

Attachment Folder

Item 8.5

Ordinary Meeting

Thursday, 29 August 2024

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DETAILED ASSESSMENT REPORT

DEVELOPMENT PERMIT FOR A SHOPPING CENTRE

MCU23/0178 & RAL23/0059

APPLICATION SUMMARY	
Division:	5
Applicant:	Neubau Holdings No 22 Pty Ltd Tte
Consultant:	Project Urban Pty Ltd
Owner:	Neubau Holdings No 22 Pty Ltd Tte
Proposal:	<ul style="list-style-type: none"> Development Permit for Material Change of Use of Premises to Establish a Shopping Centre Development Permit to Reconfigure a Lot (1 Lot into 2 Lots and New Road)
Properly Made Date:	04/07/2023
Street Address:	22 Palmwoods-Montville Rd PALMWOODS
RP Description:	Lot 2 RP 836662
Assessment Type:	Impact
Number of Properly Made Submissions:	A total of 234 submissions received, of which 192 were properly made. Of these, 185 were in support and 7 opposed to the proposal. It is noted that the large majority of supporting submissions (over 95%) were in a pro-forma template.
State Referral Agencies:	<u>Concurrence</u> <ul style="list-style-type: none"> SARA at DSDILGP (State Controlled Road) <u>Advice</u> <ul style="list-style-type: none"> Energex (Electricity Infrastructure)
Referred Internal Specialists:	<ul style="list-style-type: none"> Economic Development Branch Strategic Planning Branch Development Services Branch: <ul style="list-style-type: none"> Principal Traffic Engineer Principal Development Engineer Senior Development Engineer (Hydraulics) Principal Environment & Landscape Officer Senior Environmental Management Officer Senior Architect

PROPOSAL:

The application seeks approval for:

- Development Permit for Material Change of Use of Premises to Establish a Shopping Centre
- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots and New Road)

Development Permit for a Material Change of Use Component

The application seeks a Development Permit for a Material Change of Use to establish a Shopping Centre (Full Line Supermarket). The proposed Shopping Centre has a gross floor area (GFA) of 3,869m² and at this time is intended to comprise a Coles supermarket and an additional single shop tenancy of 150m² for the purposes of a bottle shop.

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".*

The proposed Shopping Centre comprises a single building. The building is set back approximately 60m from the site's frontage. The proposal is a low-rise built form with a maximum height above the approved finished ground level of 8.5 metres.

The site access is via a new leg on the northern side of the intersection of Palmwoods – Montville Road / Churchill Street. A new roundabout is proposed at this intersection. The proposal includes a total of 196 car spaces including 6 spaces for people with disabilities (with some shade sails over these spaces), 3 motorbike spaces, 22 bicycle spaces and service vehicle parking for 2 articulated vehicles and 4 small rigid vehicles.

Plans, elevations, sections and perspective drawings are included in Attachment 2 of the Council report and extracts are provided below.

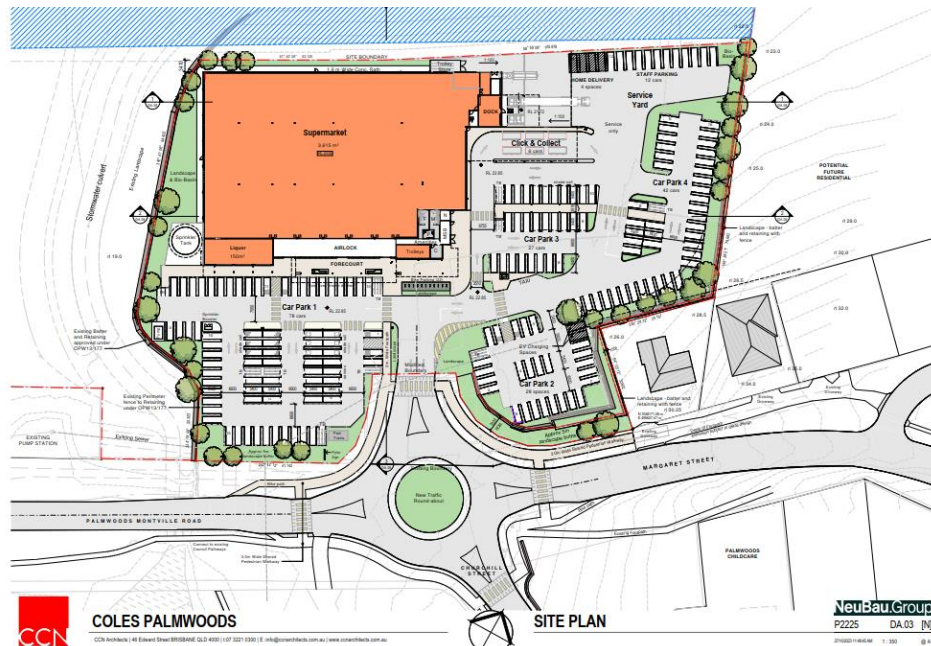


Figure 1 Site Plan



Figure 2 Elevations



Figure 3 3D Perspectives

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

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Design solution offered by the codes as an Acceptable Outcome for achieving compliance	Proposed
Gross Floor Area	Not specified	3,869m ² (with a Gross Leasable Floor Area of 3.765m ²)
Building Height/Storeys	8.5m (maximum)	8.5m (maximum) from the approved finished fill level
Setbacks	6m to Road Frontages	52m to Palmwoods Montville Rd
Site Cover	Maximum 70%	30% (5,122m ²) based on a site area of 16,710m ² (which excludes 943m ² of road resumption required for the proposed roundabout)
Parking	<ul style="list-style-type: none"> 193 car spaces WCV, AV, HRV, 2 x MRV, 2 x SRV & 3 x VAN 39 motorcycle 	<ul style="list-style-type: none"> 196 car spaces (includes 6 click and collect bays) Shared loading/unloading for

	<ul style="list-style-type: none"> • 39 employee bicycle • 39 customer bicycle 	<p>service vehicles (all sizes)</p> <ul style="list-style-type: none"> • 3 motorcycle spaces • 22 bicycle spaces in total (for employee and customers)
Landscaping	<ul style="list-style-type: none"> • 10% deep planted landscapes • Buffers sufficient to meeting local plan and scenic amenity code requirements 	<ul style="list-style-type: none"> • 14% (2,385m²) • 4-5m wide landscape buffers to frontages

Development Permit for a Reconfiguring of a Lot Component

The proposed 1 lot into 2 lot subdivision seeks approval to create two allotments and new road dedication (943m²). Proposed Lot 1 is 8.193ha and is proposed to be dedicated to Council as Drainage Reserve. Proposed Lot 2 is 1.67ha and would contain the proposed Shopping Centre. The lot boundaries align with the site's split zoning with the Rural zoned land being contained within proposed Lot 1 and the Medium Density zoned land being contained within proposed Lot 2.

The Subdivisions Proposal Plan is included in Attachment 3 of the Council report and an extract is provided below.

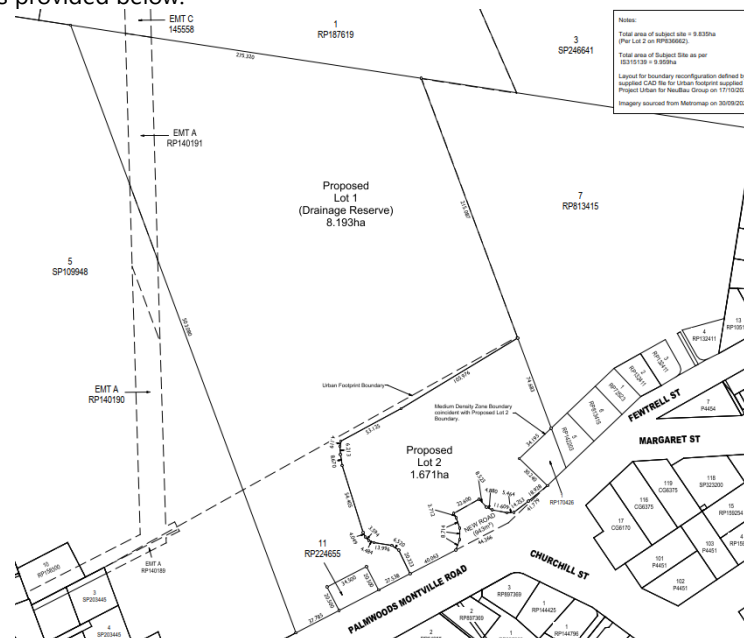


Figure 4 Proposed Subdivision Plan (extract)

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	9.8346 hectares
Existing Use of Land:	Vacant
Road Frontage:	193m frontage to Palmwoods – Montville Road / Margaret Street
Significant Site Features:	Sewer mains and manholes traverse the site on non-standard alignments. Overhead electricity within an easement encumbers the north-western corner of the site. A major waterway (Paynter Creek) traverses the northern part of the site while a minor waterway traverses the western part of the site (which has been realigned and constructed as part of the recent earthworks)
Topography:	The Shopping Centre site is modified and clear of vegetation and is generally flat with a gentle fall towards the north and west. The balance of the site (Rural Zone) is constrained by waterways and drainage infrastructure.
Surrounding Land Uses:	North: Rural zoned land East: Vacant residential land and detached dwellings (within a Medium Density Residential Zone) South: Child care centre and residential dwellings (on the opposite side of Palmwoods-Montville Rd). A sewer pump station site (owned by Unitywater) is located along the frontage. West: Industrial uses (mechanic and vehicle depot) and low density residential land further to the west.

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

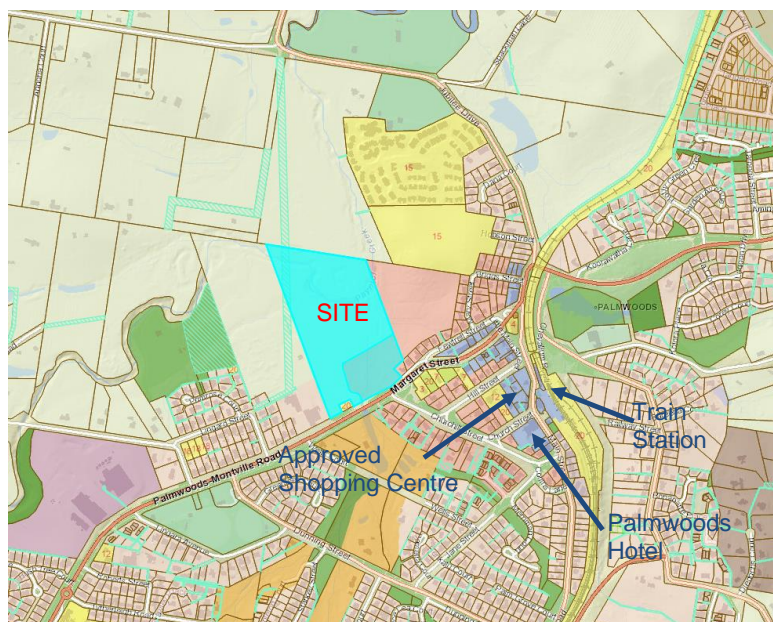


Figure 5 Locality Map



Figure 6 Aerial Photography

Development History of Site

APPLICATION NO.	DECISION AND DATE
<p>MCU07/0129 & OPW13/0177</p>	<p>A Development Permit was issued in September 2011 from a Planning and Environment Court appeal, for a Material Change of Use to establish 55 multiple dwelling units and related Operational Work, over the southern part of the site. Both approvals are current until 25 October 2024.</p> <p>An approved site plan and typical elevation for the units are provided below. The units are two storey (8.5m) town house style design accessed via an internal loop driveway.</p> <p>The southern part of the site has recently been modified in accordance with this existing approval and associated Operational Work approval (bulk earthworks). The earthworks undertaken includes realignment of the existing waterway and construction of drainage channels and retaining walls. It is noted the units have an approximate setback to the road frontage of 6m. The proposed shopping centre use is proposed within the approved footprint of the multiple dwelling units.</p>

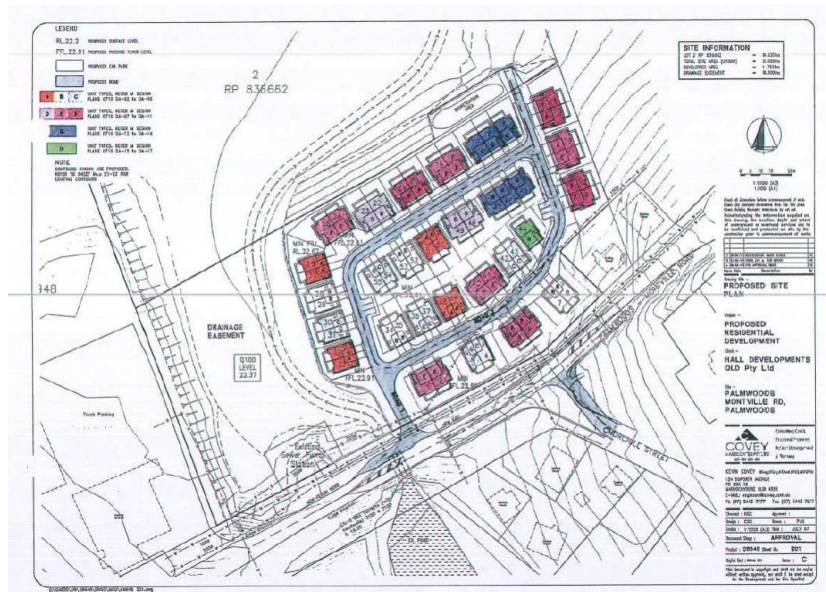


Figure 7 Approved Plan for Multiple Dwellings (extract)

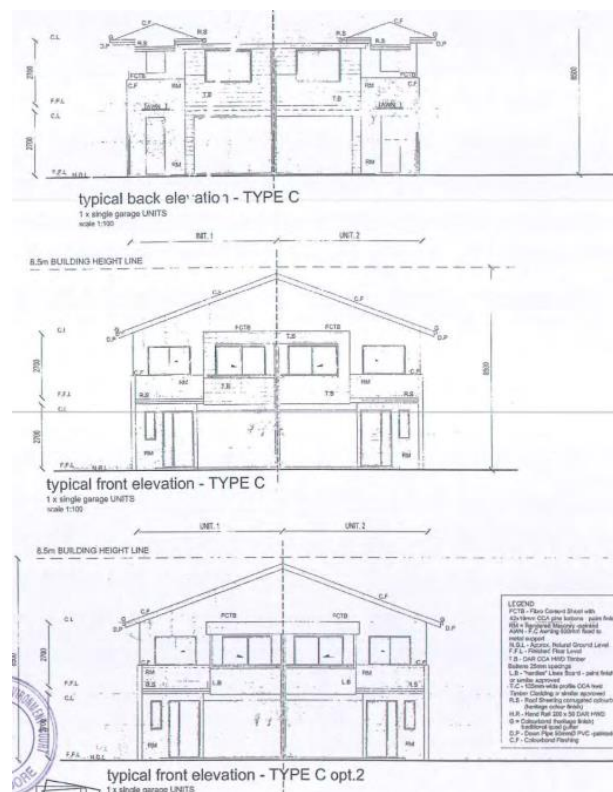


Figure 8 Approved Elevation for Multiple Dwelling (extract)

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 2014 (16 May 2022)
Strategic Framework Land Use Category:	<ul style="list-style-type: none"> • Urban Area (proposed shopping centre site) • Rural Enterprise and Landscape Area (balance of site)

Local Plan Area:	Palmwoods Local Plan Area
Zone:	<p>Medium Density Residential (pink) Rural (light green)</p> 
Consistent/Inconsistent Use:	A Shopping Centre is an Inconsistent Use in the Medium Density Residential Zone
Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • <i>Strategic Framework of the Sunshine Coast Planning Scheme</i> • <i>Biodiversity, waterways and wetlands overlay code</i> • <i>Flood hazard overlay code</i> • <i>Height of buildings and structures overlay code</i> • <i>Landslide hazard and steep land overlay code</i> • <i>Regional infrastructure overlay code</i> • <i>Scenic amenity overlay code</i> • <i>Palmwoods local plan code</i> • <i>Medium density residential zone code</i> • <i>Rural zone code</i> • <i>Business uses and centre design code</i> • <i>Reconfiguring a lot code</i> • <i>Prescribed other development codes</i> <ul style="list-style-type: none"> ○ <i>Landscape code</i> ○ <i>Nuisance code</i> ○ <i>Safety and security code</i> ○ <i>Stormwater management code</i> ○ <i>Sustainable design code</i> ○ <i>Transport and parking code</i> ○ <i>Waste management code</i> ○ <i>Works, services and infrastructure code</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 proposal conflicts significantly with Council's strategic vision for Economic Development, specifically in relation to activity centres. The proposal is inconsistent with the Sunshine Coast Activity Centre Network, and would fragment and undermine the Palmwoods Local Activity (full service) Centre. The proposal would also severely compromise outcomes of the Palmwoods Local Plan which seeks to consolidate commercial uses within the existing Town Centre in a manner that maintains and reinforces the heritage and streetscape character of the Town Centre. Consultation has been undertaken with key specialists within Council, including the Economic Development and Strategic Planning branches. Additionally, the applicant's economic need and impact assessment has been peer reviewed by an external economic expert. Both internal and external specialists agree that the relevant matters provided by the applicant do not justify approval of the proposal despite the identified conflicts with the Strategic Framework.

There are other strategic areas of concern relating to the protection and enhancement of scenic routes. These issues are important but are potentially capable of being addressed through a modified proposal, whereas the proposed impacts on activity centres are not.

The pertinent issues arising out of assessment against the Strategic Framework are discussed below.

Economic Development (activity centres)

The subject site is identified as being located within an Urban Area on Strategic Framework Map 1 (Land Use Elements) and on Strategic Framework Map 2 (Economic Development Elements)

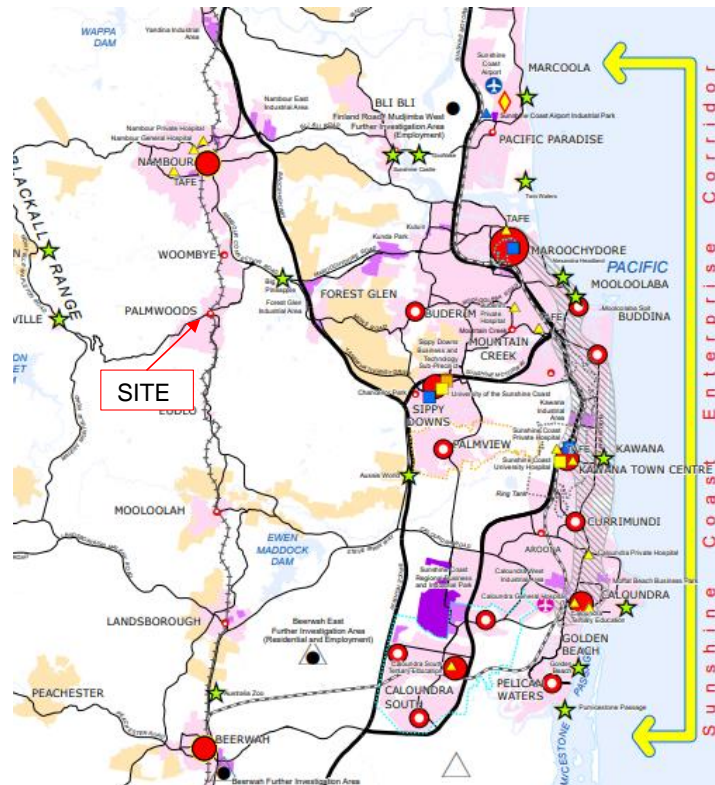


Figure 9 Strategic Framework Map 2 (Extract)

The site is located to the west of the Palmwoods Local (Full Service) Activity Centre which is identified as a red dot on Strategic Framework Map 2. Lands that form part of the Palmwoods Local (Full Service) Activity Centre are included in the Local centre zone in the Planning Scheme.

The relevant Strategic Outcomes and Specific Outcomes for the Economic Development theme for **activity centres** are as follows (with emphasis added):

Strategic outcomes 3.4.1(f) and (g)

- (f) *A network of well-designed, connected and accessible activity centres are provided across the Sunshine Coast with uses and activities which reflect their role and function.*
- (g) *Activity centres are vibrant, mixed use places that provide a focus for business investment, employment, residential and community vitality. Buildings and places within activity centres contribute to the character and identity of their local area.*

Specific outcomes 3.4.2.1(b) and 3.4.3.1(c)

- (b) *The traditional sectors of retail, construction, tourism and rural activities are supported through the following:-*
- (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;*
- (c) *Development does not undermine or compromise the activity centre network either by inappropriately establishing centre activities outside of an activity centre or proposing a higher order or larger scale of uses than intended for a particular activity centre.*

Comments

The proposal involves the creation of a new retail centre that is located outside of Palmwoods Local (Full Service) Activity Centre. The site is separated from the Palmwoods Centre by Fewtrell Street and a number residential properties. By road, it is approximately 250m from the proposed entry of the site to the nearest commercial premises in the Town Centre. While Council's Engineer has confirmed that a continuous pedestrian pathway could potentially be constructed from the site to the existing pathway network in the Town Centre, these pathways would be steep in parts (approximately 10%) and would need to be shared with existing access driveways.

