

APPLICATION SUMMARY	
Division:	1
Applicant:	Coles Group Property Developments Pty Ltd
Consultant:	Project Urban Pty Ltd
Owner:	Ms M Biondi
Proposal:	Development Permit for Material Change of Use of Premises to Establish a Service Station and Food and Drink Outlet
Properly Made Date:	11 November 2019
Street Address:	8 Roys Rd, BEERWAH
RP Description:	Lot 122 & 123 CG 155
Assessment Type:	Impact
Public Notification Period:	1 October 2020 to 26 October 2020
Number of Properly Made Submissions:	Nine (9)
State Referral Agencies:	<u>Concurrence</u> <ul style="list-style-type: none"> • SARA at Queensland Treasury
Referred Internal Specialists:	<ul style="list-style-type: none"> • Principal Traffic Engineer • Principal Development Engineer • Senior Development Engineer (Hydraulics) • Principal Environment & Landscape Officer • Environment Officer • Principal Architect

PROPOSAL:

The application seeks approval of an application for a Development Permit for Material Change of Use of Premises to Establish a Service Station and Food and Drink Outlet.

The proposed development is intended to form part of an overall “homemaker centre” development proposal which would also incorporate a full line supermarket. “Homemaker centre” is not defined by the planning scheme but is generally understood to involve a shopping precinct mostly occupied by large format retail shops or showrooms selling goods related to home furnishings, homewares and electronics. A Full line supermarket is defined by the planning scheme as *“a supermarket offering all or most major lines of groceries for sale and having a gross leasable floor area generally in excess of 2,500m²”*. This overall development proposal affects a large site including four lots located at the south eastern corner of Roys Road and Steve Irwin Way, and is the subject of a separate application for the following (Council reference: MCU19/0267):

- Preliminary Approval for Material Change of Use of Premises (Including a Variation Request to Vary the Effect of the *Sunshine Coast Planning Scheme 2014*) to Establish a Business, Industrial, Community, Sport and Recreation and Other Activities; and
- Development Permit for Material Change of Use of Premises to Establish a Shopping Centre (Full Line Supermarket and Showroom).

An extract from the master plan submitted as part of the above application, depicting the overall development concept, with the subject Service Station and Food and Drink Outlet identified, is included below. Application No. MCU19/0267 is currently within the decision part of the development assessment process.

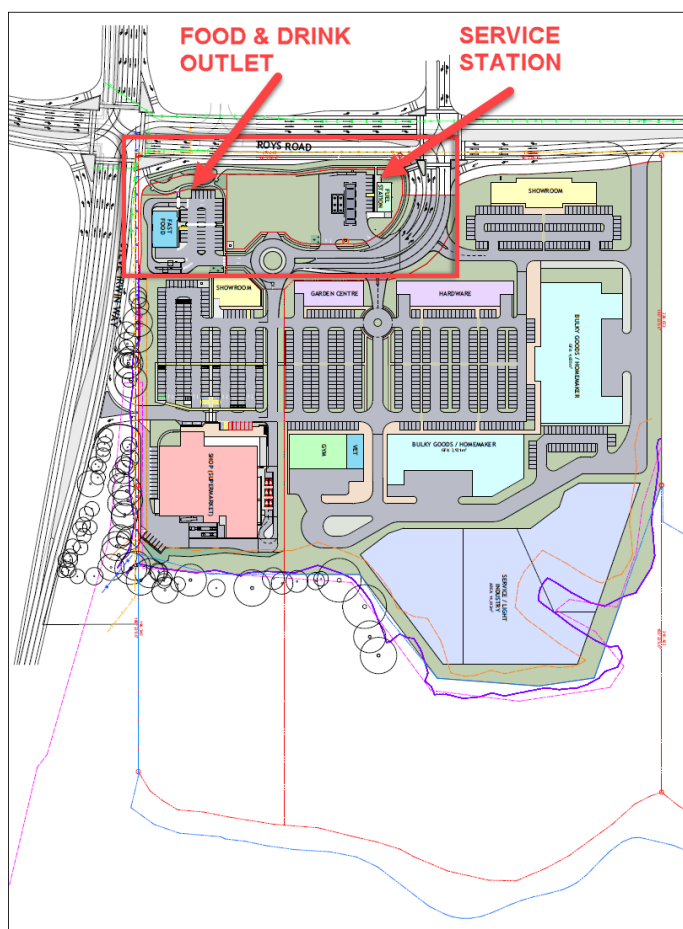


Figure 1 – Extract from Masterplan submitted with application no. MCU19/0267

The proposed development is also intrinsically related to a separate application for reconfiguring four existing lots into four lots and new road (Council reference: RAL19/0118). This reconfiguring a lot application proposes a lot layout that closely reflects the overall development concept for the land proposed in the abovementioned development application no. MCU19/0267. The proposal plan for application no. RAL19/0118 is included below.

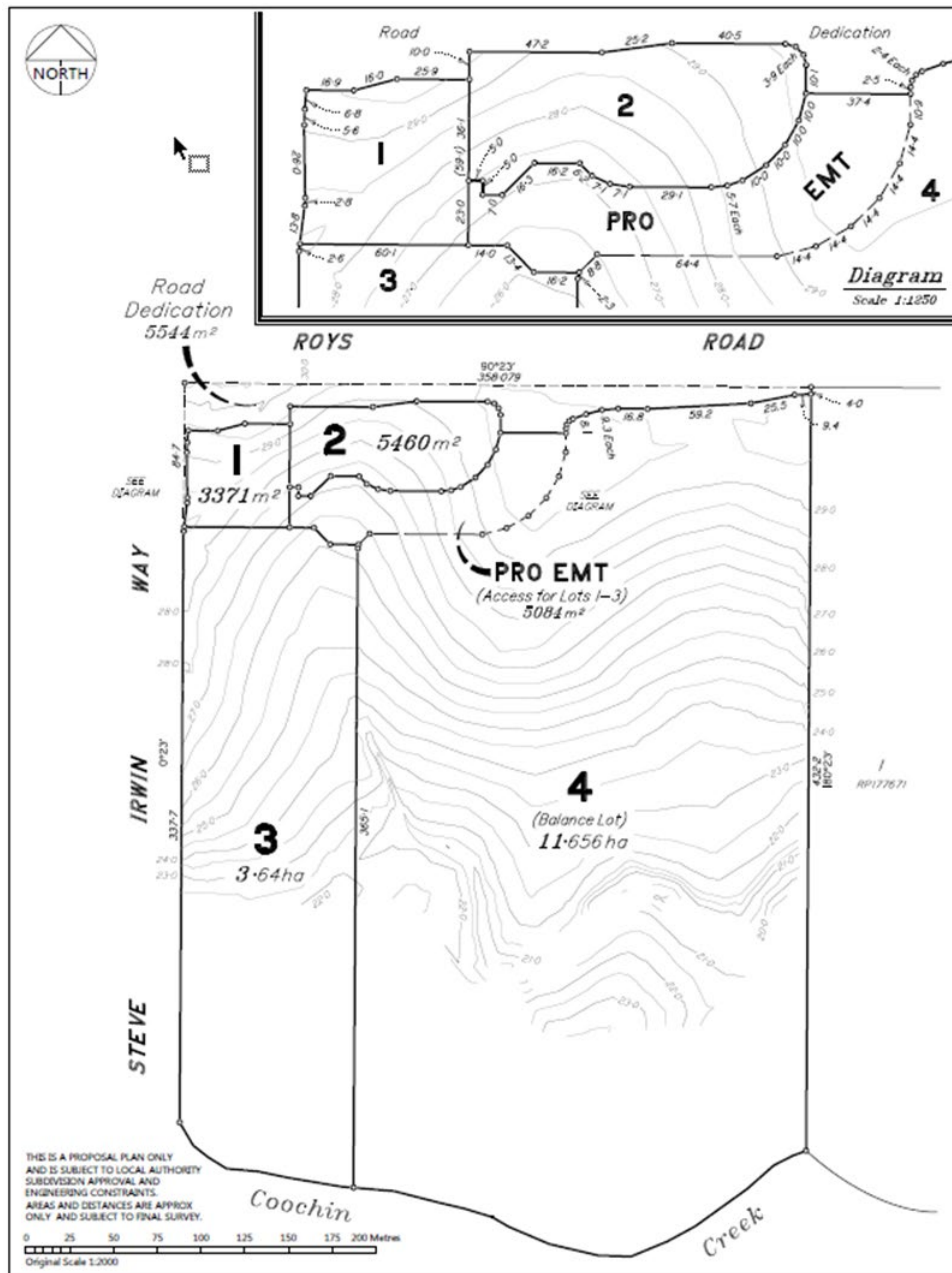


Figure 2 – Proposal Plan for RAL19/0118

The proposed Service Station and Food and Drink Outlet are located towards the Roys Road frontage of the site, with the Food and Drink Outlet located close to the intersection of Roys Road with Steve Irwin Way. Both uses are proposed to be accessed via a new intersection with Roys Road, and areas of new road, including a widening of Roys Road and a new road stub off Roys Road, are proposed to facilitate this access as well as access for the entire homemaker centre proposal. Access from the new road stub to the Service Station and Food and Drink Outlet is proposed to be provided via a private driveway and cul-de-sac arrangement. The Food and Drink Outlet would be located on proposed Lot 1 and the Service Station would be located on proposed Lot 2.

