015. An Evaluation Tool (Attachment 1) was developed and used to guide the assessment process. The following internal council personnel were consulted as a part of the review:

- Mayor Jamieson (former and inaugural Chair of the Board)
- Manager, Office of Mayor and CEO
- Chief Strategy Officer, (formerly Manager, Strategy and Coordination)
- Coordinator, Corporate Strategy and Policy.

External Consultation

In conducting the review, consultation also occurred from January to March 2016 with:

- Mr David Foster, current Chair of the Board, through one-on-one meetings and at the Board meeting of 23 March 2016
- Members of the Sunshine Coast Economic Futures Board utilising the review's Evaluation Tool, and at the Board meeting of 23 March 2016.

Community Engagement

There has been no specific, broad scale community consultation on the review of the Board.

PROPOSAL

At the Ordinary Meeting of 30 January 2014 (OM14/12), council approved the establishment of the Board as an advisory committee of council under section 264 of the Local Government Regulation 2012. The purpose of the Board is to guide the progress and implementation of *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033* to help achieve the region's economic vision and aspirational goals for 2033.

The Board comprises seven members, including six Australian business leaders and the Mayor as an ex officio member, and meets quarterly. The inaugural meeting of the Board was held on 21 May 2014.

At the 30 January 2014 Ordinary Meeting, council also endorsed the Charter for the Board. The Board's Charter indicates that the Chief Executive Officer in consultation with the Chair of the Board will conduct a biennial assessment of the Board's governance model and performance and provide the evaluation outcomes and recommendations to Council for consideration.

Specifically the Charter states under clauses 11.1, 11.2 and 11.3:

- 11.1 The Chief Executive Officer in consultation with the Chairperson of the Board, shall make arrangements for an independent, biennial assessment of the Board's governance model and performance, including its membership mix, skills and composition.
- 11.2 The first review of the Board will occur prior to 1 January 2016, with each subsequent review to be conducted no later than two years from the date of the last review.

- 11.3 The Chief Executive Officer shall provide the evaluation and recommendations of the biennial assessment referred to in section 11.1 to Council for consideration.

Review Options

The Chief Executive Officer considered a range of options for the review, noting that:

- the review should occur prior to 1 January 2016 and be conducted in consultation with the Chair(s) of the Board;
- as at December 2015, the Board had been in operation for just 18 months since its inaugural meeting on 21 May 2014; and
- a new Chair and two new members had recently been recruited to the Board.

The following review options were raised for consideration:

- (1) Conduct a review with the Chair(s) of the Board and key stakeholders using an internally prepared checklist and evaluation form modelled on professional evaluation tools and models, including a Board Skills Questionnaire from the Australian Institute of Company Directors (AICD) and current Board evaluation practice/models published by the University of Queensland.
- (2) An evaluation process prepared by AICD for the Sunshine Coast Council. Advice from the AICD indicated that its proprietary Governance Assessment Tool was not suitable for the focus of the Board review. The AICD proposed developing a bespoke survey and facilitated evaluation process requiring lead-up preparation time, data collation and an optional workshop at a cost of approximately \$8,000 (plus GST). This process was estimated to take several months to complete.
- (3) A self-assessment survey of current Board members by questionnaire to help assess the Board's strengths and weaknesses.

Research indicated that no single commercially-available evaluation tool was appropriate for the purposes and focus of the review. Discussions between the Chief Executive Officer and the former and current Chairs of the Board, Mayor Mark Jamieson and David Foster respectively, indicated a preference for a simple, internal review given the Board had been in operation for just 18 months and that a new Chair and two new members had recently been recruited to the Board. In view of these factors, Option 1 was chosen as the preferred review process.

Evaluation Tool

As per the recommended process in Option 1, an evaluation and checklist mechanism was prepared internally and modelled on available professional tools and evaluation models. The Evaluation Tool (**Attachment 1**), used to guide the review discussions and assessment, comprised 21 questions focussed on the key areas of:

- Assessing Governance:
 - Board Model
 - Role of Board Members
 - Composition and Skills
 - Board Charter
 - Remuneration and
 - Board Meetings.
- Assessing Performance:
 - Strategy
 - Service/Advice/Contacts and
 - Reporting.
- Continuous Improvement - Professional Development.

Review Process

Commencing in December 2015, a review of the Board was undertaken by the Chief Executive Officer in consultation with both the current Chair of the Board, Mr David Foster, Director of Seaside Consulting and former Chief Executive Officer, Suncorp Bank, and the inaugural and former Chair of the Board, Mayor Mark Jamieson.

As part of the review process, the Chief Executive Officer and Chairs of the Board considered the work and achievements of the Board to date, as identified in its publically-released Annual Reports for 2013-14 and 2014-15.