The proposal, if approved, would draw retailing activity away from and outside of the existing centre and would result in Palmwoods having a fragmented, disconnected and unwalkable centre, to the detriment of its character, identity, functionality and viability. Any connecting pedestrian pathway from the site to the existing Town Centre would not be considered walkable for a combination of the following reasons:

- A 250m distance is considerable given the nature of the use.
- The walk would be steep in parts with slopes up to 10%.
- There is a clear break of land use (separated by residential zoning) between the existing commercial uses within the Town Centre and the site.
- Any new connecting pathway would need to be shared with existing residential driveways (there is not sufficient room within the road reserve to have separate driveways and a pathway).
- An existing road would need to be crossed (Fewtrell Street).

As such, it unlikely that centre users would travel between the existing Town Centre and the proposed development on foot (resulting in increased vehicular traffic). This does not promote a pedestrian friendly environment consistent with a traditional local town centre, where it is common for multiple pedestrian trips to be undertaken in a single trip to the town.



Figure 10 Frontage of site looking east towards the Town Centre (approximate location of roundabout) showing steepness of potential footpath.



Figure 11 View from Fewtrell St intersection looking towards the site showing separation of the site from the Town Centre by residential uses/zoning

The proposal is therefore in conflict with the abovementioned Strategic and Specific Outcomes which seek to provide well-designed and interconnected activity centres, to facilitate centre development within areas specifically identified and zoned for activity centres, and to avoid undermining the activity centre network.

The application's reasons for the proposal despite the above conflicts have been outlined in their town planning report and the submitted economic need and impact assessment, and are provided below in summary form:

- (a) There is a community need for the proposed development in that it would improve the choice, convenience and competition in Palmwoods.
- (b) There is an economic need for the proposed development because it will support and capture local retail expenditure which currently is directed towards other larger centres. This enhances the local shopping experience and supports the viability and vitality of the local centre.
- (c) Given most shopfronts in the locality and nearby activity centres would not compete directly with a full-line supermarket, impacts on local retail would be limited.
- (d) There is a planning need as there are no suitable alternative sites to accommodate the proposed full line supermarket within Palmwoods Activity Centre and the Planning Scheme provisions for Palmwoods envisage a full-line supermarket.
- (e) The site is located on the edge of the Palmwoods activity centre and as such will not detract from the existing commercial centre.
- (f) The proposal will not prejudice the implementation of the existing supermarket approval in Palmwoods as the Palmwoods trade area could support two full-line supermarkets.
- (g) The site is ideally located on a major road at the western entrance to the Palmwoods activity centre.
- (d) The proposed development would have significant economic benefits including generating 559 direct and indirect jobs.

The application relies upon there being insufficient land available within the Palmwoods Local (Full Service) Activity Centre to establish a full line supermarket of the size and design proposed (i.e. single storey, roughly square in shape with at-grade parking). It should be noted that Council has recently issued an amended approval (in March 2023) for a 2,500m² Shopping Centre, including a Supermarket tenancy (up to 1,200m²) on Local Centre zoned land on a site bounded by Main, Hill, Churchill and Church Streets (see below figure). This approval remains current until March 2029 and construction has yet to commence. It is noted there has been a long history of approvals for a shopping centre (of different forms) over this site dating back to 2006.

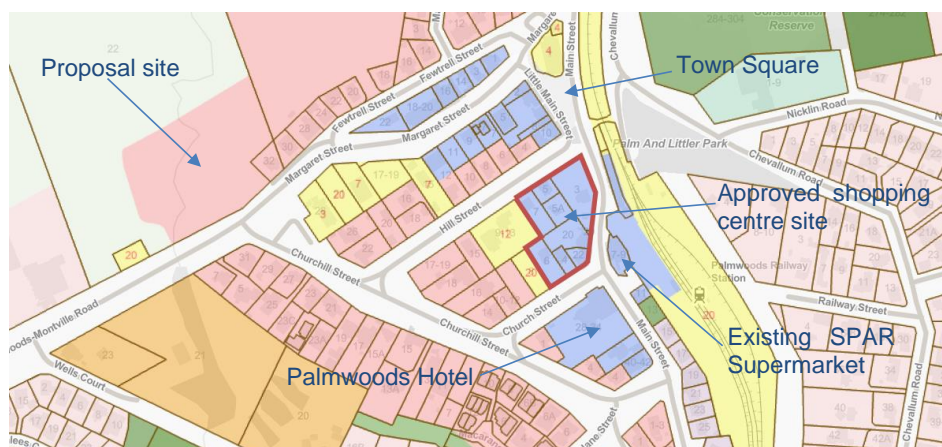


Figure 12 Palmwoods Town Centre

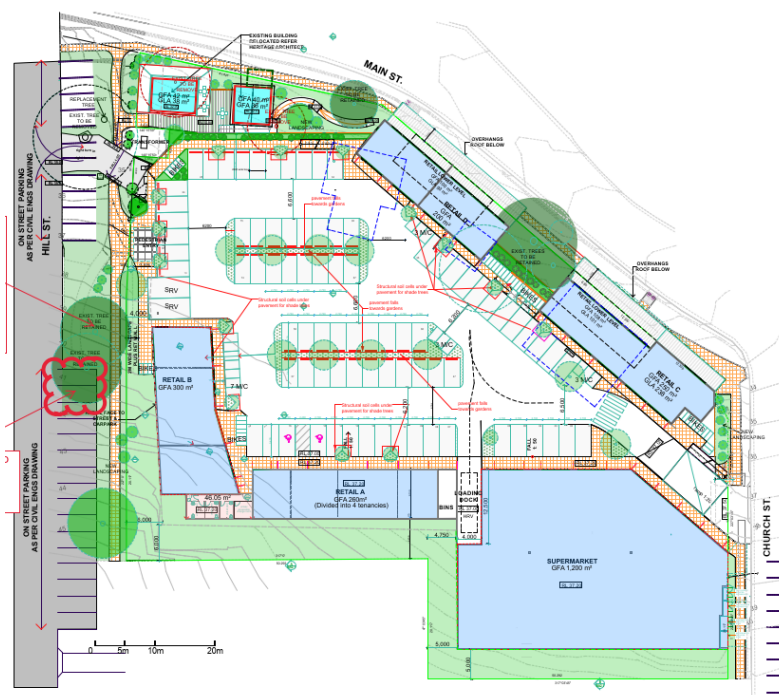


Figure 13 Site Plan of Approved Shopping Centre

While not a full line supermarket, the location of the approved shopping centre is superior to the subject site as it consolidates the Town Centre and will provide important pedestrian connections between the existing commercial hub to the north and the Palmwoods Hotel to the south. It is also desirably located directly adjacent the Palmwoods Railway Station and bus stop on Main Street. This approval delivers on a number of important built form requirements for the Palmwoods Town Centre. In particular, car parking is sleeved behind

buildings which are designed to address and activate the street frontages. In addition, a pedestrian link is provided through the site as well as pedestrian awnings extending over the Main Street pedestrian pathways. This approval is clear evidence that a shopping centre development (on a smaller scale) can be accommodated within the designated Palmwoods Local (Full Service) Activity Centre.

It is further noted that Woombye Town Centre (also zoned as a Local (full service) Activity Centre) may have the capacity to provide a full line supermarket as there are a number of larger sites (either single parcels or a combination of parcels), which are under developed and have the potential to accommodate a significant shopping centre development. Woombye centre is highly accessible to the Palmwoods community being just a 5km drive to the north and is also connected by rail.

The applicant's economic need and impact assessment was peer reviewed by Council's external economic expert. Council's expert has made the following conclusions, which, disputes the applicant's assertion that the proposal would not prejudice the existing approved shopping complex within the Palmwoods Local (Full Service) Activity Centre:

- The Proposed Development would provide greater community benefits in terms of range, competition and price than the Approved Development. However, the Approved Development is more consistent with the Planning Scheme, benefits from an existing approval, and would better connect the Margaret Street retail facilities with the existing SPAR supermarket and Palmwoods Hotel. In contrast, the Proposed Development would not connect with existing retail facilities at Palmwoods.
- Impacts of the Proposed Development upon centres located outside Palmwoods are not considered to be of concern. However, the impacts of the Proposed Development upon the existing SPAR supermarket and the Approved Development are considered to be of concern.
- The mere lodgement of the subject Application could well be sufficient for the owner of the Approved Development to pause its development while it awaits Council's decision over the subject Application.
- It is likely that approval of the Proposed Development would prevent the Approved Development from being delivered.

Given these conclusions, it is clear the proposal would have a direct detrimental impact by undermining the intended orderly development of the Palmwoods Activity Centre.

It is acknowledged that there is insufficient land presently available in the existing Palmwoods Activity Centre to accommodate a major full line supermarket of the size and design proposed by the applicant. Further, it is acknowledged there would be community and economic benefits with the proposal but these can be largely satisfied by the existing approved shopping centre within the Palmwoods Activity Centre when it is built and commences. It is considered that the applicant has not demonstrated that there is a compelling planning, economic or community need that justifies a major out-of-centre development that would undermine the Sunshine Coast Activity Centre Network and

fragment the Palmwoods Activity Centre by inappropriately establishing centre activities outside of an activity centre. Significant changes to activity centres such as this should not be pre-empted by individual development applications. Rather, these changes ought to be considered holistically in any amendments or review to the current Planning Scheme. Further, given that Council's external economic expert considers that any approval of the proposal would jeopardise the viability of an appropriately located and approved shopping centre use, it is therefore unable to be supported.

Community Identity, Character and Social Inclusion (scenic routes)

Palmwoods-Montville Road is identified as a Scenic Route (in purple) on Strategic Framework Map 6 (Community Identity, Character and Social Inclusion Elements). An extract from Strategic Framework Map 6 is included below.

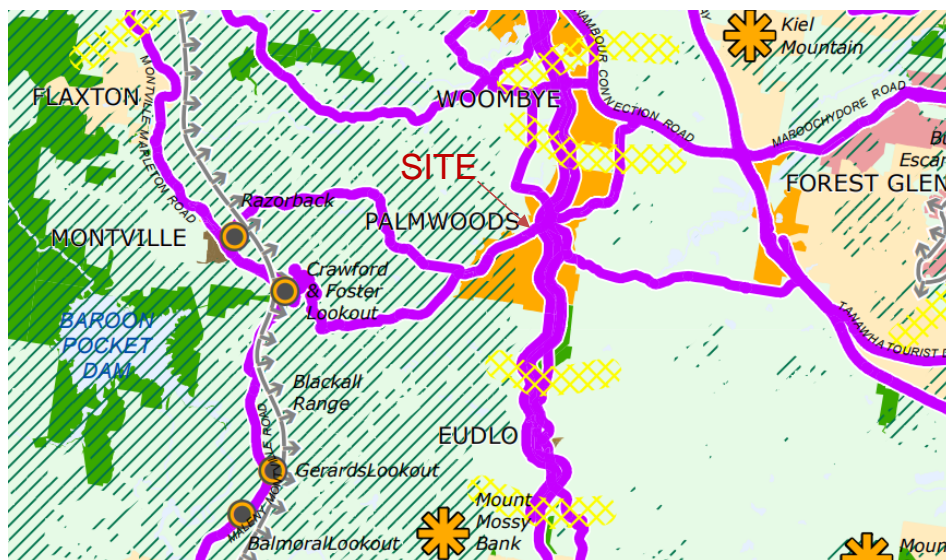


Figure 14 Extract from Strategic Framework Map 6 showing the site on a Scenic Route (in purple)

Specific Outcomes 3.8.2.1(d) (g) and (i) of Element 1 – Landscape elements and features, for the 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.*

Palmwoods-Montville Road is also identified as a Scenic Route on the Scenic Amenity Overlay Map. Additionally, Figure 7.2.23A (Palmwoods Local Plan Elements) identifies a Significant View from Margaret Street across the subject site towards the Blackall Range. An extract from Figure 7.2.23A is included below.

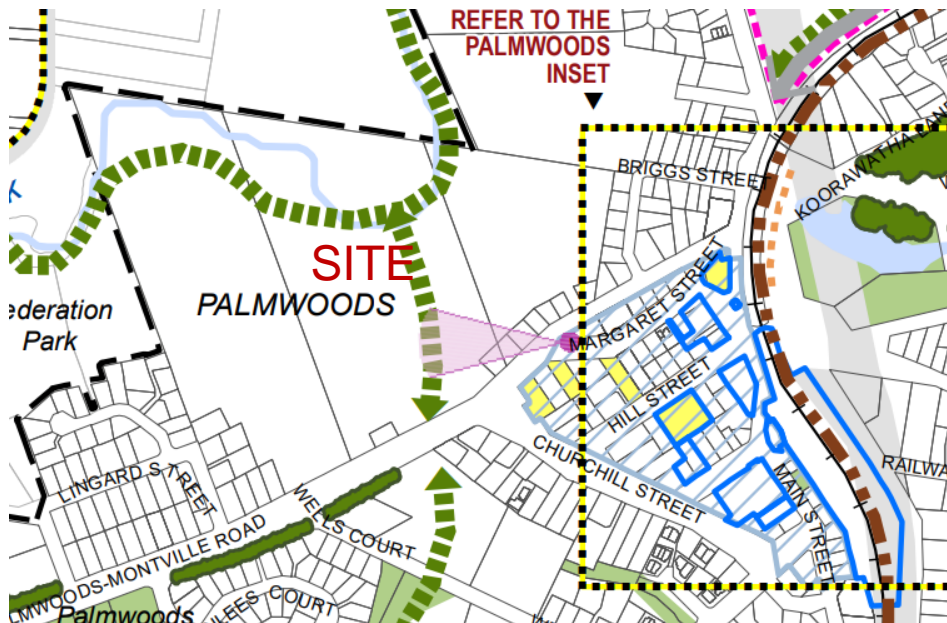


Figure 15 Extract of Figure 7.2.23A of Palmwoods Local Plan Elements

Comments

Existing views of the site along Palmwoods-Montville Road are provided in the images below. It is noted the site has recently been modified with bulk earthworks being completed at the end of 2023. These works include a new drainage channel and a retaining wall which forms the western edge of the shopping centre site footprint. This wall varies in height but extends up to approximately 3m. Recent photos of the site showing the completed earthworks are provided below.



Figure 16 Photo of the frontage of the site showing completed earthworks and retaining walls.



Figure 17 Photo of site viewed from Palmwoods Montville Road

The applicant proposes to address the provisions of the Planning Scheme relating to Scenic Routes and Significant Views through a combination of building setbacks (approximately 50m to the shopping centre building) and landscaping treatments. The Landscape Concept Plan submitted for the subject application shows landscape buffers being provided adjacent to the frontage. These buffers are approximately 5m wide and are provided in two sections split by a proposed access road. Some of the frontage buffers are split level due to the required retaining walls.

Extracts from the Landscape Concept Plan are included below.



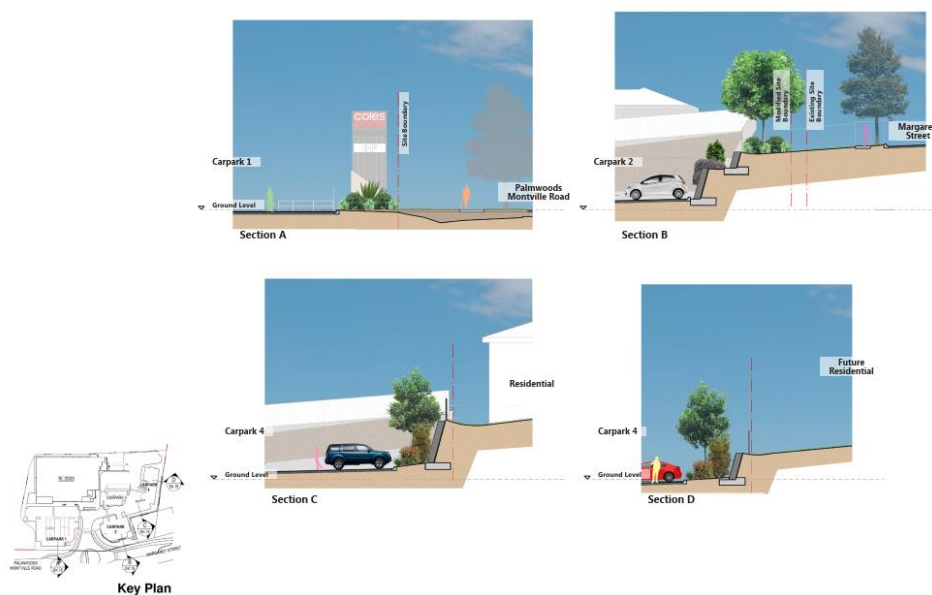


Figure 19 Sections of proposed landscape buffers adjacent to the frontage and side boundaries

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, which include a comparison of views along Palmwoods-Montville Road before and after the proposal is established (it is noted these photos were taken in June 2023 by the applicant when the earthworks on the site were being undertaken).



Figure 20 Streetview of frontage of site heading east towards Churchill Street (picture taken in June 2023)



Figure 21 Applicant's photomontage of the proposal following proposed landscaping being fully established



Figure 22 Streetview of frontage of site heading east toward Churchill Street, closer to intersection (picture taken in June 2023)



Figure 23 Applicant's photomontage of the proposal closer to roundabout following proposed landscaping being fully established (note the proposed tree within the roundabout is not approved by the Department of Transport and Main Roads.)

The applicant is proposing a number of mitigation measures to reduce the visual impact of the proposal from the Scenic Route, including:

- Revegetation of drainage corridor and flood storage area as per the existing approval.
- Landscape buffers to road frontage varying in width but being approximately 4-5m.
- Provision for landscape screening on the south western side of supermarket building.
- The built form being set back approximately 60m from the road frontage.
- Building setback approximately 5-15m from western side boundary.

- Architectural design incorporating traditional architectural elements reflective of Palmwoods character.

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. It is further noted that the Department of Transport and Main Roads' (DTMR's) conditions (issued by the State Assessment and Referral Agency, SARA) limit street trees along the frontage and any planting of trees within the proposed roundabout (low planting only).

Nevertheless, it is considered that the proposed landscaping and built form treatments are potentially capable of addressing the provisions of the Planning Scheme relating to Scenic Routes. In particular, the following landscape outcomes are considered crucial in delivering an appropriate treatment to the Scenic Route:

- Dense landscape planting within the drainage corridor to screen the approved retaining wall, proposed car parking and supermarket building.
- Additional landscaping along the western boundary of the shopping centre site (on top of the existing retaining wall) to screen the building and carparking.
- Canopy shade trees within the frontage landscape buffers at 6m centres combined with understorey plantings.

It is further noted that there is a current approval for multiple dwellings on the site (which aligns with the current Planning Scheme requirements) and if this were acted upon this would have implications on the Scenic Route, noting buildings are approved with a 6m setback and acoustic fencing is required adjacent the road frontage. Given the Planning Scheme intent for multiple dwellings on this site, it is acknowledged that there will be visual implications for the Scenic Route in this location regardless of the type of urban development proposed on the site. In this context, the proposal (with mitigating landscape treatments) represents an appropriate response to the scenic amenity values of the site.

The application does not seek approval of signage, but it is noted that the plans, Landscape Concept Plans and Visual Impact Assessment all show a 8.5m high pylon sign for the proposed supermarket adjacent the frontage. 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 Palmwoods, as required by the outcomes of the *Palmwoods local plan code*. It is considered that the sign would need to be reduced in height 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 imposition of conditions, as there is sufficient space available on the site to permit landscape buffers, and for signage to be relocated behind wider landscape buffers (and reduced in height).

The development is not considered to impact any significant views. The significant view line identified in the *Palmwoods local plan code* across the site is an elevated and distant view to the Blackall Range from the intersection of Margaret St and Fewtrell St (see below figure).



Figure 24 Streetview image from Margaret St of significant view line location as shown in the Local Plan

This view line is unaffected by the proposed development. The proposed shopping centre is at a lower elevation and is screened by existing dwellings fronting Margaret Street and existing vegetation.

Natural environment (ecologically important areas and buffers)

The subject site is partly identified as an Ecologically Important Area (Natural Waterways) on Strategic Framework Map 5 (Natural Environment Elements). An extract from Strategic Framework Map 5 is included below.



Figure 25 Extract of Strategic Framework Map 5

These attributes are further reflected by the site being partly included in the Rural zone, and the site being partly affected by the vegetated and water related aspects of the Biodiversity, waterways and wetlands overlay. An extract from the overlay mapping is included below. The environmental attributes are focussed around Paynter Creek, which traverses the northern part of the site.