The proposed Service Station incorporates a single storey building with a gross floor area of 200m², as well as fuel bowsers, canopy, air/water bay, car parking, loading, manoeuvring areas and landscaping.

The proposed Food and Drink Outlet incorporates a single storey building with a gross floor area of 427m². The Food and Drink Outlet is intended to function as a high volume convenience restaurant and a drive-through facility has been incorporated in the design. Plans submitted with the application show that the Food and Drink Outlet would be a McDonalds.

The following table describes the key development parameters for the proposal.

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Required	Proposed
Gross Floor Area	Not specified	Service Station – 200m ² Food & Drink Outlet – 427m ²
Building Height/Storeys	12m (maximum)	Service Station – 8m Food and Drink Outlet – 7.245m
Setbacks	6m (front)	<u>Roys Road</u> <ul style="list-style-type: none"> • Service Station – 18m • Food & Drink Outlet – 37m <u>Steve Irwin Way</u> <ul style="list-style-type: none"> • Food & Drink Outlet – 10m <i>Note: measurements approximate and taken from existing frontage.</i>
Site Cover	70%	Not calculated but would be less than 70%
Parking	<u>Service Station</u> <ul style="list-style-type: none"> • 1 car space / 20m² GFA + 2 spaces/service bay = 10 spaces + service bay spaces • 1 x AV • 1 motorcycle space / 100m² GFA = 2 spaces • 1 employee bicycle space / 100m² GFA + 1 customer bicycle space / 100m² GFA = 4 spaces <u>Food and Drink Outlet</u> <ul style="list-style-type: none"> • 1 car space / 15m² GFA = 28 spaces • 1 VAN + 1 MRV + 1 WCV • 1 motorcycle space / 100m² GFA = 4 spaces 	<u>Service Station</u> <ul style="list-style-type: none"> • 12 car spaces plus service bay spaces • ARV manoeuvring provided • MRV/WCV bay • Motorcycle & bicycle spaces not shown but space available <u>Food and Drink Outlet</u> <ul style="list-style-type: none"> • 33 car spaces + drive through queuing and waiting bays • MRV/WCV bay • Motorcycle & bicycle spaces not shown but space available

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Required	Proposed
	<ul style="list-style-type: none"> 1 employee bicycle space / 100m² GFA + 1 customer bicycle space / 100m² GFA = 8 spaces 	
Landscaping	<ul style="list-style-type: none"> 10% deep planted landscapes Frontage strip – minimum 2m to Roys Road at Service Station Buffers sufficient to meeting local plan code requirements 	<ul style="list-style-type: none"> Not calculated but would be greater than 10% Minimum 2m wide strip to Roys Road at Service Station, widening to approximately 10m at Food and Drink Outlet Minimum 2m wide strip to Steve Irwin Way at Food and Drink Outlet widening to approximately 4m

Extracts from the proposal plans are included below.

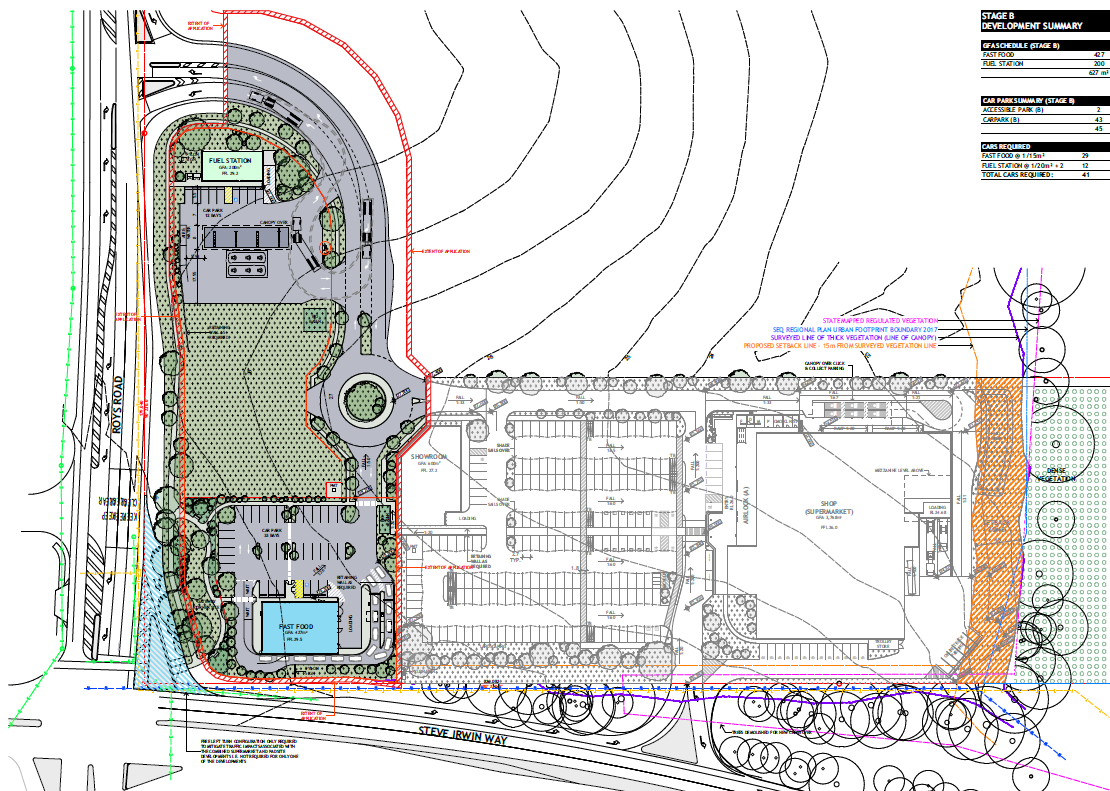


Figure 3 – Site Plan



Figure 4 – Elevations

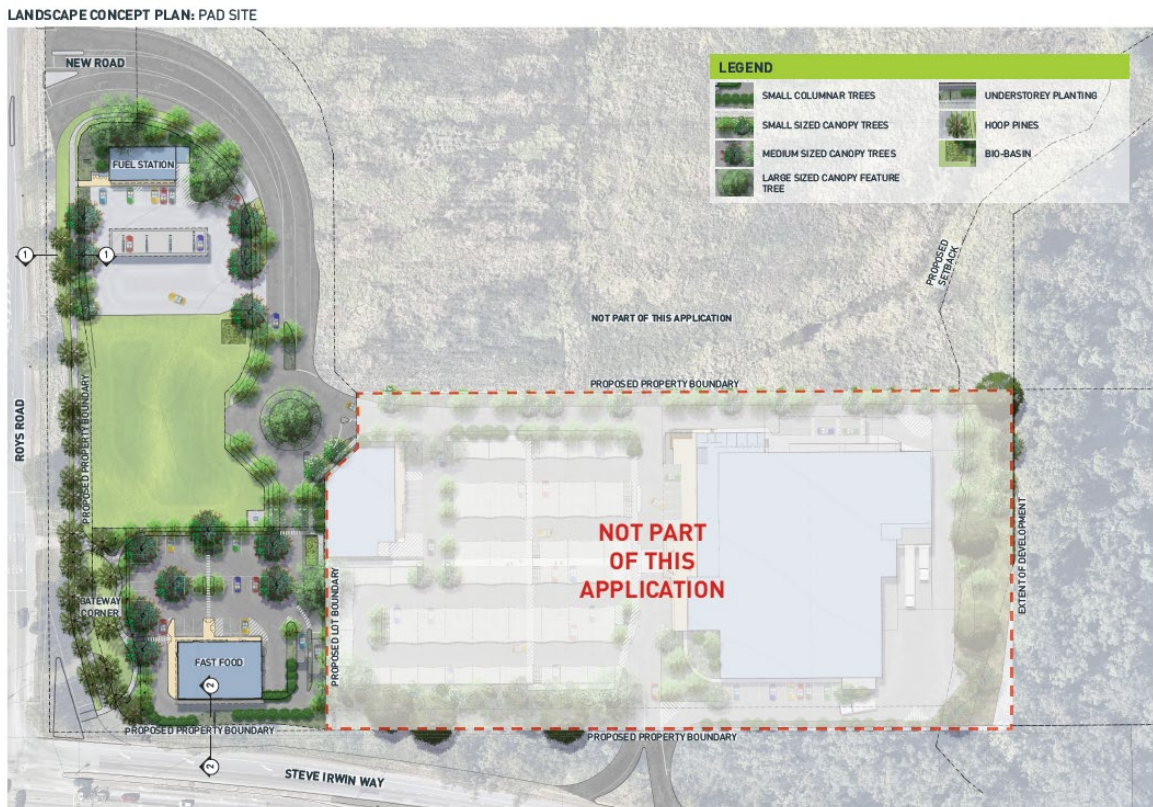


Figure 5 – Landscape Concept

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	8.094 hectares
Existing Use of Land:	Rural
Road Frontage:	Roys Road – 357m approximately Steve Irwin Way – 225m approximately
Significant Site Features:	The site is being used for agriculture (strawberry farm). The strawberry farm extends into the adjoining lots to the south. A dwelling house is located in the north-western corner near the intersection of Roys Road and Steve Irwin Way.
Topography:	Gentle slope north to south
Surrounding Land Uses:	North – Industry uses East – Rural uses South – Strawberry farm, Coochin Creek and related vegetation area, Extractive Industry (Sand) and Rural uses West – North Coast Railway

