



# **AGENDA**

## **General Committee Meeting**

**Monday, 15 January 2018**

**commencing at 10am**

**Council Chambers, 9 Pelican Street, Tewantin**

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**Committee: Crs Frank Wilkie (Chair), Jess Glasgow, Ingrid Jackson,  
Joe Jurisevic, Frank Pardon, Brian Stockwell, Tony Wellington**

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*"Noosa Shire – different by nature"*

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**REPORTS DIRECT TO GENERAL COMMITTEE****1 EXPRESSION OF INTEREST OUTCOME - COOROY RV STOPOVER MANAGEMENT SERVICES**

**Author** Property Advisor, Denis Wallace  
Corporate Services Department

**Index** ECM/ Applications/MCU15/0003/VP16/0011/Property/17 Mary River Rd

**Attachments** 1. EOI Evaluation Summary Sheet  
2. Submission Regarding the RV Stopover Operation

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**EXECUTIVE SUMMARY**

Council established the Cooroy RV Stopover in 2015 to address an identified need to cater for RV travellers in the Noosa hinterland. Council invested significant funds and resources to establish and operate the stopover facility but patronage has been modest at best. A report to Council in August 2017 indicated the current third-party management agreement to operate the facility represents a poor financial outcome. A new Expression of Interest (EOI) process was undertaken to seek new management proposals for the facility, with 5 submissions received from a range of business and community entities.

Council's EOI assessment panel scored the submission of the incumbent manager, Crimmins Enterprises, highest and noted its management of the RV Stopover has been to a high standard and met Council expectations. The panel considered Crimmins Enterprises to have an excellent relevant track record and experience. Its submitted fee proposal represents a projected financial saving of \$9,015 over the existing management arrangement but the facility is still anticipated to cost in the order \$10,000 per annum to maintain.

The report considers alternate options for the Cooroy RV Stopover, including investment in new amenities and facilities, Council management and closing the facility. The option presented by the EOI outcome is preferred to allow the facility to remain open, whilst at the same time reducing operating costs to contribute to Council's ongoing financial sustainability. The EOI assessment panel supports Crimmins Enterprises' submission and it is recommended Council agree to enter a new management agreement for a total term of up to 3 years.

**RECOMMENDATION**

That Council note the report by the Property Advisor to the General Committee Meeting dated 15 January 2018 regarding the expressions of interest process undertaken for management services for the Cooroy RV Stopover and:

- A. Agree to enter a new management agreement with Crimmins Enterprises for management of the facility for an initial one (1) year term; and
  - B. Authorise the CEO to award two management agreement extensions of 1 year, subject to satisfactory performance.
-

**REPORT****1. Background**

The purpose of this report is to provide the results of a recent Expression of Interest (EOI) process for management services for Council's Cooroy RV Stopover facility.

Council operates the Cooroy RV Stopover on freehold community land at 17 Mary River Road, Cooroy. The facility was established in 2015 to address an identified need for RV travellers in the Noosa hinterland. It was intended the facility would operate for a two year trial period and be subject to a review.

The development approval obtained for the facility allows it to accommodate up to 40 fully self-contained Recreational Vehicles (RV's), subject to conditions that include:

- Maximum of 4 night stays;
- Requirement for an on-site caretaker;
- Disaster management requirements; and
- No on-site release of grey water or waste permitted.

Visitors are currently charged \$10 per night per RV. Site improvements include a public waste dump point, signage, access gates and access controls. Amenities are available on-site for the caretaker only and all visiting RV's must be fully self-contained. The facility is managed under a third-party management agreement, the manager's primary responsibilities are:

- Day-to-day operation of the facility in accordance with the development conditions and workplace health and safety requirements;
- Management of bookings and visitor fees;
- Appointment of on-site caretakers (for periods not exceeding 3 months);
- Providing summary reporting to Council on visitor numbers; and
- Enacting disaster management plan requirements (mainly in relation to rainfall events, as the site is within Cooroy Creek's flood plain).

A report reviewing the performance of the RV Stopover was considered at Council's August 2017 round of meetings. The report noted the facility:

- Achieves modest patronage, with 1,607 visitor nights recorded for FY2016/17 at an average of 5 RV's per day;
- Operated at a loss of approximately \$19k in 2016/17;
- Would require significant patronage increases to achieve cost neutrality under the current model; and
- Now competes with an alternate private facility established on the outskirts of Cooroy, known as the Cooroy No Worries RV Stop.

The report identified the current third-party management services arrangement, which involves remuneration of \$18,250 per annum plus 50% of visitor fees, as the facility's primary cost. In accordance with the report recommendation, Council resolved to explore ways to reduce the cost of the management services via a new expression of interest (EOI) process.

## 2. Expressions of Interest

An EOI for Management Services for the Cooroy RV Stopover was advertised in the Noosa News and Cooroy Rag and listed on Council's website. A number of potentially interested parties and community groups were also advised directly. Respondents were invited to submit applications to LG Tenderbox, Council's e-tender portal, with applications closing on 17 October 2017. The EOI supporting material comprised of:

- An EOI Invitation providing background and outlining the management services sought by Council;
- The facility's MCU Development Approval;
- A schedule of operational and maintenance requirements;
- Visitor history data;
- Indicative schedule of annual interruption dates (i.e. Pony Club and Car Club event dates);
- Draft Management Agreement; and
- Site Disaster Management Plan.

There were 22 downloads of the EOI material from separate entities through the e-portal and 5 formal EOI submissions were received.

An evaluation panel comprising of Council property, governance and procurement staff reviewed the submissions in accordance with the assessment criteria and obligations under Council's EOI processes. The panel's summary evaluation spreadsheet is included as **Attachment 1**. Brief discussion of the submissions is provided below.

- Ezy Adventures

The assessment panel noted the respondent's relevant tourism industry experience but deemed its submission to be non-conforming because provision of an on-site caretaker was not proposed. Ezy Adventures propose to run the facility by a sole resident from Noosa Heads, which does not comply with the EOI invitation and supporting material, including a number of identified mandatory management responsibilities of critical importance.

- Cooroy Chamber of Commerce

The respondent was considered to have access to a network of local business and community members and have reasonable capacity to undertake the management services. However, the assessment panel had concerns with the proposed ongoing use of rostered volunteers to run the site, uncertainty with the process to find and appoint caretakers and the Chamber's lack of relevant experience.

- Crimmins Enterprises Pty Ltd

The respondent is the incumbent manager of the RV Stopover and also manages Council's Boreen Point Camp Ground. The assessment panel noted Crimmins Enterprises' management of those facilities has been to a high standard and met Council expectations and considered the respondent to have excellent relevant track record and experience.

- Glenbrae Operations Pty Ltd

The respondent operates the Cooroy No Worries RV Stop on the outskirts of Cooroy. The assessment panel noted Glenbrae Operation's facility is similar to Council's, is understood to have operated successfully for a number of years and is well regarded. The panel considered the respondent's relevant track record and experience to both be very good.

- Cooroy Future Group Inc.

The respondent was considered to have access to a network of local business and community members and have reasonable capacity to undertake the management services. However, the assessment panel had concerns with the proposed ongoing use of rostered volunteers to run the site and the Group's lack of relevant experience.

Fee Proposals

The management fee proposal (price) comprised half of the EOI assessment criteria weighting. Based on 2016/17 visitation figures the fee proposals equated to:

	<b>Cooroy Chamber of Commerce</b>	<b>Crimmins Enterprises</b>	<b>Glenbrae Operations</b>	<b>Cooroy Future Group</b>
Take of Fees	100%	100%	100%	50%
Annual Retainer	\$Nil	\$5,000	\$7,500	\$18,000
Estimated Total Remuneration: (based on FY16/17 visitation)	\$16,070	\$21,070	\$23,570	\$26,035

**3. Options Review**

The current management model represents one of a number of options available to Council. Details and discussion of the primary options is provided below.

Option 1: Modified Management Model with New Cost Savings

The EOI process has resulted in potential cost savings for the management of the site. The submission by the recommended respondent, Crimmins Enterprises, represents a saving of \$5,215 against the existing arrangements, based on:

	<b>Crimmins Enterprises' existing management terms</b>	<b>Crimmins Enterprises' proposed new management terms</b>
Take of Fees:	50%	100%
Total Fee Take (\$):	\$8,035	\$16,070
Annual Retainer:	\$18,250	\$5,000
Total Remuneration: (based on 2016/17 visitation of 1,607 visitor nights)	<b>\$26,285</b>	<b>\$21,070</b>

In addition to this cost saving, the following further changes to the existing model are proposed:

- Council to cease using a proprietary 3<sup>rd</sup> party booking platform, licence costs for which are approximate \$2,500 per year. RV Stopover manager to be responsible for its own booking arrangements.
- Public liability insurance to be the responsibility of the manager and no longer reimbursed by Council.

Both these responsibilities were incorporated in the EOI's management model. A comparison of the previous and posed trading position (using 2016/17 visitation figures) is detailed below.

<b>Running Costs</b>	<b>2016/17</b>	<b>Proposed</b>
Water supply (dump point and caretaker's amenities)	\$1,000	\$1,000
Electricity supply (dump point and caretaker's amenities)	\$2,500	\$2,500
Fees for third party online booking system	\$2,500	\$-
Health Licence annual fee	\$ 500	\$ 500
PL Insurance	\$1,300	\$-
Minor maintenance/civil	\$1,000	\$1,000
<b>Total:</b>	<b>\$8,800</b>	<b>\$5,000</b>

Estimated trading position:

Profit / Loss	2016/17	Proposed
<u>Income</u>		
• Visitor fees retained by Council	\$8,035	\$-
<u>Expenses</u>		
• Managers' retainer	-\$18,250	-\$5,000
• Approximate Running costs	-\$8,800	-\$5,000
<b>Total Profit/Loss</b>	<b>-\$19,015</b>	<b>-\$10,000</b>

The new management arrangement poses a forecast saving of approximately \$9k over the current trading position although does not achieve cost neutrality for the operation.

#### Option 2: Upgrade the Facility

Council has been approached to invest further in the RV Stopover to improve facilities and increase visitation. A submission provided by proponents is included as **Attachment 2**. Suggested improvements include:

- Open the Combined Coastal Car Club's adjacent toilets & showers for use by the RV facility.
- Amend the development approval to delete the requirement for self-contained vehicles only.
- Provide BBQs.
- Establish a visitor information centre.
- Construct a pathway around the James Hardy building to connect to the Lower Mill area.

The Car Club has indicated it is supportive of the submission and the use of its toilets and showers in principle, provided Council bears all costs for cleaning, maintenance, utilities and repairs. The Club has also expressed a desire to negotiate greater flexibility for its own camping use of the site.

#### Option 3: Dispense with 3rd Party Management

Council could consider abandoning the current management model and choose to appoint caretakers directly and to collect fees either by the caretaker or an honesty box. This approach would transfer management risks and responsibilities to Council.

#### Option 4: Close the Facility

This option presents the lowest financial risk. The Cooroy RV Stopover has not reached cost neutrality through 2½ years of operation and EOI options do not provide potential to achieve that outcome. The facility achieves only modest patronage and it is notable that a new private RV stop has established on Cooroy's outskirts since Council decided to address the lack of RV facilities in the area.

It is recommended Council reappoint the facility manager under a new management arrangement to achieve cost savings, as identified in Option 1. This option is preferred because it:

- Maintains operation of the facility and reduces Council's costs;
- Provides professional management of the facility and adheres to Council's development approval obligations; and
- Allows the manager to retain 100% of the visitor fees, which should incentivise the promotion of the RV Stopover by the manager.

Options 2 – 4 are not preferred because:

- The provision of amenities and investment in new facilities would result in ongoing additional operating costs to ratepayers (i.e. operations, maintenance and depreciation);
- Changes to provision of amenities and allowing self-contained RV's raises conflicts with the site's development approval and are not supported by Planning Assessment; and
- The facility plays a role in Cooroy's visitor facilities and the estimated annual cost of the current operation is considered modest and supportable.

It is recommended Council agree to enter a 1 year management services agreement with Crimmins Enterprises with the potential for 2 x 1 year extensions subject to satisfactory performance and mutual agreement of the parties. The management agreement drafted incorporates amendments to the management model and will achieve the cost savings detailed in this report.

