



DEVELOPMENT SERVICES
DETAILED ASSESSMENT REPORT

APPLICATION SUMMARY	
Division:	7
Applicant:	Buderim Fuel Supplies Pty Ltd Tte
Consultant:	Adams & Sparkes Town Planning
Proposal:	Development Permit for Material Change of Use (Extension to Existing Service Station)
Properly Made Date:	21/08/2018
Street Address:	2-4 & 6 Lavarack Cres BUDERIM
RP Description:	Lot 1 & 2 RP90687
Assessment Type:	Impact assessment
Number of Properly Made Submissions:	A total of 370 submissions were received, of which 305 were determined to be 'properly made'. 269 submissions were in support of the proposal and 35 were not in support.
State Referral Agencies:	<p><u>Concurrence</u></p> <ul style="list-style-type: none"> State Assessment Referral Agency at DSDMIP <p><u>Advice</u></p> <ul style="list-style-type: none"> Department of Environment and Science
Referred Internal Specialists:	<ul style="list-style-type: none"> Development Engineer Landscape Officer Environment Officer Urban Designer Traffic Engineer

PROPOSAL:

The application seeks to redevelop the site with an expansion and relocation of the existing Matilda Blue service station and mechanic workshop on the site.

Specifically, the application seeks approval for a Development Permit for Material Change of Use for an Extension to the Existing Service Station over land located at 2-4 & 6 Lavarack Crescent, Buderim.

The land 2-4 Lavarack Crescent is currently improved by an existing Service station and ancillary vehicle repair workshop and car wash, while 6 Lavarack Crescent comprises a Dwelling house and ancillary structures. The Gross Floor Area (GFA) of the existing Service station is 220m².

The development site comprises land in the *Low density residential zone* and the *Local centre zone* (not within a full service activity centre). The proposal is therefore subject to Impact Assessment.

The proposal redevelopment would provide for the following:

- Three (3) fuel bowsers to accommodate six (6) vehicles refuelling at any one time. The underground fuel storage tanks would provide a total volume of 40,000L and require refuelling once per week. The movements of these heavy service vehicles have been accommodated within the overall design of the development.
- A total building Gross Floor Area (GFA) of 353m², as follows:
 - Service Station shop floor – 160m²;
 - Workshop – 140m²;
 - Office – 40m²; and,
 - Store room – 13m².
- Ingress and egress via King Street and removal of two (2) vehicle crossover points on Lavarack Crescent.
- 15 car parking spaces, inclusive of two (2) tandem staff parking bays.
- A recharging station is also proposed to support the needs of electronic vehicles.

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

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Required	Proposed
Gross Floor Area	Maximum 150m ² of associated retail sales of goods	<ul style="list-style-type: none"> • 353m³ of building floor area • 230m² of Service Station refuelling canopy area
Building Height / Storeys	Maximum 8.5 metres	Maximum 6.7 metres building height
Setbacks	<ul style="list-style-type: none"> • Street – 7.5 metres to fuel pumps and canopies • Side / rear boundaries – 2 metres or 5 metres required where adjoining residential zone or use 	<ul style="list-style-type: none"> • 8.1 metres to King Street • 4.3 metres to Lavarack crescent • 3.9 metres to western residential boundary • 2.2 metres to southern residential boundary
Site Cover	Maximum 70%	Approx. 33 %
Parking	<ul style="list-style-type: none"> • 8 car spaces plus 2 spaces/service bay • AV Type for service vehicles • 4 motorcycle space • 8 bicycle spaces 	<ul style="list-style-type: none"> • 15 car spaces (1 PWD) • Nil motorcycle spaces • Nil bicycle spaces
Landscaping	<ul style="list-style-type: none"> • Minimum 2 metre wide buffer to street frontages and site boundaries • Minimum 10% landscaped area 	<ul style="list-style-type: none"> • 2–5 metres to Lavarack Crescent (eastern boundary) • 1–3.9 metres to western residential boundary • 2 metres to King Street, exclusive of access • 2.25 metres to southern residential boundary

The layout and elevations of the proposed development is shown in **Figures 1 – 6** (below). The proposal would have a maximum height of 6.7 metres and is designed to address the primary street frontage of King Street. The proposed design would include a variety of lightweight building materials, such as 'timber look' vertical cladding, brickwork façade, vertical timber blade screening as well as cantilevered steel frame awnings.



Figure 1 Proposed site plan



Figure 2 proposed northern elevation



Figure 3 Proposed southern elevation

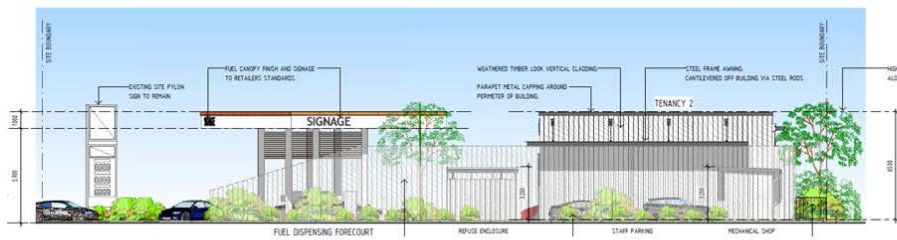


Figure 4 Proposed western elevation



Figure 5 Proposed eastern elevation



Figure 6 Proposed perspective

The application states that the proposed Service station would operate between the hours of 6am and 8pm. The refueling component would be operated by a maximum of 2 employees at any one time, whilst 2-3 employees would operate the workshop component. The workshop's scale (2 bays) is stated by the applicant to be included under the defined Service station land use by remaining subordinate to the refueling component.