The location of the subject site in relation to its surrounds is shown below.

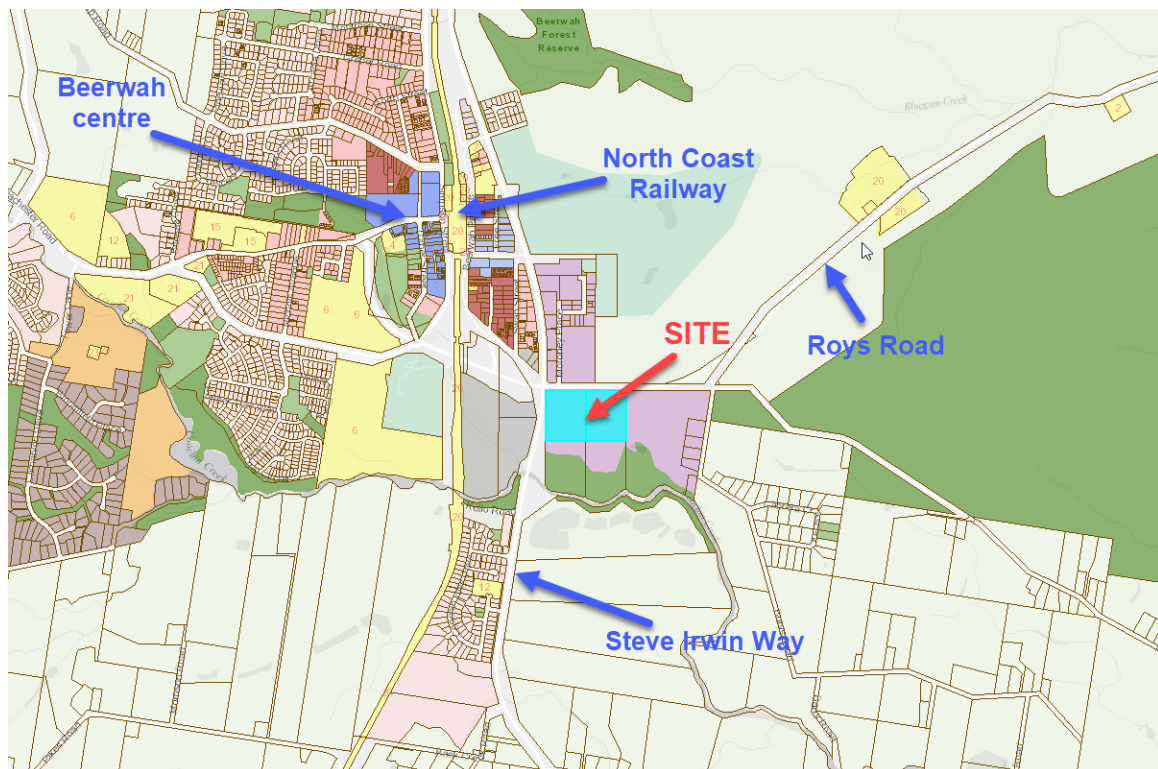


Figure 6 – Locality Map



Figure 7 – Aerial Photograph (Nearmap)

Development History of Site

There is no history of development approvals over the site.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the

assessment benchmarks contained in Council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

PLANNING REGULATION 2017 DETAILS	
Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • Part E

State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

Assessment Benchmarks Related to the Planning Scheme

The following sections relate to the provisions of the Planning Scheme.

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (11 November 2019)
Strategic Framework Land Use Category:	Industry and Enterprise Area
Local Plan Area:	Beerwah Local Plan Area
Zone:	Medium Impact Industry
Consistent/Inconsistent Use:	Service Station – Consistent Use Food and Drink Outlet (where having a gross leasable floor area exceeding 100m ²) – Potentially Consistent Use
Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • Strategic Framework • <i>Biodiversity, waterways and wetlands overlay code</i> • <i>Bushfire hazard overlay code</i> • <i>Height of buildings and structures overlay code</i> • <i>Scenic amenity overlay code</i> • <i>Beerwah local plan code</i> • <i>Medium impact industry zone code</i> • <i>Business uses and centre design code</i> • <i>Service station code</i> • <i>Prescribed other development codes</i>

Strategic Framework

The Strategic Framework is an Assessment Benchmark for Impact Assessable applications and considers the following matters:

- Settlement Pattern
- Economic Development
- Transport

- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The application has been assessed against each of the matters above. The pertinent issues arising out of assessment against the Strategic Framework are discussed below. The proposal is considered to be inconsistent with particular Specific Outcomes of the Strategic Framework.

Issue – Industry and Enterprise Areas

The subject site is identified as being located within an Industry and Enterprise Area on Strategic Framework Map 1 (Land Use Elements) and on Strategic Framework Map 2 (Economic Development Elements). An extract from Strategic Framework Map 2 is included below.

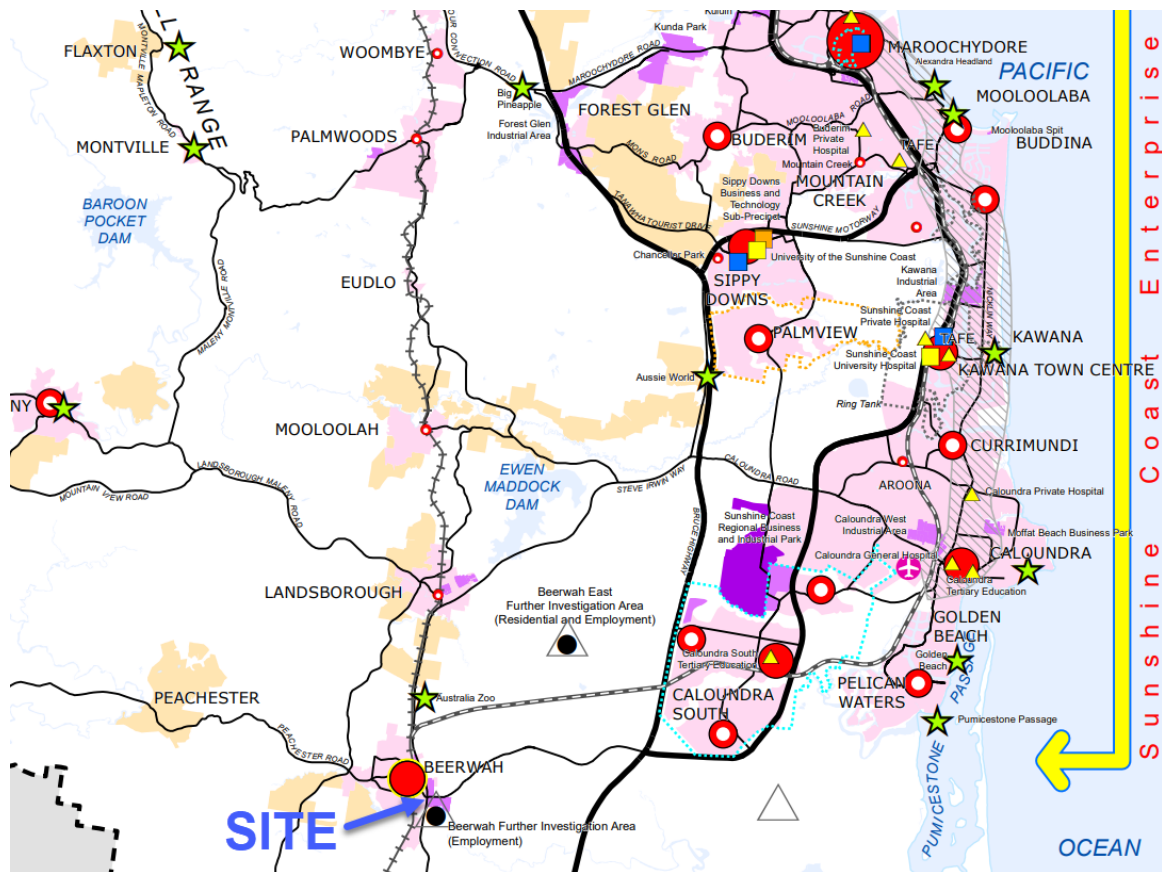


Figure 8 – Strategic Framework Map 2 (Extract)

Strategic Outcome 3.4.1(s) for Theme 2 – Economic development states:-

- (s) *The Sunshine Coast’s industry and enterprise areas provide opportunities for high value industry and related enterprise which contribute to the strength and diversity of the economy and improved employment opportunities. Industry and enterprise areas are well-designed and accessible to major transport*

routes to attract niche business and industry investment and are appropriately serviced and connected to contemporary, business grade telecommunications infrastructure as well as being connected to other centres, employment areas and communities. Industry and enterprise areas are protected from encroachment by sensitive land uses.

