

# *Development Watch Inc*

PO Box 1076, Coolum Beach, QLD, 4573



ABN 53 627 632 278

[www.developmentwatch.org.au](http://www.developmentwatch.org.au)

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25 August 2016

The Chief Executive Officer  
Sunshine Coast Council  
By Email: [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)

Dear Sir,

**NOTICE OF SUBMISSION -**  
**MCU15/0298; OPW 15/0796 & REC 15/0233**  
**At 39 BARNS LANE, COOLUM BEACH**

Development Watch Inc. is an incorporated Association whose primary aim is to prevent inappropriate development in the Coolum area and to monitor planning and decision-making processes to ensure that all local planning and relevant State Government laws are properly adhered to.

We recommend Council reject this Application. Our reasons for this recommendation are elaborated in our following submission.

Development Watch believes there are insufficient grounds for Council to approve the proposal due to a conflict with Maroochy Plan 2000. Our concerns as a result of this conflict are raised by way of our objections set out below.

Development Watch accepts that, under certain circumstances, Council may approve an Application that conflicts with MP2000. Any departure from the Planning Scheme must of course be justified by the Applicant demonstrating to Council that there are sufficient grounds for that departure. The Sustainable Planning Act (SPA) requires that Council's

decision on an Impact Assessable Application must not “*conflict with* [the planning scheme], *unless ... there are sufficient grounds to justify the decision, despite the conflict.*”<sup>1</sup> “*Grounds*” are defined as “*matters of public interest*” but do not include “*the personal circumstances of an applicant, owner or interested party.*”<sup>2</sup>

If Council does resolve to approve the Application despite the conflict with MP2000, then it must publish in its Decision Notice “*the reasons for the decision, including a statement of the sufficient grounds ...*”<sup>3</sup>

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<sup>1</sup> *Sustainable Planning Act 2009* (SPA), s326(1)(b).

<sup>2</sup> SPA Schedule 3, Dictionary.

<sup>3</sup> See SPA s335(1)(n).

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DATED 22 JULY 2016**

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## **PART A - INTRODUCTION**

Bunnings Group Limited (the Applicant) has lodged:

1. A Development Permit for a Material Change of Use for:
  - (a) Showroom, Garden Centre & Restaurant (for a Bunnings Warehouse of 5,850m GFA including internal café);
  - (b) Convenience Restaurant approx. 300 sqm GFA; and
  - (c) Service Station approx. 300 sqm GFA;
2. Development Permit for Reconfiguration of a Lot (1 lot into 4 lots and access easements);
3. Development Permit for Operational Work (placing advertising devices namely, signage x 9 (freestanding (1 x pylon) and flush wall(8)); and
4. Preliminary approval for building works and operational works;  
  
on vacant land at 39 Barns Lane, Coolum Beach.

There are no current approvals attached to the land.

The Applicant has placed considerable reliance on a prior approval to a former owner of the site and the Judgment of Alan Wilson SC, DCJ handed down on 12 September 2003 in relation to an Appeal against that approval. Development Watch strongly believes this prior approval is completely irrelevant as it did not contain a Bunnings or a big box development and in any event, it has now lapsed.

The Judgment of Alan Wilson SC, DCJ well precedes the Judgment of Dodds DCJ handed down on 7 March 2007. Dodds DCJ refused a Bunnings for this site and would have taken the prior Judgment of Alan Wilson SC, DCJ into account when handing down his Judgment on 7 March 2007. In fact, Dodds DCJ refers to Alan Wilson's Judgment in his Judgment.

The Applicant purchased the site in 2011 despite the refusal by the Court in 2007 for a Bunnings on the site.

Council should therefore consider this current proposal in isolation of any prior approval and the latter Judgment of Dodds DCJ rejecting a Bunnings for this site is very relevant.



## PART B – PLANNING

### **B.1 USE**

#### **B.1.1 Land Use Definition Issues**

This Application proposes a “showroom” of 5,850 sqm. We do not agree that a Bunnings store is a “showroom”.

In the Judgment handed down by Dodds DCJ in the Planning & Environment Court of Queensland on 7 March 2007 (**Annexure “A”**) it states:

*“The proposed Bunnings store fits much more readily into the definition of **“shop”** in MP2000, albeit one that operates like a large supermarket, except that it does not display and sell food. It comprises “premises for the display and retail sale of goods to members of the public **and is not a showroom as defined.** Although a significant area of space may be occupied by bulky goods, it is not premises used for the display and/or retail sale of goods primarily of a **bulky nature.**”*

Available definitions of “showroom” include:

MP2000	<i>“...the display and/or retail sale of goods (not including food items) <b>primarily of a bulky nature</b>”</i>
Internet	<i>“a room used to display goods for sale, such as <b>appliances, cars or furniture</b>”</i>
Collins Dictionary	<i>“a room in which goods, such as <b>cars, are on display</b>”</i>
Oxford Dictionary	<i>“A room used to display goods for sale, <b>such as appliances, cars, or furniture</b>”</i>
Sunshine Coast Planning Scheme	<i>“Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight... Examples include: <b>Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies</b> <u>Does not include:</u> <b>Food and drink outlet, shop, outdoor sales</b>”</i>

If one looks at the category of the recommended uses for the site under the MP2000 namely:

- showrooms
- indoor recreation or indoor sports centre
- outdoor recreation
- government facilities” (Cl.3.11.4(7),

it is evident that a Bunnings store or a “big box development” does not fit into the same category.

At the time of the formulation of the MP2000, which would have been carried out over several years before its signing off, big box developments were quite rare on the Sunshine Coast. This is also confirmed by the Applicant’s repeated statements in its Applicant and supporting documents that Bunnings stores are a “...*relatively recent innovation in Australian retailing...*” and we submit that it was highly unlikely that big box developments were taken into consideration when the MP2000 was formulated. If it was intended that a hardware store was appropriate for this site, it would not have been a big box Bunnings store.