### **Previous Council Consideration**

#### ***Ordinary Meeting Minutes, 28 August 2014, Item 6, Page 17***

*Council note the report by the Executive Officer to General Committee Meeting dated 25 August 2014 relating to the provision of a recreational vehicle (RV) stopover area, waste dump point and associated facilities at Cooroy, and request staff to:*

- A. Enter into formal negotiations with the Combined Coastal Car Club to allow for a 12 month trial for an RV Stopover utilising the open space included in the Club's permit to occupy over part of Lot 1 SP242414, 17 Mary River Road, Cooroy;*
- B. Submit an application for material change of use to allow temporary use of the site for up to 2 years by fully self-contained compact recreational vehicles (excluding big rigs over 12.5 m in length), subject to satisfactory arrangements being made with the Combined Coastal Car Club;*
- C. Develop a detailed minimum design and associated estimate of costs for a waste dump point and associated facilities to be located within Lot 1 SP242414, 17 Mary River Road, Cooroy (as per Figure 2 outlined in the report), together with associated directional and user signage with a view to a request for funding being submitted to the quarterly budget review process to allow construction to occur during 2014-15;*
- D. Prepare a feasibility assessment of the project to ensure that all financial and risk issues are addressed including the approach to the management model for the 12 month trial; and*
- E. Investigate options and estimated costs to provide parking spaces for long "recreational" vehicles in close proximity to Cooroy town centre and revisit usage of the Council freehold land opposite Cooroy Library for an interim parking area for longer vehicles until a permanent solution can be implemented.*

#### ***Ordinary Meeting Minutes, 4 June 2015, Item 4, Page 15***

*That Council note the report by the Development Planner to the Planning & Organisation Committee Meeting dated 26 May 2015 regarding Application No. MCU15/0003 for a Development Permit for a Self-Contained RV Stop & Waste Dump Point situated at 17Mary River Road, Cooroy and:*

- A. Approve the application subject to the conditions and grounds for approval contained in the Planning & Organisation Committee Agenda dated 26 May 2015 with the deletion of condition 11 and amendments to conditions 13 and 16 to read as follows:*

*13. To ensure the safety of visitors, the site must be managed by a caretaker.*



16. *The vehicle access road, passing bays, access driveways and waste dump point must be constructed generally in accordance with the approved plans. These works must be completed prior to the commencement of the use.*

B. *Reaffirm Council’s position that the Combined Coastal Car Club and Cooroy Horse & Pony Club’s needs for use of the site will be given priority, with the area in front of club house and the first access driveway only used on an as needs basis after consultation with the Combined Coastal Car Club.*

**Ordinary Meeting Minutes, 17 August 2017, Item 2, Page 8**

*That Council note the report by the Property Advisor to the Services & Organisation Committee Meeting dated 8 August 2017 and proceed to an Expression of Interest process for management of Council’s RV Stop facility at 17 Mary River Road, Cooroy (Lot 1 SP242414), as detailed in the report.*

**Finance**

The report outlines the financial implications of Council’s options for the Cooroy RV Stopover. Community requests to provide new amenities and facilities have not been quantified through detailed cost benefit analysis but would likely involve considerable whole of life costs to ratepayers.

**Risks & Opportunities**

The recommended option will allow Council to meet broad Cooroy community expectation by continuing to provide the RV Stopover facility. The report identifies some community desire for Council to invest further in the facility, but this is considered to significantly increase Council’s financial and development compliance risks. Options associated with remote or abandoned management of the facility would also create significant development compliance and disaster management risks and this is considered unacceptable.

**Consultation**

**External Consultation - Community & Stakeholder**

The report details a submission made by proponents for changes to the RV Stopover. The President of the Combined Coastal Car Club was approached for feedback on the submission.

**Internal Consultation**

- Procurement Advisor
- Governance Advisor
- Property Manager
- Community Development Manager
- Property Officer

Departments/Sections Consulted:

<input type="checkbox"/> <b>Chief Executive Officer</b> Executive Officer Executive Support	<input checked="" type="checkbox"/> <b>Community Services</b> x Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input checked="" type="checkbox"/> <b>Corporate Services</b> Financial Services ICT x Procurement & Fleet x Property Revenue Services
<input checked="" type="checkbox"/> <b>Executive Services</b> Community Engagement Customer Service x Governance People and Culture	<input type="checkbox"/> <b>Environment &amp; Sustainable Development</b> Building & Plumbing Services Development Assessment Economic Development Environmental Services Strategic Land Use Planning	<input type="checkbox"/> <b>Infrastructure Services</b> Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

NOOSA SHIRE COUNCIL Weighted Attribute Evaluation Spreadsheet - Final Evaluation

ATTACHMENT 1

Contract Title:	Management Services for Cooroy RV Stopover
Contract No:	1718E051

No.	NAME OF TENDERER (Conforming Tenders Only)	PRICE (excl of GST)
1	Cooroy Chamber of Commerce	\$16,070
2	Crimmins Enterprises	\$21,070
3	Glenbrae Operations Pty Ltd	\$23,570
4	Cooroy Future Group Inc	\$26,035
5		
6		
7		
8		
9		
10		

NON-CONFORMING TENDERS

Ezy Adventures (no onsite management as required)	\$12,856
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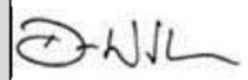
Number of Tenders Evaluated = 4

PART A - Non price elements		1 Cooroy Chamber of Commerce		2 Crimmins Enterprises		3 Glenbrae Operations Pty Ltd		4 Cooroy Future Group Inc		5		6		7		8		9		10	
Evaluation Criteria	Weighting (%)	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting	Score	Resultant score x weighting
Track Record and Experience	30%	50	15.00	100	30.00	90	27.00	40	12.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Methodology	5%	70	3.50	70	3.50	80	4.00	90	4.50	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Maintenance and Operational Undertakings	5%	30	1.50	60	3.00	60	3.00	80	4.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Environmental Sustainability and Emissions Control Measures	5%	40	2.00	70	3.50	60	3.00	20	1.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Contribution to Local Economy	5%	100	5.00	100	5.00	100	5.00	100	5.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Total Technical Score	50%	27.00		45.00		42.00		26.50		0.00		0.00		0.00		0.00		0.00		0.00	
Normalised Technical Score (Tn)		30.00		50.00		46.67		29.44													

PART B - Price element		1 Cooroy Chamber of Commerce		2 Crimmins Enterprises		3 Glenbrae Operations Pty Ltd		4 Cooroy Future Group Inc		5		6		7		8		9		10	
Total Fees (Pc)	50%	\$16,070		\$21,070		\$23,570		\$26,035		\$0		\$0		\$0		\$0		\$0		\$0	
Average Fees (Pav) \$.....	\$21,686																				
Price Score		126		103		91		80		0		0		0		0		0		0	
Normalised Price Score (Pn)		100		82		73		64		0		0		0		0		0		0	
Weighted Price Score (Pw)		50.00		40.84		36.26		31.75													

Total Score of price and non price elements	80.00	90.84	82.93	61.20																	
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Assessment Panel	Position Title
Contract Administrator & Assessment Panel Member 1	Property Advisor (DW)
Assessment Panel Member 2	Governance Advisor (PW)
Assessment Panel Member 3	Procurement & Contracts Advisor (SI)
Assessment Panel Member 4	Property Manager (CI)
Assessment Panel Member 5	

The Contract Administrator confirms the above scores and weightings of this evaluation	
Contract Administrator's signature:	Property Advisor (DW)

## ATTACHMENT 2

## REPORT TO NOOSA COUNCIL ON RV PARK AT COOROY.

This report is submitted by Doug Claydon and Ray Kelly in conjunction with the Cooroy Chamber of Commerce as concerns raised at a meeting of deputy mayor and 3 other councillors about the RV park at Cooroy. The council members requested that Ray and Doug consult with the Car Club and Pony Club regarding any issues they may have, this has been done. The main RV issue is the not having toilet facilities open for use by the RV park users. The RV park is not operating at peak performance as the number of RVs that are turned away because of the requirement of having to be self-contained vehicles. This could increase the usage if the toilets were opened and the words "self contained vehicles only" definition deleted from the signage and brochures. The proposal is for the toilet block to be opened for RV use. The shower area to be locked and have a key, digital button or a card system for entry and the showers have a coin operated or card system, so user pays. The cleaning would be done by council or contractors/ caretakers. The other issues that a BBQ area be established within the grounds for use by all who use the grounds. A tourist information centre be set up until such time as the transit centre is built at the railway station on the eastern side of Cooroy or a proposed service station at the highway. Railway has been ongoing for years and may be for another number of years. This would be a great short term to fill the void in Cooroy for tourist information. This centre could be a stepping off point for introduction to the caravan parks of the Noosa Shire for longer stays in the Noosa Shire. Signage would have to be placed for direction to the Information Centre around the town of Cooroy. The main complaint about Information Centres around Australia is access with RVs, this RV stop is an ideal position to accommodate RVs. This information centre would be run with volunteers and Tourism Noosa. One concern raised by the clubs is the rallies held by the RV clubs the numbers should be relaxed and the RV stopover would be closed for that time the rally is taking place. The other issues listed below by the clubs. Submitters ask council to consider their concerns and grant the requests by the clubs in whole community spirit.

The Submitters have many years' experience in RV activities Doug has owned a RV and travelled around Australia and NZ. Ray has been a caravan park

operator at Pine trees in Hasting st for 8 years and been one of the first to introduce electric brakes for the caravan industry in the seventies and has been caravanning since retirement in 2008.

We ask council to seriously consider our submission

Issues raised at the Car Meeting

Permit to occupy needs to be updated to include use rights on the land and the boundary for RV park. There may be some condition that if a big event such as caravan , car rally , horse show . The whole ground may be available.

The need to mention utilities such as water ,power, electricity cost should be at council expense.

A BBQ area should be established in the grounds.

Car club to give min of 6 weeks' to 10 weeks' notice ? to hold an event so RV park can be closed. Or 12 months events calendar.

The use of the showers by the R/V Park on a pay as you use basis

Car club has storage in the toilets this needs to change with some help to have a storage container on site.

Car Club to consider a small part of their building to lease out as an Information centre and use of the veranda

Max stay 4 nights , Max R/V is 40 unless there is a large an event to take place.

Use of the toilets by the car , pony , Cooroy rag at free of charge ?

Toilets to be maintained and cleaned and grounds mowed by council/caretaker.

Issues Raised At the Pony Club Meeting.

The movement of the RV vehicles when pony and car club events are in progress and the gate has that issued resolved so now not an issue.

The pony club raised the utilities issue of the electricity , that council pay for the RV , Car Club water account and the pony club if metered would pay for their water.

There is a restriction by council to limit the number of RV Vehicles which is fine for the RV park operation but at least twice or more a year caravan clubs , motor home clubs have a rallies and pony club have week and weekend schools which attract large horse floats with RV facilities and need to take up some of the other side of their grounds for parking of these vehicles. With greater number of vehicles they can no longer be permitted by council because of the increase numbers. The pony club and the car club cater for these events to help with fund raising. This fund raising should remain with the clubs and not to council and it should be noted that the car club make generous donations to the community and would create goodwill toward council.

The other suggestion for council consideration is a pathway around the back of Ritek, does not have to be concrete / bitumen just crusher dust because the area floods so you just place another load of crusher dust lot cheaper and is done all round Australia particular in flood prone areas. The path would continue to join up with the pathway to the library and town centre.

The receipts from July to date is approx \$50,000.00 of monies spent in Cooroy and districts. This being about 30% of the expenditure because many RV people did not place receipts in the container , forgot or got thrown away or did not request one. This has been verified by the recent caretaker.

The submitters met with the car club on 3 occasions and the pony club once as per instruction by the councillors we met at the grounds back late last year and February 20017

We the submitters request council to consider the submissions and process the implementation for the benefit of the whole shire and to be put on the map as being a really RV friendly town.