Specific Outcomes 3.4.5.1(a), (b), (c), (d), (e), (f) and (g) for Element 4 – Industry and Enterprise Areas, Economic Development Theme states that:-

- (a) *To support the preferred pattern of settlement, development provides for the establishment and further development of industry and enterprise areas, including the regional and sub-regional industry and enterprise areas identified conceptually on Strategic Framework Map SFM 2(Economic development elements) and described in further detail in Table 3.4.5.1 (Industry and enterprise areas).*
- (b) *Development in an industry and enterprise area provides for business investment and employment opportunities, particularly in high value industries.*
- (c) *Industry and enterprise areas provide for a scale and nature of industrial use that is compatible with its regional, sub-regional or local classification and the industry zone type.*
- (d) *Development in an industry and enterprise area protects legitimate industry activity from unwarranted intrusion by non-industrial or less intensive industrial development and ensures that non-industrial uses are limited to those uses that are compatible with and provide a desirable support activity to industrial uses.*
- (e) *Industry and enterprise areas are protected from intrusion by incompatible land uses.*
- (f) *Industry and enterprise areas are well-designed and serviced and provide for a range of industry uses.*
- (g) *Industry and enterprise areas provide for the full potential of the enterprise opportunity area to be realised so as to maximise opportunities for investment and employment generation. This includes assigning a specific classification to an enterprise opportunity area to enhance its development and investment potential.*

Comments

Service Station is nominated as a Consistent Use for the Medium impact industry zone in the *Medium impact industry zone code* and is subject to code assessment in the zone. The Planning Scheme therefore identifies service stations as a non-industrial use that would be compatible with and support industrial uses.

Food and Drink Outlet (where having a gross leasable floor area exceeding 100m²) is nominated as a Potentially Consistent Use for the zone in the *Medium impact industry zone code* and is subject to impact assessment in the zone. The proposed Food and Drink Outlet, which is intended to operate as a high volume convenience restaurant with a drive-

through facility, and which includes over 400m² of gross floor area, may only be considered to be consistent with the *Medium industry zone code* where it is compatible with and provides a desirable support activity to industrial uses.

The proposed Food and Drink Outlet would provide a support activity to existing and future industrial uses located to the north of the site off Moroney Place and Biondi Crescent. It would also provide a support activity to any future industrial uses established on either on the subject land or other industry zoned land located to the east, noting that the applicant, through application no. MCU19/0267, intends to develop the industry zoned parts of Lots 122-125 CG155 primarily for business activities. Employees of existing and future industrial uses in the area could purchase meals from the proposed Food and Drink Outlet, and in that respect, the use would provide a support activity to industrial uses, but this would not be its primary function. As mentioned previously, the proposed Food and Drink Outlet is a high-volume convenience restaurant with a drive-through facility, and the plans submitted show that it will be a McDonalds. McDonalds Nambour is currently the only McDonalds restaurant located west of the Bruce Highway within the Sunshine Coast Region. The closest McDonalds restaurant to the subject site is McDonalds Glass House Mountains, located on the same site as the Shell Coles Express Service Station off the Bruce Highway at Johnston Road. There are currently no other high-volume convenience restaurants that incorporate a drive-through located along the Steve Irwin Way. Steve Irwin Way is an Arterial Road that carries high volumes of regional, tourism and local traffic. Roys Road is a Sub-arterial road that carries high volumes of regional and local traffic, which is expected to increase as Caloundra South further develops. The proposed Food and Drink Outlet is therefore likely to draw the majority of its customers from outside of the local industrial area. Most customers are likely to comprise residents of Beerwah, the southern railway towns and hinterland area, as well as commuters, tourists and travellers using Steve Irwin Way and Roys Road.

Furthermore, the proposed Food and Drink Outlet has been designed and sized to accommodate a high volume of customers. The proposal is a stand-alone use occupying approximately 3,300m² of land and incorporating a building with a gross floor area of 427m², as well as 33 on site car parking spaces, loading, drive through queuing and waiting spaces, and landscaping areas. Food and Drink Outlets in industry zones, as provided by the Planning Scheme, are intended to be small in scale and to complement and support the primary industry uses. The size and scale of the proposed Food and Drink Outlet results in a large area of land that is intended to be used for Medium Impact Industry, being occupied by a business activity.

It is considered that due to its size, scale and intended function, the proposed Food and Drink Outlet would represent an unwarranted intrusion of a business activity into an identified Industry and Enterprise Area, and that the proposed Food and Drink Outlet would not be compatible with and would not provide a desirable support activity to industrial uses. The proposal is therefore inconsistent with Specific Outcomes 3.4.5.1(d) and (e) of the Strategic Framework.

It is also considered that the size, scale and design of the proposed development would undermine the ongoing preservation of the remainder of the site for future industrial development. In particular, the internal street layout proposed by the development incorporates a cul-de-sac with an abrupt bend immediately adjacent to its access intersection with Roys Road. This layout is not conducive to legible, safe and efficient integration of the proposal with any future development of the balance of the site for industrial purposes and indeed the balance of the entire industrial zoned land south of

Roys Road. Accordingly, the development would likely frustrate the full potential of the Beerwah industry and enterprise area being realised and is therefore inconsistent with Strategic Outcome 3.4.1(s) and Specific Outcomes 3.4.5.1(a), (b), (c), (f) and (g) of the Strategic Framework.

The *Medium industry zone code* provides additional outcomes in relation to non-industry development in the Medium impact industry zone, and an assessment against this code is provided in a later section of this report.

Issue – Scenic Route

Steve Irwin Way is identified as a Scenic Route on Strategic Framework Map 6 (Community Identity, Character and Social Inclusion Elements). An extract from Strategic Framework Map 6 is included below.

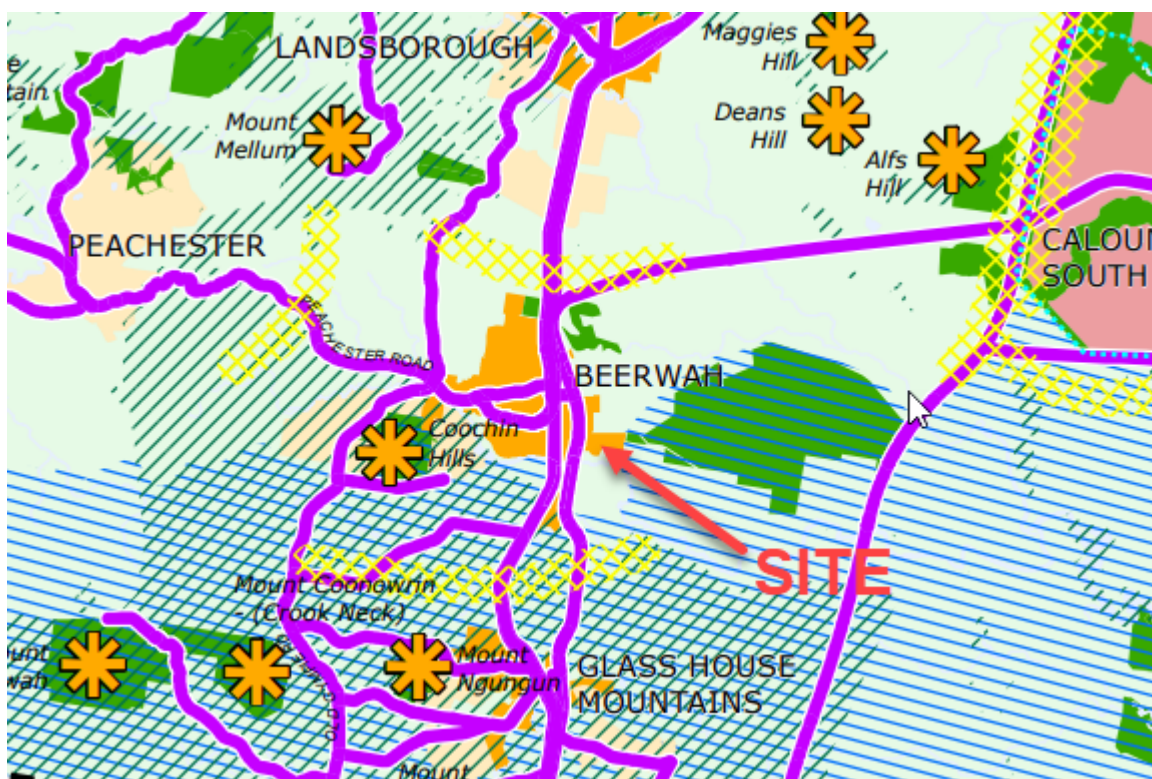


Figure 9 – Strategic Framework Map 6 (Extract)