In 2013-14, the Board provided advice on strategic investment strategies for the region's key game-changer projects, including SunCentral Maroochydore Pty Ltd and the Sunshine Coast Airport, and on the region's planning priorities to facilitate growth in the region's Enterprise Corridor and Priority Investment Areas. In 2014-15, the Board provide advice and guidance on key initiatives which have helped to build important foundations for the region and facilitate economic growth opportunities. These included: the development of the financing strategy for the Sunshine Coast Airport; the completion of the regional investment brand – INVEST Sunshine Coast - and Investment Prospectus; and the completion of Industry and Investment Plans for the region's seven high-value industries. Moving into year 3 of the Board's operation, it was acknowledged that the Board will continue to place a strong focus on providing advice and assistance to progress the capital investment and leadership actions arising from the *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033*.

Using the Evaluation Tool designed for the review, the Chief Executive Officer also consulted with members of the Board, including two new members. Three members of the Board elected to respond to a request to complete the Evaluation Tool - with only two Board members not participating.

Review Outcomes

Feedback from Board members was generally positive, with key comments seeking to improve the ability of Board members to provide timely, independent and strategic advice on key regional economic issues or projects/programs in support of the Regional Economic Development Strategy.

Recommendations

Following an analysis of the review feedback, nine recommendations were made across the governance and performance categories outlined in the Evaluation Tool.

A summary of the assessment of responses to the evaluation questions, in addition to the recommendations against these responses, are provided at **Attachment 3**.

Overall, the review's recommendations aim to better promote, support or focus the work program and activities of the Board to achieve improved advisory outcomes for Council and the region.

The nine recommendations are:

1. Office of the Mayor and CEO to convene an annual working session for Councillors and Board members, to provide external perspectives and advice on a range of topics identified by Council.
2. Council to establish a communication plan to increase awareness and understanding of the Board's role with:
 - State and federal representatives and departments; and
 - Chambers of Commerce and the Sunshine Coast Business Council
3. The Chair of SCEFB to invite industry and business experts to meetings as required, on an invited guest basis, to provide additional input and information to assist the Board in its deliberations on key issues or projects.

4. The Board secretariat to amend the Board's Charter, in sections 5 and 7, to replace the title of Manager, Economic Development with Manager, Office of Mayor and CEO and Director, Economic Development and Major Projects, in line with designated responsibilities for the Board.
5. Board members' remuneration, in the form of sitting fees, is amended in line with the Queensland Government's updated guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*, which took effect in mid-2015.
6. In line with the Board's greater focus on issues and outcomes, the Board secretariat to implement the following administrative actions in consultation with the Chair:
 - a smaller number of topics for discussion at meetings
 - "Board member only" discussions as an agenda item and
 - meeting minutes to comprise any issues, actions, outcomes or requests/ recommendations for council.
7. The Board Charter to be amended at section 7 'Meeting Practice' to provide for: "Board member only" discussions; and recommended changes to meeting Minutes.
8. Council and the Board to identify appropriate opportunities to enhance and better leverage Board members' networking and business connections for the benefit of the region and to assist the region in its advocacy endeavours and pursuits.
9. In support of member's professional development, it is recommended that council provide Board members with:
 - access to council's monthly Business E-News; and
 - links to council's development and planning publications at <https://www.sunshinecoast.qld.gov.au/Development/Stay-Connected/Publications>

Remuneration

As approved by Council on 30 January 2014 (OM14/12), Board members currently receive sitting fees in accordance with a Category E-1 board under the Queensland Government *Remuneration Guidelines for Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities*.

The biennial review recommends under Recommendation 5 that:

5. Board members' remuneration, in the form of sitting fees, is amended in line with the Queensland Government's updated guidelines, *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*, which took effect in mid-2015

Under this new Queensland Government sitting fee rate – assuming quarterly meetings comprising an anticipated two full-day meetings and two half-day meetings – the Board's sitting fees for 2016 would total \$5,670, compared with a total of \$5,222 under current sitting fee rates. Adopting the new Queensland Government fee schedule, under this scenario, would mean an additional \$448 in anticipated sitting fees over a 12 month period.

This report seeks council's endorsement of an increase in Board members' sitting fees, in line with the updated Queensland Government guidelines, as provided at **Attachment 4**.

Implementation of Recommendations

Following council's receipt of this report and consideration of the recommendation to amend the Board's remuneration levels, the Chief Executive Officer will finalise the implementation of the review's recommendations with relevant Council staff and in consultation with the Chair of the Board.

In accordance with the Chief Executive's responsibilities in section 12 of the Board's Charter, amendments have been made to the Charter (**Attachment 2**) to incorporate administrative changes proposed in the review's recommendations. This includes amendments in sections 5 and 7 of the Charter to reflect the correct title of the council manager with operational responsibility for the Board. Amendments are also made in section 7, 'Meeting Practice', to provide for 'Board member only' discussions and changes to meeting Minutes.

The Office of Mayor and Chief Executive Officer will consult with councillors and Board members in order to implement Recommendation 1, being a working session between council and the Board, during 2016:

1. Office of the Mayor and CEO to convene an annual working session for Councillors and Board members, to provide external perspectives and advice on a range of topics identified by Council.