With regard to the proposed development, the applicant has stated:

- *The age, inefficient layout and facilities of the existing Service Station are not capable of meeting the market demand for fuel within the residential catchment of Buderim. It has been demonstrated that there is a compelling need for a new fuel retailer in this locality.*
- *It is unlikely that this site would ever be used for another purpose, given its proximity to other retail uses and potential issues associated with remediating a former Service Station site.*
- *Although not a 'consistent use' or 'potentially consistent use' under the site's relevant zoning parameters, the proposed development's ability to service the surrounding community need and comply with the remaining outcomes for the relevant zone codes provides grounds to support the proposal.*
- *The subject site's physical characteristics are ideal for development of this nature, which is unique for commercial sites within the Buderim township.*
- *Once established, there could still be an economic need for more refueling facilities, therefore the proposed development is not compromising the ability for a Service Station within the District Centre Zone to be established if needed, however the provisions of the Buderim Local Plan Area Code promote more vibrant/active land uses within the District Centre Zone, ensuring the subject site is perfect for development of this nature.*
- *Improvements to existing Service Station uses in Buderim would result in a superior outcome, rather than an increase in the overall number of fuel retailers within Buderim.*
- *If a facility were to be constructed within the nearby District Centre Zone, this would likely result in an impact to this existing Service Station's commercial viability. The difficulty in redeveloping the site for another use could possibly result in the site being unused, thereby resulting in a much worse outcome for the Buderim community.*
- *All potential noise and air quality impacts will be effectively mitigated to ensure the existing nearby levels of residential amenity are maintained or improved.*
- *The subject site's existing operation, ability to service the surrounding catchment, compliance with the specific use code parameters, lack of physical constraints and inefficiencies of the existing use therefore lend the site toward further development of this nature.*

Economic need

With respect to the proposed development and economic need, the applicant's submitted economic report identifies:

- the mix of fuel retailing facilities within the surrounding area
- other proposed and approved facilities within the surrounding area
- a catchment area for the redeveloped facility
- population and household growth within the catchment area
- the demographic and socio-economic profile of the catchment area community
- demand for the proposed redevelopment of the fuel retailing facility
- the need for the proposed redevelopment and expansion

The existing (Matilda Blue) Service station subject to this application is one of two fuel retailing facilities fronting King Street in Buderim (the other being the existing Shell, located two blocks east). There are a range of Service station facilities in surrounding areas including Tanawha and Mountain Creek as illustrate in **Figures 7 & 8** below.

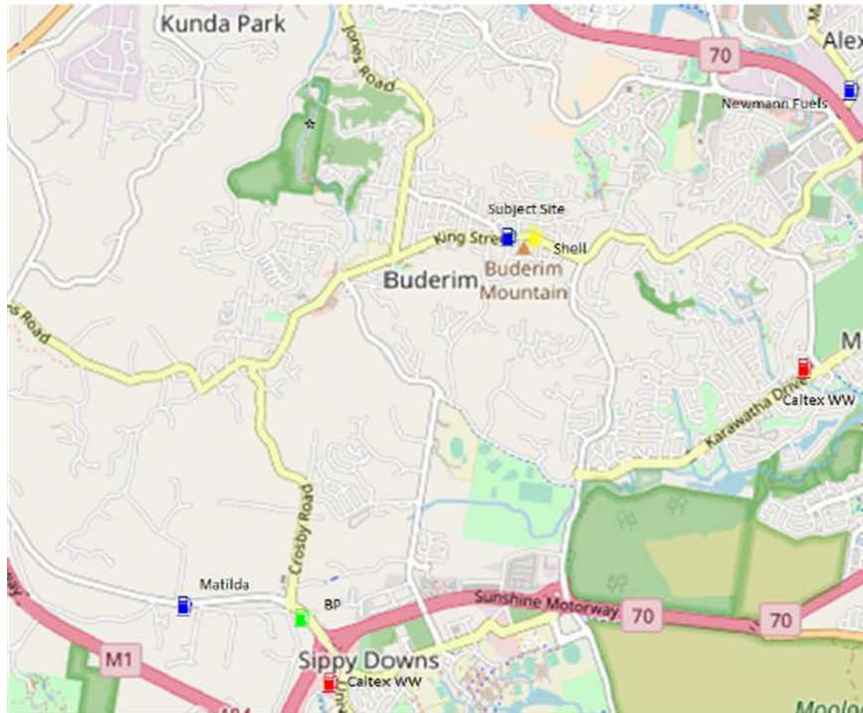


Figure 7 Economic need report extract of existing Service station facilities

Facility	Address	Bowsers	Distance	Other Comments
Matilda Blue	Lavarack Cres & King Street, Buderim	3	Subject Site	
Shell	116 King Street, Buderim	3	<500m	Older style operation
Caltex Woolworths	1 University Way, Sippy Downs	3	5.2km	Co-located with Chancellor Park Shopping Centre Very small kiosk style shop
BP Tanawha	420 Tanawha Tourist Dr, Tanawha	5	5.9km	Includes small Ultra Tune Service Centre
Matilda Tanawha	316 Tanawha Tourist Dr, Tanawha	3	5.7km	At Tanawha Van Park
Caltex Woolworths	Karawatha Drive, Mountain Creek	3	3.8km	Co-located with Mountain Creek Shopping Centre
Neumann Fuels	116-188 Sugar Road, Maroochydore	7	4.5	East of Sunshine Motorway Difficult access
Caltex Kunda Park	69 Enterprise St Kunda Park		6.9km	Diesel stop internally located within industrial estate

Figure 8 Economic report extract list of identified Service stations

It is noted that the economic report has not included the Service station situated at 211-237 Sippy Downs Drive, Sippy Downs (reference MCU16/0111.02), located south of the Sunshine Motorway.