Specific Outcomes 3.8.2.1(d) (g) and (i) for Element 1 – Landscape Elements and Features, Community Identity, Character and Social Inclusion Theme states that:-

- (d) *Scenic routes are protected and enhanced as major transport routes providing a high level of scenic and visual amenity to travellers.*
- (g) *Other views and vistas, including those identified in local plans or which are important in a local context are also protected, particularly from development which exceeds specified building heights.*
- (i) *Building forms, landscaping and signage complement landscape features and provide for these features to remain intact and undiminished.*

Steve Irwin Way is also identified as a Scenic Route on the Scenic Amenity Overlay Map. Additionally, Figure 7.2.2A (Beerwah Local Plan Elements) identifies the corner of Steve Irwin Way and Roys Road as a Gateway/Entry Point with a Significant View towards Mount Coochin. An extract from Figure 7.2.2A is included below.



Figure 10 – Figure 7.2.2A (Extract)

Comments

Existing views of the site along Steve Irwin Way and Roys Road are provided in the images below.



Figure 11 – View of site from Steve Irwin Way at Roys Road intersection – view south (Google Maps)



Figure 12 – View of site from Roys Road towards Steve Irwin Way intersection – view west (Google Maps)

The Gateway/Entry Point and Significant View at the intersection of Steve Irwin Way and Roys Road is presently framed by existing planted pine trees comprising Slash Pine and Cook Pine, as seen in the images above. The applicant proposes to address the provisions of the Planning Scheme relating to Scenic Routes, Gateway/Entry Points, and Significant Views through a combination of building setbacks and landscaping treatments. In particular, the existing pine trees are proposed to be replaced by Hoop Pines. The

proposed development necessitates the widening of Roys Road and the upgrading of the Steve Irwin Way and Roys Road intersection, and as a consequence, the existing pine trees would be removed if the development proceeds. (It should be noted that any development of the land would likely necessitate the removal of the existing pines due to their location either within or very close to the existing road reserve.) Extracts from the Landscape Concept Plan are included below.



Figure 13 – Landscape Concept (detail)

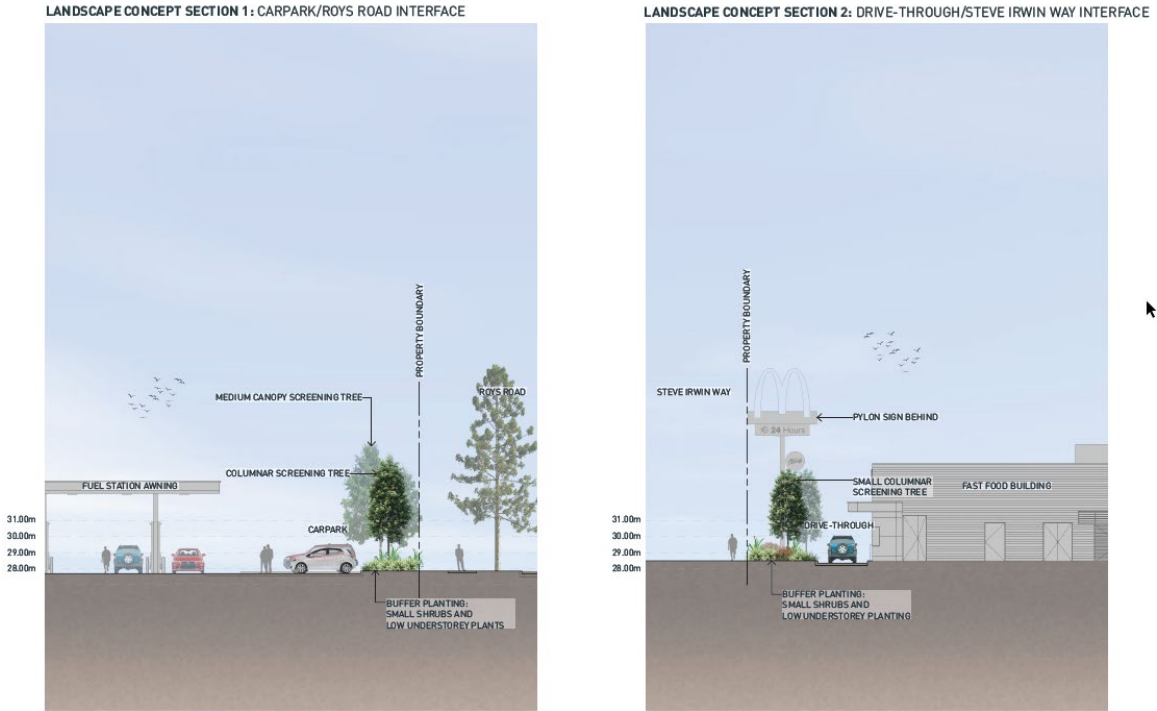


Figure 14 – Landscape Concept (sections)

The applicant has also submitted a Visual Impact Assessment including photomontages demonstrating the appearance of the development once landscape planting is mature. Extracts from the Visual Impact Assessment are included below.

02 Photo Montages

VIEW 02 - NORTHERN APPROACH



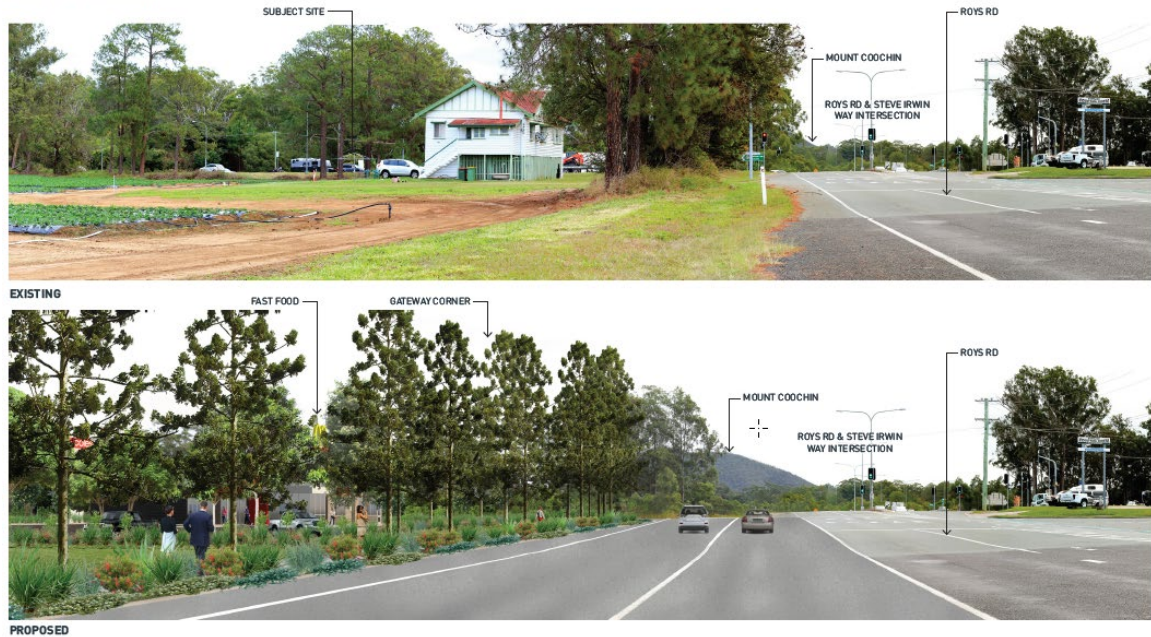
KEY POINTS:

- Grove of Hoop Pines to reinforce Gateway Corner, reference the existing Cook Island Pines and to allow views through (to signage and to the development)
- Mass low understorey planting to create enclosure and lateral buffers to Roys Road and carpark whilst ensuring CPTED
- Buffer planting along interfaces with Steve Irwin Way & Roys Road comprise small canopy trees and mass understorey shrubs which achieve 'visual softening' to the development whilst ensuring sightlines to pylon signage (refer Section 2)
- Mounded landscape buffer comprising columnar screening trees, medium canopy screening trees, shrubs and low understorey planting to Supermarket's carpark frontage (refer Section A-A).