**The Coolum West Gateway precinct** provisions state that the criteria for this site should include, amongst other things:

- *buildings set within well-landscaped grounds;*
- *car parking located behind the buildings and not visible from the Sunshine Motorway and the Yandina-Coolum Road which forms the main entrance into the township;...*

With all due respect, buildings set within well landscaped grounds with carparking behind buildings ... **at an important entry into a township** would not be viable for a Bunnings store. It is **unrealistic to think that a Bunnings store would not need exposure to the road and passing traffic.**

In the Sunshine Coast Council’s Request for Information dated 21 January 2016 Council refers to the proposal, amongst other things, as a “large hardware store”. There is no specific definition of “hardware store” in MP2000. It states in MP2000 “*Where any term is not defined in this Planning Scheme but is defined by the Integrated Planning Act or other relevant Act, the term has the meaning given it by that Act.*”

The Sunshine Coast Planning Scheme 2014’s defines *Hardware & Trade Supplies* as:

*“Premises used for the sale, display or hire of hardware and trade supplies including household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like.  
Does not include: .... Showroom ...”*

So in the existing Planning Scheme there are quite separate and distinctly different definitions for Showroom and Hardware Store.

### **B.1.2 Use Issues**

MP2000 states:

- **Strategic Plan s4.3.3 (Village Centres) dot point 7:**

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

- **Strategic Plan 2.6 Community & Cultural Development (2) Strategic Implementation Measures):**

*“In order to achieve Desired Environmental Outcome No. 5, the following Strategic Implementation Measures are to be employed:*

*implement and support Council’s Sports Strategy Plan and Open Space Strategy which provide mechanisms to achieve useable open space for recreational or sporting purposes.”*

- **Volume 3, s3.11.3(1)(a) (Location of Uses and Activities – Coolum Beach):**

*“...Within this Planning Area, the scale of retail and commercial activities will be limited to serving the immediate catchment area of Coolum and will not serve a district or higher order function.”*

- **Coolum West Gateway precinct provisions**

Precinct 7 is described as “(7) Coolum West Gateway (Precinct Class = Master Planned Community)”. The intent for the precinct provides “***This precinct is located on the western boundary of the Planning Area and provides an important entry into the Coolum Beach township.***

*Council considers that a Local Area Master Plan, overall Master Plan or other Development Plan for this precinct is required if the precinct were to be redeveloped.*

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

- *buildings set within well-landscaped grounds;*
- *car parking located behind the buildings and not visible from the Sunshine Motorway and the Yandina-Coolum Road which forms the main entrance into the township;*

- ***a range of goods and services which does not compete with the range of goods and services available in the Village Centre Precinct. Items for sale in this precinct should be restricted to larger scale items such as bulky goods***

...

*In this precinct Council would also support the establishment of a “Government Facility” node housing, ambulance, police, fire and other necessary functions serving Coolum Beach and beyond” (Cl. 3.11.4(7)).*

**“Preferred and Acceptable Uses”** are those “referred to in the Table of Development Assessment” (refer Vol 1) for the Master Planned Community Precinct class.

The following uses may be considered consistent with the intent and desired character of this Precinct and suitable for inclusion in detailed master planning where appropriately located, sighted and designed:

- showrooms
- indoor recreation or indoor sports centre
- outdoor recreation
- government facilities” (Cl.3.11.4(7)).

### **Conclusion:**

A Bunnings **is not for a “showroom”**. How many times has one heard a patron stating they were going to a Bunnings “showroom”? There is no specific definition of a “*large hardware store*” or “*big box development*” listed in the definitions in MP2000. Under the MP2000 this Development Application quite correctly should have been for a “*shop*” or the definition of “*hardware store*” in the Sunshine Coast Planning Scheme 2014 should have been applied. “*Hardware*” is mentioned in the uses for a showroom in MP2000, however, we do not believe a big box development such as a Bunnings was considered when referring to “*hardware*”. It appears the Applicant has used the “*showroom*” in its Application only because a showroom had been approved to a prior owner in 2003.

Coolum Beach has a significant shortage of sporting fields. This is identified as an acceptable use and is supported by the Strategic Plan. This would be an ideal location for sporting fields or indoor or outdoor recreation or an indoor sports centre, particularly given its close proximity to the Coolum Beach State School.

A Bunnings Hardware store, service station and convenience restaurant will take the focus away from Coolum Beach as it would not be “***an entry statement consistent with a casual, seaside village serving local retail, business ...***”. **Passing tourists/travellers will not be drawn into the Village by an entry such as this.**



This proposal is for a shop or a large hardware store, a service station and a convenience restaurant. It does not contain a **showroom**. It does not contain an indoor recreation or indoor sports centre. It is not outdoor recreation and it is not a Government facility.

In relation to “**USE**” this Application conflicts with MP2000.

## **B.2 VISUAL AMENITY ISSUES**

### **B.2.1 Conflict With Planning Scheme**

**Maroochy Plan 2000** provides:

- **Strategic Plan s4.3.3 (Village Centres) dot point 7:**

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

- **Volume 1, Clause 1.2** that:

*...“(2)(c) recognise the individual character and needs of different areas across the shire”; “(2)(b) to regulate the development on and use of premises in a way which encourages orderly and sustainable growth having proper regard to **environment values, community needs, availability of services...**”*

- **Volume 1, Clause 2** states how the **Strategic Plan, Planning Areas and Precincts are intended to work together.**

*It states, amongst other things that “Proposals for impact assessment development will be assessed against the **statements of desired local character (made up of the Location and Role, Vision Statement and Key Character Elements) for the Planning Area ...**”*

- **Volume 3** states:

*“The key role of Planning Area 11 is to consolidate the existing residential neighbourhoods of Coolum Beach, Point Arkwright and North Yaroomba whilst continuing to provide visitor accommodation in accordance with the Planning Area designation as a tourist node.*

*The commercial centre will be developed to a level consistent with Coolum Beach Village Centre designation on the Strategic Plan”.*

*Additional key roles include to “provide for Coolum Beach to remain a small scale tourist centre”; to “provide for the Coolum Beach Village Centre to retain a small scale providing goods and services to residents and visitors to Coolum”.*

- **Volume 3, s3.11.1 (Location and Role – Coolum Beach):**

*“The commercial centre will be developed to a level consistent with Coolum Beach’s Village Centre designation on the Strategic Plan.”*

- **Volume 3, s3.11.2(2)(a) (Vision Statement – Coolum Beach):**

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

#### **Conclusion:**

A development such as this is not consistent with the Coolum Beach village centre designation on the Strategic Plan. A Bunnings hardware store, a service station and convenience restaurant will take the focus away from Coolum Beach as it would not be *“an entry statement consistent with a casual, seaside village serving local retail, business” ...*

Passing tourists/travellers will not be drawn into the Village by an entry such as this.