With regard to surrounding fuel facilities, the report states:

- Only the Caltex Woolworths at Mountain Creek and Sippy Downs offer a modern fuel retailing environment with other existing facilities generally representing older style, fuel retailing premises.
- The Kunda Park Caltex is internally located within the Kunda Park industrial estate and primarily functions as a 24 hour diesel stop and is therefore largely irrelevant to catering to the fuel retailing needs of the Buderim community.
- Only four of the existing service station facilities include E10 fuel. Residents of Buderim seeking choice in fuel operator, pricing strategy and fuel types would be required to leave Buderim to access modern fuel retailing facilities.
- No other proposed or approved fuel retailing facilities have been identified in Buderim that would particularly cater to the needs of the Buderim community.

However, it is noted that E10 fuel variety is also available at the nearby Service station at 116 King Street which has not been identified by the report.

Regardless, the economic report states that there is an economic need for the proposal in Buderim. Further, the report states that the subject site represents a convenient and accessible site to cater for this need, on the following basis:

- *Urban Economics's analysis of service station provision in South East Queensland averages almost 1 service station per 5,000 residents. Comparable analysis on the Sunshine Coast estimates 1 per 4,300 persons. Allowing for growth in service station provision and acknowledging the Sunshine Coast rate of provision, if a rate of 4,500 persons per service station is applied to the Buderim Catchment Area, the population of the Catchment Area could support two to three service stations, with two small and older style facilities currently available within the Area.*
- *Ongoing population and household growth within the Catchment Area will generate ongoing demand for auto service and fuel retailing facilities. Growth of at least 1million litres of fuel demand is projected to 2026 by Buderim Catchment Area households generating additional demand for service station facilities.*
- *More than 50% of Catchment Area fuel consumption is directed to facilities outside the Catchment Area. Whilst Buderim Catchment Area residents would regularly access fuel on their typical ant trails, there is a significant escape expenditure outside the Buderim area. There is clear unmet demand for fuel retailing facilities in catering to the convenience needs of residents of the Buderim area.*
- *The proposed development will improve access to modern fuel services for Buderim residents.*
- *The demographic and socio-economic profile of the Catchment Area community is indicative of a mobile community with a propensity for demand for auto servicing, fuel retailing and auto parts and a particular affinity for localised facilities and services.*
- *The subject development and the existing Shell service station in Buderim, together with most of the facilities within the surrounding network are older style facilities. The redevelopment of the subject site will offer a modern layout and fuel offer, improving amenity, accessibility and convenience for Buderim residents.*
- *The proposed development will reduce queuing for Buderim motorists in accessing fuel, through a re-arrangement and repositioning of the bowsers and increasing the number of pumps available to customers, improving convenience and accessibility for motorists.*
- *The redevelopment will attract a new fuel retailing operator to Buderim, including improved price competitiveness for the Buderim community and access to an*

improved range of fuels. Residents requiring access to an improved choice in fuel types, would be required to travel out of the Buderim area to access choice in fuel types and price competitiveness.

- *The proposed redevelopment will represent an integrated auto servicing hub for residents of Buderim to access mechanical services, repairs, fuel and vehicle recharging facilities within the one central location. There is no industry zoned land within the Buderim area that could accommodate the integrated auto service precinct and would require residents of Buderim to leave the local Buderim area to access vehicle servicing and fuel facilities without the redevelopment of the subject site.*
- *The proposed redevelopment will consolidate an existing operation that has been a feature of the Buderim community for over 30 years, and “future-proof” the auto servicing hub for the convenience of the Buderim community.*
- *The proposed redevelopment will retain employment opportunities within Buderim and improve opportunities for additional employment at the redeveloped service station.*
- *Buderim Mechanical has received a number of expressions of interest from the major fuel operators to lease the fuel retailing facility on the subject site, reflective of operator perceptions of unmet demand for fuel retailing within the Buderim area.*

Whilst the economic report states that there is consumer demand for a more modern and expanded Service station on the subject site, the application has not demonstrated a broader overall planning need sufficient to warrant expansion of the proposal and associated encroachment impacts into the *Low density residential zone*, having regard to Council’s allocation of zonings within Buderim and the planned intent for the location and distribution of land uses.

Noise and Air Quality Impacts

A Noise Assessment Report and an Air Quality Assessment Report was submitted with the application in support of the development. The applicant states that the proposal would not result in any adverse impacts to surrounding uses as all potential noise and air quality impacts would be effectively mitigated to ensure the existing nearby levels of residential amenity are maintained or improved. A 4.5 metre high acoustic barrier is proposed along the western boundary to achieve noise attenuation from the proposed development.

Access and Parking

A total of 15 car parks would be provided for the proposed development. Ingress and egress to and from the site by larger vehicles is proposed via King Street including ability to accommodate 19m long ‘Articulated Vehicles’, 8.8m long ‘Medium Rigid Vehicles’ and 11.125m long ‘Refuse Collection Vehicles’.

Infrastructure Services

The applicant states that the proposed development would be connected to all required infrastructure services and would not result in worsened stormwater or flooding impacts.

SITE DETAILS:**Site Features and Location**

SITE AND LOCALITY DESCRIPTION	
Land Area:	1,849m ²
Existing Use of Land:	Lot 1 on RP90687 currently contains an existing Service Station and a mechanical workshop and car wash facilities. Lot 2 on RP90687 comprises an existing dwelling house and swimming pool
Road Frontage:	44 metres to King Street & 43 metres to Lavarack Crescent
Significant Site Features:	The subject site is listed on Contaminated Land / Environmental Management Register
Topography:	Minimal slope of less than 5% falling from the southern boundary to street frontage (northern)
Surrounding Land Uses:	<p>A range of commercial and residential land uses located in the general vicinity. Specifically, Lavarack Crescent largely consists of residential uses in the form of Dwelling Houses in the Protected Housing Precinct and Dual Occupancies.</p> <p>There is an existing retail and medical tenancy located opposite the subject site</p> <p>King Street provides a mixture of zoning between the Medium Density Residential Zone, the Local Centre Zone and the Low Density Residential Zone (Protected Housing)</p>

The subject site is situated at 2-4 & 6 Lavarack Crescent, Buderim. The location of the subject site in relation to its surrounds is shown below in **Figures 9 – 11** and **Photos 1-2**.