Figure 15 – Visual Impact Assessment – Photomontage view from Steve Irwin Way at Roys Road intersection – view south

02 Photo Montages

VIEW 03 - MT COOCHIN



KEY POINTS:

- Mount Coochin is more visible due to the widening of the road
- Hoop Pines frame vista to the west to Mount Coochin
- Mass low understorey planting to create enclosure and lateral buffers to Roys Road and carpark whilst ensuring CPTED
- Design integration of streetscape and 'gateway corner' to broaden and strengthen the sense of the landscape space.

Figure 16 – Visual Impact Assessment – Photomontage view from Roys Road towards Steve Irwin Way intersection – view west

The photomontages illustrate a very optimistic scenario where all landscape plantings are assumed to have undergone vigorous growth, survived through to maturity and have not been pruned by the site operators to permit clear views into the site development. In particular, it should be noted that the hoop pines incorporated into landscaping at the "Gateway Corner" and along Roys Road would take many years to reach the height indicated in the photomontages (between 10-15m). Nevertheless, it is considered that landscaping is generally capable of addressing the provisions of the Planning Scheme relating to Scenic Routes, Gateway/Entry Points, and Significant Views provided the following significant improvements are made:-

- The proposed landscape buffer to Steve Irwin Way, at between 2-4m in width is not sufficient to enable the scenic route to be protected and enhanced in accordance with Specific Outcome 3.8.2.1(d) of the Strategic Framework, and the purpose and overall outcomes of the *Scenic amenity overlay code* and the *Beerwah local plan code*. It is considered that this buffer would need to be widened to between 6-10m to ensure that a sufficient density of trees and understorey shrubs are provided to allow a softening of the built form.
- The application does not seek approval of signage, but it is noted that the elevations, Landscape Concept Plans and Visual Impact Assessment all show a 12m high pylon sign intended to be located at the corner of Steve Irwin Way and Roys Road for the proposed Food and Drink Outlet. This sign would be highly visible, even with mature landscaping, and it is considered that its visual dominance neither protects nor enhances the scenic route, nor does it complement the landscape, as required by Specific Outcome 3.8.2.1(d) and (i) of the Strategic Framework and the purpose and

overall outcomes of the *Scenic amenity overlay code*. Furthermore, it is considered that the sign would not contribute towards the establishment of an attractive gateway to Beerwah from the south, as required by the outcomes of the *Beerwah local plan code*. It is considered that the sign would need to be reduced in height considerably and set behind landscaping in order to dramatically reduce its visual dominance and address the relevant Planning Scheme outcomes.

Should Council wish to approve the application, the above matters may be addressed through the provision of amended plans and the imposition of conditions, as there is sufficient space available on the site to permit landscape buffers to be redesigned and increased in width, and for signage to be relocated behind wider landscape buffers.

Planning Scheme Codes

The application has been found to conflict with one or more elements of the applicable codes of the Planning Scheme and cannot be conditioned to comply. The pertinent issues arising out of the assessment are discussed below.

Medium impact industry zone code

The purpose and overall outcomes of the *Medium impact industry zone code* that are relevant to the assessment are included below.

- (1) *The purpose of the Medium impact industry zone code is to provide for a range of low and medium impact industrial activities and limited non-industrial activities that are ancillary to industrial activities and do not compromise the operation of industrial activities or the integrity of the Medium impact industry zone.*
- (2) *The purpose of the Medium impact industry zone code will be achieved through the following overall outcomes:-*
 - (a) *development provides predominantly for low to medium intensity industrial activities, including low impact industry, medium impact industry, research and technology industry, service industry, transport depot and warehouse uses.*
 - (b) *non-industrial activities, including caretakers accommodation, small scale food and drink outlets primarily servicing local employees, service stations and veterinary services may also be established in the zone where they directly support or are compatible with the ongoing industrial use of the zone.*
 - (c) *existing and planned industrial activities are protected from the intrusion of incompatible activities that may compromise or conflict with the primary use of the premises for industry purposes.*

Comments

As previously discussed under the Strategic Framework section of the report, the proposed Service Station would represent a use that is compatible with, ancillary to, and supportive of, industrial uses, and it is noted that the use is nominated as a Consistent

Use for the zone. By itself, the Service Station would not compromise the operation of industrial activities or the integrity of the Medium impact industry zone. This aspect of the application would achieve the purpose and overall outcomes of the *Medium impact industry zone code*.

In comparison, although a Food and Drink Outlet of the scale proposed is nominated as a Potentially Consistent Use for the zone, it is considered that the proposal would not be compatible with, ancillary to, or directly service and support industrial uses. The proposed Food and Drink Outlet has been located, designed and sized to service a high volume of customers, most of whom would be located outside of the Beerwah industrial area. The majority of customers are expected to comprise residents within the Beerwah township, the southern railway towns and hinterland area, as well as commuters, tourists and travellers using Steve Irwin Way and Roys Road. Furthermore, the size and scale of the proposed Food and Drink Outlet results in a large area of land (approximately 3,300m²) that is intended to be used for Medium Impact Industry, being occupied by a business activity instead. The proposal does not represent a use that is ancillary to, or directly services and supports, industrial uses.

It is therefore considered that the proposed Food and Drink Outlet would likely compromise the integrity of the Beerwah Medium impact industry zone and would conflict with the purpose and overall outcomes of the *Medium impact industry zone code*.

The applicant has provided the following reasons in support of the proposed Food and Drink Outlet notwithstanding its size and scale:

The site occupies a gateway location and is well serviced by major roads. It has excellent exposure and otherwise adjoins Industry zoned land. The site is well separated from residential uses. The Food and drink outlet is also relatively small in scale and will not compromise the operation of industrial activities or the integrity of the zone.

The planning scheme does not confine Food and drink outlets to sites that are within designated centres. The use could not be considered significant in the context of the Strategic Framework or the Sunshine Coast Activity Centres Network. While the Food and drink outlet may draw a wider customer base than just local employees, the proposal is still consistent with the purpose of the zone code. It is ancillary to industrial activities that may occur on the wider site and locality and it does not compromise the operation of industrial activities or the integrity of the Medium impact industry zone.

The enclosed Economic Need correspondence forecasts a significant growth in dining and take-away food related expenditure. The proposal will enhance the built form and streetscape character of this important gateway site, certainly to a higher standard than the built form and streetscape that is likely to be created by other land uses that are envisaged for the zone.

The following comments are made in response to the above reasons:-

- It is agreed that the location of the subject site would provide excellent exposure to the proposed McDonalds, which relies heavily on a car-based customer patronage. However, this is not sufficient justification to override the Planning Scheme intent for the subject site, which is to provide predominantly for low to medium intensity industrial

activities. The same argument could be made for any site located at the intersection of two major roads, irrespective of the Planning Scheme intent for that site.

- The statement that the proposal would be ancillary to industrial activities that may occur on the wider site does not recognise the applicant's overall intent for the wider site, which, through the related application MCU19/0267, is to develop the site primarily for business activities, specifically, a new "homemaker centre" anchored by a full line supermarket. The subject proposal has been designed to align with the development concept shown in the related application, which is in conflict with the Planning Scheme. The proposal is not considered ancillary to, or particularly compatible with, an industrial estate that accommodates predominantly low to medium intensity industrial activities.
- The proposed Food and Drink Outlet represents an introduction of business activities onto the site that is of a size and scale that would undermine the ongoing preservation of the remainder of the site for future industrial development. In effect, it represents the first stage of the applicant's overall intent for the wider site, which is to develop it primarily for business activities, which is in conflict with the Planning Scheme.
- The applicant has not demonstrated that the proposed Food and Drink Outlet cannot practically be established within the Beerwah major centre zone. The proposal would be consistent with the purpose of the Major centre zone which is to accommodate a range of higher order business activities.

It is considered that the applicant has not provided sufficient grounds to support the proposed Food and Drink Outlet despite its conflict with the purpose and overall outcomes of the *Medium impact industry zone code*.

Beerwah local plan code

The overall outcomes and performance outcomes of the *Beerwah local plan code* that are particularly relevant to the assessment are included below, with comments provided.