Figure 26 Biodiversity, Waterways and Wetland Overlay affecting the site

Specific Outcomes 3.7.2.1(a), (c) and (d), of Element 1 – Natural habitats and biodiversity, for the Natural environment theme states that:-

- (a) *Development is located, designed, constructed and operated to avoid, as far as practicable, or where avoidance is not practicable, minimise and mitigate, adverse impacts on the ecologically important areas identified conceptually on **Strategic Framework Map SFM 5 (Natural environment elements)** which include remnant and regrowth native vegetation, riparian areas and natural waterways, wetlands and waterbodies.*
- (c) *Ecologically important areas are not disturbed or diminished by development except where:-*
 - (i) *on the balance of social, economic and environmental considerations, it is demonstrated that the development is in the interests of the community; and*
 - (ii) *any adverse impacts incurred are compensated by the provision of a biodiversity offset that results in a net gain and enhancement to the overall habitat values of the Sunshine Coast.*
- (d) *Ecological buffers, fauna fencing, supplementary planting to prevent edge effects and other measures as appropriate are provided to mitigate adverse impacts from development on land adjacent to an ecologically important area.*

Additionally, Specific Outcomes 3.7.4.1(a), (c), (d) and (e), of Element 3 – Waterways, wetlands and natural waterways catchment, for the Natural environment theme states that:-

- (a) *Natural waterways and wetlands are maintained predominantly in their natural state with development providing for rehabilitation and enhancement to improve their ecological functioning and water quality.*
- (c) *Where adjoining a natural waterway or wetland, development provides for ecological buffers and other measures to protect and improve ecological functioning and water quality.*
- (d) *The quality of ground and surface water is protected and enhanced in a manner that ensures its long-term environmental values and sustainability.*
- (e) *The health of waterways and wetlands on the Sunshine Coast is protected and enhanced by applying best practice standards to the quality and quantity of groundwater, surface water and wastewater discharge.*

Further Figure 7.2.23A of the Palmwoods Local Plan identifies Ecological Linkages in both an east-west and north-south direction across the site.

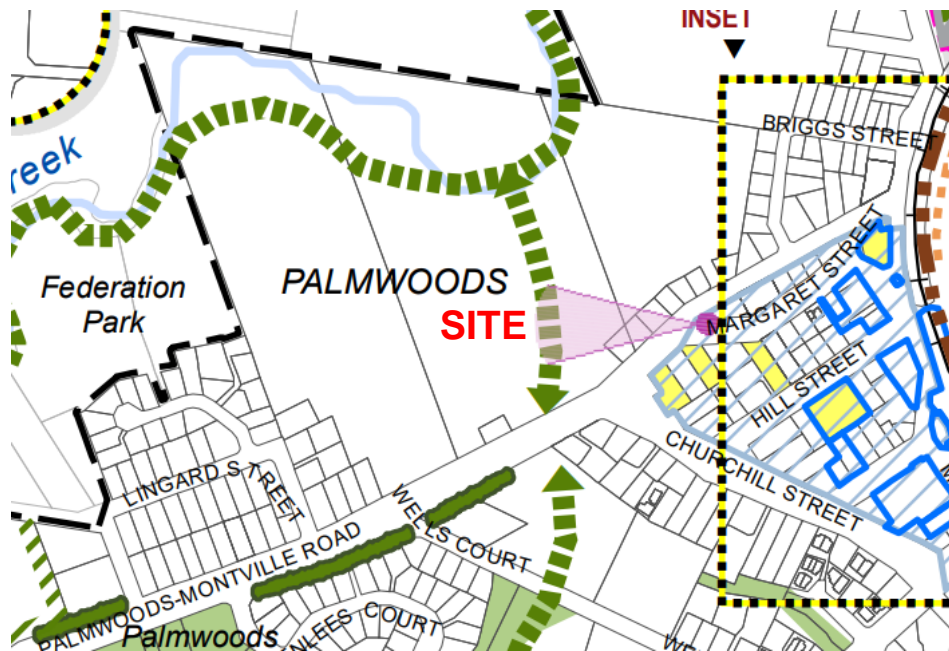


Figure 27 Extract of Palmwoods Local Plan Figure 7.2.23A

Comments

The parts of the site identified as being Ecologically Important by Strategic Framework Map 5, and the parts of the site being identified as containing waterways and Riparian Protection Areas by the Biodiversity, waterways and wetlands overlay, generally coincide.

The identified waterways are not proposed to be developed. The reconfiguration component of the proposal seeks to dedicate to Council all waterways and adjacent flood affected land as Drainage Reserve. It is noted that the approved earthworks which has recently been completed has realigned the north-south waterway around the approved multiple dwelling development footprint.

If Council were to approve the application, the requirement to dedicate land as drainage reserve and rehabilitation of all waterways, ought to be imposed upon any approval. It is considered that the proposed development is potentially capable of addressing the relevant Strategic Outcomes for the Natural Environment theme, subject to the imposition of conditions on any approval.

Transport

Section 3.2.5 of the Strategic Intent provides an overview for providing **better ways to move around** the Sunshine Coast in 2031. The following statement is considered particularly pertinent to the assessment of the proposed development:

Development is designed to increase walking and cycling, minimise dependency on private motor vehicle use and contribute to greater levels of regional self-containment. An extensive network of walking and cycling paths are connected to the efficient and safe public transport system.

Comments

The development is located outside of the Palmwoods Town Centre and not well located to encourage pedestrian and non-car based access. Due to the separation from the Town Centre and steep topography, the site has a limited walkable catchment and is unlikely to be walked to by people visiting the existing Town Centre. Visitation to the site would therefore be heavily reliant on motor vehicle use and would not contribute to greater levels of regional self-containment or promote walking or cycling.

Due to the topography and the site's separation from the Town Centre, footpath improvements are unlikely to result in an increase in pedestrian visitation to the site. In addition, the site is not located in close proximity to public transport, with the nearest bus stop located approximately 380m to the west and the nearest train station being over 600m to the east. It is noted that there is no continuous pathway connecting the site to these services.

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.

Biodiversity, waterways and wetlands overlay code

As mentioned in the preceding section of this report, the site is partly affected by the water related aspects of the Biodiversity, waterways and wetlands overlay. The site's environmental attributes are focussed around Paynter Creek which traverses the northern parts of the site.

The applicant is proposing to dedicate to Council all existing waterways within drainage reserve as part of the Reconfiguration component of this application (Lot 1 being 8.19ha). It is considered that the proposed development is potentially capable of addressing the Purpose and Overall Outcomes of the *Biodiversity, waterways and wetlands overlay code*, subject to the imposition of conditions on any approval.

Flood hazard overlay code

The Purpose and Overall Outcomes of the *Flood hazard overlay code* are included below.

- (1) *The purpose of the Flood hazard overlay code is to ensure development protects people and avoids or mitigates the potential adverse impacts of flood and storm tide inundation on property, economic activity and the environment, taking into account the predicted effects of climate change.*
- (2) *The purpose of the Flood hazard overlay code will be achieved through the following overall outcomes:-*
 - (a) *development does not occur on land subject to flooding except in specified circumstances and only where the impacts of flooding can be effectively ameliorated such that there is no foreseeable risk to life or property;*
 - (b) *development protects floodplains and the flood conveyance capacity of waterways;*
 - (c) *development in areas at risk from flood and storm tide inundation is compatible with the nature of the defined flood or storm tide event;*
 - (d) *the safety of people is protected and the risk of harm to property and the natural environment from flood and storm tide inundation is minimised; and*
 - (e) *development does not result in a material increase in the extent or severity of flood or storm tide inundation.*

Comments

The site is affected by regional and local catchments flooding as identified by the Flood hazard overlay mapping.

Council's Senior Development Engineer (Hydraulics) has provided the following comments:

- The approvals over the site for multiple dwellings and associated operational work (earthworks) required filling of the development footprint and re-alignment of the existing waterway. The earthworks recently undertaken on the site are consistent with these previous approvals.
- Proposed Lot 1, which is proposed to be dedicated to Council as drainage reserve, contains the compensatory earthworks for flood storage.
- This drainage reserve dedication is consistent with the requirements of the *Flood hazard overlay code*, *Stormwater management code* and the *Reconfiguring a lot code*.
- Conditions could be imposed on any approval requiring the development footprint and building floor levels to comply with current Planning Scheme flood level requirements.

It is therefore considered that the application has provided sufficient information to demonstrate that the development would meet the Purpose and Overall Outcomes of the *Flood hazard overlay code*.

Height of buildings and structures overlay code

The Height of Buildings and Structures Overlay Map prescribes a maximum height of 8.5m for development in the Medium density residential zoned part of the site.

The proposal plans show the building being within the 8.5m height limit as measured from the approved finished fill level (works recently completed).

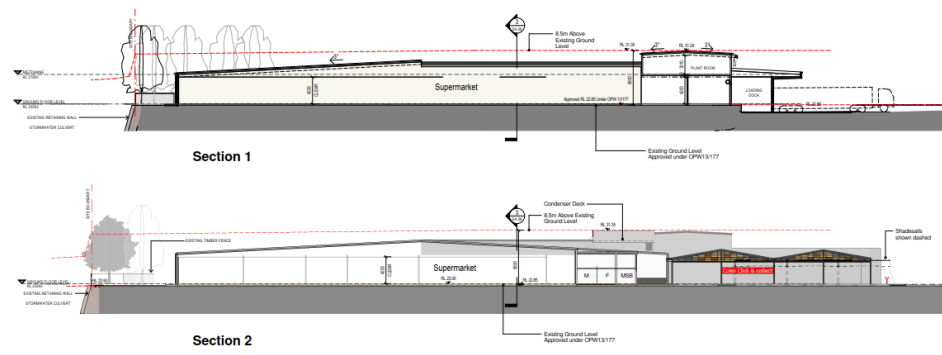


Figure 28 Sections of proposed building

The proposed development has demonstrated compliance with the outcomes of the *Height of buildings and structures overlay code*.

Scenic amenity overlay code

The relevant outcomes of the *Scenic amenity overlay code* repeat and build upon the outcomes in the *Strategic Framework* and *Palmwoods local plan code* relating to Scenic Routes and Significant Views, and these provisions have already been discussed previously in the report. The proposed development is potentially capable of meeting the outcomes of the *Scenic amenity overlay code* subject to landscape buffers being provided and signage being minimised.

Palmwoods local plan code

The overall outcomes and performance outcomes of the *Palmwoods local plan code* that are particularly relevant to the assessment are included below (with emphasis added).

(c) *Development retains important built form, streetscape, landscape character and natural*

environment elements that contribute to the character, setting, and identity of Palmwoods as a rural town with a strong sense of place and associations with the past.

(e) Development in the Local centre zone supports the role and function of the Palmwoods Town Centre as a local (full service) activity centre, providing a wide range of convenience goods and services to meet the needs of its resident population and immediately surrounding rural communities.

(f) The "country town" feel, traditional main street built form and heritage and streetscape character of the Palmwoods Town Centre is retained and reinforced, with Main Street and Margaret Street enhanced as attractive and pedestrian friendly streets. Development addresses the street, complements the traditional streetscape and building form and retains historical buildings and landmarks contributing to the character and identity of the town.

(g) Development provides for centre uses to be consolidated along Main Street, with development along Margaret Street limited to small scale, low intensity business uses with low traffic generation.

(j) Development in the Medium density residential zone is sympathetic to the traditional rural town character and heritage values of Palmwoods and is of a bulk and architectural scale that does not dominate the streetscape or the hillside, is compatible with surrounding development and provides strong pedestrian links to the town centre.

(l) Development provides for the establishment of a linked system of open space focussed on continuous vegetated corridors along Paynter Creek and the major drainage lines which traverse the local plan area.

PO1 Development provides for buildings, structures and landscaping that is consistent with and reflects the traditional streetscape and built form and rural town character of Palmwoods.

PO3 Development contributes to the establishment of attractive and coherent streetscapes and gateways to enhance the rural town character of, and sense of entry and arrival to, Palmwoods.

Comments

The proposal, if approved, would draw retailing activity away from and outside of the existing Town Centre and would result in Palmwoods having a fragmented, disconnected and unwalkable centre, to the detriment of its character, identity, functionality and viability. The proposed development would also result in a fragmented Town Centre, by drawing business uses away from and outside the existing compact Palmwoods Town Centre and would ultimately have an adverse impact on the role and structure of Palmwoods as a rural town, as well as its traditional main street.

As advised by Council's economic expert, the establishment of a full line supermarket on the proposed development site is likely to prevent the establishment of the approved supermarket within the Local centre zone.

It is noted that in recent years Council has made a significant investment and completed substantial streetscape improvement works to establish a town square within the Local centre zone to consolidate and enhance the Town Centre of Palmwoods. These works are in close proximity to the approved shopping centre site on Main Street.



Figure 29 Palmwoods Town Square and Little Main Street



Figure 30 Palmwoods Town Square view from Main Street

The following comments have been provided by Council's Senior Architect in relation to the built form of the proposal:

"The built form is predominantly a large scale industrial style built form. The built form and roof of the building is not traditional in style, but is contemporary in materials, form and design. The building does not consider Sunshine Coast Design principles which would require a more light weight and open design, providing solar access and breezes through the building, and more generous areas of windows on blank facades. The building is predominantly enclosed and with minimal openings and windows on all sides, except for the frontage (South elevation) which presents with glazed openings.

There is an attempt to provide some form and materiality that is appropriate to the "country town feel" added to the frontage (South elevation), by way of a gable roof entry canopy that also has some timber appearance batten screening. There are two smaller pitched roof canopies in addition to the main entrance. Some feature stonework is shown on entry columns and some planters at the entrance. Whilst these features reference a local style and are supported, the development does not offer an integrated design response in relation to this important theme of rural and heritage values. Aside from the entrance, the building is not in keeping with the expected character of the area.

The development does not respond to the Medium density residential zone of the local area, which does not encourage a building of this size, and does not encourage

a commercial carpark addressing the street. A development of this scale may be appropriate for a Town Centre, where the commercial building would address and activate the street, with openings onto the street, and a carpark sleeved behind the building so that it is obscured from view. This is not achieved, with the carpark dominating the frontage, and the built form highly visible on the ridge line behind the carparking. Signage will also dominate the setting.

Built form in the residential area should be small in scale, with singular buildings of a domestic scale, and not a large supermarket in the form of an industrial style building. The development's built form and carpark is not consistent with the traditional streetscape expected in Palmwoods, and particularly in the residential zone."

It is clear the proposed built form is not consistent with the design requirements of the Palmwoods Local Plan. Further, even if the proposal were located within an appropriate commercial zone in Palmwoods, the proposed built form would not satisfy the design requirements of the Local plan, which requires development to:

- address the street with building openings overlooking and fronting the street;
- create vibrant and active streets;
- provide continuous weather protection for pedestrians; and
- locate car parking and access so as not to dominate the street.

In summary, the proposed development is in conflict with Overall Outcome (c) (e), (f), (g) and (j) because it does not provide for centre activities to be consolidated in the Local centre zone and does not provide an appropriate built form response consistent with the desired character for Palmwoods. It is the intent of the Planning Scheme that business uses (including supermarkets) are located within a centre zone and, where in a rural town, designed in a manner which reflects the traditional streetscape, built form and rural town character.

Medium Density Residential Zone Code

The overall outcomes and performance outcomes of the *Medium density residential zone* code that are particularly relevant to the assessment are included below (with emphasis added)

(1) The purpose of the Medium density residential zone code is to provide for low and medium density residential activities generally in a low rise format, predominantly comprising multi-unit residential uses predominately for permanent residents supported by community activities and small-scale services and facilities that cater for local residents.

(2) The purpose of the Medium density residential zone code will be achieved through the following overall outcomes:-

(a) development provides for a mix of low and medium density residential activities, predominantly for permanent living, including dwelling houses, dual occupancies, multiple dwellings (such as townhouses, terrace and row houses), residential care facilities and retirement facilities;

(d) development may provide for limited other non-residential activities 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;

(i) development is designed and located in a manner which makes a positive contribution to the streetscape and is sympathetic to the existing and intended scale and character of surrounding development;

(j) development incorporates a high level of residential amenity, safety and design quality and is set within attractive landscaped grounds;

(q) development provides for the following:-

(i) a use listed as a consistent use in column 1 of Table 6.2.2.2.1 (Consistent uses and potentially consistent uses in the Medium density residential zone) to occur in the Medium density residential zone; and

(ii) a use listed as a potentially consistent use in column 2 of Table 6.2.2.2.1 to occur in the Medium density residential zone only where further assessment has determined that the use is appropriate in the zone having regard to such matters as its location, nature, scale and intensity.

Note—a use not listed in Table 6.2.2.2.1 is an inconsistent use and is not intended to occur in the Medium density residential zone.

Comments

The proposed development is in conflict with the Purpose and Overall Outcomes of the Medium density residential zone code because it does not provide for a mix of low and medium density residential activities. A Shopping centre use is an inconsistent use within the Medium density residential zone.

The development would severely compromise the integrity of the Medium density residential zone because it would result in a significant loss of residential zoned land, and it would neither integrate with, nor be compatible with, intended future medium density residential zoned land immediately to the east. Further, any approval of the proposal could prejudice the orderly development of surrounding medium density zoned land for its intended purpose and may lead to other commercial development seeking to establish within this zone (particularly for the sites separating the proposal and the existing Town Centre of Palmwoods).

The Medium density zoned part of the site represents a substantial component of the Medium density zoned land for Palmwoods. Noting the site has approval for 55 multiple dwellings and if constructed this would be the single largest medium density residential development in Palmwoods by a significant margin. It would provide much needed housing diversity for the Palmwoods area, which is presently characterised as mostly detached dwellings on traditional sized lots. As such, the loss of this number of medium density residential dwellings would be a major opportunity lost should the proposed shopping centre use proceed in its place.

While the zone provisions anticipate some "*limited other non-residential activities*" (such as child care centres), the proposal cannot be considered "small scale" or "low intensity" nor is the proposal compatible with the residential character and amenity of the area due to the large commercial nature of the built form which is surrounded by hardstand car parking. While the proposal includes acoustic barriers and landscape buffers where it adjoins residential development (to the east), the introduction of a major commercial development of this scale would have a significant detrimental impact on the existing residential character and amenity of the area.

Development Codes

Transport and parking code

The Purpose and the key, relevant Overall Outcomes of the *Transport and parking code* are as follows (with emphasis added).

- (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 transport implications of the proposed development and the Department of Transport and Main Roads' (DTMR's) conditions (issued by the State Assessment and Referral Agency, SARA), have been summarised by Council's Principal Traffic Engineer as follows:

"Palmwoods-Montville Road is State-controlled. Consequently, vehicle access requirements are subject to conditions provided by the State assessment and referral agency (SARA). SARA's referral agency response for the application includes acceptance of a proposed site access roundabout on Palmwoods-Montville Road to create a four-way intersection opposite Churchill Street, incorporating raised pedestrian crossings on each roundabout approach. To help ameliorate impacts of the development on the surrounding State-controlled road network away from the site, SARA has also required some minor widening works be carried out at the Jubilee Drive and Chevallum Road intersections with Woombye-Montville Road (i.e. either side of the rail bridge) to mark separate left and right turn lanes on the side street approaches to these T-intersections with the main road.

Performance outcome PO2 of Table 9.4.8.3.2 of the Transport and parking code requires development to maximise active transport access 'to activity centres, employment areas, residential areas, community facilities and open space in the local area'. The proposed development is a significant attractor of pedestrian and cycle movement in the local area, including residential areas to the west and the town centre to the east. Consequently, if the development was approved, a 3 metre wide shared path should be provided on the development side to connect with these areas and existing pathway networks. This would include provision of a significant bridge structure or culvert crossing over the drainage channel on the site's frontage to Palmwoods-Montville Road."

With regards to on-site parking requirements, the proposal of 196 car parking spaces satisfies the requirements of the *Transport and parking code*, which requires 193 spaces (based on 3,869m² of gross floor area). However, there is a shortfall of motorcycle and bicycle spaces proposed with only 3 motorcycle spaces and 22 bicycle spaces shown on the proposal plans, whereas the code nominates 39 motorcycle spaces and 39 employee bicycle spaces and 39 customer spaces as an Acceptable Outcome for achieving compliance. Additional bicycle spaces could be accommodated within the existing layout (both within the building and surrounding).

With regards to motorcycle spaces, the development has demonstrated compliance with Performance Outcome PO14 of the code which requires *"sufficient on-site parking for motorcycles and scooters to encourage their use and support the demand anticipated to be generated by the development."* The applicant has made the following representations for how the development would meet this performance outcome:

"Motorcycles are expected to be an impractical mode of transportation for most grocery trips and the demand for motorcycle parking at the proposed development is likely to be very low. This is supported by TMR's Household Travel Survey data, which indicates that less than 0.5% of trips to or from shops in the Sunshine Coast region are undertaken by motorcycle. As such, the proposed motorcycle parking provision is expected to adequately cater for the likely demand. Additional motorcycles would be able to park in regular car parking spaces if occasionally required."

It is agreed that the proposal would have a limited demand for motorcycle spaces and that there is scope for motorcycles to utilise regular car spaces (it is noted that there is a small excess of car parking spaces provided).

The proposal therefore can comply (subject to conditions) with 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

Council's Senior Development Engineer (Hydraulics) has reviewed the applicant's stormwater management report and advised that:

- The proposed bioretention basins would achieve Council's pollutant load reduction targets.
- Peak flow mitigation measures haven't been provided; rather the application references the previously approved flood report. It is noticed that the extent of hardstand area proposed in this application is larger than the hardstand area analysed in the approved flood report. However, this increase would not have impacts on flooding nor produce any adverse hydraulic impacts on external properties.
- The applicant's stormwater report has identified all the external catchments (along southern and eastern property boundary) that discharge through the site. However, the proposed mechanism to accept this runoff into the site will adversely impact the external properties as the ingress of water behind the proposed acoustic fence is significant. In addition, the acoustic fence has been proposed as a means to direct stormwater runoff. A condition is required for any approval to ensure a minimum of a 2.0m wide inter-allotment drainage system which contains the external catchment runoff within the development site. This will require retaining walls and acoustic fencing to be set back within the site by at least 2.0m along those boundaries. It is noted that this will not impact upon the proposed layout given there are landscape buffers 4-5m wide adjacent to these side boundaries.