The progress to date in implementing of the review's recommendations will be discussed with the Chair and Board members at the next Board meeting on 26 July 2016.

Legal

There are no specific legal matters or implications relevant to this report

Policy

The review's recommendations for the Board are consistent with the Board's model and functions, as endorsed by council at its Ordinary Meeting of 30 January 2014 (OM14/12) and with the action nominated in the *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033*. The review's recommendations relating to the promotion of the Board's role with external stakeholders, including business and other government jurisdictions, are consistent with the Board's endorsed functions and responsibilities outlined in the Board's Charter.

Risk

There is a risk of a negative public reaction to an increase in remuneration for Board members. Board members have not received an increase in sitting fees since the inaugural meeting in May 2014 and are currently receiving below the applicable sitting fee rates applied by the Queensland Government in mid-2015 for remunerating '*Part-Time Chairs and Members of Queensland Government Bodies*'.

Board members contribute their time and expertise free-of-charge outside of Board meetings at the request of council. Members' voluntary participation in the region includes attending Economic Development Branch and industry-based workshops, contributing to public forums such as the University of the Sunshine Coast's Futures Conference and Innovation Board events, and participating in council investment missions such as the first Qantas business mission to Sydney.

Previous Council Resolution

Council resolved at its Ordinary Meeting on 30 January 2014 (OM14/12) as follows:

That Council:

- a) receive and note the report titled "Sunshine Coast Economic Futures Board" and
- b) approve the establishment of the Sunshine Coast Economic Futures Board as an advisory committee of council under section 264 of the Local Government Regulation 2012

- c) *endorse the Charter for the Sunshine Coast Economic Futures Board (Appendix A), as amended, as the regional economic leadership board referred to in the “Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033”*
- d) *delegate authority to the Chief Executive Officer - in consultation with the Mayor, Deputy Mayor and relevant Portfolio Councillors - to recruit, select and appoint the members of the Sunshine Coast Economic Futures Board*
- e) *endorse the appointment of the Mayor as inaugural Chairperson of the Sunshine Coast Economic Futures Board in accordance with the Charter for the Sunshine Coast Economic Futures Board (Appendix A) as amended*
- f) *resolve to discontinue the Sunshine Coast Economic Development Advisory Board (SCEDAB) given the proposed establishment of the Sunshine Coast Economic Futures Board*
- g) *endorse the appointment of the Mayor as an ex-officio member of the Sunshine Coast Economic Futures Board and the appointment of the Deputy Mayor as the deputy member for the Mayor on the Board and*
- h) *approve that eligible members of the Sunshine Coast Economic Futures Board receive sitting fees in accordance with a Category E-1 board under the Queensland Government “Remuneration Guidelines for part-time chairs and members of government boards, committees and statutory authorities”.*

Carried unanimously

Related Documentation

- *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033*
- *Charter for the Sunshine Coast Economic Futures Board*

Critical Dates

The biennial review of the Board was conducted by the Chief Executive Officer from December 2015. The review outcomes and recommendations were discussed with the Board at its quarterly meeting on 23 March 2016.

It is intended that council's decision on the review's recommendation (5) to amend Board member's sitting fees is provided to the next quarterly meeting of the Board to be held on 26 July 2016.

Implementation

Following council's consideration of this report:

- Board members will be advised of council's decision on remuneration levels at their 26 July 2016 meeting
- Board members will be provided with an amended copy of the Board's Charter and
- The Chief Executive Officer will continue to implement the recommendations from the biennial review with relevant council staff and in consultation with the Chair of the Board.

9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
- * Have purpose of the petition on top of each page
- * Contain at least 10 signatures
- * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

11 CONFIDENTIAL SESSION**11.1 PLANNING AND ENVIRONMENT****11.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - BUDERIM**

File No: MCU15/0116, APL16/0011, LEG-822
Authors: Coordinator Appeals Management
Planning and Environment Department
Solicitor
Office of the Mayor and Chief Executive Officer

This report is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving the local government.

11.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPOSED ROUND 3A AMENDMENTS TO THE SUNSHINE COAST PLANNING SCHEME 2014 AND OTHER LAND USE ACTIONS FROM THE PLACE MAKING MOOLOOLABA MASTERPLAN

File No: Council Meeting
Author: Senior Strategic Planner
Planning and Environment Department

This report is confidential in accordance with section 275 (f) (g) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving the local government; AND any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**11.1.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - FUTURE TRANSPORT
CONSIDERATIONS**

File No: Statutory Meeting May 2016
Author: Project Coordinator
Planning and Environment Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11.2 CORPORATE SERVICES

Nil

11.3 COMMUNITY SERVICES

Nil

11.4 INFRASTRUCTURE SERVICES

Nil

11.5 ECONOMIC DEVELOPMENT AND MAJOR PROJECTS

Nil

11.6 OFFICE OF THE MAYOR AND THE CEO

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 21 July 2016 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE