

Mayor Mark Jamieson  
Sunshine Coast Regional Council,  
53 First Avenue,  
Maroochydore.

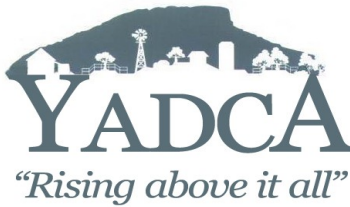
Dear Mayor Jamieson,

Re: YANDINA SERVICE STATION MCU21/0003, COURT NUMBER 1542/21

Pearl Investments (Aust) Pty Ltd is challenging Sunshine Coast Council's refusal of the development application in the Planning and Environment Court. The Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning is a Co-Respondent by election with Council. A Mediation Agreement was signed on 21 March 2023. The final Court appearance is set down for 10 May 2023.

There was strong community opposition to the location of a service station at 8 Stevens Street / 15 Farrell Street Yandina when the development application was lodged with the Sunshine Coast Regional Council on 12 January 2021. The site is a focal corner of Yandina's heritage and character precinct. Even though this was a code assessable development application more than 230 people wrote to Council's planning staff expressing their concerns about the impact a service station in that location would have on Yandina's heritage character and the safety of pedestrians and drivers. Council refused the application on 4 June 2021 stating: *The reasons for the refusal are as follows:*

1. *The development departs from the purpose and overall outcomes of the Heritage and character area overlay code (Outcome 2(d)), Scenic amenity code (Outcome 2(a)), Yandina local plan code (Outcomes 2(a), 2(c), 2(e), and 2(h)) and Local centre zone code (Outcomes 2(h), 2(i), and 2(k)) of the Sunshine Coast Planning Scheme 2014, because the built form proposed for the development:*
  - (a) *is not in keeping with, or respectful to, the identified streetscape character and heritage values of the Yandina Character Area;*
  - (b) *detracts from the Yandina School of Arts heritage building located proximate to the site;*
  - (c) *detracts from scenic amenity values from the nominated Scenic Route of Farrell Street;*
  - (d) *does not follow the pattern of existing development in the Yandina local centre with buildings located towards the street;*
  - (e) *does not contribute to vibrant and active streets and would not maintain a human scale at a street level;*
  - (f) *is not in keeping with existing small-scale built form that characterises the Yandina township;*
  - (g) *includes building materials that are inconsistent with the Yandina character area; and*
  - (h) *would create a risk of pedestrian and vehicle conflict due to the width of the access crossovers and the traffic volumes anticipated to traverse these crossovers.*
2. *The development departs from the purpose and overall outcomes of the Transport and parking code (Outcomes 2 (b) and (d)) of the Sunshine Coast Planning Scheme 2014, because the development does not allow for safe and convenient access for fuel tankers.*



YANDINA & DISTRICT COMMUNITY ASSOCIATION

*“Rising above it all”*

3. *The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.*
4. *The departures from the assessment benchmarks support refusal of the proposed development.*
5. *There are no discretionary matters that warrant approval of the proposed development.*
6. *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.*

<https://publicdocs.scc.qld.gov.au/hpecmwebdrawer/RecordHtml/18086455>.

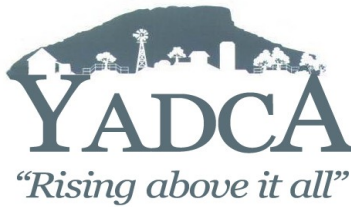
Planning and Environment Court proceedings have been ongoing however given the physical and functional characteristics of a service station the issues raised in the Planning and Environment Court in Council's *Particularised Reasons for Refusal* can not be fully resolved. (Document 62, Order dated 7 September 2022, Annexure "A" attached). While changes have been made to the location and appearance of the service station shop, this proposal can never fully comply with critical provisions of the *Sunshine Coast Planning Scheme 2014*, particularly in relation to the Heritage and character area overlay, Scenic amenity overlay and the Yandina Local Plan Code. Council recognised this in its third reason for refusal which states: *The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval*. Yet on 21 March 2023 all parties signed a Mediation Agreement (Court document 69)

The Yandina and District Community Association (YADCA) is extremely disappointed with the Planning and Environment Court process where it seems the *Sunshine Coast Planning Scheme 2014* can be compromised by an approval with conditions rather than assessed by a Judge. This favours the Appellant. It does not protect the interests of the Yandina community who are dependent on the Local Government upholding the integrity of the Planning Scheme. YADCA is disappointed that the 5 day Court hearing scheduled for April 2023 was vacated.