Based on the above, the proposal could be conditioned to comply with the relevant requirements of the *Stormwater management code* (subject to plan amendments).

Reconfiguring a lot code

The Purpose and the key relevant Overall Outcomes of the *Reconfiguring a lot code* are as follows.

- (1) *The purpose of the Reconfiguring a lot code is to ensure that new lots are configured in a manner which:-*
- (a) *is consistent with the desired character of the local area;*

(b) is appropriate for their intended use;

(c) is responsive to site constraints;

(d) provides appropriate access (including access for services); and

(e) supports high quality urban and landscape design outcomes.

(a) development provides for lots that are of a size and have dimensions that are appropriate for their intended use and responsive to local character and site constraints;

Comments

The proposed reconfiguration application involves the following aspects:

- Subdivision of 1 lot into 2 lots.
- Proposed Lot 1 containing the Rural zoned part of the site and being dedicated to Council as drainage reserve.
- Proposed Lot 2 containing the Medium density residential zoned part of the site and the proposed shopping centre use.
- Road dedication to accommodate the proposed roundabout.

As discussed above, the intended use of a shopping centre within proposed Lot 2 is not consistent with the Planning Scheme requirements. The general configuration of the proposed lots does not raise any concerns (noting the proposed boundaries follow the zone boundaries). However, the proposed subdivision is inherently linked with the proposed Material Change of Use, including the dedication of road reserve to establish the roundabout and dedication of drainage reserve.

The proposed reconfiguration departs from the Purpose and Overall Outcomes (1) (a), (2) (c)(i), and Performance Outcomes PO1(a), PO2 (a), (b), (c), (e), (h), and (l), PO3 (a) and (b), PO8, PO11 (a), (b), and (d), PO17, and PO20 of the *Reconfiguring a lot code*, because:

- the proposal involves a particular arrangement of lots, including new road and drainage reserve, associated with the shopping centre use. The reconfiguration reflects the proposed development regardless of the surrounding uses and subdivision pattern.
- approving a land subdivision in the absence of the particular use approval that is intended to be accommodated by the subdivision unnecessarily fragments the land ahead of time. Land fragmentation has the potential to prejudice the future development of the site in accordance with future planning policy and directions, including possible future infrastructure requirements.

It is recommended that this component of the application not be supported unless the shopping centre application were to be approved.

Nuisance code

The Purpose and the key relevant Overall Outcomes of the *Nuisance code* are as follows.

(1) The purpose of the Nuisance code is to maintain community wellbeing and protect environmental values by preventing or mitigating:-

(a) nuisance emissions from development adversely impacting on surrounding sensitive land uses; and

(b) the exposure of proposed sensitive land uses to nuisance emissions from surrounding development.

(a) development is located, designed, constructed and operated to maintain appropriate levels of amenity and environmental performance by:-

(i) not imposing unacceptable noise, light, glare, dust or odour emissions on surrounding sensitive land uses; and

(ii) ensuring that proposed sensitive land uses are not subject to unacceptable nuisance emissions generated from surrounding development, having regard to the location and context of the proposed development;

Comments

Council's Senior Environmental Management Officer has reviewed the applicant's noise impact report and advised that:

"A noise impact assessment and subsequent updated assessment in response to information request has demonstrated (subject to noted item below) that the proposal is able to meet PO1 of the Nuisance code in that it is located, designed, and can be constructed and operated to not unreasonably impact surrounding sensitive land uses.

Concern is raised in regard to assumed setback for non-developed medium density land to the east of the site. Noted that the owner of the adjoining land has made a submission in support of the proposed supermarket however it is considered necessary to address the above issue to ensure that amenity impacts are minimised from the proposed loading dock and potential future unit development. The results of the updated assessment may require additional mitigation measures such as increased barrier height along the boundary. Conditions and document amendments have been recommended accordingly."

Based on the above, the proposal could be conditioned to comply with the relevant requirements of the *Nuisance code* (subject to plan amendments) should the application be approved.

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)

Under the SEQ Regional Plan, the part of the development site where the shopping centre is proposed is included in the Urban Footprint regional land use category. The remainder of the subject site is included in the Regional Landscape and Rural Production Area regional land use category.

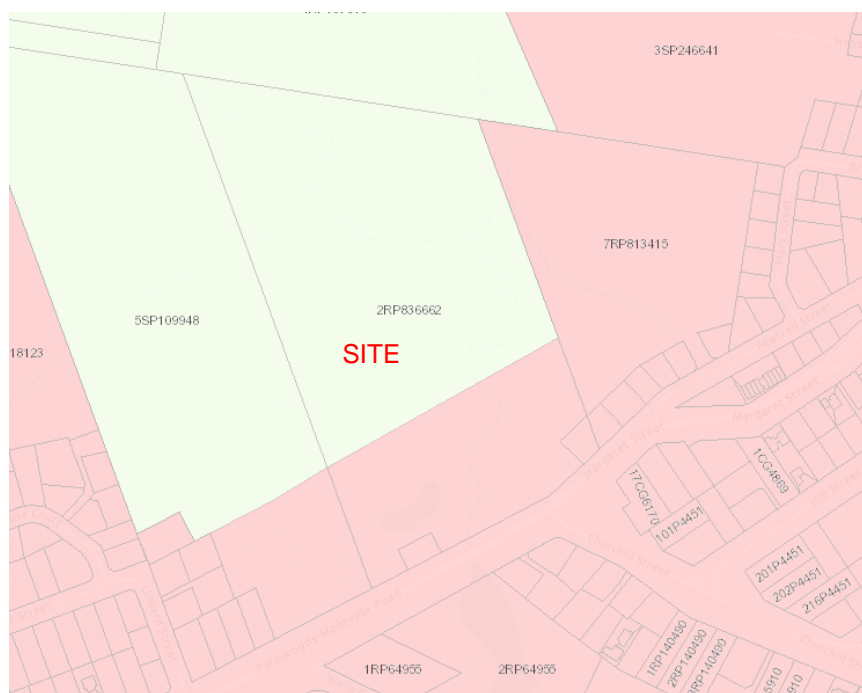


Figure 31 SEQ Regional Plan land use categories (Urban Footprint in pink)

The development is generally consistent with the broad principles expressed in the SEQRP in relation to the Urban Footprint. However, it is considered that the development would likely impact upon one of the Northern Sub-regional "Outcomes for Live – Our Great Places" being achieved. In this regard the SEQRP identifies Palmwoods as a "great place" and states:-

"Developing and promoting great places will support the sub-region's liveability, prosperity and sense of identity and community. Current and evolving great places identified by local governments in the Northern sub-region include:

Palmwoods has a centre rich in historic character with preserved laneways and buildings and a local community offering a mix of activities, arts and crafts and hinterland trails."

As mentioned in the Strategic Framework section of this report, the proposal, if approved, would draw retailing activity away from and outside of the existing Palmwoods centre (including its main street) and would result in Palmwoods having a fragmented, disconnected and not easily walkable centre, to the detriment of its character, identity, functionality and viability. It is therefore considered that the proposed development would not support the abovementioned outcome as it would not promote a sense of identity and community for the Palmwoods centre.

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 Assessment Benchmarks within Part E of the State Planning Policy that are particularly relevant to the application (biodiversity, water quality and natural hazards) have been appropriately reflected in the Planning Scheme.

NEW SUNSHINE COAST PLANNING SCHEME PROJECT – PLANNING DIRECTIONS

Under the Proposed Local Planning Directions for the New Sunshine Coast Planning Scheme Project, which was subject to community consultation in February and March 2022, the draft planning directions for the Woombye-Palmwoods Local Plan Area stated:

- *"Retain compact centres and strong provisions to discourage out-of-centre development"*
- *"Review centre zone provisions at Palmwoods to ensure appropriate opportunities are provided for a small supermarket (Map Ref.2)"*

Strategic Planning Branch provided the following comments in relation to the proposed development and the New Sunshine Coast Planning Scheme Project:

"Feedback received in relation to the proposed planning directions for Woombye-Palmwoods Local Plan Area indicated that the majority of people agreed with the planning directions.

Consistent with the proposed planning directions for the Woombye-Palmwoods Local Plan Area, the New Planning Scheme Team is continuing to review provisions to provide opportunities for accommodating a supermarket in the Palmwoods Town Centre.

The proposed development site, which is located 'out of centre' on the periphery of the Palmwoods, is not considered part of this opportunity and therefore is not supported."

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, Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency due to the site being adjacent to a state transport corridor. The department responded on 23 May 2024 by including conditions for any approval (refer to Attachment 4 of the Council report), requiring the following:

- Restricting road access to the locations shown on the proposal plans
- Road upgrades occur as shown on the applicant's works plan and generally comprising of:
 - Minor widening works be carried out at the Jubilee Drive and Chevallum Road intersections with Woombye-Montville Road (i.e. either side of the rail bridge) to mark separate left and right turn lanes on the side street approaches to these T-intersections with the main road.
 - A roundabout with four legs and wombat crossings on each leg of the roundabout
 - Pedestrian pathways on each leg of the roundabout
 - a concrete apron and mountable kerb on the northern side of the Churchill Street leg to facilitate left turns for articulated vehicles from Margaret Street into Churchill Street;
 - embankment works (including vegetation clearing) on Margaret Street to improve sight lines;
 - provision for cyclists including on and off road transitions to be provided on the Margaret Street and Palmwoods Montville Road approaches and departures to and from the roundabout;
 - warning signage on Margaret Street on approach to the roundabout;
 - dedication of land to road corridor where necessary to accommodate the road works with a verge width sufficient for service provision and pedestrian pathway.
- Landscaping within and adjacent the state-controlled road corridor must be undertaken generally in accordance with the applicant's Landscape Concept Plan with the exception of no trees within the road reserve (including within the roundabout).

Energex

Energex is an advice agency for Electricity Infrastructure traversing the site. The department responded by letter dated 13 November 2023 approving the reconfiguration proposal plan and that the conditions of any easements in favour of Energex must be maintained at all times.

Internal Referrals

As the application is in conflict with the Planning Scheme and has implications for the Regional Economic Development Strategy the application was referred to Council's Economic and Strategic Planning branches for comments. Some of the internal referral comments have been incorporated into the Strategic Framework section of this report in summary form. More detailed comments are provided below.

Economic Development Branch

- *"...we are not supportive of major commercial uses being located outside of the designated activity centre which have the potential to:

 - Reduce customer and visitation within the centre;
 - Impact significantly upon the economic viability of individual businesses and the Palmwoods centre overall;
 - Fragment the dynamics of the precinct and impact upon its immediate surrounds;
 It is believed that the proposed development has the potential to result in such negative consequences.*
- *We are of the view that the potential negative impacts identified by the proponents in their Economic Impact Study are significant for Palmwoods specifically and other elements of the broader centre hierarchy (sales impacts within and beyond main trade area ranging from -15% in Palmwoods to -9.2% in Nambour for example). Such impacts and generalist assertions of benefits stemming from additional customers would need to be interrogated and justified further by the proponent.*
- *We have a clear preference for such higher order retail uses to be located within the activity centre itself and note that existing potential sites/approvals are in place to enable this to occur without relying upon this proposal/application. Approval would also likely impact upon future market implementation of this type of retail development within the activity centre precinct.*
- *We believe that given the above in-centre development potential and existing retail offer, in combination with others across the relevant activity centre network, demand can be met adequately without the risk of negative economic consequences/impacts.*
- *That this development would result in an opportunity cost in terms of eliminating the potential for residential development on the subject site which along with rural uses is identified under the scheme. We also note the existing approval for 55 multiple dwelling units in relation to the former matter.*
- *We do not believe that the economic benefits asserted to be accrued and associated effective reallocation of locational spend negate the above factors."*

Strategic Planning Branch

"The proposed development is in clear and substantial conflict with the Planning Scheme, particularly in relation to the Strategic Framework, Medium density residential zone code and the Palmwoods Local plan code.

The proposed development is of a nature and scale and inappropriately establishes centre activities outside of an activity centre that has the potential to undermine or compromise the Sunshine Coast activity centre network and presents a significant risk to the character, identity and functioning of the Palmwoods Town Centre and its traditional main street. The Strategic Planning Branch does not support the proposed development."

Public Notification

The application was publicly notified for 15 days between 6 November 2023 and 27 November 2023 in accordance with the requirements of the *Planning Act 2016*. A total of 234 submissions were received, of which 192 were determined to be 'properly made' in accordance with the *Planning Act 2016* and 224 submissions (properly made and not properly made) were in support of the proposal

Of the 224 submissions received in support of the proposed development, 201 of those submissions were standard proformas. The remaining 10 submissions were opposed to the development, of which 7 were determined to be 'properly made' in accordance with the *Planning Act 2016*.

Public Notification finished on the 27 November 2023. However, a number of submissions have been received from 32 residents in relation to this proposed development in the months between February and July 2024, which were not included in the above. 25 of the 32 submissions received were standard proformas in support of the application with two (2) objections received.

A map identifying the location of where the submissions were received from is provided as Attachment 6.

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:

Submissions Opposed

ITEMS	COMMENTS
<u>Palmwoods Centre Impacts</u> <ul style="list-style-type: none"> The development will undermine the viability of existing commercial businesses in the 	The proposed development represents a major out-of-centre development that would have

<p>Palmwoods Town Centre including the existing SPAR and the approved supermarket.</p> <ul style="list-style-type: none"> • There is an existing approval for a supermarket within the local centre zoning. • A much more suitable supermarket location and size has already been approved between Hill and Church Street. Traffic there would only impact lower Margaret Street, be less for a smaller supermarket and be more integrated into a walkable Town Centre, situated as it is by the Hotel, railway station and contiguous with little Main St. • Approving an out-of-centre shopping complex would irrevocably undermine the carefully crafted Palmwoods town centre plan, which specifically designates land adjacent to Main Street for future supermarket development. This would not only create an unfair competitive disadvantage for existing businesses in the Town Centre but could also lead to urban decay and a loss of community cohesion. 	<p>many negative consequences if it were approved, including the undermining of the Sunshine Coast Activity Centre Network and the fragmentation of the Palmwoods Local Activity Centre.</p> <p>It is agreed that the development would draw retailing activity away from and outside of the existing Palmwoods Local Activity Centre and would result in Palmwoods having a fragmented, disconnected and unwalkable centre, to the detriment of its character, identity, functionality and viability. The application has not addressed the economic and social impacts of fragmenting the existing centre.</p>
<p><u>Insufficient Need</u></p> <ul style="list-style-type: none"> • A Coles supermarket is not essential in Palmwoods as the community is well serviced by the large Coles at Nambour and North Buderim, the IGA at Forest Glen and the SPAR supermarkets in Palmwoods and Woombye. • Coles Nambour and Coles Buderim are a 10-15 minute drive from Palmwoods. These surrounding supermarkets within 15 minutes of Palmwoods make the economic viability of a full line supermarket within Palmwoods very challenging. Should a Coles be located outside of the centre zone in Palmwoods, in addition to the existing supermarkets within 15 minutes of the site, the viability for a supermarket in the Town Centre would be completely compromised. • Approving an out of centre supermarket within Palmwoods would destroy the intent of the local plan and completely disrupt the centre hierarchy which earmarks commercial zoned land in the Town Centre adjacent to the railway for a supermarket. 	<p>It is agreed that these types of higher order retail uses are best located within the designated local activity centre, and note that existing potential sites/approvals are in place to enable this to occur without relying upon this proposal/application.</p> <p>It has been confirmed by the external economic expert that any approval of the proposal would also impact upon future viability of this type of retail development within the designated activity centre precinct.</p>

<p><u>Planning Scheme Conflicts</u></p> <ul style="list-style-type: none"> • The proposed development is inconsistent with the Purpose of the Medium density residential zone code and the Rural zone code. • The purpose of the Planning Scheme is to appropriately consider and zone sites. Being a residential zone, residential land uses should be appropriately located to offer a wide choice and mix of living options that promote affordability and adaptability that is compatible with the local plan area. • The Palmwoods local plan code requires development in the Medium density residential zone to be sympathetic to the traditional rural town character. 	<p>It is agreed that the proposed development conflicts with many outcomes within the Strategic Framework, <i>Palmwoods local plan code</i> and the <i>Medium density residential zone code</i> (noting it is an inconsistent use in this zone).</p> <p>The proposed development would also have a significant impact on the delivery of medium density housing options for Palmwoods, noting the site has approval for 55 multiple dwellings.</p> <p>Further the bulk, scale and design of the proposal is not consistent with the desired character for development within Palmwoods as outlined in the Local plan.</p> <p>It is considered that the matters raised by the applicant do not represent a compelling planning, economic or community need that justifies approval of the application despite the identified conflicts with the Planning Scheme and the negative consequences of the development.</p>
<p><u>Traffic and Transport</u></p> <ul style="list-style-type: none"> • Increased traffic through the main street of Palmwoods and large delivery trucks impacting upon Palmwoods • The proposed land use will result in a substantial increase in traffic compared to the approved residential development. It is noted that the site is located in proximity to a child care centre directly across the road to the south-east. 	<p>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.</p>

<ul style="list-style-type: none"> Majority of customers that would use the supermarket would have to drive through the main street of Palmwoods, which is dangerous and has low visibility of cars existing the centre parking spaces along with pedestrians going back and forth to the cars. While the 55 units are not ideal in this location, they would properly generate less traffic than a large supermarket. The proposed roundabout and traffic island would impact upon the residents living opposite to the subject site to turn right out of their driveways. 	<p>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 and includes conditions around the proposed roundabout and other external road upgrades.</p>
<p><u>Increased Noise, Pollution and Anti-Social Behaviour</u></p> <ul style="list-style-type: none"> The light pollution from a shopping centre will be huge and last for long hours, early morning to late at night and we are right opposite and completely in the line of fire. The noise pollution from a shopping centre will be huge and constant. Currently the road is busy at certain times of the day and is getting busier but is still acceptable. This change in use will completely change the situation with large delivery trucks arriving all times of day and night A large supermarket would adversely affect homes on Fewtrell St. Aside from the noise, access in and out of Fewtrell (also Briggs and Jubille Dr) would be impacted by the additional traffic. Encouraging anti-social behaviour, with a large vacant car park at night time, it would attract bad behaviour by the community and road users. 	<p>It is agreed that the proposal would have greater amenity impacts with respect to noise and light pollution in comparison to any residential use on the site.</p> <p>While mitigation measures could be conditioned on any approval granted, there would still be amenity impacts more generally with introducing a large scale commercial use within a residential setting.</p> <p>Perceptions around anti-social behaviour is not a matter that is particularly relevant to the assessment.</p>
<p><u>Impact on the Rural Village of Palmwoods</u></p> <ul style="list-style-type: none"> The design of the supermarket façade is not sympathetic to the rural village of Palmwoods The bulk and scale of the proposal is completely out of proportion to the residential scale of surrounding properties. The architectural character and scale of the proposed shopping centre are wholly incompatible with the established Palmwoods local plan code. 	<p>It is agreed the bulk, scale, and design of the proposal is not consistent with the desired character for Palmwoods as outlined in the Palmwoods local plan code particularly given the site's residential zoning. In particular, the proposed built form and site layout does not enhance or positively contribute to the traditional streetscape</p>

<ul style="list-style-type: none"> The previously approved residential development aligns far more harmoniously with this vision. 	<p>and built form or rural town character of Palmwoods or enhance the sense of entry and arrival to Palmwoods.</p>
<p><u>Flood hazard</u></p> <ul style="list-style-type: none"> The site is subject to flooding and there is a concern if the flood risk has been displaced elsewhere in the catchment area. 	<p>The site has been lawfully filled to achieve the required flood immunity. Council's Senior Hydrology Engineer has confirmed that the proposal can achieve compliance with flood requirements of the Planning Scheme without causing offsite flooding impacts.</p>
<p><u>Existing approvals on the site</u></p> <ul style="list-style-type: none"> The existing approval (Court decision) is consistent with the Planning Scheme intent for the Medium density residential zone, and furthermore provides a suitable solution to the ongoing housing supply crisis across the Sunshine Coast. Applicant has strategically used the previous approval, namely the Operational Works approval to implement substantial site modifications (earthworks and retaining walls) for the foundation to justify the current proposal for an out-of-centre shopping complex. 	<p>It is agreed the existing approval on the site is generally consistent with the current Planning Scheme requirements to deliver medium density housing.</p> <p>The applicant has lawfully acted on previous Operational Work approvals to undertake earthworks on the site (on the basis of the multiple dwelling unit approval).</p>
<p><u>Impacts on Flora and Fauna, particularly along the waterways</u></p> <ul style="list-style-type: none"> Concerns with what impacts this development would have on the ecosystem. 	<p>The site is partly affected by the water related aspects of the Biodiversity, waterways and wetlands overlay. The site's environmental attributes are focussed around Paynter Creek which traverses the northern parts of the site.</p> <p>The applicant is proposing to dedicate to Council all existing waterways within a drainage reserve. It is considered that the proposed development is potentially capable of addressing the Purpose and Overall</p>

	Outcomes of the <i>Biodiversity, waterways and wetlands overlay code</i> , subject to the imposition of conditions on any approval (which would include rehabilitation of all waterways).
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Submissions in Support

ISSUES	COMMENTS
<p><u>Benefits for Palmwoods community</u></p> <ul style="list-style-type: none"> • Palmwoods has experienced an increase in population growth as a result of subdivision approvals and retirement villages, there is a need for a full-line supermarket. • Improve shopping choice for local residents and support price competition for groceries • Reduce travel time for locals that are currently undertaken their grocery shopping at Nambour, Buderim or Maroochydore • Employment opportunities • The supermarket would benefit the existing retailers, as a significant percentage of the 'retail spend' would remain within Palmwoods 	<p>The comments made are noted but the proposed development conflicts with many outcomes within the Strategic Framework, <i>Palmwoods local plan code</i> and the <i>Medium density residential code</i>.</p> <p>The proposed development represents a major out-of-centre development that would have many negative consequences if it were approved, including the undermining of the Sunshine Coast Activity Centre Network and the fragmentation of the Palmwoods Local Activity Centre.</p> <p>It has been advised by Council's economic expert that the proposed development would severely compromise the potential for a shopping centre establishing within Palmwoods Town Centre.</p> <p>Further, the proposal does not satisfy the design and built form requirements for development within Palmwoods. The bulk and scale of the proposal (surrounded by</p>

	<p>car parking) does not enhance or positively contribute to the traditional streetscape or rural town character of Palmwoods.</p> <p>It is considered that the matters raised by the applicant do not represent a compelling planning, economic or community need that justifies approval of the application despite the identified conflicts with the Planning Scheme and the negative consequences of the development.</p>
<p><u>Potential Improvement to Palmwoods-Montville Road</u></p> <ul style="list-style-type: none"> The proposed roundabout at the Churchill Street intersection with Palmwoods Montville Road is considered a good solution to address existing safety concerns with the existing intersection. 	<p>This is a matter for the State Government Department of Transport and Main Roads due to this road being a state controlled road.</p>
<p><u>Planning Scheme Intent</u></p> <ul style="list-style-type: none"> The Planning Scheme identifies Palmwoods as a local (full service) activity centre, which allows for a full-line supermarket. The proposed supermarket would fulfill that intent. 	<p>While there is potential for a full-line supermarket to establish <u>within a local (full service) activity centre</u>, the location and design of the proposal is not consistent with the intent of the Planning Scheme for development within a residential zone.</p>
<p><u>Drainage Reserve</u></p> <ul style="list-style-type: none"> The proposed lot that is being dedicated to Council as drainage reserve is a significant benefit to the local community. 	<p>The dedication of drainage reserve to Council is consistent with the Planning Scheme requirements and given this part of the site is significantly constrained (flood prone land and mapped waterways) any community benefit is considered limited.</p>
<p><u>Scenic Amenity</u></p> <ul style="list-style-type: none"> The scenic route would not be affected due to the setback of the building and the 5m wide landscape buffer along the frontage of the site. The frontage landscape area would assist in softening the built form of the proposed 	<p>It is agreed that the proposed landscaping treatments in conjunction with the imposition of conditions the development could potentially address the Scenic amenity overlay code</p>

<p>development, provide scenic amenity benefits and contribute to a sense of entry to the wider activity centre.</p>	<p>requirements of the Planning Scheme.</p>
<p><u>Location</u></p> <ul style="list-style-type: none"> • Good location, highly visible and easily accessible from Palmwoods-Montville Road. In addition, it is within walking distance of the Town Centre and it is flat. • Being located outside of the character area would not impact upon the quaint town and rail station hub. 	<p>While the site is on a major road the location is not suitable given its separation from the existing Palmwoods Town Centre and as such would result in fragmentation of the Palmwoods Local Activity Centre.</p> <p>The site is not considered particularly walkable to the existing Town Centre noting that:</p> <ul style="list-style-type: none"> • A 250m distance is considerable given the nature of the use. • The walk would be steep in parts with slopes up to 10%. • There is a clear break of land use (separated by residential zoning) between the existing commercial uses within the Town Centre and the site. • Any new connecting pathway would need to be shared with existing residential driveways. • An existing road would need to be crossed (Fewtrell Street). <p>As evidenced by the existing shopping centre approval within the Palmwoods Local Activity Centre, it is possible for a development to be designed which appropriately responds to the Palmwoods character and amenity requirements.</p>

<p><u>Flood Plain</u></p> <ul style="list-style-type: none"> The land on which this development would be located is a flood plain and a commercial precinct would be a far more suited use than residential houses. 	<p>The site has been lawfully filled to achieve compliant flood immunity requirements. Council's Senior Hydrology Engineer has confirmed that the proposal can achieve compliance with flood requirements of the Planning Scheme regardless of whether the applicant intends to proceed with the multiple dwelling approval or for the proposed shopping centre use.</p>
<p><u>Existing multiple dwelling approval</u></p> <ul style="list-style-type: none"> The existing approval for 55 units is unwelcome as Palmwoods does not have the resources in terms of food stores and supermarkets to support our current population. The entry point location for the townhouses is insufficient given that the road network that takes in Churchill St intersection cannot function effectively at this time with the traffic generated by western developments such as Gem Life. 	<p>The approval for multiple dwellings over the site is generally consistent with the Medium density zoning requirements of the Planning Scheme. The access point location for the existing multiple dwelling approval was assessed and approved by the State Government Department of Transport and Main Roads (with conditions to upgrade the frontage of the site).</p>

CONCLUSION:

The proposed development is in clear and substantial conflict with the Planning Scheme, particularly in relation to the *Strategic Framework, Medium density residential zone code* and the *Palmwoods local plan code*. The proposed development is of a nature and scale and inappropriately establishes centre activities outside of an activity centre that has the potential to undermine or compromise the Sunshine Coast activity centre network and presents a significant risk to the character, identity and functioning of the Palmwoods Town Centre and its traditional main street. The proposal, if approved, would draw retailing activity away from and outside of the existing centre and would result in Palmwoods having a fragmented, disconnected and unwalkable centre, to the detriment of its character, identity, functionality and viability.

It is acknowledged that there is insufficient land presently available in the existing Palmwoods Activity Centre to accommodate a major full line supermarket of the size and design proposed by the applicant. Further, it is recognised there would be community and

economic benefits with the proposal and there has been a significant number of submissions in support for the proposal. While the applicant has demonstrated a need for a supermarket within Palmwoods, this need and the community and economic benefits can be largely satisfied by the development of a moderately sized supermarket within the Palmwoods Activity Centre, noting there is already a current approval for a shopping centre that is well located within the Town Centre. Further, Council's external economic expert has advised that any approval of the proposal would jeopardise the viability of delivering an appropriately located and designed supermarket within Palmwoods Activity Centre (as demonstrated by the current approval). In contrast, the bulk, scale and design of the proposal is not consistent with the desired rural town character for Palmwoods and does not contribute positively to the traditional streetscape. The site is not considered walkable to/from the Palmwoods Activity Centre due to the separation and the existing slopes. As such the proposal would result in a disconnected and unwalkable centre, to the detriment of its character, identity, and vitality of the Palmwoods Town Centre and its traditional main street.

The development would severely compromise the integrity of the Medium density residential zone because it would result in a significant loss of residential zoned land, and it would neither integrate with nor be compatible with intended future medium density residential zoned land immediately to the east. The proposal does not deliver medium density housing as envisaged by the zoning provisions of the Planning Scheme but rather would result in the loss of a significant parcel of land intended to provide greater housing diversity and choice within Palmwoods. Further, any approval of the proposal could prejudice the orderly development of surrounding medium density zoned land for its intended purpose and may lead to other commercial development seeking to establish within this zone (particularly for the sites separating the proposal and the existing Town Centre of Palmwoods).

It is considered that the applicant has not demonstrated that there is a compelling planning, economic or community need that justifies a major out-of-centre development that would undermine the Sunshine Coast Activity Centre Network and fragment the Palmwoods Activity Centre by inappropriately establishing centre activities outside of an activity centre. Significant changes to activity centres such as this should not be pre-empted by individual development applications. Rather, these changes ought to be considered holistically in any amendments or review to the current Planning Scheme. The non-compliances with the Planning Scheme cannot be overcome through reasonable and relevant conditions and 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 for the following reasons:

- i. The proposed development departs from the policy direction of the Strategic Framework for the Sunshine Coast Planning Scheme 2014, in particular, the Strategic Intent and Theme 2 – Economic development, and the Strategic

Outcomes and Specific Outcomes therein relating to activity centres and minimising dependency on private motor vehicle use, because:

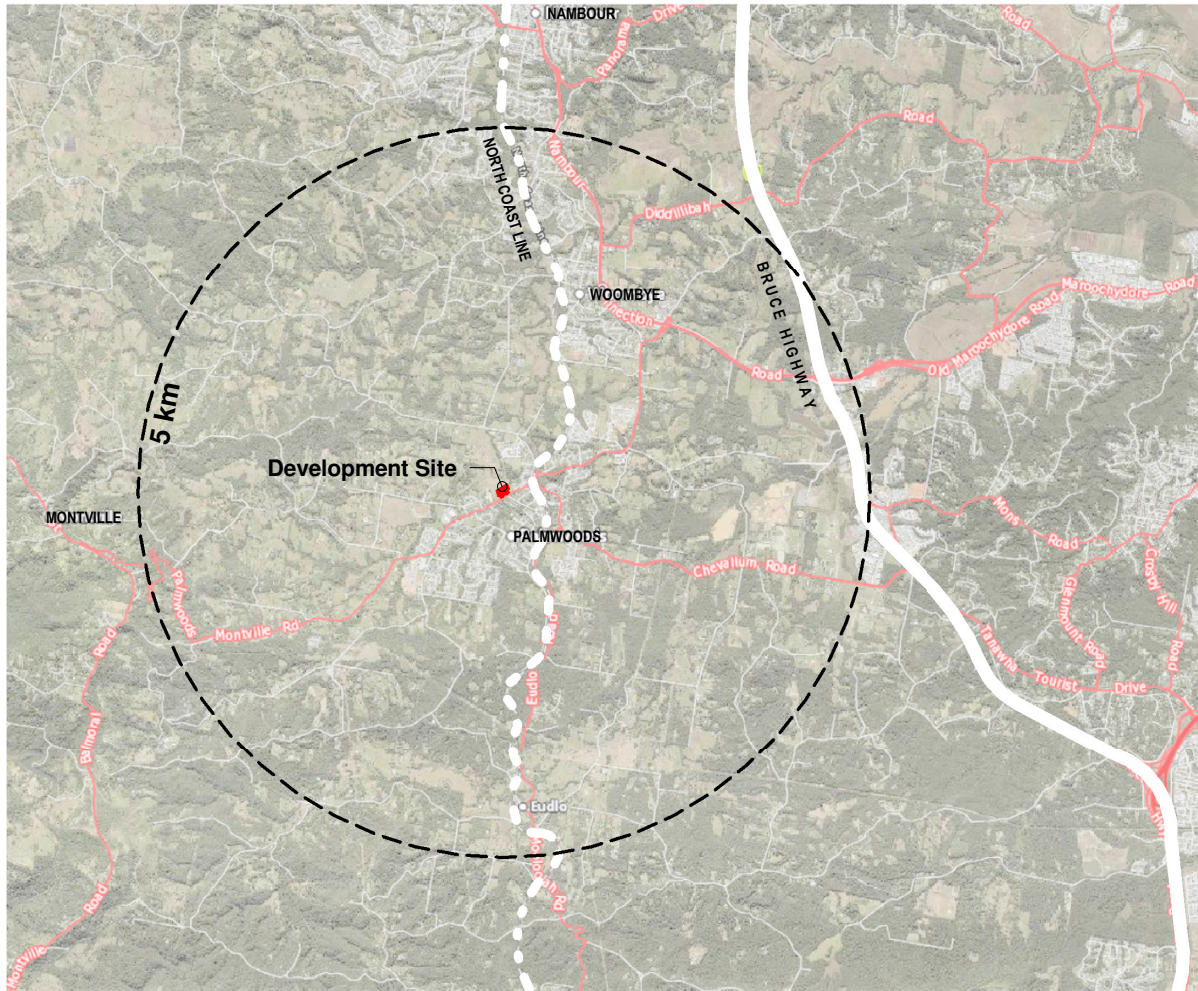
- a. The proposed development represents a major out-of-centre development that would undermine the Sunshine Coast Activity Centre Network and would fragment the Palmwoods Local Activity Centre. The proposed development would draw retailing activity away from and outside of the Palmwoods Local Retail Activity Centre and would result in Palmwoods having a fragmented, disconnected and unwalkable centre, to the detriment of its character, identity, functionality and viability.
 - b. The proposed development is not located or designed to increase walking and cycling or minimise dependency on private motor vehicle use or contribute to greater levels of self-containment.
- ii. The proposed development departs from Overall Outcomes (2) (c), (e), (f), (g) and (j), (n), PO3, PO4, PO18 (a), (d), (e), (g), and (i), of the Palmwoods local plan code, and, the Purpose and Overall Outcomes (1), (2) (a), (d)(i), (ii), (iii), and (vi), (e)(i) and (ii), (i), (j) and (q) of the Medium density residential zone code, because:
- a. The proposal would result in a significant loss of Medium density residential zoned land, and this loss would severely compromise the delivery of a mix of low and medium density residential activities for the Palmwoods area.
 - b. The development would compromise the integrity of the Medium density residential zone because it would neither integrate with nor be compatible with intended future uses of medium density residential zoned land immediately to the east.
 - c. The development is not sympathetic to the existing and intended scale and character of surrounding residential development, given the significant bulk and scale of the proposed built form and large commercial carpark addressing the street.
 - d. The development is located in a residential zone where it is not intended to occur, and is not small scale and low intensity and is not compatible with the local residential character and amenity of the area.
- iii. The proposed development departs from the Purpose and Overall Outcomes (1) (a), (2) (c)(i), PO1(a), PO2 (a), (b), (c), (e), (h), and (l), PO3 (a) and (b), PO8, PO11 (a), (b), and (d), PO17, and PO20 of the Reconfiguring a Lot Code, because:
- a. The proposal involves a particular arrangement of lots, including new road and drainage reserve, associated with the shopping centre use. The reconfiguration reflects the proposed development regardless of the surrounding uses and subdivision pattern.
 - b. The proposed reconfiguration reflects the associated intended land use approval (supermarket). In the absence of a coincidental land use approval, the proposed reconfiguration would unnecessarily fragment the land and therefore has the potential to prejudice the future ability to develop the site in accordance with future planning policy and directions, including possible future infrastructure requirements.

- c. The proposed reconfiguration would constrain and prejudice the orderly development of the land for its planned residential purposes.
- iv. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
- v. The departures from the assessment benchmarks support refusal of the proposed development.
- vi. Compliance with some assessment benchmarks and the submission of relevant matters advanced by the applicant should be given little weight and do not otherwise sufficiently support approval of the proposed development.
- vii. 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.

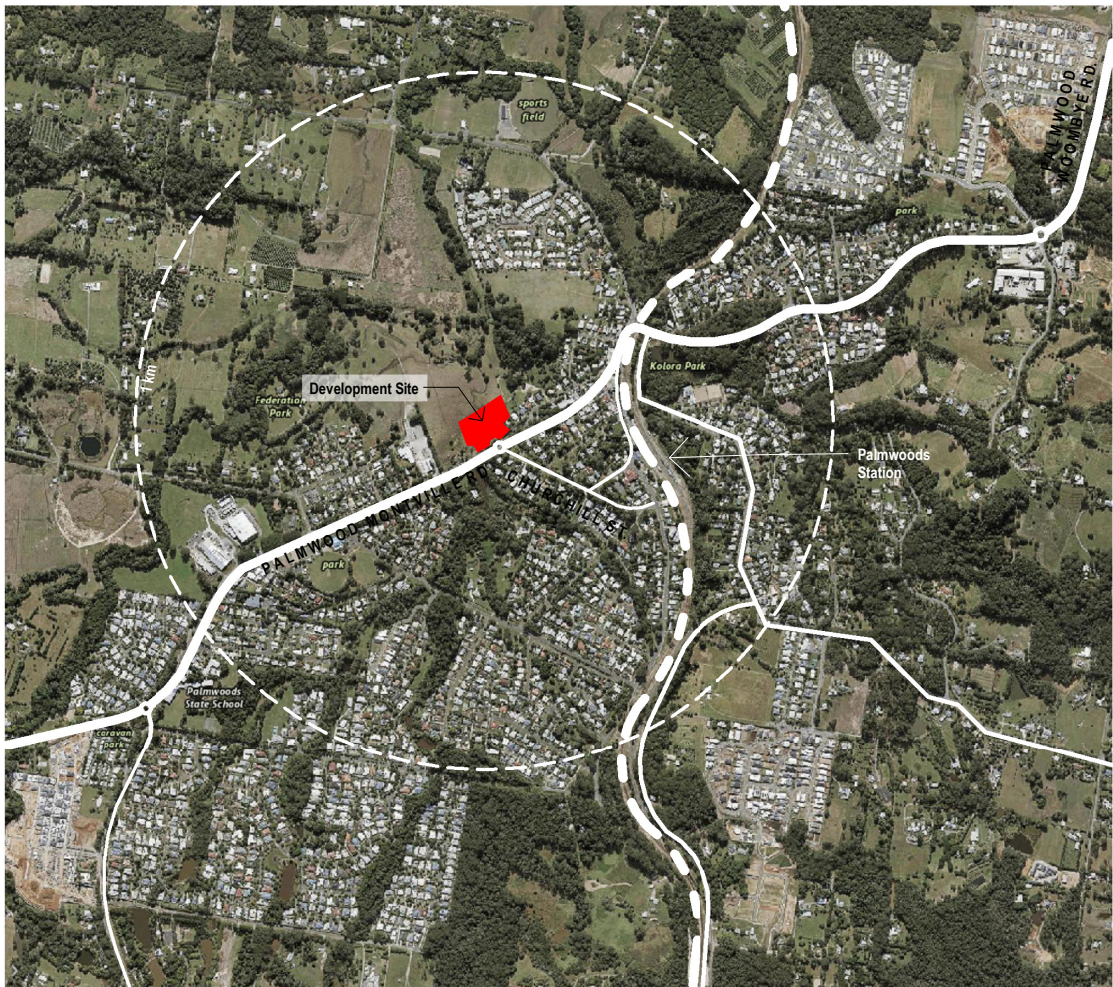


Coles Palmwoods
DEVELOPMENT APPLICATION ARCHITECTURAL DRAWINGS





Locality Plan



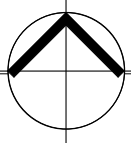
Local Context

SHEET	TITLE
DA.01	LOCATION PLAN
DA.02	LOT PLAN
DA.03	SITE PLAN
DA.04	FLOOR PLAN
DA.05	ROOF PLAN
DA.06	BUILDING ELEVATIONS
DA.07	CONTEXT & FINISHES SCHEDULE
DA.08	SITE & BUILDING SECTIONS
DA.09	3D VIEWS
DA.10	DEVELOPMENT STATISTICS
DA.11	VISUAL IMPACT ASSESSMENT



COLES PALMWOODS

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LOCATION PLAN

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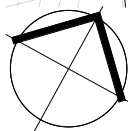
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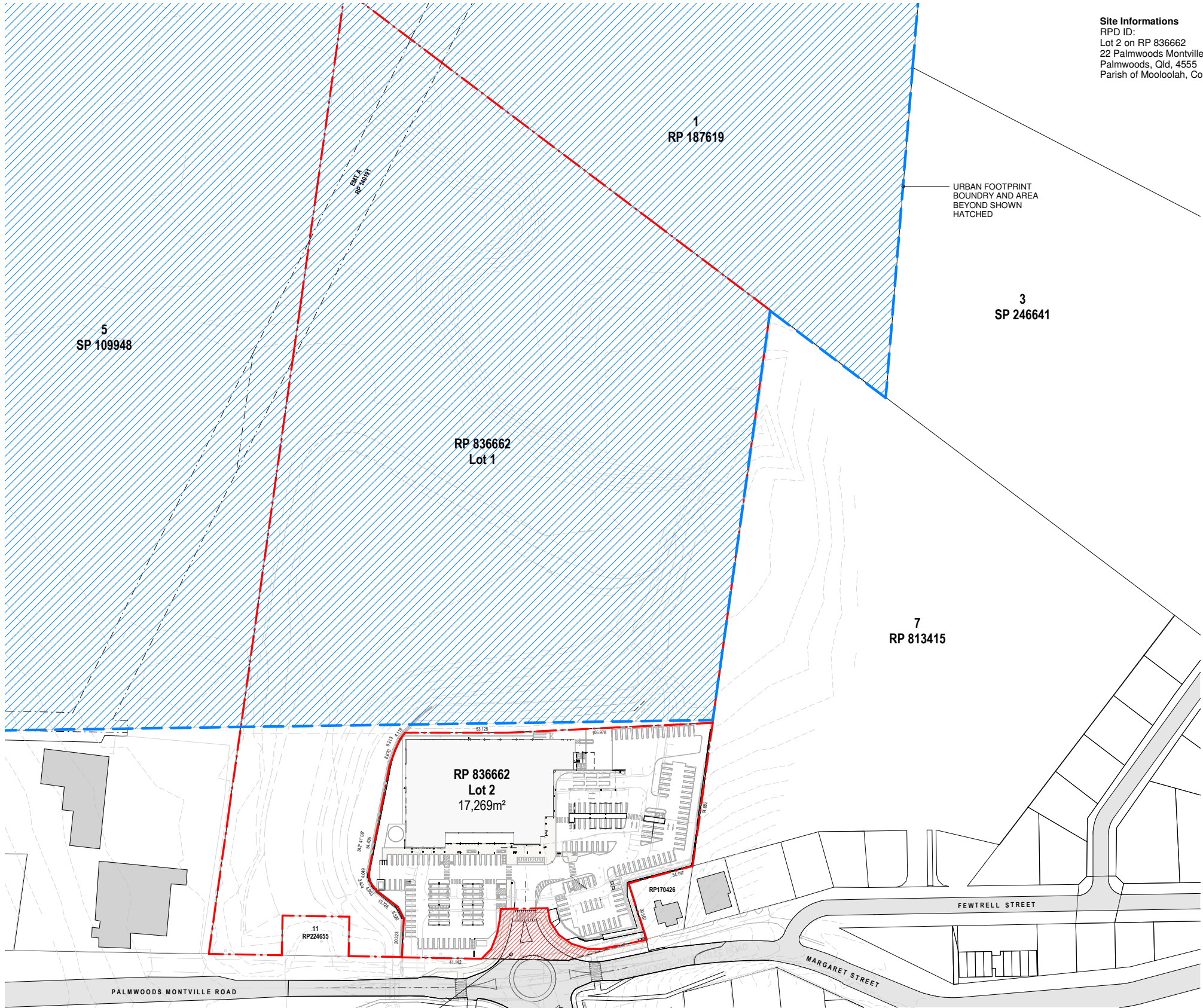
COLES PALMWOODS

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MODIFIED SITE
BOUNDARY: 965m²



LOT PLAN



Site Information
RPD ID:
Lot 2 on RP 836662
22 Palmwoods Montville Road
Palmwoods, Qld, 4555
Parish of Mooloolah, County of Canning

URBAN FOOTPRINT
BOUNDARY AND AREA
BEYOND SHOWN
HATCHED

7
RP 813415

3
SP 246641

RP 836662
Lot 1

RP 836662
Lot 2
17,269m²

11
RP 224655

1
RP 187619

5
SP 109948

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COLES PALMWOODS

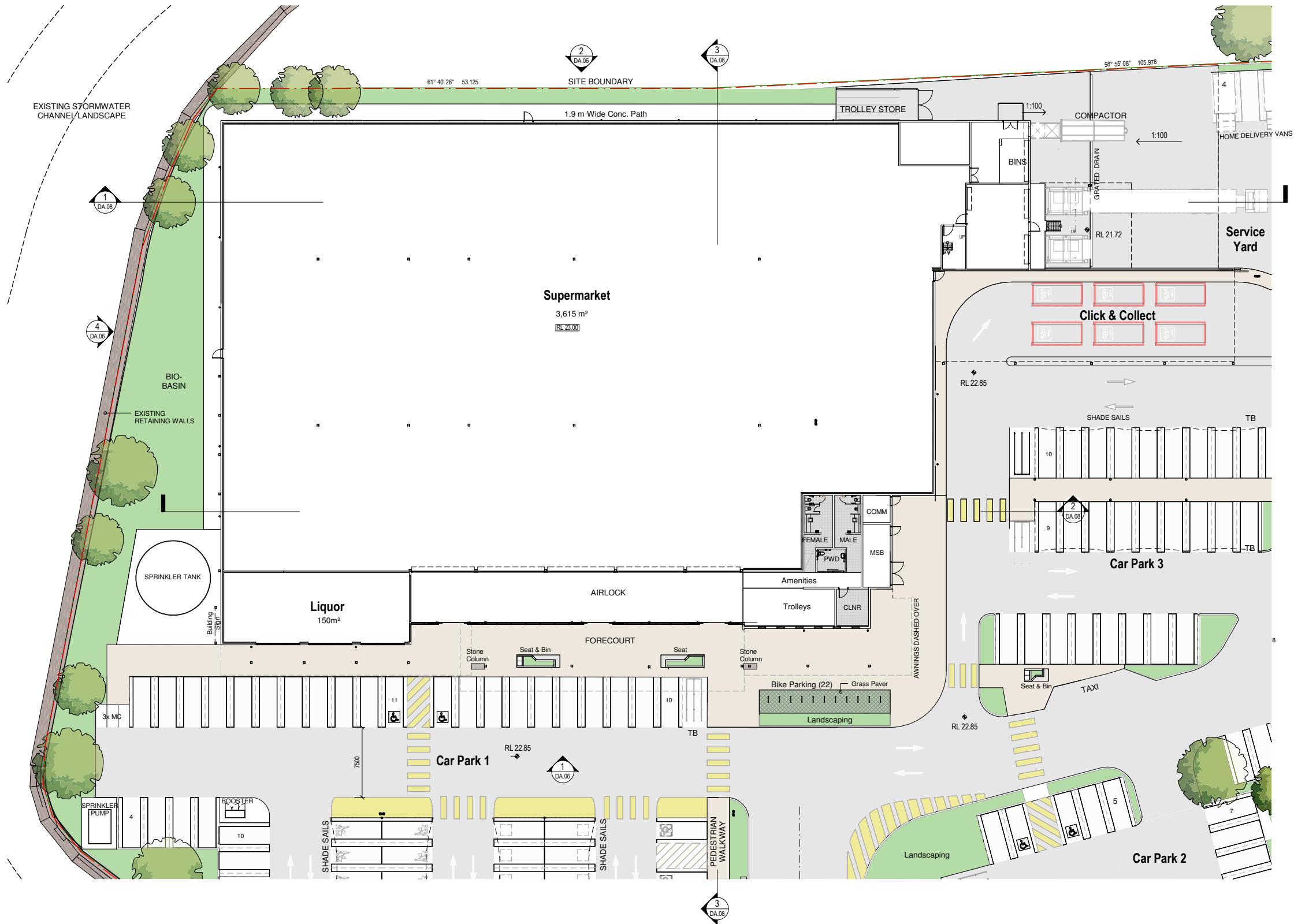
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SITE PLAN

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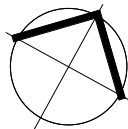
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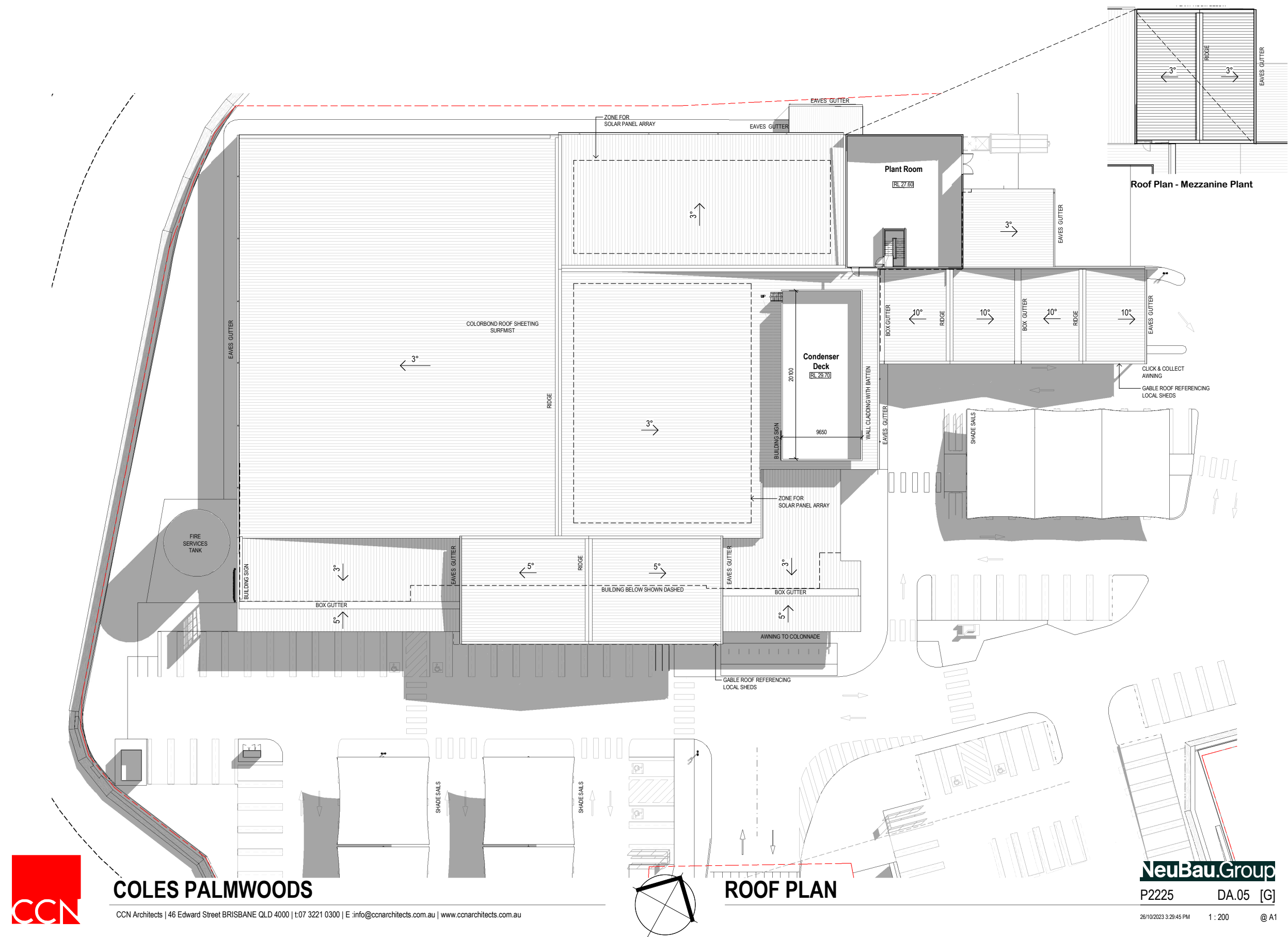


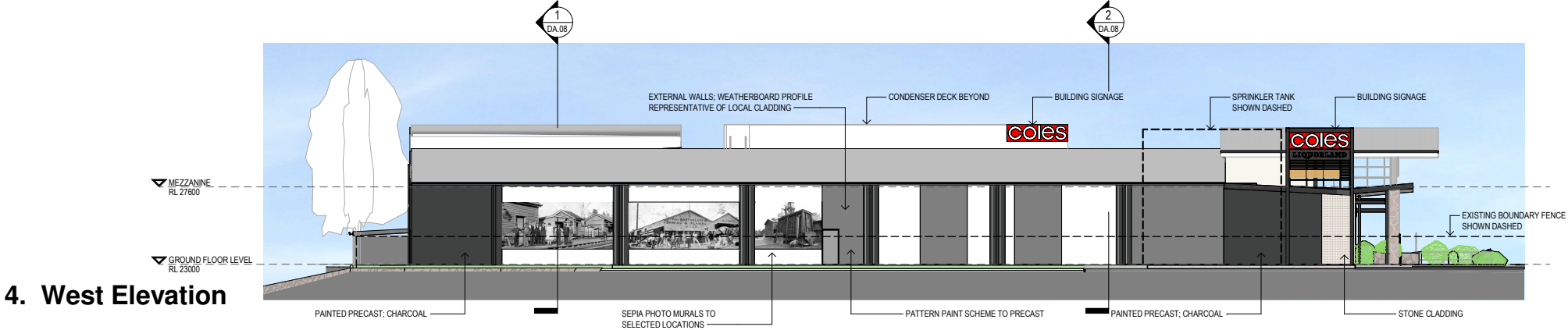
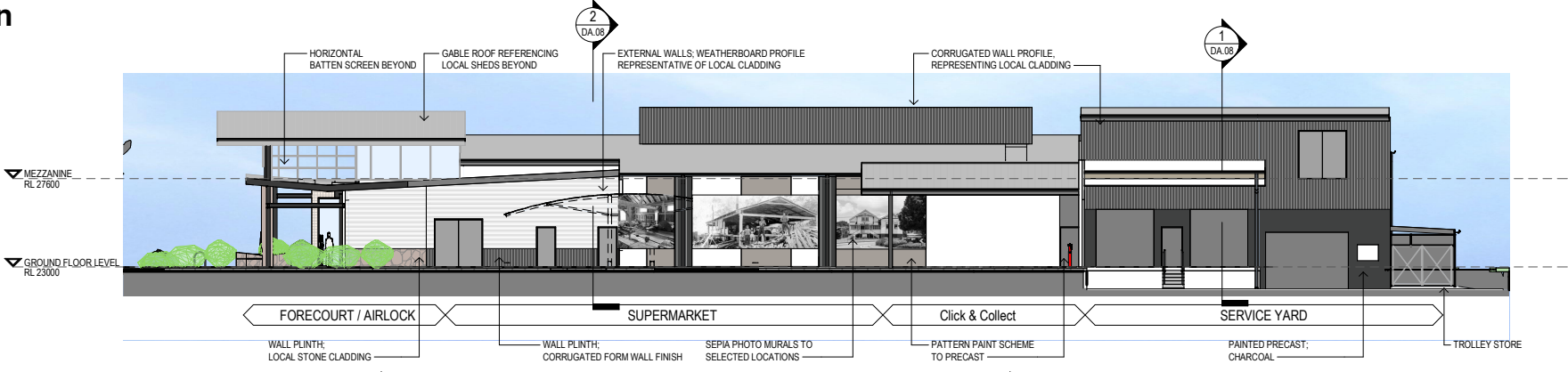
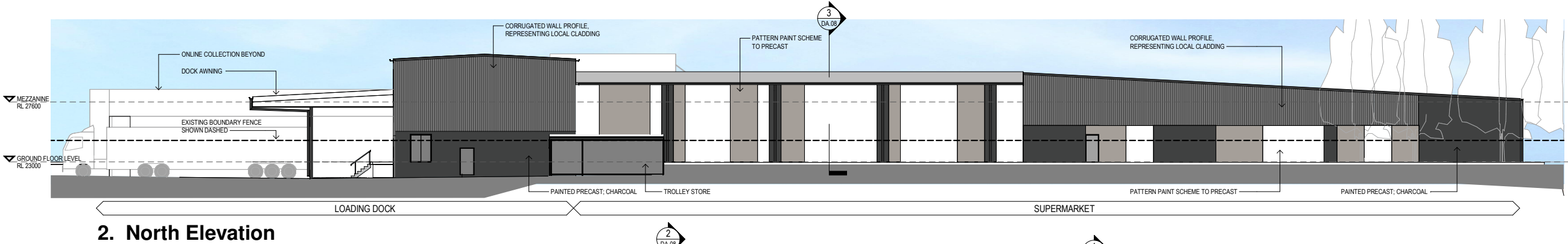
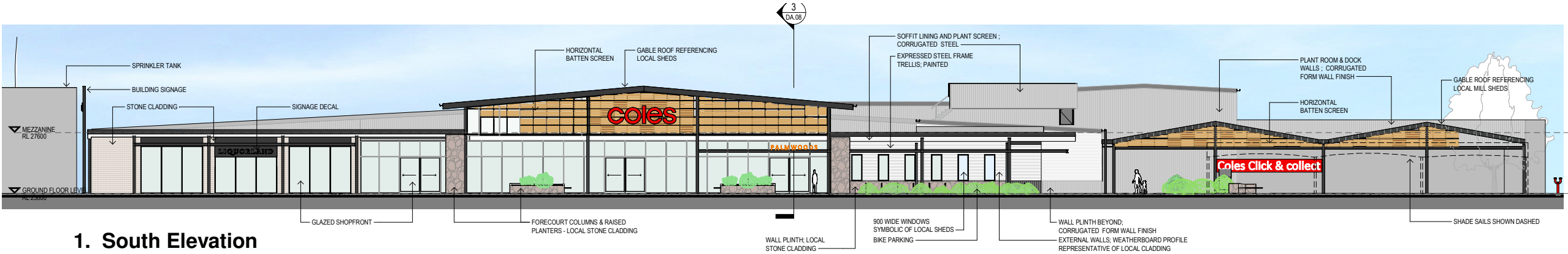
FLOOR PLAN

NeuBau.Group

P2225 DA.04 [H]

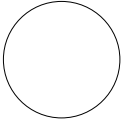
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BUILDING ELEVATIONS

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P2225 DA.06 [E]

20/10/2023 2:28:42 PM 1 : 150 @ A1

PRECEDENT: RURAL INDUSTRY,
GABLE FORM, LOCAL MATERIALS,
SIMPLE, BOLD CONSTRUCTION

PRECEDENT: DOMESTIC SCALE
GABLE & AWNING FORM, LOCAL MATERIALS,
FINER DETAILING

HISTORY

RURAL INDUSTRY:
GABLE FORM, SIZE DICTATED BY
TIMBER SPANS,
PLAN FORM DICTATED BY EQUIPMENT
COVERED E.G. SAWMILL

COMMERCIAL SCALE:
BALANCED VOLUMES,
MORE REFINED DETAILING

SCALE

FORM

SIMPLE, STRONG GEOMETRY OF
THE GABLE FORM IS EASILY
RECOGNISED & ACCEPTED

REPETITIOUS USE OF THE GABLE
FORM SPEAKS TO ITS UNIVERSALITY IN
TRADITIONAL & MODERN SETTINGS

MATERIALITY

PRIMARY PALETTE:
TIMBER, CORRUGATED STEEL,
WEATHERBOARD

SECONDARY PALETTE:
STRUCTURAL STEEL, STONE

FINISHES

WEATHERBOARDS
(TEXTURE FACED CONCRETE) +
PAINT FINISH
CREAM
(MELALEUCA RANGE)

VERTICAL
CORRUGATED
STEEL
COLORBOND
SURFMIST
COLORBOND
COVE
(SWB, COMMS)
(RAINFOREST
RANGE)

GALVANISED STEEL
COLUMNS

HARDWOOD COLUMN
INSERTS & PERGOLA.

MATCHING PLYWOOD EFFECT
TO AWNING SOFFITS

CUT STONE TILING TO
COLUMNS & PLINTHS
(MELALEUCA RANGE)

CHARCOAL PAINT TO
INCIDENTAL & SHADOW
AREAS

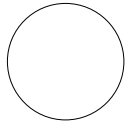
LOCAL STONE TO RETAINING
WALLS & LANDSCAPE FEATURES

USING A SIMPLE & LIMITED LOCAL PALETTE
WITH THE DOMINANT GABLE & AWNING
FORMS, AN INDUSTRIAL-RURAL AESTHETIC CAN
BE CRAFTED TO ENCLOSE THE NEW DEVELOPMENT.