It is quite apparent from the MP2000 with the recommendation of parking behind buildings and landscaping screening the buildings etc. that the vision for this site, being an important entry into the town, was intended to be aesthetically pleasing in order to draw tourists into the town. A box-type development of a Bunnings store (no matter what size the initial box is) would not meet this criteria. Additionally, the signage/advertising associated with a Bunnings would also conflict with the intended visual amenity for this site.

A Bunnings store, service station and convenience restaurant at the entrance to Coolum Beach does not meet with the desired local character intended for this planning area.

In relation to **VISUAL AMENITY**, this Application conflicts with MP2000.

### **B. 3 TRAFFIC AND PARKING ISSUES**

The DA includes a Traffic Impact Assessment. That assessment relies on traffic surveys done four years ago and extrapolates from there. The traffic studies cover the three main intersections at the western entrance to Coolum. The surveys raise the following issues:

- a) The traffic congestion at school opening and closing hours in the vicinity of the Coolum Primary School is already at peak limits. Amongst other concerns this high level of traffic causes stress and danger for the children and their parents as well as for motorists. The proposed development will add substantial traffic to this vicinity;
- b) the surveys are inadequate as they failed to cover the peak weekday morning traffic (7.30 to 9am);

The Applicant, on the basis of their extrapolations from their 2012 data, conclude that the traffic through the Yandina-Coolum Rd intersection with the SC Motorway during weekday afternoon peak hours exceeds the 85% saturation benchmark at both the 2017 and 2027 points.

The Applicant recognises that the School Rd intersection with the Yandina-Coolum Rd requires an upgrade at the 2017 point. Obviously a large component of this flow of traffic travels on to the intersection with the Motorway.

Despite these two observations the Applicant still concludes that the motorway intersection does not require upgrading.

The Applicant's proposed upgrades to the Barns Lane and School Rd intersections with the Yandina-Coolum Road do not adequately protect schoolchildren and their parents from the very steady flow of traffic. It could be argued that a second lane around the School Rd intersection would result in faster vehicle traffic movement thereby further increasing the danger for schoolchildren. The apparent proximity of the footpath to the road on the school side of the intersection means that children and their parents are very close to potentially fast moving traffic.

#### **Conclusion**

The **TRAFFIC** survey is inadequate and the proposed changes to the relevant intersections are inadequate.

An independent Traffic Assessment should be obtained.

## **B.4 ENVIRONMENTAL/SAFETY/HEALTH ISSUES**

### **B.4.1 Water Quality/Safety concerns (See Map “Annexure“B”)**

The proposed development site lies within the lowland coastal creek catchments of the Maroochy River system. The Queensland Government published the “Maroochy River Environmental Values and Water Quality Objectives” for these water catchments in July 2010 within Schedule 1 of the *Environmental Protection (Water) Policy 2009* (Water EPP).

Under this water quality protection plan the aquatic ecosystem environmental values of these waterways are to be protected and specific water quality objectives (WQO's) in relation to turbidity, nutrients and other pollutants are to be maintained.

The planning scheme supports these requirements by maintaining predominantly open space and rural land uses within these catchments. Development of urban land uses is not consistent with the objectives stated within the water quality protection plans as these intensified land uses invariably result in a significant increase in pollutant loads (sediments, nutrients and other pollutants) and a commensurate increased risk to the environmental values that must be protected.

The Stormwater Management Plan (SWP) submitted by the Applicant provides no information on how these scheduled water quality objectives will be maintained and the environmental values protected. The SWP simply refers to the partial mitigation of sediment, nutrient and pollutant loads in stormwaters from the development site relative to ‘untreated’ stormwater flows as required by the State Planning Policy (SPP).

It is important to note that these SPP requirements can theoretically be met without the WQO's stipulated in the Water EPP being maintained. This is because the SPP requirements may not be protective of local environmental values. The conclusions of the Plan are that site runoff will meet the required WQO's required by the SPP. However, the analysis presented in the SWP, in fact, shows a net increase in the amount of pollutants leaving the site relative to existing conditions which is contrary to the requirements of maintaining current water quality in order to protect the environmental values specified under the Water EPP.

The SWP also provides no information on how contaminant releases from the operation of the proposed development (e.g. fuel leakages and spillages) will be managed to avoid toxicant impacts the surrounding catchment and waterways. As outlined above, the retention of low impact, low risk, land uses on the site that accord with town plan provides the most appropriate risk management approach to maintaining water quality objectives and protecting environmental values scheduled under the Water EPP.

In a recent incident in Yandina Road, a service station's underground diesel tank starting leaking. This leak found its way into the Cassia Wildlife Corridor. It was the odour of diesel behind some of the houses which alerted authorities to the fact that there was a

leak and this leak was eventually tracked back to the service station in Beach Road. An incident such as this could very well occur on this site and the leakage could seep into the adjoining National Park. (See Annexure "C")

Additionally, in recent years many gas leaks have occurred at service stations. One such leak occurred at a service station on David Low Way Coolum Beach where evacuations occurred. This creates a very dangerous situation for school children at the Coolum State School. (See Annexure "C")

## Conclusion

In relation to **ENVIRONMENTAL** issues, the proposed land use simply does not provide adequate protection from these risks as it is an inappropriate, high risk land use for the area.

## **B.5 ECONOMIC IMPACT - NO OVERRIDING NEED**

### **B.5.1 Bunnings Store**

In MP2000:

Precinct 7 is described as "Coolum West Gateway (Precinct Class = Master Planned Community)". The intent for the precinct provides "*This precinct is located on the western boundary ... if the precinct were to be redeveloped ... provided the following criteria were met ...*

- ***A range of goods and services which does not compete with the range of goods and services available in the Village Centre Precinct.*** ...

Similarly, Precinct 4 - Coolum West Local Centre (Precinct Class = Local Centre) Intent:

*"This Precinct is located on the western boundary of Coolum Beach. The Precinct currently comprises a small shopping complex and is adjacent to a roundabout which forms an important entry feature to the Coolum Beach township. The Precinct also includes some light industrial uses. Council will not favour any proposals for this Precinct that may adversely affect the commercial viability of existing convenience retail or commercial and light industrial land uses in the Village Centre Precinct."*

In the Applicant's Economic Impact Assessment dated 17 November 2015 in "3.3 Hardware Related Infrastructure" it states "*The most likely competitors to the proposed Bunnings Warehouse Coolum Beach are considered to be the existing and planned network of Bunnings stores and other large format hardware stores that will define the trade area. These include the existing Bunnings Stores in Maroochydore and Noosaville and the planned Masters stores in the same areas....*

*It will also be assumed the two Masters stores will be in operation. In spite of market rumours to the contrary, no announcement has been made that would indicate these stores are being delayed or abandoned.*

The assumption that the Masters stores will be proceeded with is pure speculation and should not be taken into account.

MP2000 sets limits on the size (gross floor area, GFA) of a commercial lot to 1000sq metres in the Coolum township. Nothing elsewhere is meant to compete.... but this proposal (Scheme C) is more than 5 times that size.

The following table lists just some of the current stores selling similar items to Bunnings from an area south to Marcoola, north to Peregian Beach and west to Yandina:

TABLE I

<b>Name of Store</b>	<b>Distance from Subject Site</b>	<b>Distance to nearest Bunnings Store</b>	<b>Current Time to nearest Bunnings Store</b>
Peregian Beach Home Timber & Hardware	8 klms	17.2 klms	14 mins
Peregian Garden Centre	6.8 klms	15.7 klms	13 mins
Coolum Beach Mitre 10	2 klms	18.3 klms	16 mins
Shoreline Pool Supplies	2.3 klms	18.2 klms	16 mins
Poolwerx Coolum	2.8 klms	18.2 klms	15 mins
Paintright Coolum	500 metres	18.1 klms	15 mins
Reece Plumbing Supplies	2.2 klms	18.8 klms	16 mins
The Rock Landscape & Garden Supplies	1.6 klms	18.6 klms	15 mins
Coolum Beach Soil and Stone Factory	1.7 klms	18.7 klms	15 mins
Coolum Mower Centre	650 metres	18.2 klms	15 mins
Coolum Locksmiths	600 metres	18.1 klms	15 mins
Marcoola Pool & Spa Centre	9 klms	12 klms	11 mins
Allcott Hire Coolum Beach	500 metres	500 metres	14 mins
Granite Transformations Coolum Beach	3.1 klms	20.3 klms	17 mins
Suncoast Home Accessories	3 klms	20 klms	16 mins
Custom Kitchens	2.8 klms	19.7 klms	16 mins
Yandina Hardware	17.4 klms	24.9 klms	21 mins
Coolum Screens & Blinds	850 metres	18.2 klms	16 mins
Yandina Feed Barn	17.4 klms	24.9 klms	23 mins
Simons Home (Timber and Frame)	3 klms	20 klms	16 mins
Lifestyle Windows	3.5 klms	20.5 klms	16 mins

If this development was approved, these businesses and others would have a Bunnings much closer to them than at present. This table also shows that the travel time to the nearest Bunnings store at present is not that great should customers choose to purchase from a Bunnings store rather than buying local.

Below are the results of a survey we conducted of some of these local businesses that will be affected (*Note: not all businesses were able to be contacted due to the survey being conducted on a weekend and some businesses heard about the survey and asked to be included*):

TABLE II

<b>Name of Store</b>	<b>No of Employees</b>	<b>Currently Operating at (100%) Y/N</b>	<b>Est. total Employees If operating at 100%</b>
Peregian Beach Home Timber & Hardware	13	N	16
Peregian Garden Centre	6	N	12
Coolum Beach Mitre 10	10	N	14
Shoreline Pool Supplies	6	N	8
Poolwerx Coolum	4	N	6
Paintright Coolum	3	N	5
The Rock Landscape & Garden Supplies	11	N	15
Coolum Beach Soil and Stone Factory	6	N	10
Coolum Mower Centre	4	N	6
Coolum Locksmiths	2	N	4
Marcoola Pool & Spa Centre	4	N	6
Allcott Hire Coolum Beach	8	N	8 **
Granite Transformations Coolum Beach	7	N	11
Suncoast Home Accessories	4	N	6
Custom Kitchens	20	N	25
Yandina Hardware	10	N	15
Coolum Screens & Blinds	3	N	5
Yandina Feed Barn	6	N	12
<b>TOTAL:</b>	<b>127</b>		<b>184</b>

**\*\*Would not be permitted to employ more people but existing employees would be willing to work more hours.**

There is ample evidence that the creation of a Bunnings store would seriously affect the viability of local small businesses in and around the Coolum area. As you can see from TABLE II above, these businesses are not running at their full potential. In the

Applicant's Economic Needs Assessment dated 17 November 2015 it even states "*The small hardware stores ... need an approximate residential catchment to be successful*".

Coolum Beach is potentially landlocked. All land to the west is cane land and cannot be developed so there is no potential for substantial population growth.

Additionally, Bunnings would not be employing local Lawyers, Accountants etc as do the existing small businesses. Once these small businesses are impacted, all affiliated services provided by Coolum businesses, would also be impacted.

As things stand now, net profit derived by small businesses gets put back into the Coolum economy. This proposal would not contribute to Coolum's economy and any net profit made would only serve to benefit the Applicant.

We also believe that a Bunnings store in this location, taking into account the Noosa and Maroochydore stores would create an unfair domination of the hardware market. Whilst some might argue that competition is good, small businesses cannot compete with the buying power of large organisations such as Bunnings.

In this Application, Bunnings is applying for a 5,800sqm store. It originally applied for a 12,150 store so it is apparent the Applicant if it were given approval, could immediately seek to expand, thereby completely wiping out the smaller businesses. The smaller businesses, given they have located their businesses in compliance with Town Plan, have not been able to allow for future expansion on additional land. If Bunnings were given approval, it would have an unfair advantage over all other competing businesses in that it would have land to expand and it would reap the benefits of passing trade as well as take trade away from the Village Centre and the Industrial/Commercial Centre who have all complied with the Town Plan.

The Thrifty Link Hardware store (Coolum Industrial Supplies) (referred to by the Applicant) closed approximately 3 years ago. Bunnings put in a Development Application in November 2012 for a hardware store at 39 Barns Lane, Coolum Beach but it subsequently withdrew its Application.

We dispute the Applicant's statement regarding product range for the Coolum Beach Mitre 10 and Peregian Home Hardware.

Both hardware stores supply, amongst other things, bathroom and kitchen supplies, builders hardware, hand tools and power tools, electrical, home items, camping items, garden supplies, paint and decorator supplies. When products are not available, these stores will source products either directly from the supplier or through their networking with other Mitre 10/Home Hardware stores or from Mitre 10/Home Hardware nationally through their distribution centre. Peregian Home Hardware has a trade, timber and building supplies section. There is also a huge timber supply outlet approximately 10



klms to the south near the airport “Gowan Lea Timbers”. We have not included this in our table because it is possibly outside the catchment area but we believe it will be impacted having 2 Bunnings stores practically equal distances (only about 8 klms to the north and south. Peregian Garden Centre provides nursery and garden supplies and Allcott Hire supplies hire products.

All businesses mentioned in Tables I and II above more than adequately meet the demands of the Coolum community.

Other Village Centres include: Eumundi, Peregian Springs, Bli Bli, Mapleton, Yandina, Woombye, Palmwoods, Buderim, Marcoola and Montville. None of these Village Centres have a Bunnings store.

The Applicant states in its Economic Impact Assessment that Nambour and Sippy Downs are Major Centres larger than Coolum (or will be in time). It goes on to state in relation to Nambour “... difficulty of identifying a suitable site ...” and in relation to Sippy Downs “...lack of an established population catchment and ... uncertainty surrounding the availability of a suitable site”. With respect, the Applicant was aware of the Court Judgment handed down in March 2007 refusing a Bunnings for this site. Regardless, of this Court Judgment, the Applicant subsequently purchased the site in 2011. Why did the Applicant not search for a suitable site in Nambour or Sippy Downs **at that time** and abandon the purchase of this site? We dispute that there is not an established population catchment in Sippy Downs – it states that Sippy Downs is a Major Centre. Coolum is a Village.

MP2000 states, Vol 2, 2.4.2 (g) that the intention is to support small business enterprises.

### **B.5.2 Service Station**

Implementation Clause 1 of the Strategic Plan provides “The land is designated urban in the Strategic Plan ... *approval is only likely to be granted ... which offer a service only to local communities...*”

The following service stations exist in the Coolum area:

1. An existing service station approximately 1 kilometre east of this site;
2. An existing service station approximately 2 kilometres east of this site;
3. An existing service station approximately 3 kilometres west of this site;
4. An existing service station approximately 4 kilometres north-east of this site;
5. There is another approved several hundred metres from this site in Yandina Road but it has yet to be constructed.

A service station on this site would primarily serve passing traffic and not the needs of the local Coolum community which is already serviced by 4 other service stations.

A service station on this site, apart from detracting from the vision intended for the western entry to Coolum Beach, will intercept travellers and tourists who would normally come into the Village for supplies, taking business away from the Village.

### **B.5.3 Convenience Restaurant**

There is a Woolworths supermarket approximately 1 kilometre south-east of this site. There is a café adjacent to the Woolworths supermarket and another takeaway café approx. 0.75 klm east of the site. There is also a McDonalds Convenience Restaurant in the Village.

The following table sets out just some of the coffee shops/cafes/convenience stores in Coolum Beach (not taking into account Peregrin Beach, Yaroomba, Mt Coolum etc):

TABLE III

<b>Name of Store</b>	<b>Distance from Subject Site</b>
The C@f	2.7 klms
Cool Art Gallery/Coffee Shop	2.1 klms
Coolum Patisserie	2.5 klms
Lavish Coffee Shop and Eatery	2.7 klms
Sunrise Café	2.3 klms
Coolum Saigon Café	2.1 klms
Freddy's	2.7 klms
The Shop Coolum (groceries/coffee)	2.4 klms
New Earth Café	2.7 klms
Coolum Fish & Chip Shop	2.5 klms
Compound Coffee Shop	2.6 klms
My Place Café	2.2 klms
Coolum Beach Friendly Grocer	.9 klm
Coolum Food Shack	.8 klm
McDonalds	2.7 klms
Dough Fusion West Coolum	1 klm
Dough Fusion Coolum Beach	2.8 klms
Coffee Club	2.8 klms
7 Eleven	2.6 klms
Woolworths	1 klm
Raw Energy	2.4 klms
McDonalds Convenience Restaurant	2.6 klms

The existing facilities available to Coolum residents of the type proposed by the Applicant are adequately provided for. A convenience restaurant at this site would not serve the Coolum community. Residents of Coolum are not going to travel to West Coolum to a convenience restaurant. It will mostly serve passing traffic, taking business away from the Village. There are currently approximately 25 convenience stores, coffee shops and cafes in Coolum (this excludes restaurants). A convenience restaurant or café on this site will intercept travellers and tourists, taking business away from small businesses in the Village.

MP2000 states, Vol 2, 2.4.2 (g) that the intention is to support small business enterprises.

#### **B.5.4 Jobs**

##### **After Construction**

In addition, just as a Bunnings store has a wide catchment area for its customers, the catchment area for its employees would be even wider. We believe the estimate of 70 jobs after construction to be an exaggeration. (Refer Annexure "D" **Sunshine Coast Daily Article dated 12 October 2015**). These exaggerations are further evidenced by the fact that Bunnings have stated in relation to a proposed small format hardware store in Toombul Shopping Centre that it would create 50 new jobs. This Toombul store is 3000sqm. Yet this 5800sqm store is creating 70 jobs. This shows there are discrepancies in the Applicant's figures and that their figures are purely estimates. Nevertheless, by employing some people outside Coolum coupled with the potential job losses of the businesses and affiliated businesses mentioned above, there would indeed be a **net loss of jobs** for Coolum residents if a Bunnings store were to be approved.

Furthermore, the figures provided in the Economic Impact Assessment are based purely on projections. These projections are just that – there is no guarantee they will eventuate. Many of the figures provided take into account projected population growth. Coolum and many towns to the south are landlocked. All land west of the Motorway is cane/farm land and cannot be built on and Peregian Springs is almost at the end of its developable land, so the population in these areas is not likely to increase substantially.

Additionally, Noosa Heads we believe has a population cap and will not be increasing its population substantially into the future.

##### **During Construction**

The number of jobs created during construction would only serve to create short term employment due to the fast nature of putting together a large tin shed. Constructing a service station would require specialist workers. This will do nothing to help unemployed

construction workers in the Coolum area to obtain gainful permanent work. It is often the case that organisations such as Bunnings will bring their own teams who have had experience in putting together these types of constructions.

### **B.5.5 Shortage of Sporting/Recreation Facilities**

There is a **NEED For Sporting/Recreational Facilities in Coolum.**

In an **article from the Coolum News dated 20 September 2013 under Heading “Coolum Sports Precinct” (Annexure “E”)** it confirms there is a significant shortage of sporting and recreational land in Coolum. Council has been seeking land for this purpose for several years now but no additional sites have been acquired.

MP2000:

In the Strategic Plan **2.6 Community & Cultural Development (2) Strategic Implementation Measures**) it states:

*“In order to achieve Desired Environmental Outcome No. 5, the following Strategic Implementation Measures are to be employed:*

*...(g) implement and support Council’s Sports Strategy Plan and Open Space Strategy which provide mechanisms to achieve useable open space for recreational or sporting purposes.”*

In Council’s Draft Sunshine Coast Sport & Active Recreation Strategy 2010–2026 it outlines the shortage of sport and recreational facilities and the economic benefits thereof:

**“Adopt Adequate Standards of Service for Land” and “Priorities for Land”** (**“Annexures “F” and “G”**) states, amongst other things, *Secure land for sport in the Coolum Beach Locality ... to cater for existing needs and population growth”.*

**“Economic Benefits of Sport”** (**Annexure “H”**) states, amongst other things *“Nine major recognised sporting events ... on the Sunshine Coast. Two of these attract significant international exposure namely the Australian PGA Golf Championship... It is estimated that the Australian PGA championship generates a direct economic impact of over \$11million dollars per annum”.*

The Australian PGA championship is no longer held at Coolum. Coolum’s Touch Football Team have to train in Peregian Springs due to a shortage of sporting fields in Coolum.

## Conclusion

The Applicant has not demonstrated that it would be in the best interests of the public or the community for a development of this type to be approved on this site.

This proposal, if approved, would in fact, result in a net **loss** of jobs for the Coolum community.

In the Applicant's Economic Impact Assessment page 28 it states:

### ***“First Year of Operation ...***

- *Existing small hardware retailers external to the trade area **may experience some small (but on average negligible) impact.***
- *All trade area hardware and related stores will retain the opportunity to trade at viable levels through implementing competitive market strategies. The actual level of impact will be determined by how the individual retailers respond to the new competitive environment.”*

These smaller hardware retailers are unable to compete with the likes of a Bunnings store due to its ability to purchase in bulk quantities and its enormous advertising power. Additionally, they are not operating at maximum capacity and any impact at all will have an enormous affect of their viability.

In the Applicant's Economic Impact Assessment page 32 (**Impacts on Higher Order Centres**) it states:

*“The subject proposal will have no material impact on the role and function of any higher order centre...”* and

*“This precinct includes a large Bunnings store, a proposed **Masters store** and an extensive number of hardware, homewares and building supply outlets (as well as the largest concentration of retailers on the Sunshine Coast). The role and function of Maroochydore will not be affected by a Bunnings store at Coolum ...”*

and yet at 6.3 on page 29 (**Benefit and Impact Assessment**) it states:

*“The greatest impact from the proposed Bunnings store on the subject site will be on the existing Bunnings stores in the region (Noosaville and Maroochydore)”*.

These two statements contradict each other. Regardless, we believe the greatest impact from the proposed Bunnings store will be on existing small businesses just 2 to 3 kilometres from the subject site.

Additionally, the Applicant again is referring to the Masters Store at Maroochydore which has not and it seems probably will not be constructed.

The Applicant refers to the Noosa Shire in its equation and the fact that “The population of Noosa Shire is projected to increase from 55,419 in 2016 to 61,033 in 2031. We believe Noosa Shire has a population cap and is not expected to increase its population substantially into the future.

There are considerable benefits of a sporting/recreation facility at this site which would outweigh those of allowing this proposed development to proceed:

- The economic benefits of a Sports and Recreational facility at this site would be much greater than what the Applicant proposes, especially if it could draw major sporting events from afar;
- Sports and recreational facilities would not compete with local businesses and cause their demise;
- Sports and recreational facilities would be a much more appropriate gateway to Coolum and is a much greater NEED than a large hardware store complex, service station and convenience restaurant.

The existing facilities available to Coolum residents of the type proposed by the Applicant are adequately provided for.

There is **NO OVERRIDING NEED** for a Bunnings store, service station or convenience restaurant at this location.



### PART C – SOCIAL/HEALTH IMPACT - SCHOOL

There is concern regarding the impact on school children at the Coolum Beach State School (1000 children):

1. Construction noise will serve to disrupt the children’s concentration and ability to learn;
2. The social / health impacts of two (2) junk food outlets next to the school. Will kids be absconding over the back fence with their tuckshop money?
3. The increase in air pollution/toxic fumes from cars and trucks pulling into the service station and from the 250 cars re-fuelling;
4. Having this large scale development adjacent to the Coolum Beach State School could make the children vulnerable to predatory behaviour. Currently people have little access to the school as the amount of parking near the school is so small. Generally cars only appear at pick up and drop off times.

With 24 hour services located next to the school it would be difficult to question why cars/ people are stopped close to the school.

In May 2012 at an existing service station in Yandina Road, a gas leak occurred. This could quite well occur in this location and being right beside the Coolum State School would be of concern. (See Annexure "C").

As previously stated, there is a significant shortage of sporting and recreational land in Coolum. The health, social benefits of sporting and recreational activities cannot be ignored.



**PART D – COMMENTS ON APPLICANT’S INFORMATION RESPONSE**  
**DATED 22 JULY 2016**

Preamble:

We do not agree that full-line supermarkets can be compared with a Bunnings store. Food is an essential daily requirement. Home improvements, hardware, gardening supplies are not.

The Thrifty Link Hardware store closed in approximately 2013, around the same time that Bunnings put in a Development Application (which was subsequently withdrawn). We believe that Bunnings’ proposal, in addition to the downturn in the building industry, would have had significant influence on the store and would have contributed to its decision to close.

Any buildings of a similar size and style are located in the industrial area approximately 4 to 5 kilometres west of this site (off the Motorway) and approximately 7 kilometres from the Village Centre. Any other buildings of a similar size in the Coolum West Gateway Precinct or in the Village Centre are not box-type developments and are not of an architecture, size or style to that of a Bunnings box-type development.

We do not agree a Bunnings is a showroom (see **B.1.1** above).

It is unrealistic to think that the Applicant would install landscaping in order to screen a Bunnings from the road. A Bunnings store on this site would need exposure to all roads to be viable.

## 1. Information Request Response - Preliminary Advice

### **Scale of development/Passage of time**

The Applicant refers to changes in demographics and home improvement markets over time. These changes have also been referred to in their two previous Applications for larger stores (12,150sqm and 8,600sqm) so it is apparent that the Applicant adjusts its figures accordingly to support whatever size store it is applying for.

### **Population growth and growth in consumer demand**

When Bunnings applied for a store in 2006, it gave figures and details of why Coolum needed a Bunnings store on this site. This is now 2016. 10 years have passed and still the existing local suppliers of items similar to a Bunnings are not operating at (and in some cases anywhere near) their maximum capacity. This therefore proves that the figures Bunnings provide are not accurate.

Bunnings have lodged two prior Applications which have been refused: one for a 12,150sqm store; and another for a 8,600sqm store. In both of these Applications the Applicant had stated their case in relation to population growth. If the figures in these two previous Applications are accurate, then a store of this size would not be viable. Again, we believe that the Applicant's figures are not accurate and in any case, it will increase its size immediately if it were to obtain approval, in order to be viable, thus completely wiping out the existing small businesses.

Coolum is potentially landlocked and Peregian Springs is almost completely developed. All land to the west of the Village is cane land and cannot be built on. There is very little land left to develop so the projected population growth referred to by the Applicant cannot be substantiated.

### **Other new retail / hardware development stores across the Sunshine Coast region:**

The Noosa Bunnings store is located in an industrial/commercial area.

The site for this Development Application is in the Coolum West Gateway Precinct and is at the entry to the town. It is also located next to the Coolum Beach State School. There is an industrial estate which contains light industry/light commercial and some small box type developments (large tin sheds) approximately 3 kilometres to the west of this site. These developments have been appropriately located and complied with the Town Plan so to approve a Bunnings on this site would not be fair to the light industrial and/or light commercial businesses already in existence.



In the Applicant's Information Response, approvals for Masters Stores in various locations are regularly referred to. These stores have yet to be constructed and as time goes by it seems more and more unlikely they will be. Until an announcement has been made as to the intention with these sites, they cannot be taken into account.

## Planning

The loss of existing jobs associated with small businesses does not justify a need for a provision of a wider range of goods.

See response to community benefits below. (Response to Applicant's Attachment F).

*"the proposal leaves a large balance portion of the site available for future development"*

If approval for the first box is obtained, the Applicant could immediately apply to expand its development. This is evidenced by the fact that the Applicant had only recently applied for a 12,150 sqm store as well as an 8,600 sqm metre store and provided figures that claimed they were viable and needed for Coolum.

The proposal does not satisfy the planning intent in providing indoor/outdoor recreation facilities and government facilities.

*"Buildings are located behind significant landscaping buffers, which re-enforces the intent of smaller scale development at the streetscape interface."*

A 20 metre landscape buffer has been proposed rather than a 40 metre landscape buffer which was required previously. It is unrealistic to expect that a Bunnings store would not need exposure to the roads and this is reinforced by the fact that the Applicant previously sought to reduce the size of the buffer from 40 metres to 20 metres. There would be no legal requirement for Bunnings to maintain any landscape buffer into the future.

We do not agree that a big box Bunnings is a showroom.

At the time of the formulation of the MP2000, which would have been carried out over several years before its signing off, big box developments were quite rare on the Sunshine Coast. This is also confirmed by the Applicant's repeated statements in its Economic Needs Assessment that Bunnings stores are a "...*relatively recent innovation in Australian retailing...*" and we submit that it was highly unlikely that big box developments were taken into consideration when the MP2000 was formulated. If it was intended that a hardware store was appropriate for this site, it would not have been a big box Bunnings store.

Whilst the subject site is not within the Village Centre, the intent of the strategic plan is that all sites work together.

Additional information extracted from MP2000 states:

**“POTENTIAL INCONSISTENCIES BETWEEN STATEMENTS OF POLICY OR INTENT [Maroochy Plan 2000, Vol 2, Preface]**

The Statements of strategic and local policy contained in Volume 3 (Planning Areas, Precincts and Precinct Classes) and Volume 5 (Structure Plans) may include somewhat different statements of policy or intent for the same areas of land. This will generally be an unintended outcome, as the detailed local planning provisions contained in Volumes 3 and 5 are intended to be based upon and reflective of the general principles in Volume 2. However, it may occur due to the diversity of character of the Shire.

In any such cases, Volume 3 and Volume 5 provisions represent Council’s specific planning intent for the relevant locality or master planned area, and are not intended to be weakened or overridden by anything in the Strategic Plan.