Doug Claydon

Ray Kelly

**2 132005.1133.07 REQUEST TO CHANGE A DEVELOPMENT APPROVAL FOR 145 MULTIPLE DWELLING UNITS AND ASSOCIATED FACILITIES, SHOP, RESTAURANT, MULTI-FUNCTION ROOM AND GYM FOR 75 RESORT DRIVE, NOOSA HEADS**

**Author**                    **Coordinator Planning, Patrick Murphy  
Environment and Sustainable Development**

**Index**                    **ECM/ Application/ 132005.1133.07**

**Attachments**        **1. Current approved plans  
2. Proposed plans**

<b>APPLICATION DETAILS</b>	
Applicant	Altum Constructions
Proposal	Material Change of Use - Change to Development Approval
Properly Made Date	29 November 2017
Decision Due Date	4 January 2018
<b>PROPERTY DETAILS</b>	
Property Address	75 Resort Drive, Noosa Heads
RP Description	Lot 7 SP178340 (formerly Lot 3 SP221524 & Lot 3 SP 178323)
Land Area	4.262ha
Existing Use of Land	Vacant: vegetation has been removed and earthworks associated with approval have commenced
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Urban Footprint
Locality	Noosa Heads
Zone	Semi-Attached Housing
Overlays	Environmental Enhancement Area Low Potential Acid Sulphate Soils Landslide Hazard Areas Medium Bushfire Hazard Area
Assessment Type	Change to Approval

## **RECOMMENDATION**

That Council note the report by the Coordinator Planning to the General Committee Meeting dated 15 January 2018 regarding Application No. 132005.1133.7 for a Development Permit for a Material Change of Use for a Resort of 145 Multiple Dwelling Units and Associated Facilities - Shop, Restaurant, Multi-Function Room and Gym situated at 75 Resort Drive Noosa Heads, and

- A. Amend the description of the development in the Decision Notice to read Material Change of Use for 137 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi-Function Room and Gym.

## B. Agree to change conditions 1, 2, 8, 33, 47, 64, 72, 81, and 83 as follows:

1. Prior to the issue of an operational works approval for civil works for each stage of the development, fully detailed architectural proposal plans relevant to each stage must be submitted for Council approval. Detailed plans must provide the following details as a minimum:
  - 1.1 Full architectural building elevations;
  - 1.2 Detailed roof plans and ground level contours demonstrating compliance with the development's 8m/12m building height limits above natural and finished ground levels;
  - 1.3 Landscaping areas demonstrating compliance with Condition 5 herein;
  - 1.4 The location of proposed stormwater management/treatment devices;
  - 1.5 Consistency with all management plans for the development;
  - 1.6 Building colour schemes demonstrating compliance with Condition 8 herein; &
  - 1.7 Vehicle manoeuvring areas and temporary turning provisions.
2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed below and are as amended by the conditions herein.

Plan No.	Rev.	Plan/Document Name	Date
7038-DA01	12	Altum Constrcutions Masterplan Noosa Springs Resort prepared by Blackburne Jackson Design	03-11-17
7038-DA03	10	Carparking/Basement prepared by Blackburne Jackson Design	29-09-17
7038-DA04	11	Ground Floor prepared by Blackburne Jackson Design	29-09-17
7038-DA05	10	First Floor prepared by Blackburne Jackson Design	29-09-17
7038-DA06	10	Second Floor prepared by Blackburne Jackson Design	03-11-17
7038-DA07	08	Site Section prepared by Blackburne Jackson Design	29-09-17
7038-DA08	09	Site Section prepared by Blackburne Jackson Design	29-09-17
7038-DA09	14	Indicative Apartment Layouts prepared by Blackburne Jackson Design	29-09-17
7038-DA10	12	Indicative Apartment Layouts prepared by Blackburne Jackson Design	29-09-17
7038-DA11	08	Perspective sketches prepared by Blackburne Jackson Design	29-09-17
7038-DA12	08	Perspective sketches prepared by Blackburne Jackson Design	29-09-17
7038-DA13	07	Overall staging plan prepared by Blackburne Jackson Design	29-09-17
7038-DA14	06	Finishes Palette prepared by Blackburne Jackson Design	29-09-17
7038-DA15	06	Resort Facilities Floor Plan prepared by Blackburne Jackson Design	29-09-17

7038-DA16	05	Facilities Elevations prepared by Blackburne Jackson Design	29-09-17
7038-DA17	03	Indicative Apartment Layouts prepared by Blackburne Jackson Design	29-09-17
7038-DA19	06	Building 15 Elevations prepared by Blackburne Jackson Design	29-09-17
7038-DA20	06	Block 18 Elevations prepared by Blackburne Jackson Design	29-09-17
7038-DA21	06	Building 3 Elevations prepared by Blackburne Jackson Design	29-09-17
7038-DA23	06	Block 2 Elevations prepared by Blackburne Jackson Design	29-09-17
7038-DA24	02	Block 15 Sections prepared by Blackburne Jackson Design	06-06-17
7038-DA25	03	Block 18 Sections prepared by Blackburne Jackson Design	29-09-17
DD1.1	F	Location Plan prepared by Sparks Architects	08-06-2017
DD1.2	F	Site Plan prepared by Sparks Architects	08-06-2017
DD1.3	H	Unit Type 1 prepared by Sparks Architects	08-06-2017
DD1.4	H	Unit Type 2 prepared by Sparks Architects	08-06-2017
WD1.8	E	Ground Floor Plan Block 7 prepared by Sparks Architects	23-08-2017
DD1.6	E	First Floor Plan Block 7 prepared by Sparks Architects	08-06-2017
DD1.7	D	Roof Plan Block 7 prepared prepared by Sparks Architects	08-06-2017
DD1.8	E	Ground Floor Plan Block 8 prepared by Sparks Architects	08-06-2017
DD1.9	E	First Floor Plan Block 8 prepared by Sparks Architects	08-06-2017
DD1.10	D	Roof Plan Block 8 prepared by Sparks Architects	08-06-2017
DD1.11	E	Ground Floor Plan Block 9 prepared by Sparks Architects	08-06-2017
DD1.12	E	First Floor Plan Block 9 prepared by Sparks Architects	08-06-2017
DD1.13	D	Roof Plan Block 9 prepared by Sparks Architects	08-06-2017
WD2.1	B	Elevations prepared by Sparks Architects	23-08-2017
WD2.2	B	North Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.3	B	East Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.4	B	South Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.5	B	West Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.6	B	Elevations Block 8 prepared by Sparks Architects	23-08-2017



WD2.7	B	Elevations Block 9 prepared by Sparks Architects	23-08-2017
DD3.1	D	Sections Block 7 prepared by Sparks Architects	08-06-2017
DD3.2	B	Section Block 7 prepared by Sparks Architects	08-06-2017
DD3.3	D	Section Block 8 prepared by Sparks Architects	08-06-2017
DD3.4	D	Section Block 9 prepared by Sparks Architects	08-06-2017
DD4.1	G	3D prepared by Sparks Architects	08-06-2017
DD4.2	G	3D prepared by Sparks Architects	08-06-2017
DD4.3	G	3D prepared by Sparks Architects	08-06-2017
DD4.4	G	3D prepared by Sparks Architects	08-06-2017
DD4.5	G	3D prepared by Sparks Architects	08-06-2017
DD4.6	G	3D prepared by Sparks Architects	08-06-2017
DD4.7	G	3D prepared by Sparks Architects	08-06-2017
7088_A01-10_04	04	CTS 400 Site Plan – Level 1 prepared by Blackburne Jackson Design	03-10-17
7088_A01-21_B	B	CTS 100 Site Plan – Level 1 prepared by Blackburne Jackson Design	03-10-17
7088_A01-31_B	B	CTS 300 Site Plan – Level 1 prepared by Blackburne Jackson Design	03-10-17
7088_02-01_11	11	Facilities Building Level 1 – Floor Plan prepared by Blackburne Jackson Design	03-10-17
7088_02-02_10	10	Facilities Building – Roof Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-30_C	C	Block 15 Basement Level – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-31_D	D	Block 15 Level 1 – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-32_D	D	Block 15 Level 2 – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-33_D	D	Block 15 Level 3 – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-34_C	C	Block 15 – Roof Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-01_F	F	Block 3 Basement Level – Floor Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-02_E	E	Block 3 Level 1 – Floor Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-03_D	D	Block 3 Level 2 – Floor Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-04_E	E	Block 3 Level 3 – Floor Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-05_C	C	Block 3 – Roof Plan prepared by Blackburne Jackson Design	03-10-17
7088_A02-90_C	C	Block 16 Basement Level – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-	D	Block 16 Level 1 – Floor Plan prepared by	04-09-17

91_D		Blackburne Jackson Design	
7088_A02-92_D	D	Block 16 Level 2 – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-93_D	D	Block 16 Level 3 – Floor Plan prepared by Blackburne Jackson Design	04-09-17
7088_A02-94_C	C	Block 16 – Roof Plan prepared by Blackburne Jackson Design	04-09-17
7088_A04-01_07	07	Elevations prepared by Blackburne Jackson Design	03-10-17
7088_A04-10_D	D	Block 15 - Elevations prepared by Blackburne Jackson Design	04-09-17
7088_A04-11_D	D	Block 15 - Elevations prepared by Blackburne Jackson Design	04-09-17
7088_A04-01_D	D	Block 3 - Elevations prepared by Blackburne Jackson Design	03-10-17
7088_A04-02_D	D	Block 3 - Elevations prepared by Blackburne Jackson Design	03-10-17
7088_A04-30_D	D	Block 16 - Elevations prepared by Blackburne Jackson Design	04-09-17
7088_A04-31_D	D	Block 16 - Elevations prepared by Blackburne Jackson Design	04-09-17
7088_05-01_06	06	Sections prepared by Blackburne Jackson Design	03-10-17
7088_A05-10_C	C	Block 15 - Sections prepared by Blackburne Jackson Design	04-09-17
7088_A05-15_C	C	Block 16 - Sections prepared by Blackburne Jackson Design	04-09-17
7088_AA05-20_03	03	Sections prepared by Blackburne Jackson Design	29-05-17
7088_AO17-01_01	01	Facilities Buildings Perspectives prepared by Blackburne Jackson Design	19-05-17
7088_AO17-03_01	01	Quarry Café Views prepared by Blackburne Jackson Design	19-05-17
7088_AO17-03_02	02	Parkside Residences prepared by Blackburne Jackson Design	06-06-17
7088_AO17-04_02	02	Parkside Terrace 15 prepared by Blackburne Jackson Design	29-09-17
7088_AO17-05_02	02	Parkside Terrace 15 prepared by Blackburne Jackson Design	29-09-17
7088_AO17-06_02	02	Parkside Residences 3 prepared by Blackburne Jackson Design	06-06-17

8. The development's external colour scheme shall use muted environmental tones of browns, greens and greys to integrate the development with its landscape setting and ensure the development does not visually impact on the vegetated skyline. All buildings shall utilise the finishes palette detailed on Plan 7038- DA14 Issue 06 Dated 29-09-17. The use of paint finish Taubmans Tahira White is to be minimised.

33. Carparking shall be provided within the site generally as shown on the approved plans. Carparking shall include 285 carpark spaces with 250 of these to be covered carpark spaces, and include 10 clearly defined disabled carpark spaces for the unit component of the development. Five carparking spaces for staff in addition to resident and visitor spaces are to be provided on site. Visitor and staff carparking, including all at grade car parking situated between Blocks 2 and 3 must be maintained in common property and be available to all units. Motorcycle/scooter parking spaces may be incorporated at a rate of 4 spaces equivalent to 1 car space.
47. All stormwater drainage shall be managed so that:
- there is no net increase in 1 year ARI peak stormwater flows from the site at any stage of the development that will cause scour at any point in the receiving environment. Where there is an increase in 1 year ARI peak stormwater flows, a Hydraulic Engineer must certify that the increase will not be responsible for any scour in the receiving environment; and
  - the discharge of stormwater from construction or completed stages of the site does not affect the approved design residence time of the Noosa Springs Golf Course lake system.
64. Monetary contributions shall be paid to Noosa Council towards the cost of providing and/or upgrading various infrastructure at the rates applicable at the time of payment. An estimate only of the amended contribution amounts relating to this "Change to an Existing Approval" dated **18 January 2018** under the Council policies and requirements applied on the original approval is outlined in the table below:

Contribution Required For:	PSP12 – Public Open Space Contributions <i>(Not applicable in accordance with Council letter dated 24 January 1996 and Council Decision of 1 November 2007)</i>	PSP16 – Sewerage Headworks Contributions	PSP17 – Water Supply Headworks Contributions	PSP20 – Pathway Trunk Network Contributions	TOTAL Contribution Amount per Stage
Stage CTS 100	\$0	\$51,653	\$173,751	\$27,538	<b>\$252,942</b>
Stage CTS 200	\$0	\$17,315	\$57,735	\$8,919	<b>\$83,969</b>
Stage CTS 300	\$0	\$32,283	\$108,935	\$17,211	<b>\$158,429</b>
Stage CTS 400 Resort Facilities	\$0	\$8,516	\$23,239	\$3,599	<b>\$35,354</b>
Stage CTS 500	\$0	\$39,033	\$129,632	\$20,002	<b>\$188,667</b>
Stage CTS 600	\$0	\$17,756	\$59,914	\$9,466	<b>\$87,136</b>
Stage CTS 700	\$0	\$18,929	\$63,182	\$9,779	<b>\$91,890</b>
Stage CTS 800	\$0	\$17,756	\$59,914	\$9,466	<b>\$87,136</b>
Stage CTS 900	\$0	\$14,527	\$49,021	\$7,745	<b>\$71,293</b>
<b>TOTAL Contribution Amount =</b>	<b>\$0</b>	<b>\$217,768</b>	<b>\$725,323</b>	<b>\$113,725</b>	<b>\$1,056,816</b>

Please note that these amounts are all subject to variations in the Consumer Price Index, All Groups Brisbane from **September 2017** until the date of payment.

All contributions must be paid prior to commencement of the use.

Water Supply and Sewerage contributions are payable directly to Unitywater.

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72. The development must provide waste storage and disposal facilities in accordance with Planning Scheme Policy 9, Waste Management, including:
- a. an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
  - b. a bin wash area with a cold-water tap, hose and drain outlet connected to sewer, via a bucket trap. The drain outlet is to be designed to prevent storm water entry to the sewerage system which can be achieved by a bunded area, with a nib wall height of 100mm maximum, enclosing a wash area of 700mm x 700mm minimum (max 0.7m<sup>2</sup>). Alternatively, the waste area can be roofed, or another appropriate design approved by Council.
81. Noise emission from mechanical equipment (air conditioners, refrigeration equipment, or pool pumps etc) shall comply with the following requirements:
- a. A person must not use equipment on any day if it makes or causes noise to be made:
    - i. From 10pm to 7am: Not more than the higher of either:
      - a. 40 dB(A)
      - b. 3 dB(A) above the background noise levelNo audible noise for pool pumps apply during these hours
    - ii. From 7am to 7pm: Not more than the lower of either:
      - a. 50 dB(A)
      - b. dB(A) above the background noise level
    - iii. From 7pm to 10pm:
  - b. Not more than 3 dB(A) above the background noise level.
- 83 The development shall comply with the noise management strategies contained in the report prepared by Ron Rumble Pty Ltd and dated November 2006, with the following additional details to be provided prior to issue of Operational Works to the reasonable satisfaction of Manager, Environmental Health Noosa Council: -
- 83.1 The necessary and appropriate noise control measures incorporated into the façade of the apartments and within the restaurant. These measures shall include:
- 83.1.1 Upgraded glazing and air-conditioning to the potentially affected apartments;
  - 83.1.2 Strategically placed wing walls on balconies to screen the apartment and balconies from alfresco dining areas;
  - 83.1.3 Installation of a roof over the outdoor dining area with absorption to the underside should be explored;
  - 83.1.4 Revised hours of operation to no later than midnight;
- 83.2 Formulate and implement a Noise Management Plan to deal with noise emissions from the premises including patron noise.
- 83.3 The applicant must advise prospective purchasers that a noise management plan has been prepared to manage noise emissions related to the development.
- 83.4 The Noise Management Plan referred to in Condition 83.2 shall be incorporated in perpetuity in the By-Laws of the Body Corp for the building.

83.5 The Noise Management Plan shall include a process for dealing with complaints and specify that the Restaurant Management and Body Corp Manager be responsible for dealing with any noise complaints.

- C. Refuse to amend conditions 4 and 96.
- D. Delegate the powers of Council under the Planning Act 2016 for minor change applications for this development to the Chief Executive Officer.
- E. Note that the report is provided in accordance with Section 63(5) of the *Planning Act, 2016*.

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## REPORT

### 1. PROPOSAL

The application seeks approval to change the approved plans for the development of Precinct F of Noosa Springs.

The applicant has provided the following schedule of changes to the plans:

- *It is proposed to change the description of the development to reflect the proposed reduction in dwelling unit numbers anticipated by this permissible change request. The new description of development will be as follows:-*  
**Material Change of Use – 137 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi- Function Room and Gym**
- *Reduce the overall number of dwelling units from 145 to 137;*
- *Amend the overall number of persons from 426.5 to 425.6. This proposed density remains consistent with the anticipated density under the Noosa Plan of 100 persons / hectare (i.e. 4.262ha x 100 = 426.2 persons);*
- *Minor increase in overall gross floor area from 20,046.5m<sup>2</sup> to 20,083m<sup>2</sup> (nb. the original approved GFA was 21,950m<sup>2</sup>);*
- *Minor redesign of central communal facilities, wherein such changes are generally contained to the arrangement of 'back of house' servicing facilities, with no significant changes to either the scale or the external appears of the built form;*
- *Rationalisation of pedestrian networks across the development;*
- *Minor amendments to the driveway and parking arrangements in the southern part of the site to achieve access arrangements and reflect other changes proposed in Precinct E2. It is recognised that the amendments to the driveway will also necessitate a consequential amendment to the approval over the adjacent Precinct E2 (Council Ref: MCU15/0109).*
- *Minor amendments to the orientation of unit blocks 13 and 14 to increase the efficiency of the layout and function of these buildings;*
- *Introduction of a new 3 bedroom unit type into Block 14 and 3 new unit types into Block 2;*
- *Minor variations to the building heights generally as follows:-*
  - *Block 3 – the height of this building has been increased by approximately 350mm generally as a consequence of minor changes to the floor to floor heights of individual levels of the building. The purpose of this change in floor to floor heights was to introduce greater acoustic treatment between levels. Notwithstanding this change, the overall building height remains below 12m;*
  - *Blocks 16 and 17 – the floor to ceiling heights of individual levels has increased slightly for these units blocks, however the overall height remains under the maximum RL approved (i.e. RL44.7) under the most recent change approval. This is achieved by a minor change to the roof pitch for these buildings;*

- *Block 20 – the overall height of this building has marginally increased as a consequence of associated proposed civil works, wherein the upper level of the building has been shifted to align with the level of adjacent driveway to facilitate convenient and pedestrian access to the dwellings;*
- *Minor amendments to the staging of the development to generally align with anticipated construction and titling program of delivery. Notwithstanding the proposed staging amendments, these have been notated for identification purposes only. The order of construction of individual stages has not been confirmed. Our client is seeking to retain flexibility in the approval conditions to allow stages to proceed individually, simultaneously or not in sequential order.*

*The proposed new dwelling configuration for individual stages can be summarised as follows:-*

CTS	PHASE	BUILDING	DWELLING CONFIGURATION			Sub-Total (No. of Dwellings)
			1 bed	2 bed	3 bed(+)	
100	101	Block 15	-	-	11	11
	102	Block 16	-	-	11	11
	103	Block 17	-	-	11	11
200	201	Block 7	-	2	2	4
	202	Block 8	-	2	2	4
	203	Block 9	-	2	2	4
300	301	Block 3	-	-	11	11
	302	Block 4	-	-	9	9
400	401	Main Communal Facilities	-	-	-	-
500	501	Block 5	3	4	8	15
	502	Block 6	4	1	8	13
600	601	Block 22	-	-	11	11
700	701	Block 2	-	6	7	13
800	801	Block 13	-	-	6	6
	802	Block 14	-	-	5	5
900	901	Block 18	-	-	2	2
	902	Block 19	-	-	2	2
	903	Block 20	-	-	3	3
	904	Block 21	-	-	2	2
<b>TOTAL</b>			<b>7</b>	<b>17</b>	<b>113</b>	<b>137</b>

*The proposed changes will require consequential changes to conditions to reflect the amended site layout, proposed staging amendments and updated building number references. Accordingly, it is requested to amend conditions 1, 2, 8, 33, 64 and Advisory Notes 1, 2 and 11*

The application also proposes to amend Conditions 4, 47, 83 and 96.

The application also identifies formatting issues with existing conditions 72 and 81 and it is requested that these be rectified as part of this application. Based on feedback from Council's Environmental Health Department it is also recommended to remove reference to a Local Law which is no longer applicable within Condition 81.

Summarised versions of the current approved and proposed development plans are included as **Attachments 1 & 2**. A comparison of the layout from the original, subsequent approved changes to the development and the current proposal are shown in **Figures 1 – 5** below.

The application is before Council due to the scale and significance of the development. However, the proposed amendments are generally considered relatively minor and do not result in significant change to the overall form of the development.

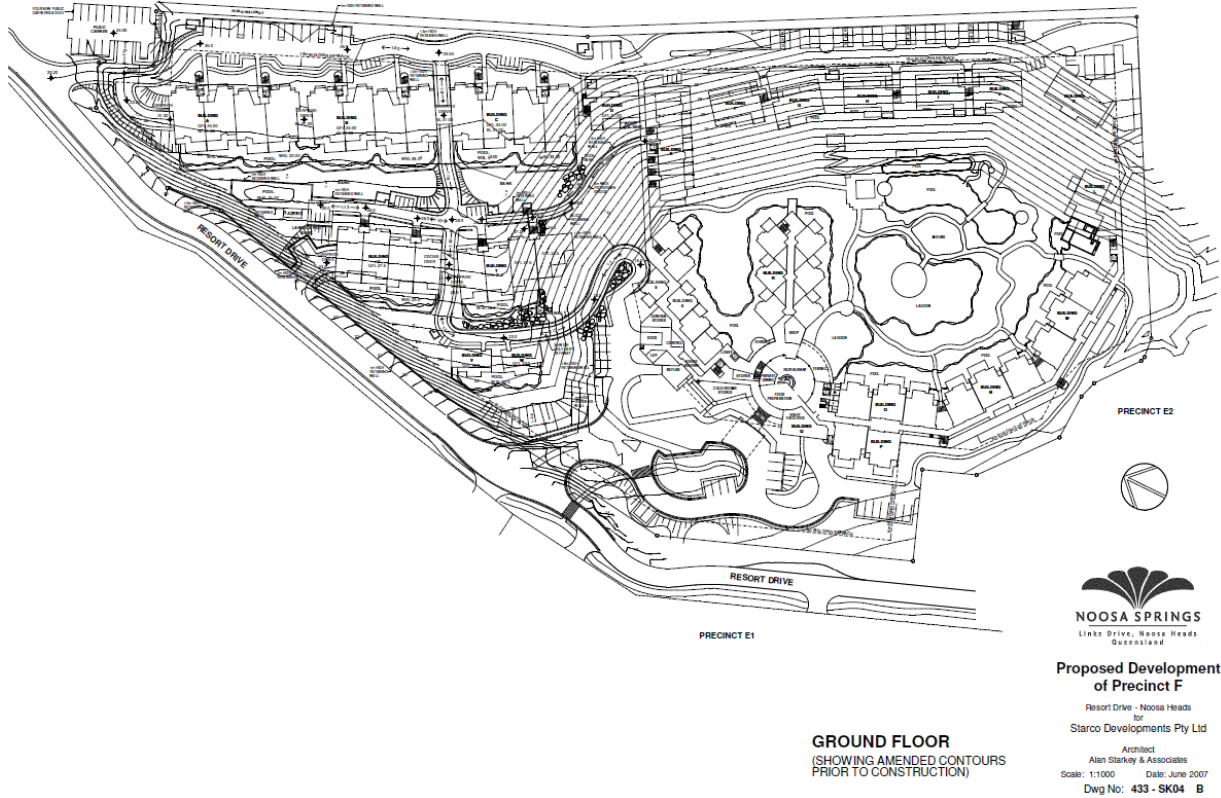


Figure 1 – Original Approved Layout

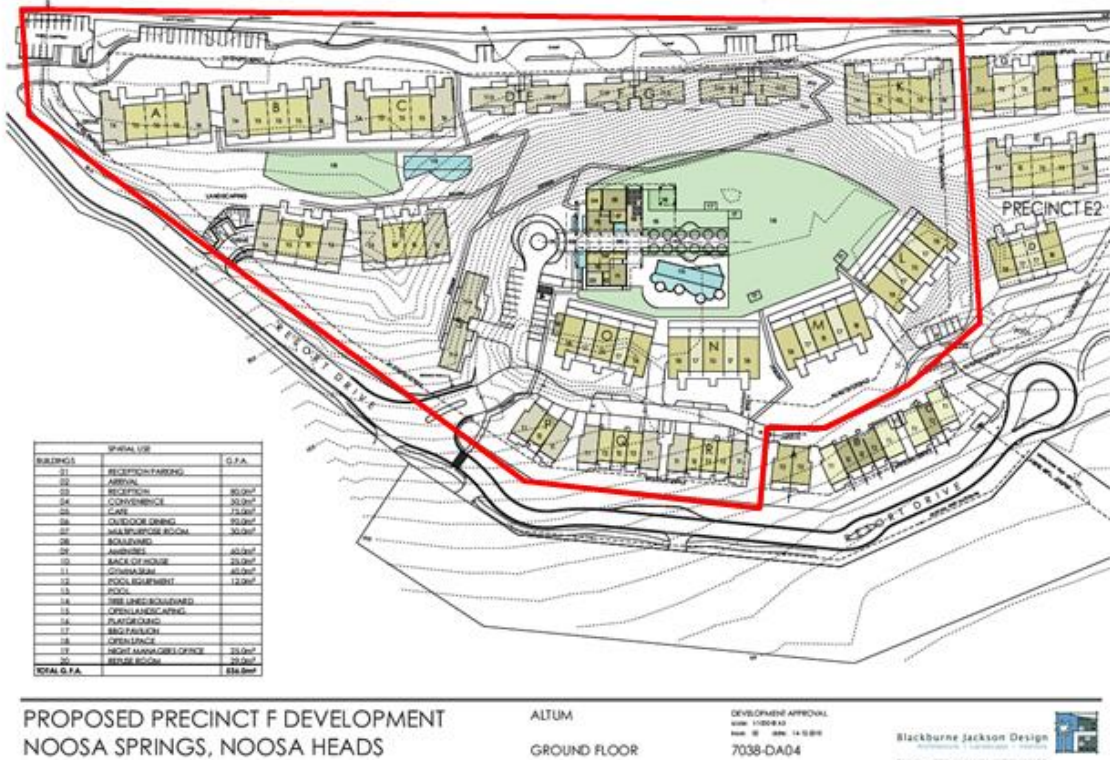


Figure 2 – Layout Modified March 2016

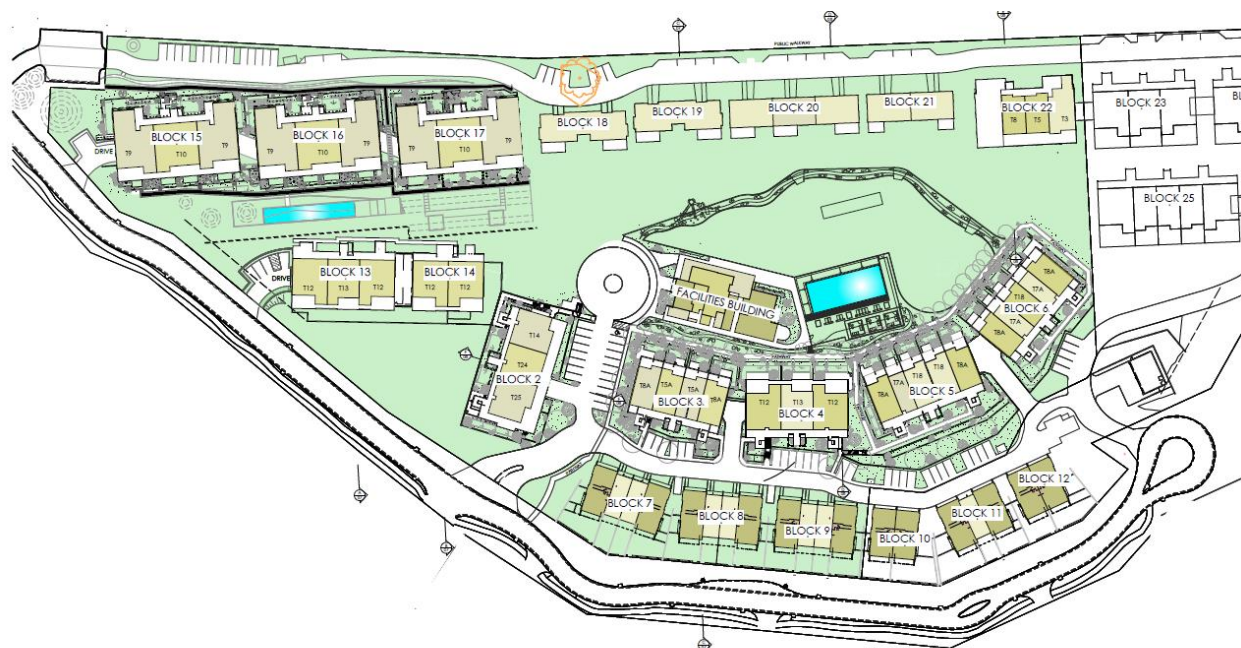


Figure 3 Layout Modified December 2016



Figure 4 Layout Modified September 2017





*Figure 5 – Proposed Layout – Current Change (Revised plan submitted 29.11.2017)*

## 2. SITE DETAILS

### 2.1. Background

The site is located within Precinct F of the Noosa Springs development at Noosa Springs Drive, Noosa Heads. Noosa Springs is a master planned residential golf resort, with most development on the site completed. The subject resort site and an adjoining multiple dwelling site (Precinct E2) have remained undeveloped and were recently purchased by the applicant.

On the 30 August 2007 Council approved the application for a Material Change of Use - Resort of 155 Multiple Dwelling Units & Associated Facilities (Theatre, Restaurant, Shops & Function Rooms), which was assessed under the Superseded Planning Scheme.

Representations were then made, and on the 5 November 2007, Council agreed to amend or delete 18 of the 102 total conditions pertaining to the development.

On 6 April 2011 an extension to the currency period of the approval for 4 years to 1 November 2015 was agreed.

On 10 September 2015 an extension to the currency period of the approval for 2 years to 1 November 2017 was agreed.

On 10 March 2016 a modification to the approval was granted which altered the general redesign of building layouts to increase efficiency and consolidate non-residential components and remove the theatre and function room components of the approval.

On 15 December 2016 a modification of the approval was granted which changed the description of the approval from Material Change of Use - 155 Multiple Dwelling Units and Associated Facilities - Theatre, Restaurant, Shops & Function Rooms to Material Change of Use for a Resort of 151 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi-Function Room and Gym. This change also included a redesign of the building layouts and a change to a number of conditions.

On 21 September 2017 Council agreed to further modification of the approval which changed the description of the approval from Material Change of Use - 151 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi-Function Room and Gym to Material Change of Use for 145 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi-Function Room and Gym. This change also included a redesign of the building layouts and a change to a number of conditions.

## 2.2. Site Description

The site is a 4.262ha irregularly shaped allotment located on the western slopes of a high dune on the eastern side of the Noosa Springs development and has a frontage to Resort Drive of approximately 315 metres. Most of the site was used as a sand quarry in the past and the terrain varies from gentle slopes on the quarry floor to very steep slopes on the excavated batters. Undisturbed ground surrounding the quarry slopes moderately, averaging roughly 12-15%.

A band of mature open forest is present around the extremities of the quarry area, varying in width from 10 to 30m along Resort Drive and containing some mature trees. An area of 0.8ha of remnant vegetation exists in the north of the site which is to be cleared for the development. Native vegetation is also found along the ridgeline of the escarpment to the eastern boundary, adjacent to the car park and Resort Drive to the north. Species present include koala feed trees and koalas have been observed in the area by Noosa Springs residents, though the site is excluded from the State's koala habitat mapping.

The site is bounded by Council land to the east, the Noosa Springs clubhouse to the northwest and Residential Precincts E1 to the west and Residential Precinct E2 to the south. Precinct E1 has been developed for 42 multiple dwelling units, with Precinct E2 subject to representations to a current development application for 44 units (MCU15/0109). The representations also seek to amend the plans and reduce the number of units to 37. The Noosa Heads sewerage treatment plant is located to the north of the site, with land further to the south of the site being National Park adjacent to Lake Weyba. A 3 metre wide pathway reserve runs along the eastern boundary.

Aerial photographs of the site and its surrounds are shown in **Figures 6 & 7** below.



*Figure 6 – Aerial Photograph of Locality*



*Figure 7 – Aerial Photograph*

### 3. STATUTORY PROCESS

The proposed change to the development approval requested by the applicant is determined to constitute a minor change in accordance with Schedule 2 of the Planning Act 2016 on the grounds that:

- The change would not result in a substantially different development as the use remains the same as that approved and the scale and bulk of the development remains generally consistent with the current approval. There are no new uses proposed that would create different or additional impacts.
- The changes do not create a new referral trigger to the State Assessment and Referral Agency.
- The proposed changes do not vary the level of assessment the original development application was impact assessable; and
- The changes do not involve prohibited development.

### 4. ASSESSMENT

#### Plans

The submitted plans provide for a reduction in the number of units from 145 to 137 and the amended configuration of the units. The resultant changes accord with the allowable population density and provide for a development with a scale and bulk consistent with the current approval.

The overall form of the approval is consistent with the previous approval in that the application maintains the multiple dwelling development, together with minor ancillary activities including a shop, café/restaurant and communal recreation facilities. The built form is maintained as the buildings will remain a mix of 2-3 storeys with basement car parking.

The slight reduction in the number of dwelling units has not significantly altered the scale of the multiple dwelling component of the development. The change to dwelling unit composition involves a reduction in the number of 1 and 2 bedroom dwelling units, an increase in the number of 3 bedroom dwelling units and the deletion of the 4 bedroom dwelling units. The reduction in 1 and 2 bedroom units results in a loss of housing diversity however there is no provision within the planning scheme requiring a mix of bedroom numbers for new dwellings. It is likely that the amended mix of dwelling types is in response to market demand. The minor change to the GFA is still below that originally approved over the site.

A comparison of the proposed amendment against both the original approval and the most recently modified approval is provided in the table below:-

Criteria		Original Approval [September 2007]			Current Approval [September 2017]			Proposal [November 2017]		
Population Density		356.4 persons			426.5 persons			425.6 persons		
Unit Mix	Building	1 bed	2 bed	3 bed	1 bed	2 bed	3 bed	1 bed	2 bed	3 bed
	Block 15				-	-	11	-	-	11
	Block 16				-	-	11	-	-	11
	Block 17				-	-	11	-	-	11
	Block 7				-	2	2	-	2	2
	Block 8				-	2	2	-	2	2
	Block 9				-	2	2	-	2	2
	Block 3				4	2	7	-	-	11
	Block 4				-	6	6	-	-	9
	Communal Facilities				-	-	-	-	-	-
	Block 5	48	87	20	2	6	6	3	4	8
	Block 6				4	2	7	4	1	8
	Block 22				-	-	11	-	-	11
	Block 2				-	10	4	-	6	7
	Block 13				-	4	4	-	-	6
	Block 14				-	4	2	-	-	5
	Block 18				-	-	2	-	-	2
	Block 19				-	-	2	-	-	2
	Block 20				-	-	3	-	-	3
	Block 21				-	-	2	-	-	2
TOTAL	48	87	20	10	40	95	7	17	113	
Gross Floor Area	Building	Gross Floor Area (approx.)			Gross Floor Area (approx.)			Gross Floor Area (approx.)		
	Block 15	Units = 20,609sqm  Community Facilities = 1,341sqm			1,983sqm			1,983sqm		
	Block 16				1,983sqm			1,983sqm		
	Block 17				1,983sqm			1,983sqm		
	Block 7				595sqm			595sqm		
	Block 8				595sqm			595sqm		
	Block 9				595sqm			595sqm		
	Block 3				1,343sqm			1,221sqm		
	Block 4				1,242sqm			1,341sqm		
	Communal Facilities				612sqm			600sqm		
	Block 5				1,429sqm			1,447.5sqm		
	Block 6				1,343sqm			1,343sqm		
	Block 22				1,326.5sqm			1,326.5sqm		
	Block 2				1,442sqm			1,469sqm		
	Block 13				952sqm			894sqm		
	Block 14				682sqm			766sqm		
	Block 18				426sqm			426sqm		
Block 19	426sqm				426sqm					
Block 20	653sqm			653sqm						
Block 21	436sqm			436sqm						
TOTAL	21,950sqm			20,046.5sqm			20,083sqm			
Car Parking	Building	Covered	Uncovered	Covered	Uncovered	Covered	Uncovered			
	Block 15			23		27				
	Block 16	86	20	23	16	27	16			
	Block 17			23		23				
	Block 7	134	21	6	2	6	2			
	Block 8			6		6				

Criteria	Original Approval (September 2007)		Current Approval (September 2017)		Proposal (November 2017)	
Block 9			6		6	
Block 3			16	15	19	15
Block 4			13		18	
Communal Facilities			-	18	-	19
Block 5			18	17	20	17
Block 6			16		18	
Block 2			23	-	19	-
Block 14	24	2	13	2	26	4
Block 13			19			
Block 22			20	-	20	-
Block 18			4		4	
Block 19	21	12	4	26	4	18
Block 20			6		6	
Block 21			4		4	
<b>TOTAL</b>	<b>265</b>	<b>55</b>	<b>243</b>	<b>94</b>	<b>253</b>	<b>92</b>

The minor redesign of the central communal facilities is generally contained within the back of house areas with the building appearance and scale being maintained.

The changes to the alignment of the internal roads, parking arrangements and pedestrian pathways are supported as they are minor and of no significant consequence.

The re-alignment of blocks 13 and 14 will be of little consequence as separation is maintained between the two buildings.

The minor change to the staging of the development retains the flexibility in the approval conditions to allow stages to proceed individually, simultaneously or not in sequential order.

With regards to the proposed changes to the heights of buildings 3, 16, 17 and 20:

- Block 3 is proposed to be increased by approximately 350mm to introduce greater acoustic treatment between levels. The overall building height remains below 12 metres with the majority of the roof form being well below this height. This minor increase in height is supported.
- It is proposed to increase the floor to ceiling heights of Blocks 16 and 17. The overall height is to remain under the maximum RL approved (i.e. RL44.7) and this has been achieved by lowering the roof pitch for these buildings. This minor change is supported.
- The applicant advises that the overall height of Block 20 is increased due to proposed civil works, wherein the upper level of the building has been shifted to align with the level of the adjacent driveway to allow for pedestrian access to the dwellings. The civil works reduce the extent of excavation required for the road thereby reducing the height of retaining walls adjacent to the north-eastern boundary. The resultant change in height for Block 20 is 900mm and results in a section of the building being in excess of 8.0 metres. The height of this building is 3.80 metres lower than the adjoining building (Block 19) to the north and 7.6 metres lower than Block 18 further north. The proposed increase in height does not compromise the vegetated backdrop provided by Girraween as evidenced by the visual assessment that was provided with the original application.

Accordingly, the amendments to the plans are supported.

**Conditions****Condition 1**

1. *Prior to the issue of an operational works approval for civil works for each stage of the development, fully detailed architectural proposal plans relevant to each stage must be submitted for Council approval. Detailed plans must provide the following details as a minimum:*
  - 1.1 *Full architectural building elevations;*
  - 1.2 *Detailed roof plans and ground level contours demonstrating compliance with the development's 8m/12m building height limits above natural and finished ground levels;*
  - 1.3 *Landscaping areas demonstrating compliance with Condition 5 herein*
  - 1.4 *The location of proposed stormwater management/treatment devices;*
  - 1.5 *Consistency with all management plans for the development;*
  - 1.6 *Building colour schemes demonstrating compliance with Condition 8 herein; &*
  - 1.7 *Vehicle manoeuvring areas and temporary turning provisions.*
  - 1.8 *Plans demonstrating compliance with the allowable population density of 426.2 persons.*

**Applicant's requested change**

The applicant requests that this condition be amended as the current set of plans demonstrate compliance with Condition 1.8.

**Assessment**

The proposed amendment to condition 1 will reflect the new set of plans and is therefore supported.

**Condition 2**

- 2 *Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed below and are as amended by the conditions herein.*

<i>Plan No.</i>	<i>Rev.</i>	<i>Plan/Document Name</i>	<i>Date</i>
<i>7038-DA01</i>	<i>10</i>	<i>Project summary prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA03</i>	<i>09</i>	<i>Carparking/Basement prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA04</i>	<i>10</i>	<i>Ground Floor prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA05</i>	<i>09</i>	<i>First Floor prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA06</i>	<i>08</i>	<i>Second Floor prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA07</i>	<i>07</i>	<i>Site Section prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA08</i>	<i>08</i>	<i>Site Section prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA09</i>	<i>13</i>	<i>Indicative Apartment Layouts prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7038-DA10</i>	<i>11</i>	<i>Indicative Apartment Layouts prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>

<i>Plan No.</i>	<i>Rev.</i>	<i>Plan/Document Name</i>	<i>Date</i>
7038-DA11	07	<i>Perspective sketches prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA12	07	<i>Perspective sketches prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA13	07	<i>Overall staging plan prepared by Blackburne Jackson Design</i>	14-06-17
7038-DA14	05	<i>Finishes Palette prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA15	05	<i>Resort Facilities Floor Plan prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA16	04	<i>Facilities Elevations prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA17	02	<i>Indicative Apartment Layouts prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA19	05	<i>Building 15 Elevations prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA20	05	<i>Block 18 Elevations prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA21	05	<i>Building 3 Elevations prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA23	05	<i>Block 2 Elevations prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA24	02	<i>Block 15 Sections prepared by Blackburne Jackson Design</i>	06-06-17
7038-DA25	02	<i>Block 18 Sections prepared by Blackburne Jackson Design</i>	06-06-17
DD1.1	F	<i>Location Plan prepared by Sparks Architects</i>	08-06-2017
DD1.2	F	<i>Site Plan prepared by Sparks Architects</i>	08-06-2017
DD1.3	H	<i>Unit Type 1 prepared by Sparks Architects</i>	08-06-2017
DD1.4	H	<i>Unit Type 2 prepared by Sparks Architects</i>	08-06-2017
WD1.8	E	<i>Ground Floor Plan Block 7 prepared by Sparks Architects</i>	23-08-2017
DD1.6	E	<i>First Floor Plan Block 7 prepared by Sparks Architects</i>	08-06-2017
DD1.7	D	<i>Roof Plan Block 7 prepared prepared by Sparks Architects</i>	08-06-2017
DD1.8	E	<i>Ground Floor Plan Block 8 prepared by Sparks Architects</i>	08-06-2017
DD1.9	E	<i>First Floor Plan Block 8 prepared by Sparks Architects</i>	08-06-2017
DD1.10	D	<i>Roof Plan Block 8 prepared by Sparks Architects</i>	08-06-2017
DD1.11	E	<i>Ground Floor Plan Block 9 prepared by Sparks Architects</i>	08-06-2017
DD1.12	E	<i>First Floor Plan Block 9 prepared by Sparks Architects</i>	08-06-2017
DD1.13	D	<i>Roof Plan Block 9 prepared by Sparks Architects</i>	08-06-2017
WD2.1	B	<i>Elevations prepared by Sparks Architects</i>	23-08-2017
WD2.2	B	<i>North Elevations Block 7 prepared by Sparks Architects</i>	23-08-2017

<i>Plan No.</i>	<i>Rev.</i>	<i>Plan/Document Name</i>	<i>Date</i>
WD2.3	B	East Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.4	B	South Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.5	B	West Elevations Block 7 prepared by Sparks Architects	23-08-2017
WD2.6	B	Elevations Block 8 prepared by Sparks Architects	23-08-2017
WD2.7	B	Elevations Block 9 prepared by Sparks Architects	23-08-2017
DD3.1	D	Sections Block 7 prepared by Sparks Architects	08-06-2017
DD3.2	B	Section Block 7 prepared by Sparks Architects	08-06-2017
DD3.3	D	Section Block 8 prepared by Sparks Architects	08-06-2017
DD3.4	D	Section Block 9 prepared by Sparks Architects	08-06-2017
DD4.1	G	3D prepared by Sparks Architects	08-06-2017
DD4.2	G	3D prepared by Sparks Architects	08-06-2017
DD4.3	G	3D prepared by Sparks Architects	08-06-2017
DD4.4	G	3D prepared by Sparks Architects	08-06-2017
DD4.5	G	3D prepared by Sparks Architects	08-06-2017
DD4.6	G	3D prepared by Sparks Architects	08-06-2017
DD4.7	G	3D prepared by Sparks Architects	08-06-2017
7088_A01-10_03	03	CTS 4 Site Plan – Level 1 prepared by Blackburne Jackson Design	06-06-17
7088_A01-21_05	05	CTS 1 Site Plan – Level 1 prepared by Blackburne Jackson Design	06-06-17
7088_A01-31_05	05	CTS 3 Site Plan – Level 1 prepared by Blackburne Jackson Design	06-06-17
7088_A02-01_06	06	Facilities Building Level 1 – Floor Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-02_06	06	Facilities Building – Roof Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-30_05	05	Block 15 Basement Level – Floor Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-31_06	06	Block 15 Level 1 – Floor Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-32_05	05	Block 15 Level 2 – Floor Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-33_05	05	Block 15 Level 3 – Floor Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-34_04	04	Block 15 – Roof Plan prepared by Blackburne Jackson Design	06-06-17
7088_A02-60_06	06	Block 3 Basement Level – Floor Plan prepared by Blackburne Jackson Design	06-01-17
7088_A02-61_06	06	Block 3 Level 1 – Floor Plan prepared by Blackburne Jackson Design	06-01-17
7088_A02-62_06	06	Block 3 Level 2 – Floor Plan prepared by Blackburne Jackson Design	06-01-17
7088_A02-63_06	06	Block 3 Level 3 – Floor Plan prepared by Blackburne Jackson Design	06-01-17
7088_A02-64_06	06	Block 3 – Roof Plan prepared by Blackburne Jackson Design	06-01-17



<i>Plan No.</i>	<i>Rev.</i>	<i>Plan/Document Name</i>	<i>Date</i>
		<i>Jackson Design</i>	
<i>7088_A02-90_02</i>	<i>02</i>	<i>Block 16 Basement Level – Floor Plan prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A02-91_02</i>	<i>02</i>	<i>Block 16 Level 1 – Floor Plan prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A02-92_02</i>	<i>02</i>	<i>Block 16 Level 2 – Floor Plan prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A02-93_02</i>	<i>02</i>	<i>Block 16 Level 3 – Floor Plan prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A02-94_02</i>	<i>02</i>	<i>Block 16 – Roof Plan prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A04-01_04</i>	<i>04</i>	<i>Elevations prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A04-10_03</i>	<i>03</i>	<i>Block 15 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A04-11_03</i>	<i>03</i>	<i>Block 15 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A04-20_04</i>	<i>04</i>	<i>Block 3 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-01-17</i>
<i>7088_A04-21_04</i>	<i>04</i>	<i>Block 3 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-01-17</i>
<i>7088_A04-30_02</i>	<i>02</i>	<i>Block 16 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A04-31_02</i>	<i>02</i>	<i>Block 16 - Elevations prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A05-01_04</i>	<i>04</i>	<i>Sections prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A05-10_03</i>	<i>03</i>	<i>Block 15 - Sections prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_A05-15_01</i>	<i>01</i>	<i>Block 16 - Sections prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_AA05-20_03</i>	<i>03</i>	<i>Sections prepared by Blackburne Jackson Design</i>	<i>29-05-17</i>
<i>7088_AO17-01_01</i>	<i>01</i>	<i>Facilities Buildings Perspectives prepared by Blackburne Jackson Design</i>	<i>19-05-17</i>
<i>7088_AO17-03_01</i>	<i>01</i>	<i>Quarry Café Views prepared by Blackburne Jackson Design</i>	<i>19-05-17</i>
<i>7088_AO17-03_02</i>	<i>02</i>	<i>Parkside Residences prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>
<i>7088_AO17-04_01</i>	<i>01</i>	<i>Parkside Terrace 15 prepared by Blackburne Jackson Design</i>	<i>19-05-17</i>
<i>7088_AO17-05_01</i>	<i>01</i>	<i>Parkside Terrace 15 prepared by Blackburne Jackson Design</i>	<i>19-05-17</i>
<i>7088_AO17-06_02</i>	<i>02</i>	<i>Parkside Residences 3 prepared by Blackburne Jackson Design</i>	<i>06-06-17</i>

### **Applicant's requested change**

The applicant requests that condition 2 be updated to reflect the new set of plans.

### **Assessment**

The proposed amendment to condition 2 will reflect the new set of plans and is therefore supported.

Condition 4

4. *The ancillary shop, restaurant/cafe, multi-function room, gym and other ancillary facilities shall be operated and maintained as a Resort. A letting pool service promoting and managing short term accommodation must also be established on site and made available to all owners of multiple dwelling units. The community management statement for any or all bodies corporate having control of the Resort or any part thereof shall incorporate this condition. Where the development is staged, the common resort facilities must be completed and operational as part of the first stage or after construction of the 64<sup>th</sup> Unit.*

**Applicant's requested change**

*The current wording of this condition is somewhat ambiguous as to when the common resort facilities are to be completed and operational. As per previous discussions with Council, and as reflected in the previous Council assessment report (i.e. Planning & Environment Committee Meeting Agenda of 6 December 2016) it is requested that this condition be amended as follows to require that the facilities be constructed and operational prior to the commencement of use of the 64<sup>th</sup> dwelling unit:-*

4. *The ancillary shop, restaurant/cafe, multi-function room, gym and other ancillary facilities shall be operated and maintained as a Resort. A letting pool service promoting and managing short term accommodation must also be established on site and made available to all owners of multiple dwelling units. The community management statement for any or all bodies corporate having control of the Resort or any part thereof shall incorporate this condition. Where the development is staged, the common resort facilities must be completed and operational ~~as part of the first stage or after construction~~ **prior to the commencement of use of the 64<sup>th</sup> Unit.***

**Assessment**

It is not reasonable to change the wording of this condition as proposed by the applicant. The intent of the condition is to ensure the development of the resort facilities and that the development of these facilities occurs in a timely manner. This will also allow the initial occupants of the resort to use the facilities. Furthermore the use of the 64<sup>th</sup> unit could occur a considerable time after its development. Therefore, it is recommended that the wording of condition 4 remain unchanged.

Condition 8

8. *The development's external colour scheme shall use muted environmental tones of browns, greens and greys to integrate the development with its landscape setting and ensure the development does not visually impact on the vegetated skyline. All buildings shall utilise the finishes palette detailed on Plan 7038- DA14 Issue 05 Dated 06.06.2017. The use of paint finish Taubmans Tahira White is to be minimised.*

**Applicant's requested change**

To reflect the colours and finishes palette submitted as part of the change request the applicant requests the condition be amended to:

8. *The development's external colour scheme shall use muted environmental tones of browns, greens and greys to integrate the development with its landscape setting and ensure the development does not visually impact on the vegetated skyline. All buildings shall utilise the finishes palette detailed on Plan 7038- DA14 Issue ~~05 Dated 06.06.2017~~ **06 Dated 29-09-17.** The use of paint finish Taubmans Tahira White is to be minimised.*

**Assessment**

The colours and finishes palette provides for exactly the same colour finishes as previously approved – the only change relates to the issue number and the date on the plans. Accordingly, this minor change is supported.

Condition 33

33. *Carparking shall be provided within the site generally as shown on the approved plans. All at grade carparking shown on the approved plans must be maintained in common property and available to all units. Carparking shall include 261 carpark spaces with 205 of these to be covered carpark spaces, and include 10 clearly defined disabled carpark spaces for the unit component of the development. Five carparking spaces for staff in addition to resident and visitor spaces are to be provided on site. Motorcycle/scooter parking spaces may be incorporated at a rate of 4 spaces equivalent to 1 car space.*

**Applicant's requested change**

*It is requested that this condition be amended to reflect new car parking numbers triggered by the proposed new unit mix as reflected on the amended architectural plans. We note that proposed car parking numbers are in excess of the minimum requirements for both resident and visitor parking under the Noosa Plan, as reflected in the following table:-*

	Covered	Uncovered	TOTAL
Existing approval – existing condition 33	205	56	261
Changes Application – car parking detailed on amended architectural plans	253	92	335
Noosa Plan (July 2017) requirements – based on proposed new unit mix reflected on amended architectural plans	250	35	285

*In addition to the number of carparks triggered for the proposed units identified in the table above, an additional 6 car spaces are also intended to be allocated for staff parking.*

*Based on the above, there is an overall surplus in car spaces (circa 51 uncovered car spaces) anticipated by the development, and it is requested that the opportunity be provided that these surplus car spaces be able to be allocated to individual units by the developer, as exclusive use spaces. This would increase the marketability of units without adversely impacting upon visitor parking arrangements across the development.*

*In light of this, it is requested that this condition be amended to read:-*

33. *Carparking shall be provided within the site generally as shown on the approved plans. All at grade carparking shown on the approved plans must be maintained in common property and available to all units. Carparking shall include 261 **285** carpark spaces with ~~205~~**250** of these to be covered carpark spaces, and include 10 clearly defined disabled carpark spaces for the unit component of the development. Five carparking spaces for staff in addition to resident and visitor spaces are to be provided on site. Motorcycle/scooter parking spaces may be incorporated at a rate of 4 spaces equivalent to 1 car space*

**Assessment**

The provision of car parking significantly exceeds the amount required under the Noosa Plan. The applicant's request that the surplus car parking spaces be made exclusively available to individual units is not unreasonable, as the minimum required number of visitor spaces (35) will remain available. In order to maintain visitor car spaces within common property, thereby providing surety to car parking for non-residents, it is recommended that the applicant's proposed wording be generally accepted with a minor modification to read:

33. *Carparking shall be provided within the site generally as shown on the approved plans. Carparking shall include 285 carpark spaces with 250 of these to be covered carpark spaces, and include 10 clearly defined disabled carpark spaces for the unit component of the development. Five carparking spaces for staff in addition to resident and visitor spaces are to be provided on site. Visitor and staff carparking, including all at grade car parking situated between Blocks 2 and 3, must be maintained in common property and be available to all units. Motorcycle/scooter parking spaces may be incorporated at a rate of 4 spaces equivalent to 1 car space.*

Condition 47

47. All stormwater drainage shall be managed so that:
- a. there is no net increase in 1 year ARI peak stormwater flows from the site at any stage of the development; and
  - b. the discharge of stormwater from construction or completed stages of the site does not affect the approved design residence time of the Noosa Springs Golf Course lake system.

**Applicant's requested change**

This condition currently requires no net increase in 1 year ARI peak stormwater flows from the site at any stage of the development. As discussed through the detailed design process, and associated operational works package associated with the development, there is a minor net increase in the 1 year ARI event from the site of 0.08m<sup>3</sup>/s. This increase is considered minor when compared to the total site 1 year ARI event flow of 1.709m<sup>3</sup>/2.

Although there is a minor increase in flow, it should be noted that the site is 51% impervious which is generally in keeping with the 50% imperviousness assumed in the master drainage plan report for the site. The pipe drainage infrastructure in Resort Drive and the stormwater property connections to the site have been designed for the minor (10 year ARI) storm events so that the minor net increase in the 1 year ARI can be accommodate without negatively impacting the existing drainage infrastructure. Furthermore, the minor increase in the 1 year ARI Flow from the site will be mitigated by the storage provided within the extensive pipe network, bio-retention basins and swales within the site.

In light of the above, it is requested that Condition 47 be amended to read:-

47. All stormwater drainage shall be managed so that:
- a. ~~there is no net increase in 1 year ARI peak stormwater flows from the site at any stage of the development; and~~
  - b. the discharge of stormwater from construction or completed stages of the site does not affect the approved design residence time of the Noosa Springs Golf Course lake system.

**Assessment**

The request to amend this condition was referred to Council's Environment Officer who advised:

Condition 47(a) is applied to ensure the development meets the State Planning Policy, therefore we cannot remove its intention completely.

The condition can be reworded to achieve the same outcome of the State Planning Policy being that the applicant will need to demonstrate the Peak 1 year flows will not cause scour to any receiving water ways.

Condition 47(a) can be reworded as follows:

a) there is no net increase in 1 year ARI peak stormwater flows from the site at any stage of the development that will cause scour at any point in the receiving environment. Where there is an increase in 1 year ARI peak stormwater flows, a Hydraulic Engineer must certify that the increase will not be responsible for any scour in the receiving environment

It is recommended that condition 47(a) be reworded in accordance with the advice of Council's Environment Officer.

Condition 83

83. *The development shall comply with the noise management strategies contained in the report prepared by Ron Rumble Pty Ltd and dated November 2006, with the following additional details to be provided prior to issue of Operational Works to the reasonable satisfaction of Manager, Environmental Health:*

83.1 *The necessary and appropriate noise control measures incorporated into the façade of the apartments and within the restaurant. These measures should include:*

83.1.1 *Upgraded glazing and air-conditioning to the potentially affected apartments, and which apartments*

83.1.2 *Strategically placed wing walls on balconies to screen the apartment and balconies from alfresco dining areas;*

83.1.3 *The possibility of a roof over the outdoor dining area with absorption to the underside should be explored;*

83.1.4 *Revised hours of operation to no later than midnight;*

83.2 *Formulate and implement a Noise Management Plan to deal with noise emissions from the premises including patron noise.*

83.3 *Prospective purchasers of the apartments to be advised of the noise control features, which have been incorporated into the design of the apartments and the hours of operation of the adjacent restaurant.*

83.4 *The Noise Management Plan referred to in Condition 82.1.4 shall be incorporated in perpetuity in the By-Laws of the Body Corp for the building.*

83.5 *The Noise Management Plan shall include a process for dealing with complaints and specify that the Restaurant Manager and Body Corp Manager be responsible for dealing with any noise complaints.*

Applicant's requested change

*This condition requires that a Noise Management Plan be prepared to deal with noise emissions associated with the common resort facilities, wherein such strategies comply with an acoustic report prepared by Ron Rumble Pty Ltd and dated 2006. We note that the Ron Rumble Pty Ltd report was prepared for and supported the original approval over the site which incorporated resort facilities of a scale and form that were more significant than the scale of the current approved common resort facilities. It is understood that this reduction in scale has previously been acknowledged by Council. The gross floor area of the proposed Community facilities has now reduced from approximately 1,341sqm (as originally approved) to (circa) 600sqm.*

*To advise prospective purchasers of the particular noise control features that have been implemented into the design of individual apartments is an onerous requirement given the small scale of the facilities now proposed. Acoustic mitigation measures can be readily incorporated into the required noise management plan. We can confirm that a noise management plan is currently being prepared to this effect and is anticipated as being provided to Council under separate cover.*

*As such, it is requested that:-*

- *clause 83.3 be amended to require the prospective purchasers be advised of the noise management plan to manage potential noise emissions associated with the development;*
- *the cross referencing error in clause 83.4 be amended; and*
- *the noise control measures identified in clause 83.1 may not all necessarily be required to achieve appropriate acoustic levels, and this should be reflected in the drafting of this condition.*

*In light of the above, it is respectfully requested that this condition be amended as follows:-*

- 83 *The development shall comply with the noise management strategies contained in the report prepared by Ron Rumble Pty Ltd and dated November 2006, with the following additional details to be provided prior to issue of Operational Works to the reasonable satisfaction of Manager, Environmental Health:-*
- 83.1 *The necessary and appropriate noise control measures incorporated into the façade of the apartments and within the restaurant. These measures ~~should~~ **may** include:*
- 83.1.1 *Upgraded glazing and air-conditioning to the potentially affected apartments, and which apartments;*
- 83.1.2 *Strategically placed wing walls on balconies to screen the apartment and balconies from alfresco dining areas;*
- 83.1.3 *The possibility of a roof over the outdoor dining area with absorption to the underside should be explored;*
- 83.1.4 *Revised hours of operation to no later than midnight;*
- 83.2 *Formulate and implement a Noise Management Plan to deal with noise emissions from the premises including patron noise.*
- 83.3 ~~*Prospective purchasers of the apartments to be advised of the noise control features, which have been incorporated into the design of the apartments and the hours of operation of the adjacent restaurant*~~ ***The applicant must advise prospective purchasers that a noise management plan has been prepared to manage noise emissions related to the development.***
- 83.4 *The Noise Management Plan referred to in Condition ~~82.1.4~~ **83.2** shall be incorporated in perpetuity in the By-Laws of the Body Corp for the building.*
- 83.5 *The Noise Management Plan shall include a process for dealing with complaints and specify that the Restaurant Management and Body Corp Manager be responsible for dealing with any noise complaints.*

### **Assessment**

A Noise Management Plan (NMP) was submitted with the application and reviewed by Council's Environmental Health Department. Based on review of the NMP it is recommended that Condition 83.3 be reworded in accordance with the applicant's request. It is also recommended that the cross referencing error in Condition 83.4 be rectified and an error within the wording of Condition 83.1.1 also be rectified.