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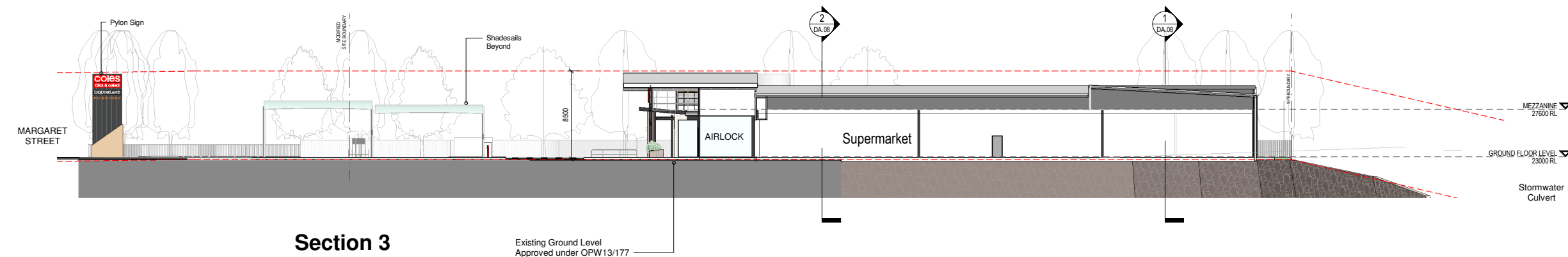
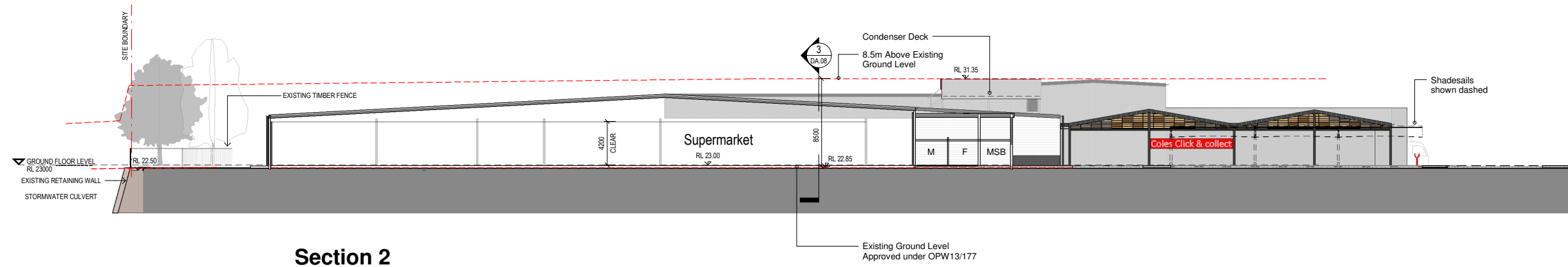
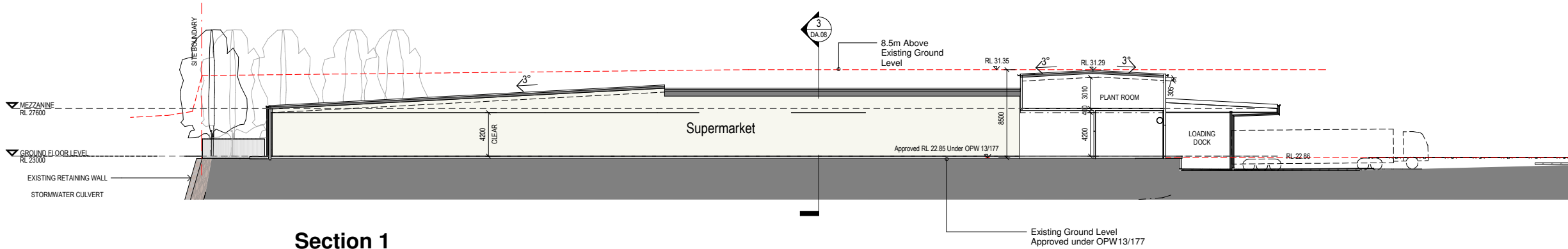


CONTEXT & FINISHES SCHEDULE

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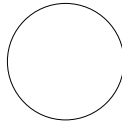
P2225 DA.07 [A]

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SITE & BUILDING SECTIONS

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P2225 DA.08 [F]

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Forecourt & Colonnade

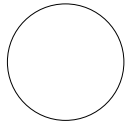


Colonnade / Click & Collect



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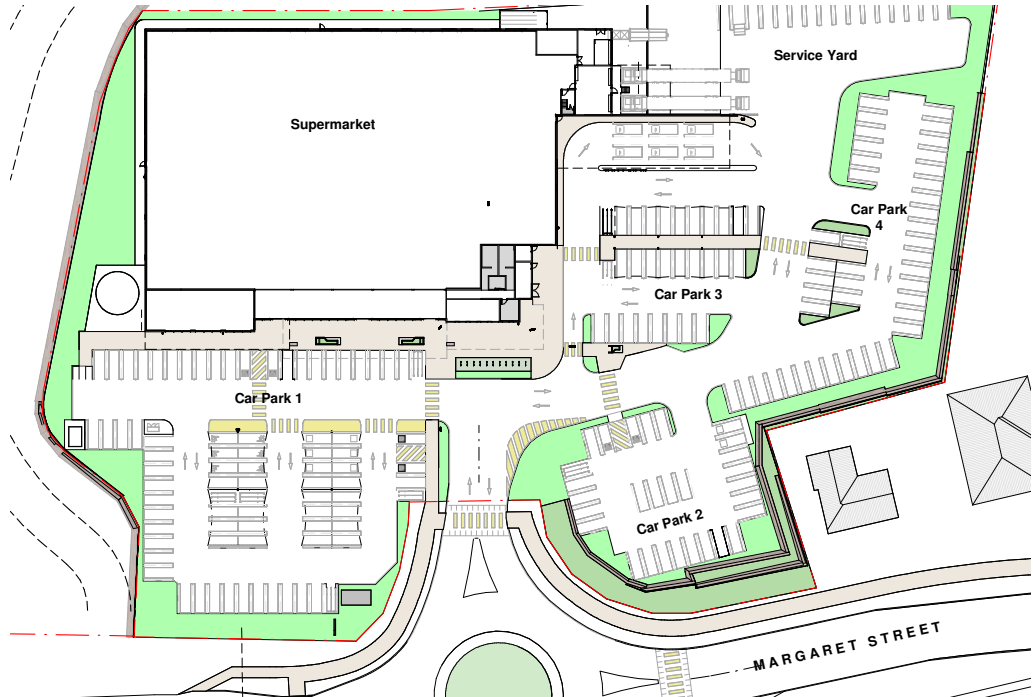
3D VIEWS

NeuBau.Group

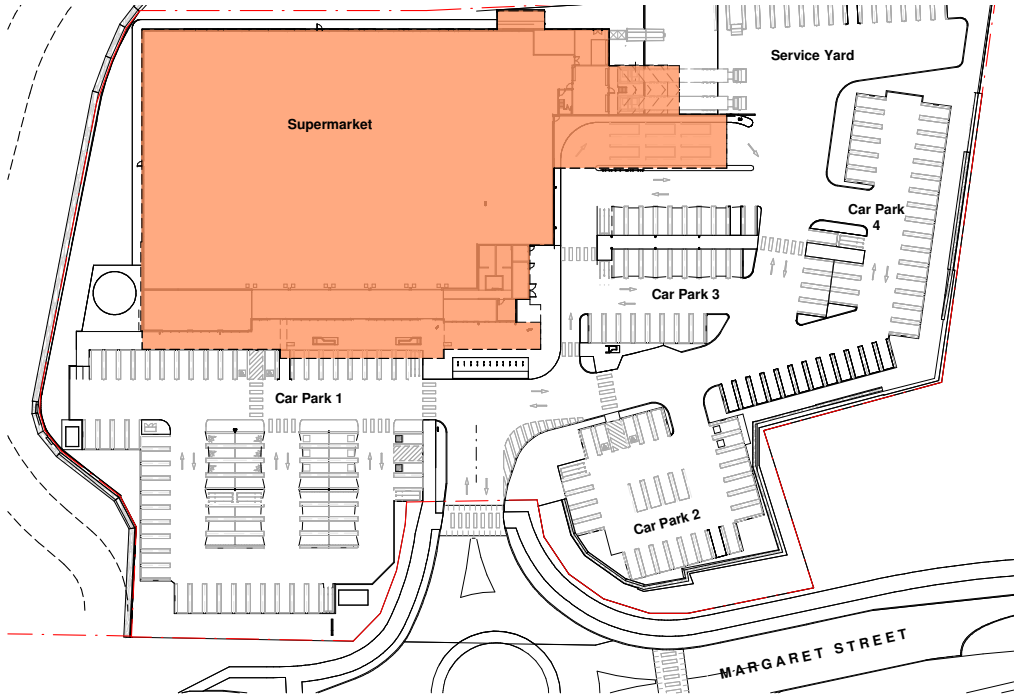
P2225 DA.09 [C]

27/10/2023 9:50:32 AM

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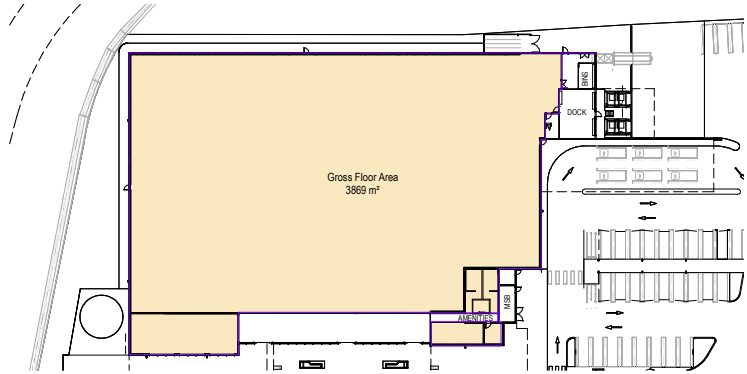
Landscape Area Plan



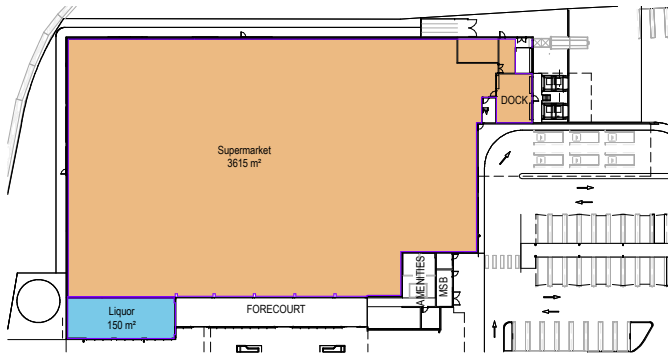
Site Cover Plan

Site Summary

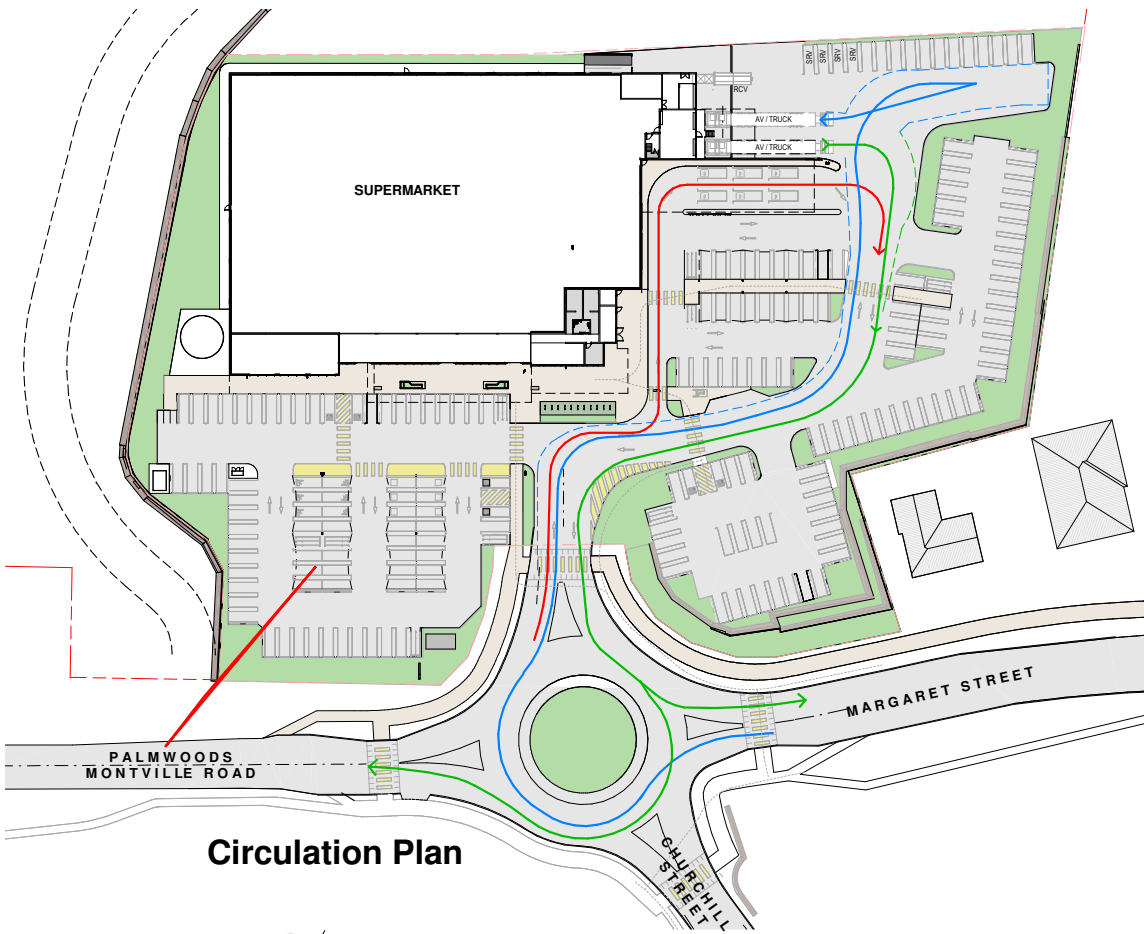
RPD ID: Lot 2 on RP 836662 22 Palmwoods Montville Road Palmwoods, Qld, 4555 Parish of Mooloolah, County of Canning	
Site Area	16,690 m²
Road Resumption	965 m²
Landscape Area	2,540 m² (15.2%)
Site Cover	5,122 m² (30.7%)



Gross Floor Area



Gross Lettable Area - Retail



Circulation Plan

Circulation Legend

PEDESTRIAN	PEDESTRIAN
CUSTOMER / CLICK & COLLECT	CUSTOMER / CLICK & COLLECT
TRUCK / AV ENTRY (CLEAR ZONE DASHED)	TRUCK / AV ENTRY (CLEAR ZONE DASHED)
TRUCK / AV EXIT (CLEAR ZONE DASHED)	TRUCK / AV EXIT (CLEAR ZONE DASHED)

GFA Summary

Gross Floor Area	3869 m²
GFA DEFINITION - PLANNING SCHEME 2014 AMDT AUG. 2020 The total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:- (a) building services, plant and equipment; (b) access between levels; (c) ground floor public lobby; (d) a mall; (e) the parking, loading and manoeuvring of motor vehicles; (f) unenclosed private balconies whether roofed or not.	

GLAR Summary

Tenancy	Area m²
Supermarket	3615 m²
Liquor	150 m²
TOTAL	3765 m²

GLAR DEFINITION - PROPERTY COUNCIL OF AUSTRALIA
Measured from the internal finished surface of the dominant portion of external walls excluding: public spaces, delivery docks, stairs, toilets, service cupboards

Car Park Summary

Standard Bays	161
Staff Bays	12
PWD Bays	6
EV Bays	2
Seniors	3
Prms	6
Click & Collect	6
Taxi	1
Total	197
Motorcycles	3
Car Ratio	5.2 cars / 100m² GFA
Required: 5.0 cars / 100m² GFA (Total Cars Required : 195)	

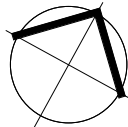
Service Vehicle Summary

Dock AV	2
Compactor RCV	1
Home Delivery	4



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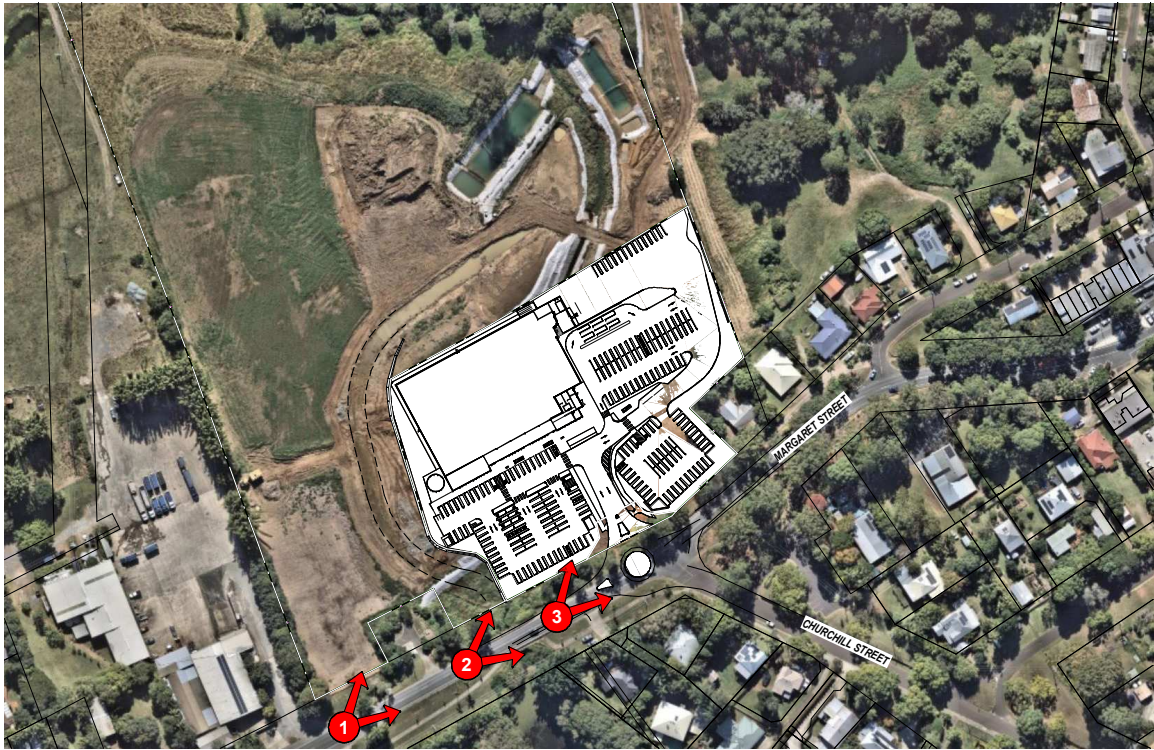


DEVELOPMENT STATISTICS

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P2225 DA.10 [G]

26/10/2023 3:45:33 PM As indicated @ A1



Key Plan



View 1



View 2

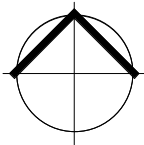


View 3



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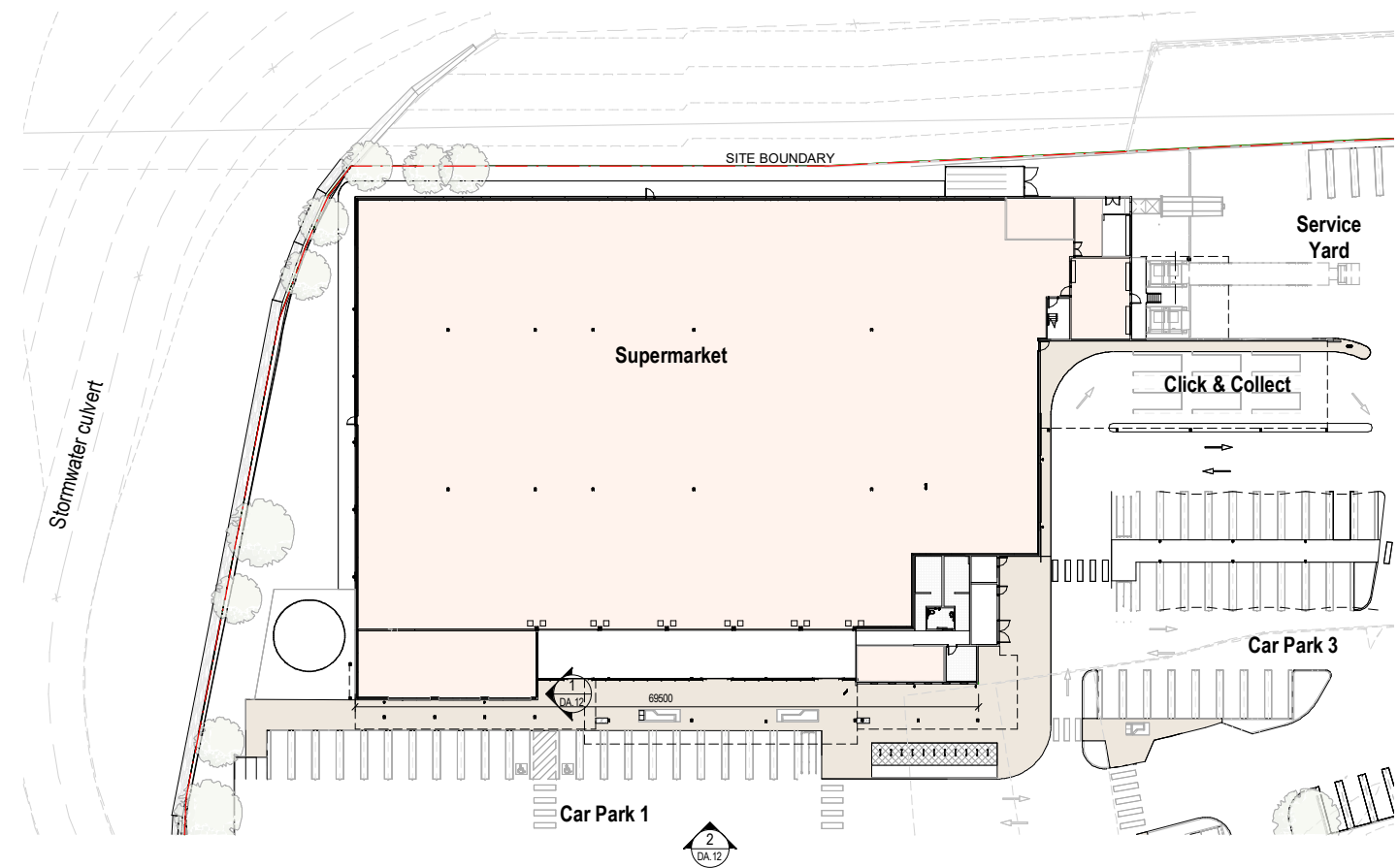


VISUAL IMPACT ASSESSMENT

NeuBau.Group

P2225 DA.11 [C]

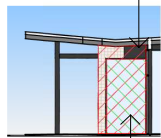
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SUMMARY - Facade Glazing

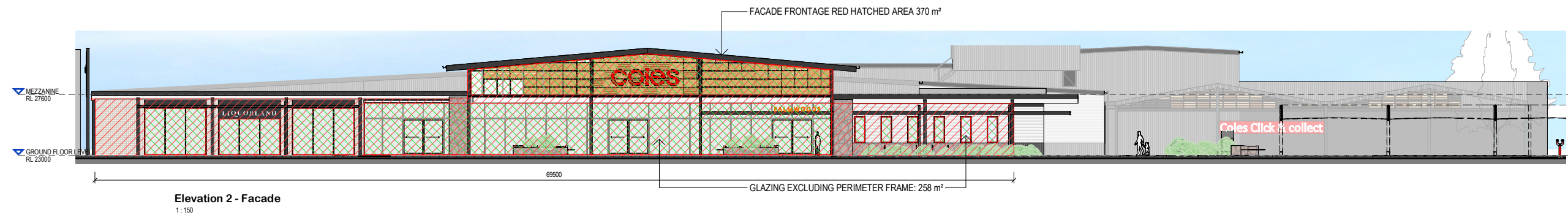
FACADE FRONTAGE AREA	379 m ²
CLEAR GLAZED AREA	264 m ²
CLEAR GLAZED AREA PERCENTAGE	69.5%

FACADE FRONTAGE RED
HATCHED AREA 9 m²



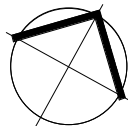
GLAZING EXCLUDING
PERIMETER FRAME: 6 m²

Elevation 1 - Nib Wall
1:150



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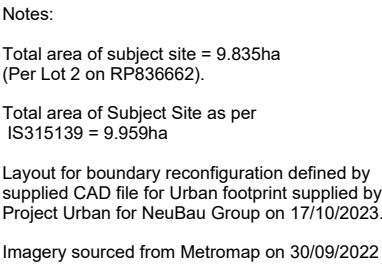


FACADE GLAZING

NeuBau.Group

P2225 DA.12 [B]

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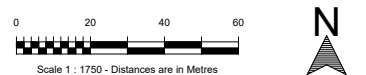


Note:

This plan was prepared as a desktop proposed lot reconfiguration only and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and the requirements of Council and any other authority which may have requirements under the relevant legislation. In particular, no reliance should be placed on the information for financial dealings involving the land.