- (e) *Development provides for centre activities to be consolidated in the Major centre zone on the western side of the rail line, with the Local centre zone on the eastern side of the rail line providing local convenience goods and services for nearby residents. Development in the Local centre zone respects the character of, and provides for the continued operation of, the Beerwah Hotel.*

Comments

The proposed Food and Drink Outlet is a large, high volume convenience restaurant that is likely to draw the majority of its customers from outside of the Beerwah industrial area. It represents a size and scale of centre activity that ought to be consolidated into the Beerwah major centre on the western side of the rail line, and it is noted that this land use would be a Consistent Use for the Major centre zone. The location of this type of Food and Drink Outlet in the Medium impact industry zone is contrary to the stated outcome that seeks to consolidate centre activities in the Major centre zone.

- (m) *The industrial area to the east of Steve Irwin Way is consolidated and expanded to include additional allocated land south of Roys Road and west of Burys Road. Development provides for a range of lot sizes to cater for a range*

of medium and low impact industrial uses set within an integrated, modern and visually appealing industry park with a high level of environmental performance.

Comments

As mentioned earlier in this report, the proposed development forms part of an overall development proposal for a homemaker centre anchored by a full line supermarket. This overall development proposal affects a large site including four lots located at the south eastern corner of Roys Road and Steve Irwin Way, and is the subject of a separate application for a material change of use (MCU19/0267) and another separate application for reconfiguring a lot (RAL19/0118). The layout of the proposed Service Station and Food and Drink Outlet is intrinsically linked with and dependent upon the layout of these separate applications.

The internal street layout proposed by the development incorporates a cul-de-sac with an abrupt bend immediately adjacent to its access intersection with Roys Road. This layout is not conducive to legible, safe and efficient integration of the proposal with the future development of the balance of the site and indeed the balance of the entire industrial zoned land south of Roys Road. Instead, a grid-like internal street layout should be planned (with safe and convenient internal intersection configurations and locations) to help facilitate the orderly, efficient and legible development of the balance areas and provide for suitable development integration. It is considered that the layout of the proposed development would frustrate the future provision of a range of lot sizes to cater for a range of medium and low impact industrial uses set within an integrated, modern and visually appealing industry park, and therefore departs from the abovementioned overall outcome.

(n) Development provides appropriate landscape buffering to Steve Irwin Way in order to effectively screen and soften built form elements and maintain the visual amenity of this road as a scenic route.

PO2 Development provides for the retention and enhancement of key landscape elements including historical landmarks, significant views and vistas, existing character trees and areas of significant vegetation contributing to the setting, character and sense of place of Beerwah.

PO4 Development adjacent to Steve Irwin Way incorporates a dense landscape buffer to visually screen and soften built form elements and maintain and enhance the visual amenity of the road as a scenic route.

Comments

As mentioned earlier in this report, it is considered that landscaping is capable of addressing the provisions of the Planning Scheme relating to Scenic Routes, Gateway/Entry Points, and Significant Views, subject to the Steve Irwin Way buffer being widened to between 6-10m, and, the intended pylon sign being reduced in height considerably and set behind landscaping. Should Council wish to approve the application, the above matters may be addressed through the provision of amended plans and the imposition of conditions.

Scenic amenity overlay code

The relevant outcomes of the *Scenic amenity overlay code* repeat and build upon the outcomes in the *Strategic Framework* and *Beerwah local plan code* relating to Scenic Routes and Significant Views, and these provisions have already been discussed previously in the report. The proposal is capable of meeting the outcomes of the *Scenic amenity overlay code* subject to amendments to the landscaping and signage concept.

Transport and parking code

The purpose and the key, relevant overall outcomes of the *Transport and parking* are as follows.

- (1) *The purpose of the Transport and parking code is to ensure that transport infrastructure including pathways, public transport infrastructure, roads, parking and service areas, are provided in a manner which meets the needs of the development, whilst promoting active and public transport use and preserving the character and amenity of the Sunshine Coast.*
- (2) *The purpose of the Transport and parking code will be achieved through the following overall outcomes:-*
 - (a) *development is consistent with the objectives of the strategic transport network, which are to:-*
 - (i) *provide for a highly permeable and integrated movement network;*
 - (ii) *improve coordination between land use and transport so as to maximise the potential for walking, cycling and public transport use and reduce reliance on private motor vehicle travel;*
 - (iii) *achieve acceptable levels of access, convenience, efficiency and legibility for all transport users, with the needs of pedestrians considered in the first instance, then cyclists, public transport and then motorists;*
 - (iv) *preserve the amenity of sensitive land uses;*
 - (v) *limit road construction to the minimum necessary to meet the endorsed levels of service for ultimate development of the Sunshine Coast; and*
 - (vi) *provide for staging of Council's limited trunk road construction program to maximise sustainability.*
 - (c) *transport infrastructure is designed and constructed to acceptable standards and operates in a safe and efficient manner that meets community expectations, prevents unacceptable off-site impacts and reduces whole of life cycle costs, including reduced ongoing maintenance costs.*

Comments

The internal street layout proposed by the development does not provide for a transport network that achieves a high level of permeability and connectivity to the surrounding area, nor does it facilitate the orderly provision of transport infrastructure in accordance with the intended role, function and characteristics of the transport network. The proposal therefore departs from the purpose and overall outcomes of the *Transport and parking code*.

Stormwater Management Code

The purpose and the key relevant overall outcomes of the *Stormwater management code* are as follows.

- (1) *The purpose of the Stormwater management code is to provide for sustainable stormwater management infrastructure which protects water quality, environmental values and public health.*
- (2) *The purpose of the Stormwater management code will be achieved through the following overall outcomes:-*
 - (a) *development is located, designed, constructed and operated to protect and enhance the environmental values and flow regimes of both constructed and natural waterways, wetlands, lakes, ground waters and drainage systems;*
 - (b) *development is provided with effective stormwater drainage systems to protect people, property and the environment from the effects of stormwater runoff.*

Comments

The applicant has not undertaken a cumulative impact assessment of the proposed increased hardstand area for the entire catchment demonstrating that peak flow rates have been mitigated, and that no adverse hydraulic impact to any external property will result. Additionally, lawful points of discharge for the development depend upon the approval of the separate but concurrently lodged application nos. MCU19/0267 and RAL19/0118. Finally, the constructability of the bioretention basins with respect to the existing and proposed land level has not been demonstrated.

It is considered that the proposed development departs from the purpose and overall outcomes (a) and (b) of the *Stormwater management code*, because it has not demonstrated that it would protect and enhance the environmental values and flow regimes of constructed and natural waterways and drainage systems, and, it has not demonstrated that it would provide effective stormwater drainage systems to protect people, property and the environment.

Assessment Benchmarks Related to a Variation Approval

Not applicable.

Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and

- the State Planning Policy, to the extent the State Planning Policy is not identified in the Planning Scheme as being appropriately integrated in the Planning Scheme.

South East Queensland Regional Plan (SEQRP)

The development is located within the Urban Footprint of the SEQRP. Having regard to the SEQRP, the development is consistent with the outcomes expressed and sought to be achieved by the SEQRP.

State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the Planning Scheme.

The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests.

CONSULTATION:

Referral Agencies

The application was referred to the following referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Queensland Treasury (SARA)

The department is a concurrence agency for State-controlled road matters. The department responded by letter dated 23 September 2020 stating that referral agency conditions must be imposed upon any approval.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was publicly notified for 16 days between 1 October 2020 and 26 October 2020 in accordance with the requirements of the *Planning Act 2016*. A total of 20 submissions were received, of which nine (9) were determined to be 'properly made' in accordance with the *Planning Act 2016*. All nine (9) of the properly made submissions were opposed to the application.

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision:

ISSUES	COMMENTS
<p><u>Beerwah Centre Impacts</u></p> <ul style="list-style-type: none"> • Development will split Beerwah's commercial centre into two different precincts and will draw business away from the existing centre, which is not fully developed. • Development will have a significant negative impact on existing food and drink businesses in the Beerwah town centre, many of which are locally owned and operated. • Development will have a significant negative impact on existing service stations in Beerwah and in the surrounding rural townships. • These impacts will compound the negative impacts of COVID-19 already experienced by existing businesses. 	<ul style="list-style-type: none"> • The proposed Food and Drink Outlet is intended to be a McDonalds and the closest McDonalds to Beerwah is located at the Shell Coles Express Service Station off the Bruce Highway at Johnston Road, a considerable distance away. A McDonalds in Beerwah would therefore likely compete with many existing food and drink outlets in Beerwah, irrespective of where it is located. However, it is agreed that the proposed Food and Drink Outlet represents a size and scale of business activity that ought to be consolidated into the Beerwah major centre on the western side of the rail line, where other business activities are presently concentrated, and not on the subject site which is intended for industrial development. • While it is agreed that the proposed Service Station would compete with existing service stations in Beerwah and in the surrounding rural townships, a service station is a consistent and compatible use in the Medium impact industry zone.
<p><u>Need</u></p> <ul style="list-style-type: none"> • The Beerwah and Glass House Mountains townships already have enough retail fuel outlets and food and drink outlets. • Beerwah has enough commercial development on the drawing board and adding another will detract from the current rural ambience. 	<ul style="list-style-type: none"> • Noted. It is considered that the application has not demonstrated that the proposal cannot be accommodated within the existing Beerwah major centre.
<p><u>Zoning Conflict</u></p> <ul style="list-style-type: none"> • The proposed Food and Drink Outlet is of an inappropriate scale for the Medium impact industry zone. The proposal will attract a large amount of people external to the site and will ultimately detract from existing and future food and drink commercial activities occurring within Beerwah. 	<ul style="list-style-type: none"> • Noted and agreed.

ISSUES	COMMENTS
<p><u>Impact of Piecemeal Approach</u></p> <ul style="list-style-type: none"> • The development application is no more than a Trojan Horse, sterilising the further development of the land for medium impact industry purposes and limiting the assessment manager's options in its consideration of the related application for a Variation Request, because of that sterilisation. • As a Trojan Horse, its real objective (by proposing development that is a consistent use) is to create a foundation for the approval of the Variation Request in circumstances where that Variation Request is at odds with the strategic and other levels of the Planning Scheme. • The piecemeal nature of the Trojan Horse approach should be seen for what it is and rejected. The application is an attempt to subvert the objectives of the Planning Scheme. 	<ul style="list-style-type: none"> • Noted and agreed. The proposed development has been clearly designed to align with the development concept shown in the applicant's related application (MCU19/0267), which is to develop the site primarily for business activities, specifically, a new "homemaker centre" anchored by a full line supermarket. The proposed Service Station and Food and Drink Outlet represents the first stage of the applicant's overall intent for the wider site. It is agreed that approval of the proposed development would likely undermine the ongoing preservation of the remainder of the site for future industrial development.
<p><u>Traffic and Transport</u></p> <ul style="list-style-type: none"> • Development will significantly increase traffic congestion at the Roys Road/Steve Irwin Way intersection, particularly during peak times. • There is an existing issue with vehicles exiting the existing industrial precinct at Moroney Place and heading west on Roys Road. During peak times, vehicles back up on both sections of the Roys Road/Moroney Place intersection, causing large delays and at times unsafe driving as vehicles from Moroney Place attempt to enter the heavy traffic. It is suggested that the increased traffic numbers from the development will only exacerbate this problem. • The layout of the internal traffic arrangements results in an outcome which, if approved, would sterilise the balance of the larger land holding from being used for medium impact industry. • There is likely to be an additional demand on the Steve Irwin Way and Roys road intersection as a consequence of increased pedestrian traffic, which would lead to adverse impacts on the efficient operation of the intersection. 	<ul style="list-style-type: none"> • Noted. As part of the application process, the State government, via the State Assessment and Referral Agency (SARA), was required to assess the application as it relates to particular matters of State interest. SARA has provided their response and conditions for the development application should it be approved by Council. This primarily relates to impacts on the State-controlled road network, with the Queensland Department of Transport and Main Roads responsible for the Steve Irwin Way / Roys Road / Kilcoy Beerwah Road intersection. • The State has not required any changes to the existing Moroney Place access arrangements. An access driveway to the development site (T-intersection) is proposed on Roys Road east of Moroney Place. The State has conditions that would require the applicant to add an additional traffic lane on Roys Road on its approach to the Steve Irwin Way intersection.

ISSUES	COMMENTS
<ul style="list-style-type: none"> The TTM report included as part of the development application does not conduct the appropriate analysis to determine queuing at the Steve Irwin Way and Roys Road intersection, which in turn impacts upon sight lines and matters of safety. 	<p>All movements to and from the Moroney Place intersection are retained as-is.</p> <ul style="list-style-type: none"> The internal street layout proposed by the development incorporates a cul-de-sac with an abrupt bend immediately adjacent to its access intersection with Roys Road. It is agreed that this layout is not conducive to legible, safe and efficient integration of the proposal with the future development of the balance of the site and indeed the balance of the entire industrial zoned land south of Roys Road.
<p><u>Scenic Amenity</u></p> <ul style="list-style-type: none"> Development of the site for the proposal will detract from the scenic amenity values of Steve Irwin Way. It is also suggested that these intrusive forms of signage (which will inevitably be established on the site given the proposed land uses being pursued) are not appropriate given the site's scenic amenity and visual significance. 	<ul style="list-style-type: none"> It is considered that landscaping is capable of addressing the provisions of the Planning Scheme relating to Scenic Routes, Gateway/Entry Points, and Significant Views, subject to significant improvements, including the Steve Irwin Way buffer being widened to between 6-10m, and, the intended pylon sign being reduced in height considerably and set behind landscaping. There is sufficient space available on the site to permit landscape buffers to be redesigned and increased in width, and for signage to be relocated behind wider landscape buffers. Should Council wish to approve the application, the above matters may be addressed through the provision of amended plans and the imposition of conditions.
<p><u>Coochin Creek</u></p> <ul style="list-style-type: none"> Development will increase stormwater runoff and pollution to Coochin Creek. 	<ul style="list-style-type: none"> The application has not demonstrated that it would protect and enhance the environmental values and flow regimes of constructed and natural waterways and drainage systems, and, it has not demonstrated that it would provide effective stormwater drainage systems to protect people, property and the environment.

ISSUES	COMMENTS
<p><u>Increased Noise and Bad Behaviour</u></p> <ul style="list-style-type: none"> Concerned that there will be a significant increase in noise and bad behaviour by both pedestrians and road users going to and from the food outlet. 	<ul style="list-style-type: none"> Perceptions around patron behaviour associated with a particular brand of food and drink outlet, is not a matter that is particularly relevant to the assessment.
<p><u>Impact on Rural Character</u></p> <ul style="list-style-type: none"> Development will have a negative impact on those living in adjacent areas of the town and surrounding rural districts. Splitting the township would change the rural hinterland feel of the community. 	<ul style="list-style-type: none"> These are broad statements but it is agreed that the proposed Food and Drink Outlet represents a size and scale of business activity that ought to be consolidated into the Beerwah major centre on the western side of the rail line, where other business activities are presently concentrated, and not on the subject site which is intended for industrial development.

CONCLUSION:

The proposed development does not comply with, nor can it be conditioned to comply with, the assessment benchmarks contained within the *Sunshine Coast Planning Scheme 2014*. There are no other relevant matters applicable to the application that justify approving the proposed development despite the non-compliances described in this report. As such, the application is recommended for refusal. The reasons for refusal are as follows:

- The proposed development departs from the policy direction of the Strategic Framework for the *Sunshine Coast Planning Scheme 2014*, in particular, Theme 2 – Economic development, and the Strategic Outcomes and Specific Outcomes therein relating to the protection and design of industry and enterprise areas. Additionally, the proposed development departs from the Purpose and Overall Outcomes (a), (b) and (c) of the *Medium impact industry zone code*, and Overall Outcome (m) of the *Beerwah local plan code*, because:
 - the development fails to protect an area that is planned for legitimate industry activity from unwarranted intrusion by non-industrial development, and proposes a use that is neither compatible with, nor is a direct and desirable support activity to, industrial uses.
 - the development would prevent the full potential of the Beerwah industry and enterprise area from being realised by compromising and frustrating the integrity and orderly development of the Beerwah Medium impact industry zone.
- The proposed development departs from the Purpose and Overall Outcome (e) of the *Beerwah local plan code* because it does not provide for centre activities to be consolidated in the Major centre zone on the western side of the rail line.

3. The proposed development departs from the Purpose and Overall Outcomes (a) and (c) of the *Transport and parking code* because the internal layout proposed by the development does not provide for a transport network that achieves a high level of permeability and connectivity to the surrounding area, nor does it facilitate the orderly provision of transport infrastructure in accordance with the intended role, function and characteristics of the transport network.
4. The proposed development departs from the Purpose and Overall Outcomes (a) and (b) of the *Stormwater management code*, because it has not demonstrated that it would protect and enhance the environmental values and flow regimes of constructed and natural waterways and drainage systems, and, it has not demonstrated that it would provide effective stormwater drainage systems to protect people, property and the environment.
5. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
6. The departures from the assessment benchmarks support refusal of the proposed development.
7. Compliance with some assessment benchmarks and the submission of relevant matters advanced by the applicant are not, on balance, material, and should be given little weight and do not otherwise sufficiently support approval of the proposed development.
8. Refusal of the proposed development advances the purpose of the *Planning Act 2016* because the development would not facilitate the achievement of ecological sustainability in that it fails to maintain the cultural, economic, physical and social wellbeing of people and communities.