Residents value what is preserved of Yandina's history and they know the town. They have witnessed frequent traffic incidents at the intersection of Farrell and Stevens Street and queueing on Farrell Street. They feel they have valid reasons for objecting to a service station in the proposed location however they have been excluded from the decision making process because the development application was code assessable.

Residents believe:

- A service station in that location can never comply with critical relevant assessment benchmarks. These include the Heritage and character area overlay, Scenic amenity overlay and the Yandina Local Area code.
- It will severely and adversely impact the Yandina School of Arts which is community owned and run. This heritage listed building is across Stevens Street from the proposed service station. Pearl Investment experts neglected to mention the School of Arts' or its close proximity of 20



metres to the proposed site and failed to acknowledge the impact service station traffic, noise, fumes and lighting will have on what should be considered a sensitive neighbour. Activities held in the hall include yoga, sound healing, breath work, writers group, singing group, art group, theatre performances, weddings and seniors' morning teas. Why was the School of Arts not protected by the *Nuisance Code* which is designed to maintain community wellbeing and protect environmental values of sensitive land use neighbours? Some of the assessment codes for development adjoining a local heritage place (i.e. Yandina School of Arts) are incapable of being met. For example:

*AO7.1 The scale, location and design of the development is compatible with heritage significance of the adjoining State heritage place or local heritage place including its context, setting and appearance.*

*PO8 Advertising devices located on a local heritage place or adjoining a State heritage place or a local heritage place are sited and designed in a manner that:- (a) is compatible with the heritage significance of the place; and (b) does not obscure the appearance or prominence of the heritage place when viewed from the street or other public place.*

- A service station will detract from the ambiance of Yandina's heritage and character town centre which defines its identity as the oldest town in the Shire.
- The Farrell Street crossover will impact Council's street-scaping and scenic route amenity by requiring the removal of 2 mature shade trees, footpath gardens and 2 on-street parking bays.
- A petrol station in this location will increase the volume of turning traffic and significantly reduce pedestrian safety. The crossovers are 8.5 metres wide with only one metre separation from the Feed Barn driveway on Farrell Street. (Service Station Code AO5.5 requires a minimum separation of 3 metres). This long stretch of footpath will be dominated by turning vehicles. Pedestrian activity is high in this part of town. There are parents with prams, children on bikes and scooters and the elderly with mobility devices.
- A narrow green space separates the service station site from a Child Care Centre on Stevens Street and a medium density residential area. The absence of a continuous footpath on Stevens and Buckle Street forces pedestrians with wheels onto the road. If fuel tankers and traffic use Stevens Street and Buckle Street to access the proposed service station, pedestrian safety will be compromised and the situation will get worse when the 35 units approved on the corner of Stevens and Buckle Street are constructed.
- A service station on the corner of Farrell and Stevens Street will increase the number of turning vehicles and the risk of accidents at the intersection and on the dangerous downhill bend on Farrell Street where an entry / exist is proposed. We have not had confirmation that the traffic engineers have visited the site to check sight lines. A desk top analysis should not be relied upon.
- Residential areas will be adversely impacted if fuel tankers are allowed to traverse narrow suburban streets to access or exit the site.
- Yandina serves both rural and industrial areas. In addition to standard cars, large trucks and utes with trailers often queue on site at the existing BP service station. Will these longer vehicles be able to enter a petrol station on the corner without causing traffic to queue on Farrell Street?



The Yandina community believe that there are too many off site impacts to approve a service station on the corner of Farrell and Steven Street. It does not meet community expectations. Yandina's character and historic main street charm should not be sacrificed for an ill-conceived development – even one that is tweaked and groomed to appear to barely meet the irreducible minimum standards set out in the Planning Scheme. YADCA challenges the Appellent's claim that *the proposed development should be approved, assuming some non-compliance with assessment benchmarks, given there are other factors which support approval.* (Document 62, Annexure 'B" p.14. Attached.)

YADCA requests that the Council and the legal team seriously consider the issues raised in this letter.  
Yours sincerely

A rectangular box containing a handwritten signature in cursive script that reads "Marie Reeve".

Marie Reeve  
President, YADCA

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