Figure 9 Location map



Figure 10 Zoning map of locality



Figure 11 Aerial imagery – surrounding area



Figure 12 Aerial imagery - subject site



Photo 1 existing service station (King Street frontage)



Photo 2 Existing Dwelling house (Lavarack Crescent frontage)

Development History of Site

The subject site is currently improved by a small scale service station, mechanical workshop and a dwelling house. The existing fuel retailing facility contains three (3) fuel bowsers, with each providing either unleaded, premium or diesel fuel. This configuration only allows the refueling of two vehicles at any one time. The existing facility also provides small-scale retail activities, with a small 'Stop N Go' retail shop.

A review of the subject site development history finds that there are previous approvals relevant to the established Service station as outlined below.

APPLICATION NO.	DECISION AND DATE
M977637	A Development Permit for a Material Change of Use was issued on 8 October 1998 for an extension to the existing Service station over land at 2-4 Lavarack Crescent.
98/0015	A Permit for Building Works was issued on 2 December 1998 for renovations to the existing service station over land at 2-4 Lavarack Crescent

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 are prescribed as being contained in:

- 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:	State Planning Policy <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:	<i>Sunshine Coast Planning Scheme 2014</i> (29 June 2018)
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Buderim local plan
Zone:	<ul style="list-style-type: none"> • Low density residential zone (Protected Housing Area) • Local centre zone
Consistent/Inconsistent Use:	<ul style="list-style-type: none"> • Inconsistent in the local centre zone (not a full service activity centre) • Inconsistent in the low density residential zone

Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • Strategic framework • <i>Regional Infrastructure Overlay Code.</i> • <i>Buderim Local Area Plan Code;</i> • <i>Low Density Residential Zone Code;</i> • <i>Local Centre Zone Code;</i> • <i>Service Station Code;</i> • <i>Height of buildings and structures overlay code</i> • <i>Prescribed Other Development Codes.</i>
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The relevant codes are the assessment benchmarks for the proposed development. In addition, impact assessment may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. Examples provided in the *Planning Act 2016* of any other relevant matters include:

- a planning need (e.g. public benefit)
- the current relevance of the assessment benchmarks in the light of changed circumstances
- whether assessment benchmarks or other prescribed matters were based on material errors.

Upon review of the assessment benchmarks and relevant matters, the application has been found to conflict with one or more elements of the planning scheme and cannot be conditioned to comply as outlined in detail below.

Essentially, the expansion of the Service station development into the *Low density residential zone* and *Protected housing area* would result in an adverse planning outcome and would not provide a sufficient overall planning need without burdening residential zoned land.

Zoning / land use

The land at 2-4 Lavarack Crescent is located within the *Local centre zone code* to reflect the site's existing land use as a Service station with ancillary vehicle repairs. The existing premises has a GFA of approximately 200m². The proposed development would provide for an increased total GFA to 353m². It is noted that a Service station is only a consistent use where located in a local (full service) activity centre, otherwise a Service station is an inconsistent use in the *Local centre zone*. For the assessment of the proposed development, consideration has been given to the existing use rights of the site against the provisions of the *Local centre zone*. Despite there being existing use rights for a Service station at 2-4 Lavarack Crescent, the proposed development would establish and intensify centre activities on residential zoned land and also outside of a full service activity centre which conflicts with the Purpose of the *Local centre zone code* and the Strategic Framework's Sunshine Coast activity network (section 3.4.3). This is also supported by the overall outcome (h) of the *Buderim local plan code*, which requires local centres to be retained as local (not full service) activity centres providing for the basic convenience needs of residents.

It is recognised that the current Service station and ancillary vehicle repairs would be improved if redeveloped and renovated with regard to the age and layout of the current facility at 2-4 Lavarack Crescent. However, in its current form the proposed redevelopment and extension of the Service station into 6 Lavarack Crescent would result in an inconsistent land use being expanded into land designated within the *Low density residential zone* and *Protected housing area*. The planning scheme clearly identifies that a Service station is an inconsistent use that is not intended to occur in the

Low density residential zone, as outlined in the following Purpose and Overall Outcomes of the zone code:

The Purpose of the Low density residential zone code is as follows:

'provide for predominantly low density, low rise residential activities on conventional sized urban residential lots. Whilst primarily intended to accommodate dwelling houses, dual occupancies may also be accommodated in appropriate locations along with other residential activities and small-scale services and facilities that cater for local residents.'

The Purpose is supported by the Overall Outcomes of the code, specifically:

'(e) development may provide for limited other non-residential activities such as corner stores and child care centres which:-

(i) directly support the day to day needs of the immediate residential community;

(ii) are of a small scale and low intensity;

(iii) are compatible with the local residential character and amenity of the area;

(iv) wherever possible, are co-located with other non-residential activities in the zone;

(v) are accessible to the population they serve and are located on the major road network rather than local residential streets; and

(vi) do not have a significant detrimental impact on the amenity of surrounding residents, having regard to hours of operation, generation of odours, noise, waste products, dust, traffic, electrical interference, lighting and visual impacts;'

With respect to the above, the applicant has submitted that the proposal should be approved on the following basis:

- The designation of 6 Lavarack Crescent within the *Low density residential zone* is "purely reflective" of the current land uses (e.g. because there is a Dwelling house established on-site).
- The Overall Outcomes support limited to non-residential uses, "such as corner stores and child care centres", with the key terminology being 'such as', and does not limit it to these uses only.
- The proposal is considered relatively small in scale and low intensity.
- The proposal meets a need for the surrounding residential catchment as confirmed by the submitted Economic Needs Analysis.
- The proposed Service station is of a small scale and low intensity, in comparison to larger Service stations throughout the region.
- Acoustic barrier treatments and landscaping would be provided to ensure the use is compatible with the local residential character and amenity.
- The development is located on the corner of a local and major road, with access being relocated from the local road, to the King Street frontage.
- The submitted Air Quality and Noise assessment demonstrates that the development would retain the existing levels of amenity within the immediate locality.
- The proposed development is co-located with a number of other non-residential uses within the nearby *Local centre zone*, there is also a medical centre within the *Low density residential zone* located at 3 Lavarack Crescent.