Where there is no direct inconsistency in those statements, but merely different or additional outcomes or requirements indicated, Volume 3 and Volume 5 constitutes the primary basis for assessment, but all elements of the policy or intent in Volumes 2, 3 and 5 are expected to be satisfied in order that development does not conflict with the Planning Scheme. If the different statements are inconsistent, statements in Volume 3 and Volume 5 prevail over inconsistent statements in Volume 2. This reflects the fact that Volume 2 provisions are either broad strategic statements or statements of general principle, whereas Volume 3 and Volume 5 provisions state specific and considered planning intents for identified localities and master planned areas. It is an incorrect use of the Strategic Plan, and an incorrect interpretation of this Planning Scheme, to rely on anything in the Strategic Plan to support or justify as being consistent with the Planning Scheme, an outcome which is contrary to the Planning Area provisions or the provisions of a Structure Plan.”

Whilst all building footprints, car parking design and the like have been removed from the land that does not form part of the current Application, we believe it is the intention of the Applicant to expand its development if approval of this Application is provided.

The Applicant has not demonstrated sufficient “grounds” or demonstrated an overriding public benefit.

Please also refer to PART B above – PLANNING ISSUES

## Landscaping and Visual Amenity

It is unrealistic to believe that the landscaping will be maintained in order to screen the buildings from the roads.

Signage associated with a Bunnings store does not meet with the visual amenity required for this site.

A big box development of any size does not meet with the visual amenity required for this site.

Please also refer to PART B.2 above – VISUAL AMENITY ISSUES.

### Applicant's Response Attachments:

**Attachment A** – Architectural Proposal Plans – We do not believe a Bunnings Warehouse to be architecturally designed.

**Attachment B – Visual Analysis Montages** – We do not believe that the Bunnings signs will not be visible to passing traffic – this is unrealistic. These signs conflict with the visual amenity for this site.

Please also refer to PART B.2 above – VISUAL AMENITY ISSUES

### Attachment F - Community Benefit Grounds

1. ***The upgrade to Barns Lane*** would not be a community benefit. This would be to the Applicant's benefit for its proposed development and would be required no matter what development occurred on the site. Barns Lane is not a through road and is rarely used.
2. ***Enhance Amenity/Landscaping is required to screen development.*** It is unrealistic to think that a Bunnings would want to be screened from the road and passing traffic. There would be no legal requirement for Bunnings to maintain the landscape buffer.
3. ***Provide Employment/construction jobs.*** Erecting a very large tin shed, would create short term construction jobs. Construction of a service station would require specialist workers from outside the area. ***Any ongoing jobs*** would be less than the jobs lost when associated small businesses are impacted and/or forced to close.

4. ***Capturing local expenditure and reducing travel.*** A Bunnings would not capture local expenditure as the existing smaller stores in Coolum which provide similar products are not operating to maximum capacity. It would be more the case of stealing local expenditure rather than capturing it. Travel would not be reduced as once small businesses are forced to close due to the impact from a Bunnings, all residents/visitors in town would then need to drive to Coolum West (rather than walk into town) in order to procure supplies.
5. ***Bringing forward the upgrade of the Coolum Yandina roundabout.*** This is stated as a community benefit, however, the Applicant then goes on to state “*An upgrade to Sunshine Motorway/Yandina-Coolum Road roundabout is not considered necessary...*” This roundabout is already extremely busy and traffic from the school often banks up from the school right back to the roundabout so even the slightest increase in traffic will necessitate the upgrade of this roundabout. It also states that “***an upgrade to the intersection of Yandina-Coolum Road/Barns Lane intersection is not required as the proposal operates within the acceptable levels of performance***”. These levels of performance would change substantially if this development was approved and an upgrade of this intersection, in our opinion, would be required immediately.

The Applicant has stated that the upgrade of the roundabout at Yandina Road and School Road would be brought forward and it has stated this as a community benefit. Is the Applicant going to fund this upgrade?

Please also refer to PART B.5 above – ECONOMIC IMPACT – NO OVERRIDING NEED

### **Attachment G – Traffic Information Response**

We do not agree with the Applicant’s Traffic Information Response.



## PART E - OVERALL CONCLUSION

The proposal by Bunnings Limited conflicts with the requirements of MP2000 in relation to:

1. Use;
2. Visual amenity;
3. Traffic; and
4. Environmental and safety concerns; and
5. Economic Impact (Overriding need).

Additionally, in the Judgment handed down by Dodds DCJ on 7 March 2007, it states:

***“The major impediment to the proposal, the subject of the appeal, is conflict with the planning scheme. The conflict lies in the type... of the proposed development ... particularly with the proposed “Bunnings” use.”***

We do not believe that a Bunnings is a showroom.

A Bunnings Hardware store, service station and convenience restaurant will take the focus away from Coolum Beach as it would not be *“an entry statement consistent with a casual, seaside village serving local retail, business”* ... Passing tourists/travellers will not be drawn into the Village by an entry such as this, impacting on businesses in the Village.

The sheer number of small businesses that will be financially adversely impacted by this proposal is overwhelming. In a statement released on Council's website on 22 May 2015 Council stated:

*“Sunshine Coast Council has shown its support for the region’s small businesses ...”*  
*“... it was important that Council backed small business which is at the heart of the region’s economy, employing between 70% and 80% of the Coast’s workforce...”*

If these businesses were impacted to the extent where they were forced to close, then rather than having these facilities readily available in the Village, residents would then be forced to travel in their vehicles to locate these facilities at Coolum West.

There are serious traffic, environmental, health and safety concerns associated with this proposal (particularly with the proximity to the Coolum Beach State School).

The existing facilities available to Coolum residents of the type proposed by the Applicant are adequately provided for.

The Applicant has not demonstrated an overriding need for a development such as this in Coolum Beach.

Accordingly, based on our above comments, this proposal conflicts with MP2000.

Development Watch recommends that Council refuse the Application MCU15/0298.

Yours faithfully

A handwritten signature in cursive script that reads "Lynette Saxton".

Lynette Saxton  
President, Development Watch Inc.