Lot boundaries were marked at the time of survey and have been derived from survey plan's RP836662 IS241775, RP813415, SP109948 & IS315139.

This note is an integral part of the plan.



ISSUE/REVISION		
F	08/12/23	Amended Lot Layout
E	27/06/23	Urban Footprint Line Added
D	25/06/23	Amended Lot Layout
C	13/10/22	Plan Rotated
B	12/10/22	Updated Plan
A	30/09/22	Issued to Client
Rev	Date	Revision Details



CLIENT



PROJECT
Proposed Development
Lot 2 on RP836662

22 Palmwoods Montville Road
Palmwoods, Qld, 4555

DESCRIPTION

Proposal Plan

Lot Reconfiguration/ 1 into 2 Lots

PROJECT DATUM

Horizontal Datum : MGA94 z56
Vide PSM: 101947

Level Datum : AHD D RL: 23.330
Vide PSM: 101947

Local Authority : Sunshine Coast Regional Council

DRAWING INFORMATION

Surveyed : -	Project No : M4604
Drawn : CB	Ref No : 6002-CAD-2
Checked : MK	Date of Survey : 8/12/23

CONTOURS

Major : -	Scale @ A3 : 1 : 1750
Minor : -	Date: 30/09/22

DRAWING NUMBER

M4604 6002 002

Sheet No. 1 of 2 Revision : F



Notes:

Total area of subject site = 9.835ha
(Per Lot 2 on RP836662).

Total area of Subject Site as per
IS315139 = 9.959ha

Layout for boundary reconfiguration defined by
supplied CAD file for Urban footprint supplied by
Project Urban for NeuBau Group on 17/10/2023.

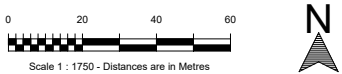
Imagery sourced from Metromap on 30/09/2022

Note:

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ISSUE/REVISION	
F	08/12/23 Amended Lot Layout
E	27/06/23 Urban Footprint Line Added
D	25/06/23 Amended Lot Layout
C	13/10/22 Plan Rotated
B	12/10/22 Updated Plan
A	30/09/22 Issued to Client
Rev	Date
Revision Details	



CONSULTING
CADASTRAL
ENGINEERING
AND MINING
SURVEYORS

ABN 35 609 674 875

admin@minstaffsurvey.com

+61 7 4637 9790



CLIENT



PROJECT	
Proposed Development Lot 2 on RP836662	
22 Palmwoods Montville Road Palmwoods, Qld, 4555	
DESCRIPTION	
Proposal Plan Lot Reconfiguration/ 1 into 2 Lots	
PROJECT DATUM	
Horizontal Datum :	MGA94 z56
Vide PSM:	101947
Level Datum :	AHD D RL: 23.330
Vide PSM:	101947
Local Authority :	Sunshine Coast Regional Council

DRAWING INFORMATION	
Surveyed :	-
Drawn :	CB
Checked :	MK
Date of Survey :	8/12/23
CONTOURS	
Major :	-
Minor :	-
Scale @ A3 :	1 : 1750
Date:	30/09/22

DRAWING NUMBER	
M4604 6002 002	
Sheet No. 2 of 2	Revision : F

RA6-N



SARA reference: 2307-35792 SRA
Council reference: MCU23/0178
Applicant reference: 22398

23 May 2024

Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre QLD 4560
mail@sunshinecoast.qld.gov.au

Attention: John Alderson

Dear John

SARA referral agency response—22 Palmwoods Montville Road, Palmwoods

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 20 July 2023.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	23 May 2024	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Material change of use for shopping centre Reconfiguring a lot (1 lot into 2 lots and new road)
SARA role:	Referral agency	

2307-35792 SRA

SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017) Reconfiguring a lot within 25m of a state transport corridor
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Material change of use within 25m of a state transport corridor
SARA reference:	2307-35792 SRA
Assessment manager:	Sunshine Coast Regional Council
Street address:	22 Palmwoods Montville Road, Palmwoods
Real property description:	Lot 2 on RP836662
Applicant name:	Neubau Holdings No 22 Pty Ltd A.C.N. 661 771 713 as Trustee Under Instrument 722186248
Applicant contact details:	C/- Project Urban PO Box 6380 Maroochydore BC QLD 4558 John.mckennarney@projecturban.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR23-039931 • Date: 22 May 2024 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at North.Coast.IDAS@tmr.qld.gov.au</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Matthew Holznagel, Principal Planning Officer, on 3452 7546 or via email SEQNorthSARA@dsdilgp.qld.gov.au who will be pleased to assist.

2307-35792 SRA

Yours sincerely



Danika Cowie
Principal Planning Officer

cc Neubau Holdings No 22 Pty Ltd A.C.N. 661 771 713 as Trustee Under Instrument 722186248 c/- Project
Urban, John.mckennarney@projecturban.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Vehicular access to a state-controlled road		
1.	<p>(a) The road access locations are to be located on Palmwoods – Montville Road, at the location of the New Road generally in accordance with the Proposal Plan Lot Reconfiguration / 1 into 2 Lots prepared by Minstaff Survey dated 8 December 2023, drawing number M4604 6002 002, revision F, as amended in red by SARA on 23 May 2024.</p> <p>(b) Road access works must be provided at each proposed access location and comprise:</p> <ul style="list-style-type: none"> (i) where no kerb and channel is provided along the road frontage, a rural driveway; or (ii) where kerb and channel is provided along the road frontage, a heavy duty – general wide flared driveway. <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (i) the Department of Transport and Main Roads Standard Drawing SD1807 – Rural Property Driveway Type A or IPWEA Standard Drawing RSD-102 – General wide flared; and (ii) Department of Transport and Main Roads Road Planning and Design Manual. 	<p>(a) At all times</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval</p>
2.	<p>(a) Any existing vehicular property access, that are not the road access locations identified in Condition 1, located between existing Lot 2 on RP836662 and Palmwoods - Montville Road must be permanently closed and removed.</p> <p>(b) The road verge between the pavement edge and the property boundary must be reinstated at no cost to the Department of Transport and Main Roads' in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual.</p>	Prior to submitting the Plan of Survey to the local government for approval
Material change of use		
10.9.4.2.4.1 – Material change of use near a state transport corridor— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Vehicular access to a state-controlled road		

2307-35792 SRA

3.	<p>The road access works required by condition 4 must be provided generally in accordance with the following plans:</p> <ul style="list-style-type: none"> i. Proposed External Works Plan, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M500 and revision E; ii. Proposed External Works Details Plan, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M501 and revision D; iii. Roundabout Grading Plan & Sections, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M502 and revision C; iv. Roundabout Grading Sections, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M503 and revision B; v. Palmwoods Montville Rd Longitudinal Section, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M520 and revision C; vi. Churchill St Longitudinal Section, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M521 and revision C; vii. External Intersection Swept Path Plan 1, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M600 and revision D; viii. External Intersection Swept Path Plan 3, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M602 and revision D; ix. External Intersection Swept Path Plan 4, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M603 and revision C; x. Crossing Sight Distance Plan 1, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M640 and revision C; xi. Crossing Sight Distance Plan 2, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M641 and revision A; xii. Crossing Sight Distance Plan 3, prepared by Covey Associates, dated 21 March 2024, reference 223277, sheet No. M642 and revision A; xiii. Margaret St Car Stopping Sight Distance Check, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M650 and revision C; xiv. Margaret St Truck Stopping Sight Distance Check, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M651 and revision C. 	<p>Prior to the commencement of use and to be maintained at all times</p>
4.	<p>(a) The road access location, is to be located generally in accordance with the Proposed External Works Plan, prepared by Covey Associates, dated 12 April 2024, reference 223277, sheet No. M500 and revision E.</p> <p>(b) Road access works (at the road access location) must be provided generally in accordance with Condition 3 and comprise:</p> <ul style="list-style-type: none"> i. a roundabout with four legs; ii. wombat crossings on each leg of the roundabout with splitter islands extending through each crossing to provide a central refuge for pedestrians; iii. pedestrian pathways on each leg of the roundabout including cycle kerb ramps and connecting the wombat crossings to existing pedestrian pathways on Palmwoods 	<p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use</p>

2307-35792 SRA

	<p>Montville Road;</p> <ul style="list-style-type: none"> iv. a concrete apron and mountable kerb on the northern side of the Churchill Street leg to facilitate left turns for articulated vehicles from Margaret Street into Churchill Street; v. embankment works on Margaret Street to improve sight lines; vi. vegetation clearing for the Margaret Street embankment and treatment to prevent vegetation regrowth; vii. provision for cyclists including on and off road transitions to be provided on the Margaret Street and Palmwoods Montville Road approaches and departures to and from the roundabout; viii. advanced warning signage on Margaret Street on approach to the roundabout; ix. reinstatement of any residential driveways impacted by the road access works; and x. dedication of land to road corridor where necessary to accommodate the road works with a verge width sufficient for service provision and pedestrian pathway. <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i. approved Design Exception Report prepared by PTT, dated 21 March 2024, approved 29 April 2024, reference 2023-24\24-082 22 Palmwoods Montville Road, Palmwoods, Palmwoods RFI\outputs\24-082 RPDM Design Exception Report.DOCX ii. Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition iii. Department of Transport and Main Roads' Road Safety Policy and iv. Queensland Manual of Uniform Traffic Control Devices. 	
5.	<ul style="list-style-type: none"> (a) Any existing vehicular property access, that is not the road access location identified in Condition 4, located between existing Lot 2 on RP836662 and Palmwoods - Montville Road must be permanently closed and removed. (b) The road verge between the pavement edge and the property boundary must be reinstated at no cost to the Department of Transport and Main Roads' in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual. 	Prior to the commencement of use
Landscaping		
6.	<ul style="list-style-type: none"> (a) The landscaping, including at establishment and full maturity, within and adjacent the state-controlled road corridor must be undertaken generally in accordance with the following plan: Landscape Concept Plan prepared by Project Urban dated 30 October 2023, Revision E detail as amended in red by SARA on 23 May 2024 to require: <ul style="list-style-type: none"> i. landscaping within the centre island of the road access roundabout must not exceed 0.5m in height and must not obstruct sight lines; ii. plants, including canopies, are to be located so as not to impede pedestrians and cyclists on the state-controlled road including the pathway; iii. plant location and species choice must not obstruct sight lines; 	Prior to the commencement of use and to be maintained at all times

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	<ul style="list-style-type: none"> iv. adequate vertical clearance for road users including pedestrians and cyclists must be provided; v. plant species, including roots, must not damage the road pavement or include fruit, seeds or large quantities of flowers, bark or leaf drop within the traffic lane, road shoulder or pathway; vi. located to be setback from and not conflict with any services, utilities or overhead electrical and lighting infrastructure. <p>(b) Any landscaping identified in part (a) must be provided in accordance with the Department of Transport and Main Roads'</p> <ul style="list-style-type: none"> i. Road Planning and Design Manual, 2nd Edition; ii. Road Landscape Manual; and iii. Technical Note 197 Provision of Shade Along Paths. 	
Road works on a state-controlled road		
7.	<p>(a) Road works must be provided at the Margaret Street (Woombye –Montville Road) and Jubilee Drive intersection generally in accordance with Jubilee Dr Roadworks Plan, prepared by Covey Associates, dated 15 April 2024, reference 223277, sheet No. SK030 and revision C comprising:</p> <ul style="list-style-type: none"> i. provide two stand up departure lanes to create a short auxiliary left turn lane and a right turn lane; and ii. a pedestrian refuge. <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition; ii. Department of Transport and Main Roads' Road Safety Policy; iii. Queensland Manual of Uniform Traffic Control Devices; and iv. Sunshine Coast Regional Council standards. 	Prior to the commencement of use
8.	<p>(a) Road works must be provided at the Woombye – Montville Road and Chevallum Road intersection generally in accordance with the Chevallum Roadworks – Option 1 Plan, prepared by Covey Associates, dated 26 March 2024, reference 223277, sheet No. SK035 and revision B comprising:</p> <ul style="list-style-type: none"> i. Provision of two stand up lanes on Chevallum Road with a right turn lane departure and a Channelised Left Turn Lane (CHL) departure lane. <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition; ii. Department of Transport and Main Roads' Road Safety Policy; and iii. Queensland Manual of Uniform Traffic Control Devices. 	Prior to the commencement of use
Filling and excavation		
9.	<p>(a) Any excavation, filling/backfilling/compaction, retaining structures, and other works involving ground disturbance must not:</p> <ul style="list-style-type: none"> i. encroach upon or de-stabilise or cause damage to the state-controlled road, including all transport infrastructure or the land supporting this infrastructure, or cause similar 	<p>(a) At all times</p> <p>(b) Within 20 business days of the completion</p>

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	<p>adverse impact;</p> <p>ii. adversely impact on the state-controlled road through the addition or removal of lateral loads or additional surcharge load;</p> <p>iii. adversely impact on the state-controlled road through groundwater seepage or disturbance.</p> <p>(b) Submit RPEQ certification with supporting documentation to the North Coast Region within the Department of Transport and Main Roads (via North.Coast.IDAS@tmr.qld.gov.au), confirming that the development has been designed and constructed in accordance with part (a) of this condition.</p>	of works
Stormwater management		
10.	The stormwater management must be undertaken generally in accordance with section 3 of the Stormwater Management Plan prepared by Covey Associates, dated June 2023, reference 223277, report No. 200111, revision A as amended in red by SARA on 23 May 2024.	Prior to the commencement of use and to be maintained at all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
Public passenger transport	
2.	<p>The existing bus stop, 'Chevallum Rd, opposite Duck Pond hail n ride, Palmwoods (Sunshine Coast Regional)' (ID: 320758) is no longer used by the Department of Transport and Main Roads' Translink Division or school bus operators. Therefore, this referral agency response does not require the retention or relocation of the bus stop or the associated infrastructure (shelter and hardstand).</p> <p>The bus stop shelter and hardstand are local government assets. The applicant should therefore consult with Sunshine Coast Regional Council about whether this infrastructure should/can be removed.</p>
3.	<p><u>Construction Management</u></p> <p>The existing bus existing bus stops, 'Jubilee Dr near Woombye Palmwoods Road, Palmwoods (Sunshine Coast Regional)' (ID: 302141), will be impacted by the development. This bus stop needs to function and pedestrian access to this facility maintained during the construction of the road works. Accordingly, if any temporary bus stop and pedestrian access arrangements are required, the applicant will need to reach agreement on suitable arrangements with the Department of Transport and Main Roads' TransLink Division (bus_stops@translink.com.au or on 3851 8700) prior to the works commencing.</p>
Further permits required	
4.	<p><u>Railway corridor</u></p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or that otherwise interfere with the railway or its operations.</p> <p>The proposed road upgrade works at the intersection of Chevallum Road and Palmwoods Montville Road shown on Chevallum Roadworks – Option 1, prepared by Covey Associates Pty Ltd, dated 26/03/2024, drawing number SK035 and issue B, are located close to, and may be located within, the railway corridor for the North Coast line. In particular, the road widening/kerb realignment may extend into the railway corridor and these works may also necessitate the relocation of the adjacent rail bridge camera. The works are also located adjacent to a railway corridor maintenance access gate. Access to this gate will need to be available at all times during construction and after completion of the works.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the railway manager.</p> <p>The applicant should contact the railway manager (Queensland Rail) in relation to the above works and to obtain the necessary approvals.</p>
5.	<p><u>Road works approval</u></p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (TMR's) to carry out road works on a state-controlled road prior to the works commencing. Please contact TMR on North.Coast.IDAS@tmr.qld.gov.au with the completed application form and supporting information to make an application for road works approval. As part of the application process detailed engineering designs the proposed works, certified by a Registered Professional Engineer of Queensland will be required. The detailed design must demonstrate how the</p>

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	<p>proposed works will comply with TMR's Road Planning and Design Manual, 2nd Edition (RPDM), technical standards and policies.</p> <p>To ensure that gaining approval does not delay construction please contact TMR as soon as possible. Further information on applying for road works approval is available here: www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-mattersrequiring-approval#roadworks</p>
6.	<p><u>Road Corridor Permit</u></p> <p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads via the Customer Portal to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>
7.	<p><u>Public utility works and connection approval</u></p> <p>The applicant is advised that if any works and/or connections are required to public utility services within a state-controlled road reserve, approval must be given by the Department of Transport and Main Roads under the relevant public utility legislation (electricity, water/sewer, telecommunication), and in accordance with TMR technical standards (TN163). Approvals must be obtained prior to commencing any utility works within the state-controlled road reserve. Please contact the public utility team via northcoast@tmr.qld.gov.au for further information on the application and approval process.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The application is for a development permit for a material change of use of premises for shopping centre and a development permit for reconfiguring a lot from 1 lot into 2 lots and new road.
- The development is located at 22 Palmwoods Montville Road, Palmwoods, also known as Lot 2 on RP836662.
- The proposed development is located within 25m of state-controlled road (Palmwoods Montville Road).
- SARA has assessed the development application against the State Development Assessment Provisions (SDAP), version 3.0, specifically, State code 1: Development in a state-controlled road environment.
- SARA finds that the development can comply with State code 1 subject to conditions to ensure:
 - o the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
 - o impacts on the safety and efficiency of the state transport network are minimized through appropriate mitigation works
 - o landscaping does not affect the safety of the state transport network
 - o earthworks are undertaken in an appropriate manner so as not to adversely affect the state transport network
 - o stormwater is appropriately managed to avoid adverse impacts on the state transport network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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13 November 2023

Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre QLD 4560

Attention: John Alderson

Via email: mail@sunshinecoast.qld.gov.au



positive energy

Cc Neubau Holdings No 22 Pty Ltd Tte
c/- Project Urban
PO Box 6380
Maroochydore QLD 4558

Attention: John McKennariey

Via email: John.McKennariey@projecturban.com.au

Dear Sir/Madam,

**Amended Referral Agency Response – Development Permit for a
Material Change of Use (Shopping Centre) and Reconfiguring a Lot (1
into 2 Lots, New Road and Drainage Reserve) at 22 Palmwoods-
Montville Road, Palmwoods (Lot 2 on RP836662 Por 23)**

Council Ref: MCU23/0178 & RAL23/0059

Applicant Ref: 22398

Our Ref: 13591109-14850392

We refer to the abovementioned Development Application, to which Energex provided a referral agency response on 24 July 2023 (Ref. 13591109-13576654). Energex has since been notified of changes to the Development Application made in response to Council's information request. We provide this amended referral agency response in acknowledgement of these changes.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use and Reconfiguration of a Lot, Energex advises the following in relation to the development:

1. The development is to be carried out in accordance with the plans identified below. Any changes to these plans should be resubmitted to Energex for further review and comment.

Approved Plans			
Title	Plan Number	Issue	Date
Proposal Plan Lot Reconfiguration / 1 into 2 Lots	M4604 6002 002 Sheets 1 & 2	F	8 December 2023



Enquiries

Benjamin Freese

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26 Reddacliff Street,

Newstead QLD 4006

GPO Box 1461

Brisbane Qld 4001

Telephone (07) 3664 4001

Facsimile (07) 3025 8301

www.energex.com.au

Energex Limited

ABN 40 078 849 055

Reference: 13591109-14850392

2. The conditions of any easements in favour of Energex must be maintained at all times.

Should you require further information regarding this matter, please contact the undersigned on 0455 403 399 or townplanning@energex.com.au.

Yours faithfully,



Benjamin Freese
Town Planner

Encl. Proposal Plan Lot Reconfiguration / 1 into 2 Lots, M4604 6002 002, Rev. F

Reference: 13591109-14850392

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.energex.com.au/referralagency