- The site is located on a major road network, with the existing access points on Lavarack Crescent removed to ensure the existing level of residential amenity is improved.
- All potential impacts associated with the Service station would be mitigated.

Having consideration to the supporting material and the Purpose and Overall Outcomes of the relevant benchmarks, it is determined that the proposal would not mitigate all impacts and would unreasonably conflict with the planning scheme provisions, on the following basis:

- The proposal would result in the expansion of centre uses beyond the allocated zoned area which is inconsistent with the following sections of the Strategic Framework:
 - (a) 3.3. Settlement pattern:
 - 3.3.4.1 (d) existing established residential neighbourhoods that are identified as protected housing areas are retained generally in their current form.
 - 3.3.6.1 (a) The pattern of settlement provides for, supports and integrates with the Sunshine Coast Enterprise Corridor and the Sunshine Coast Activity Centre Network identified conceptually on Strategic Framework Map SFM 1 (Land use elements) and described in further detail in the economic development theme.
 - (b) 3.4 Economic development:
 - 3.4.2.1 (i) facilitation of development in appropriate locations as provided for by zoning allocations, and particularly in regional activity centres and infill and greenfield major development areas in the Sunshine Coast Enterprise Corridor.
- Despite being supported by an economic needs report, the proposal would conflict with the Specific Outcomes sought under 3.4.3. *Sunshine Coast activity network*, which identifies that Buderim provides for *Local activity centres* (not full service). Specifically, the proposed expansion of the existing Service station use would extend into the *Low density residential zone* and *Protected housing area* and inappropriately locate centre activities outside of the activity centre, resulting in extended and greater impacts to surrounding residential premises. Further, the proposal would substantially extend the Service station use from the existing GFA to nearly double the scale and associated impacts and effectively sterilise the current residential allotment.
- The proposed scale of the use (including mechanical workshop, three fuel bowsers and a 160m² retail component) is resulting in the residential zoning conflict and non compliances with the *Service station code* (discussed below). It is considered a smaller scale proposal could potentially satisfy any unmet need in the catchment for fuel supplies.
- The *Buderim local plan code* seeks to incorporate uses in the *Local centre zone* that are of a scale, which is compatible with and reinforces the village character of Buderim, by retaining local centres as local (not full service) activity centres providing for the basic convenience needs of residents.
- The proposal conflicts with the primary purpose of the *Low density residential zone* and *Protected housing area* which is for residential activities, noting that the expansion would materially increase the capacity and encroachment of the Service station land use in a residential zoned area, thereby creating new residential neighbours to an incompatible use type.
- Further, it is intended that development within the *Local centre zone* in this location continues to function as a local (not full service) activity centre and does not undermine or compromise the Sunshine Coast Activity Centre Network either by inappropriately establishing centre activities outside of the activity centre or

proposing a higher order or larger scale of uses than intended for the activity centre.

- There is appropriately zoned land (District Centre Zone) for service stations within the Buderim catchment to satisfy any unmet demand (ie would be a Code assessable/consistent use). While there are limited vacant sites within the Buderim District Centre, there are sites with redevelopment potential which could potentially accommodate a service station use.
- The proposal does not provide for any residential activities in accordance with the intent of the *Low density residential zone*, in fact it would result in the removal of the existing *Dwelling house*. In addition, the development would not enhance or protect the *Protected housing area* by being extended into this area.
- The proposal would result in continued incremental creep of commercial uses in residential areas of Buderim. There is concern that if the proposal were to be approved it could result in other commercial uses along King Street seeking to expand into residential zoned land. This is particularly relevant when considering another older style services station exists in close proximity to the site within the same zone and that the applicant's Economic Needs Analysis states that "*the Catchment Area could support two to three service stations, with two small and older style facilities currently available within the Area*".
- The application and the economic needs report have not demonstrated that there is sufficient overall planning need that would warrant encroachment into residential zoned land.

Service Station Code

The proposal meets some of the Acceptable outcomes of the service station code with respect to minimum lot size, road frontage, front setbacks, siting of fuel pumps, driveway entry/exit design and location, landscaping and gross floor area of the retail component.

The proposal fails to meet a number of acceptable outcomes of this code, and as such a performance assessment is required for the following aspects:

- **AO2 Location and Site Suitability**

Acceptable outcome AO2 requires that a service station be located in a centre zone or industry zone. As the proposal extends into the Low density residential zone a performance based assessment is required against PO2, which states:

"The service station is located so that it does not adversely impact upon the amenity of existing or future planned residential areas."

It is considered that the proposed service station would be better located in a District Centre Zone or Local (full service) Centre Zone. As discussed in detail below under AO9, while it has been demonstrated that noise, odour and light can potentially be mitigated the proposed 4.5m high acoustic barrier along the western boundary within Low density residential zoned land, raises concerns in relation to the amenity of the adjoining dwellings.

- **AO3.2 Siting of Building and Structures**

Acceptable outcome AO3.2 requires 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. The proposed service station building comes within 2.25m from the southern boundary and 3.9m to the western boundary, which are shared with residential uses. It is considered through the combination of building orientation (there are no openings along the southern boundary), acoustic barriers and landscaping the proposal meets the performance outcome and adequate separation has been achieved. However, as discussed below, the proposed acoustic barrier on the western boundary raises amenity concerns.

- **AO4.3 Siting of Fuel Pumps and Bulk Fuel Storage**

Acceptable outcome AO4.3 requires bulk fuel storage tanks to be located no closer than 8 metres to any road frontage. While the proposed tanks are approximately 5m from King Street frontage, the applicant has provided turning templates demonstrating a refuelling vehicle standing entirely within the site, thus meeting the corresponding Performance Outcome.

- **AO9 Protection of Residential Amenity**

Acceptable outcome AO9 requires:

"where the service station adjoins a residential use or land included in a residential zone:-

(a) a 2 metre high solid screen fence is provided along all common property boundaries of the site

(b) the hours of operation of the service station are limited to between 7.00am to 10.00pm"

The applicant is proposing an acoustic barrier up to 4.5m high along the western boundary. Further, the proposed hours are from 6am to 8pm. While the proposed acoustic barrier addresses noise concerns, it raises other issues of residential amenity. It is noted that the proposed barrier extends into the Low density residential zone and would be directly adjacent the private open space of the adjoining dwelling (which currently enjoys a neighbouring residential use on the subject site with a typical residential sized fence along the side boundary). As such, the proposal is not considered to protect the residential amenity of the adjoining dwellings and does not comply with the performance outcome PO9.

- **AO10.2 Landscapes**

Acceptable Outcome 10.2 requires a 2 metre side landscape strip to all boundaries. While this has been achieved to the street frontages, only a 1m wide buffer has been achieved to the western boundary, which is shared by adjoining residential dwellings. This is also the same boundary where a 4.5m high acoustic fence is proposed with no landscape buffer proposed between the fence and the boundary. As such, when considering the adjoining residential uses the proposal fails to meet performance outcome PO10, which states:

"The service station incorporates landscapes that soften the development and contribute to the development providing an attractive appearance."

Air Quality

Due to the site's proximity to residential dwellings, the applicant provided an air quality assessment to demonstrate compliance with the Nuisance code. The applicants submitted Air Quality Assessment outlined suitable measures that would be implemented on site to mitigate odour and maintain the level of hydrocarbon emissions below the health and wellbeing criteria.

While Council's Environment Officer was generally satisfied that the assessment addressed the code provisions, it was noted that the provided air quality assessment has not included any TAPM (The Air Pollution Model) data in the provided report, which provides the meteorological aspects used in the modelling. It was further noted that the air quality assessment only just meets the maximum odour criterion by being 2.4OU and the maximum permitted being 2.5OU. Given these issues, it would be recommended that in the event of an approval, conditions would require Stage 2 Vapour Recovery system (highest standard). This type of system is designed to reduce the emission of

vapour to atmosphere by capturing fuel vapour as a vehicle's fuel tank is being refilled. The fuel entering a vehicle's fuel tank displaces vapour which is captured at the fill point through the nozzle with the aid of an added vacuum system and is returned to the underground storage tank.

Noise

The proposed service station buildings would be located approximately 6-7m from the nearest residential dwellings to the south (low density residential zone) and west (Medium density residential zone). The applicant submitted a Noise Assessment Report as part of their application which demonstrated that the noise emissions generated by the proposed development can achieve Acoustic Quality Objectives subject to noise mitigation measures (ie acoustic fencing, building construction). The assessment report notes that the "*Workshop noise is expected to be generally imperceptible to neighbouring residences, subject to appropriate building construction and selection and placement of air compressors.*" Therefore, the proposal could potentially be conditioned to ensure it does not present a noise nuisance source to sensitive land uses ie residential dwellings. It is noted that this would require 4.5m high acoustic barriers along the western boundary.

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 designation 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*:

Department of State Development, Manufacturing, Infrastructure and Planning (SARA)

The department is a Concurrence Agency for matters relating to State transport infrastructure. The department responded by letter dated 4 October 2018 stating that conditions be imposed upon any development approval (reference: 1808-7017 SRA).

The conditions primarily relate to earthworks, stormwater management and vehicle access to the State-controlled road.

Other External Referrals

The application was referred by Council to the Department of Environment and Science for comment about matters relating to contaminated land. A response was received by letter dated 4 April 2019 stating:

- Any works to excavate the tanks will need to be conducted in adherence with the applicant's General Environmental Duty as stated under s.319 of the *Environmental Protection Act 1994*.
- If any soil to be removed from the property is found to be contaminated, the applicant will need to apply for a soil disposal permit to remove it.

Internal Referrals

The application was forwarded to Council's Economic Development Branch who provided the following comments:

"From an economic development perspective, the proposed redevelopment of the existing services station at Lavarack Crescent, Buderim is supportable for the following reasons:

- *The location of the service station is on the main route into and out of the shopping precinct for the town. It is also on one of the main routes to the coastal strip and local schools.*
- *Private vehicle usage is the primary method of transport for the community in question, with 57.3 % of households having two or more registered motor vehicles (16.2% have 3 or more). This is a higher concentration than the average for Sunshine Coast.*
- *Service station facilities are of high importance to the surrounding community as the profile for method of travel to work of residence in the suburb of Buderim shows 9,295 vehicles are used for travel to work each day, compared to 848 people cycling, walking or carpooling to work.*
- *A service station with charging facilities is of high importance to the Sunshine Coast, which has the highest per capita concentration of electric vehicles.*
- *The dominant industry within the Buderim area is the Health Care and Social Assistance industry, which typically attracts a high turnover of clients/customers and or delivers outreach services, both of which are reliant upon private vehicle usage due to limited public transport options.*
- *There is only one alternative provider within the immediate vicinity (along the specific route on King Street), which could lead poor completion outcomes for residence should the applicant service station remain below standard with fuel choices and standards of facilities."*

Public Notification

The application was publicly notified for 15 business days between 8 February 2019 and 1 March 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 374 submissions were received, of which 303 were determined to be 'properly made' in accordance with the *Planning Act 2016*. 268 submissions were in support of the proposal and 35 were not in support. The majority of submissions in support were in a proforma template.

Figure 13 below is a map indicating the location of submitters and whether they were for or against the proposal.

Item 8.1 Development Application for a Material Change of Use of Premises (Extension to existing Service Station) at 2-6 Lavarack Cres, Buderim
Attachment 2 Detailed Assessment Report

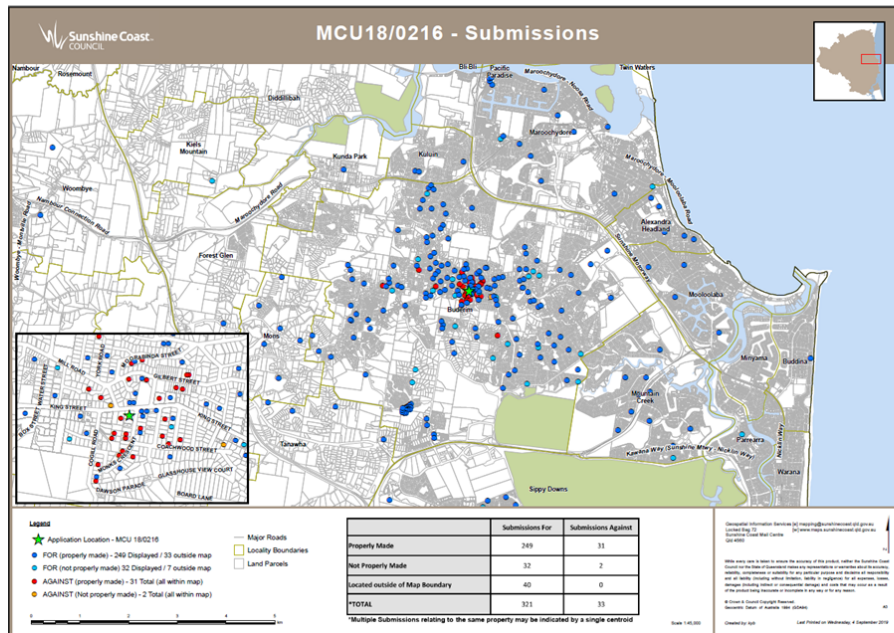


Figure 13 Submission Map

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:

SUBMISSION	RESPONSE
<p>AGAINST</p> <p><u>Land use and zoning</u></p> <ul style="list-style-type: none"> The proposal conflicts with the <i>Low density residential zone</i> and the <i>Protected housing area precinct</i> and the use is an inconsistent use. The commercial viability of the existing service station should not be a consideration for the assessment of the proposal A service station in the <i>District centre zone</i> would be acceptable rather than the proposal Community benefit / planning need has not been demonstrated for the proposal The existing small service station is in keeping with the village feel of the local area and its continuance on its existing footprint is supported The proposal would not be consistent with the 'village' atmosphere of the local area. The current development adversely impacts upon the residential area. The application has not provided sufficient justification of adverse outcomes. 	<p>The expansion of the Service station development into the <i>Low density residential zone</i> and <i>Protected housing area</i> would result in adverse planning outcomes. The application has not demonstrated that there is a sufficient planning need for the proposal without burdening residential zoned land, causing out of centre effects and contributing to the incremental creep of commercial uses into Buderim's residential zones. Furthermore, Council's assessment determines that this conflict with the planning scheme cannot be overcome and the development cannot be conditioned to comply.</p>

<ul style="list-style-type: none"> • The proposal would not adequately address noise, light and odour impacts on the surrounding residential areas. • The proposal would encroach closer to the existing medical centre location within 20 metres of the subject site. A medical centre can be defined as a “Sensitive Use” business which would make the location of the service station close to a sensitive use business as unacceptable or require considerable changes to mitigate noise and lighting. • There are existing adequate service stations within a 4km radius of the subject site to service the needs of the community. 	
<p><u>Amenity impacts:</u></p> <ul style="list-style-type: none"> • The proposal would be partly located in the residential zone and would present possible adverse impacts upon residential amenity, including outdoor lighting from buildings, structures and signage • The development is not consistent with the amenity and village character feel of Buderim • The larger development would impact on visual amenity of the streetscape by introducing the larger canopy and built form of the workshop/service station • The majority of the businesses in the vicinity of the proposed development are relatively low impact in that: <ul style="list-style-type: none"> ○ They do not generate noise ○ They do not have a negative impact on air quality ○ They typically do not impact traffic at the King Street/Lavarack Crescent intersection ○ They have existed more or less in their current state for many years. • The proposed development cannot be compared to other commercial premises in the neighbourhood and could be said to potentially harm businesses that are classified as “sensitive use”. 	<p>The proposed development seeks to extend the service station land use within residential land that is currently occupied by a Dwelling house. In this regard, the proposal:</p> <ul style="list-style-type: none"> • would not be in keeping with the residential character of the Buderim local area • would not provide an improvement to the site as the development would create an intensification of the use and increase in associated impacts. • would result in the sterilisation of the current residential zoned property by expanding into this site, therefore broadening the area impacted by the Service station use. <p>In addition, the increased scale of the operations would not be considered low scale or commensurate with the current activities, which further conflicts with the intent of both the <i>Low density residential zone</i> as well as the centres hierarchy of the planning scheme.</p>

<p><u>Traffic impacts:</u></p> <ul style="list-style-type: none"> • Increased operations would potentially result in increased traffic entering nearby residential areas resulting in additional access and traffic impacts • Pedestrians would be forced to use the vehicle driveway for access which would not comply with Performance Outcome 2 of the <i>Transport and parking code</i>. • Large vehicles are unable to use the left only exit from the site until the adjoining turning lane is clear of all vehicles. • The existing road network does not have adequate capacity to cater for the proposed development and expanded operations • A school crossing is located close to the subject site, the proposal would potentially impact pedestrian safety due to increased traffic 	<p>The State Assessment Referral Agency confirms that the proposal would comply with the applicable requirements for King Street, being a State-controlled road. Despite this, the proposed expansion of the Service station would result in increased vehicle traffic not anticipated within the <i>Low density residential zone</i>. The proposal would also not provide the preferred parking spaces on-site as required by the planning scheme.</p>
<p><u>Environmental concerns:</u></p> <ul style="list-style-type: none"> • The proposal would result in increased environmental impacts such as toxic vapours and smells from fuel trucks and cars refuelling. • Nearby residents are currently affected by fumes from the existing Service Station facility, additional tanks and proposed increases in volume sales would increase this occurrence. • The existing site would be difficult to remediate and an extension of the site would be likely to extend contamination of soil, groundwater and air. 	<p>Council's environmental health officer confirms that the proposed development could be conditioned to comply with the planning scheme requirements in relation to environmental performance. However, the proposed expansion of the Service station would result in impacts not anticipated within the <i>Low density residential zone</i>. Any works to excavate the tanks would also need to be conducted in compliance with the <i>Environmental Protection Act 1994</i>.</p>
<p><u>Stormwater:</u></p> <ul style="list-style-type: none"> • The proposal would result in additional stormwater onto King Street which contravenes the conditions of the Department of Transport and Main Roads. 	<p>Council's engineer finds that there may be conflict with the conditions of the State Concurrence Agency with regard to stormwater management. However, all matters would be able to be conditioned to comply with the planning scheme requirements for stormwater management.</p>

<p><u>Economic grounds</u></p> <p>The submitted report does not demonstrate economic need on the following basis:</p> <ul style="list-style-type: none"> • There are adequate Service stations in the local area to cater for the need of the community. • The current facility sold 2.5 million litres of fuel p/year where it previously sold 4 million litres p/year. • Demand for service stations is declining based on recent reports on the number of service stations in Australia. • The scale of the proposed development seems excessive for the demand stated by the application (114 vehicles per day based on vehicle using 50 litres of fuel p/week). • The economic needs report does not account for: <ul style="list-style-type: none"> ○ Existing service stations in the local area including on all major arterial routes entering Buderim and new Service stations. Buderim residents are easily able to purchase fuel without deviating from their daily routes. ○ It appears from observations that the current bowsers are rarely at maximum queuing ○ The report states that E10 fuel is not available within proximity to the site. However, E10 fuel is available at an existing Service Station at 116 King Street ○ A new service station has opened at Sippy Downs Drive, 5kms from the proposed site, not included in the economic analysis. There are 10 service stations currently operating within 10kms of the proposed site. 	<p>Whilst there are discrepancies with the submitted report, the economic report states that there is economic need for the proposed development and that the subject site represents a convenient and accessible site to provide for a more modern Service station. Whether or not consumer demand exists, Council's assessment determines that the application has not demonstrated sufficient planning need to justify the conflict with the planning scheme, having regard to the allocation of zonings within Buderim and the planned intent for the location and distribution of land uses.</p>
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<ul style="list-style-type: none"> • the proposed development would provide for needs of residents including servicing and refuelling for the Buderim community. • the proposal would provide for a more modern looking development having an improved design and be in keeping with the local character • refurbishment of the existing development is supported, in particular where there are improvements to traffic queuing and on-site parking • the increased population on the Sunshine Coast would support the proposal • growth of the existing mechanic business is supported • an upgrade to the existing business would provide great benefits to the local area by improving access and traffic, aesthetics and environment • the current Service station is unsafe for pedestrians and vehicles and the proposal would provide for an improvement • the new redevelopment would complement the local area • the existing long standing local business operator should be supported 	<p>It is agreed that the current Service station and ancillary vehicle repairs would be improved if redeveloped and renovated with regard to the age and layout of the current facility. In its current form the proposed redevelopment and extension of the Service station into 6 Lavarack Crescent would result in an inconsistent land use being expanded into land designated within the <i>Low density residential zone</i> and <i>Protected housing area</i>. The proposal would be more appropriate where contained within the existing premises and not expanded within residential zoned land further extrapolating impacts upon the neighbouring and surrounding area. Financial and personal business matters are not planning matters and cannot be considered in the assessment of the proposed development despite the applicant's proposal being supported by customers in the community.</p>

CONCLUSION:

The proposed development does not comply with, nor can it be conditioned to comply with, the requirements of the Planning Scheme. There are no other relevant matters applicable to the application that would justify approving the proposed development despite the non-compliances described in this report.

Specifically, the proposal:

- would result in the expansion of centre uses beyond the allocated zoned area.
- has not demonstrated that the use cannot be provided within appropriately zoned land.
- conflicts with the primary purpose of the *Low density residential zone* and *Protected housing area* which is for residential activities, resulting in adverse amenity impacts.
- has not demonstrated that there is sufficient overall planning need that would warrant encroachment into residential zoned land.
- is of a scale which results in a zoning conflict and noncompliance with a number of aspects of the Service station code.
- has not demonstrated the proposal will not adversely impact upon the amenity of adjacent residential dwellings.

As such, the application is recommended for refusal.