However the applicant's request to alter the wording of Condition 83 from "should" to "may" is not recommended. The Environmental Health Unit has recommended that the term "should" be replaced with "shall" and minor changes to wording of Condition 83.1.3 such that the amended Condition is now recommended to read:

- 83 *The development shall comply with the noise management strategies contained in the report prepared by Ron Rumble Pty Ltd and dated November 2006, with the following additional details to be provided prior to issue of Operational Works to the reasonable satisfaction of Manager, Environmental Health:-*
- 83.1 *The necessary and appropriate noise control measures incorporated into the façade of the apartments and within the restaurant. These measures shall include:*
- 83.1.1 *Upgraded glazing and air-conditioning to the potentially affected apartments;*
- 83.1.2 *Strategically placed wing walls on balconies to screen the apartment and balconies from alfresco dining areas;*
- 83.1.3 *Installation of a roof over the outdoor dining area with absorption to the underside should be explored;*

- 83.1.4 *Revised hours of operation to no later than midnight;*
- 83.2 *Formulate and implement a Noise Management Plan to deal with noise emissions from the premises including patron noise.*
- 83.3 *The applicant must advise prospective purchasers that a noise management plan has been prepared to manage noise emissions related to the development.*
- 83.4 *The Noise Management Plan referred to in Condition 83.2 shall be incorporated in perpetuity in the By-Laws of the Body Corp for the building.*
- 83.5 *The Noise Management Plan shall include a process for dealing with complaints and specify that the Restaurant Management and Body Corp Manager be responsible for dealing with any noise complaints.*

#### Condition 96

96. *The rear 2 metres of Blocks 7, 8 and 9 is to be extensively landscaped and no structures or swimming pools are to be located in these areas. No access is to be provided from the rear of these Blocks to Resort Drive*

#### Applicant's requested change

*It is noted that this condition has been introduced as a consequence of the most recent change approval, and we note that previous representations were made that this condition should be either deleted or amended to allow structures and / or swimming pools in the rear 2 metres of these blocks. We maintain our previous position, and reiterate that this has significant design implications for these buildings as well as will adversely impact on the area of useable outdoor open space for future occupants of these units.*

*As reflected in the approved plans of development, there are only 6 plunge pools intended along the rear of these blocks, each of which have been intentionally sited to ensure a seamless integration into the overall design of the development, whilst also achieving a high quality presentation to the adjacent Resort Drive.*

*It is understood that Council imposed the requirement that no structures or swimming pools are to be located within a 2m landscape setback primarily to ensure that existing vegetation (including koala food trees) along the Resort Drive frontage are retained. The proposed development achieves this landscape outcome without the need to setback pools and structures an additional 2 metres. In particular, a significant number of trees will be retained along the Resort Drive frontage as required by conditions 5.5 and 6 of the most recent decision notices.*

*An updated Vegetation Management Plan (VMP) has been prepared (refer attached) which demonstrates the number of trees able to be retained, subject to arborist certification during the detailed engineering phase of the project. As reflected in the VMP "tree protection zones" and a "tree protection fence" are proposed to delineate those trees anticipated as being retained, the majority of which are generally clear of the construction zone for the plunge swimming pools and boundary fences. Of those trees that are nominated as being removed by the VMP, they are generally located within the areas of private open space for units 7, 8 & 9 and sited such that they would significantly impede on the usability of those spaces. It is understood that buffer planting is intended to be provided along Resort Drive in proximity of where trees are anticipated as being removed.*

*In addition, in respect of trees proposed to be retained, where it is practical to do so directional drilling techniques will be utilised to construct utility services along Resort Drive, to ensure tree retention.*

*To assist Council's assessment of the proposed change to condition 96, the following information will be submitted under separate cover:-*

- *Arboricultural assessment of trees to be retained;*
- *Landscape Concept Plan demonstrating landscaping outcomes along the site frontage and within the private open space of Blocks 7 – 9.*

*In addition to the above, it is proposed to maintain the opportunity for occasional pedestrian access to the rear of Blocks 7, 8 & 9 for garden and pool maintenance only. The proposed restriction to access to Resort Drive will be included within the Community Management Statement for the development.*

We therefore request that this condition be amended to read as follows:-

96. ~~The rear 2 metres of Blocks 7, 8 and 9 is to be extensively landscaped and no structures or swimming pools are to be located in these areas. No access is to be~~ **Access, where provided from the rear of these Blocks 7, 8 and 9 to Resort Drive, is limited to garden and pool maintenance access only. No vehicular access is permitted.**

#### **Assessment**

The proposed change to Condition 96 is not supported as the provision of pedestrian access for pool and garden maintenance will result in the on-going use and disturbance of the slope of road reserve. This vegetation in the road reserve has koala habitat values and is required to be retained and protected so these values can persist into the future. The intent of the 2m wide landscape setback area within the development site is to ensure a development buffer to the protected road reserve vegetation (including roots zones) is maintained. The applicant has not provided sufficient justification to warrant accepting the proposal and sufficient doubts exists as to the benefits their proposal brings to the retention and protection of the vegetation.

The provision of pools in the 2m landscape area, rear lot access and an informal pathway will not preserve the koala habitat values in the road reserve and will lead to their degradation.

Accordingly, it is recommended that Condition 96 remains unchanged.

#### **4.1. Consequential Amendments to Conditions**

The amended plans will require consequential amendments to condition 64 which relates to Infrastructure Charges, Advisory Notes 1, 2 and 11 will also be required to be updated. These changes are required to reflect the proposed new mix of units and overall reduction in yield. Conditions 72 and 81 require minor amendments to rectify minor formatting issues and to remove reference to a Local Law which is no longer applicable.

#### **5. CONSULTATION**

The application was not required to be referred to any external agencies.

#### **6. FUTURE POTENTIAL MINOR CHANGES**

The current application is the fourth minor change application to come before Council in the past 2 years. Given the scale of the development it is understood that further minor changes will be proposed. In order to facilitate efficient decision making on these minor matters it is recommended that Council delegate its powers under the Planning Act 2016 for minor change applications to the Chief Executive Officer. Applications involving more complex changes will continue to be presented to Council for decision making.



**7. CONCLUSION & REASONS FOR DECISION**

The application seeks to change the existing development approval for a resort of 145 multiple dwellings and associated facilities within Precinct F of the Noosa Springs master planned estate. The changes seek to reduce the number of dwelling units to 137, alter the density and GFA and update several conditions. The proposed changes are consistent with the original development parameters of the approval and the changes are considered to be supportable under the Planning Act provisions.

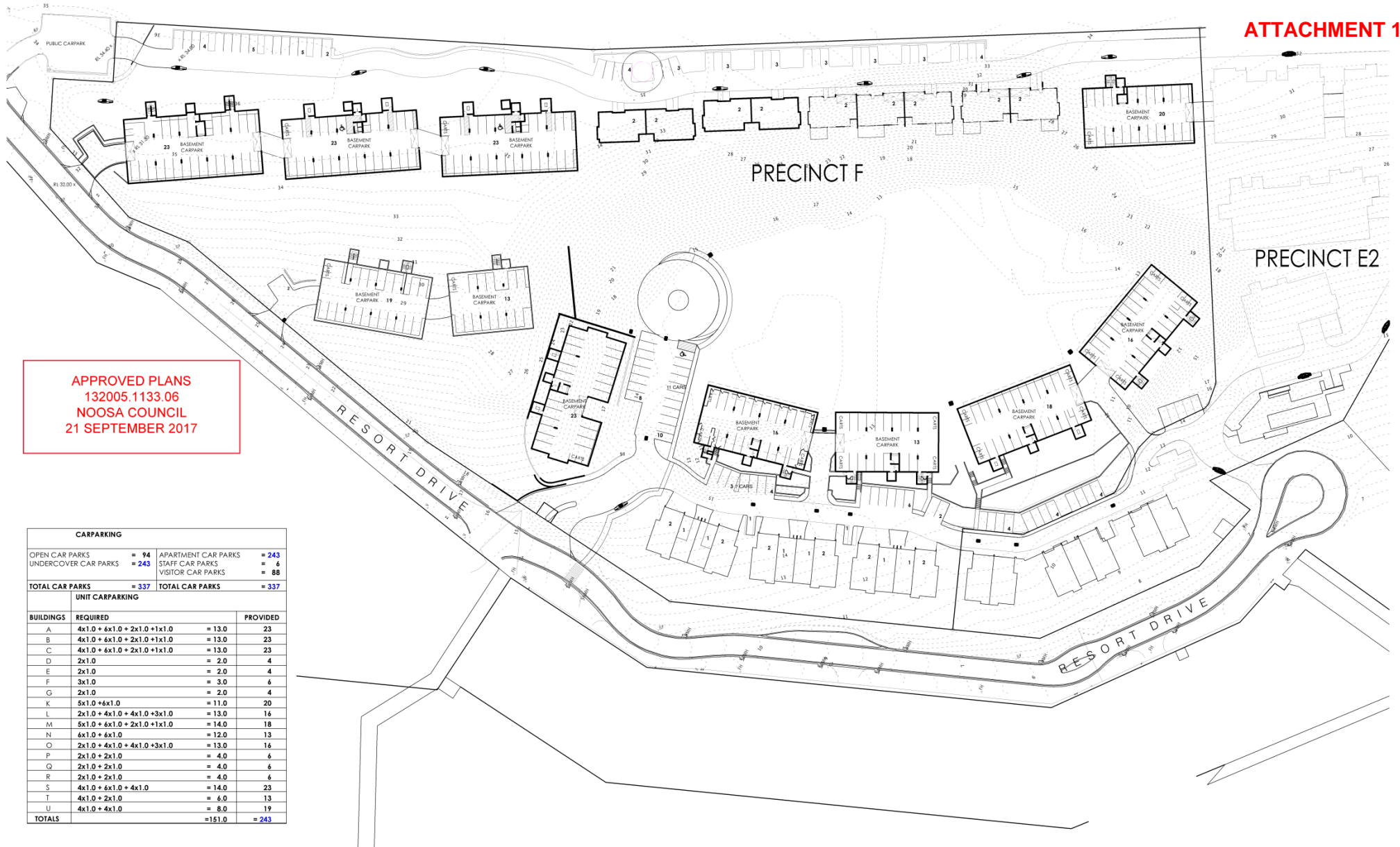
The intent of the existing approval was for multiple dwellings with integrated resort components and booking/management functions. The amended development will remain subject to the approved use type and still retains common resort-type facilities of a simpler, rationalised nature.

The application is recommended for approval, subject to amended conditions. A number of consequential changes to conditions are also required.

The proposed changes to Conditions 4 and 96 are not supported as they would result in uncertainty with regards to the timing of the development of the resort facilities and compromise screening vegetation within the Noosa Springs road reserve.

Departments/Sections Consulted:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> <b>Chief Executive Officer</b><br>Executive Officer<br>Executive Support                                  | <input type="checkbox"/> <b>Community Services</b><br>Community Development<br>Community Facilities<br>Libraries & Galleries<br>Local Laws<br>x Waste & Environmental Health   | <input type="checkbox"/> <b>Corporate Services</b><br>Financial Services<br>ICT<br>Procurement & Fleet<br>Property<br>Revenue Services  |
| <input type="checkbox"/> <b>Executive Services</b><br>Community Engagement<br>Customer Service<br>Governance<br>People and Culture | <input type="checkbox"/> <b>Environment &amp; Sustainable Development</b><br>Building & Plumbing Services<br>Development Assessment<br>x Economic Development<br>x Environmental Services<br>Strategic Land Use Planning | <input type="checkbox"/> <b>Infrastructure Services</b><br>Asset Management<br>Buildings and Facilities<br>Civil Operations<br>Disaster Management<br>Infrastructure Planning,<br>Design and Delivery |



APPROVED PLANS  
132005.1133.06  
NOOSA COUNCIL  
21 SEPTEMBER 2017

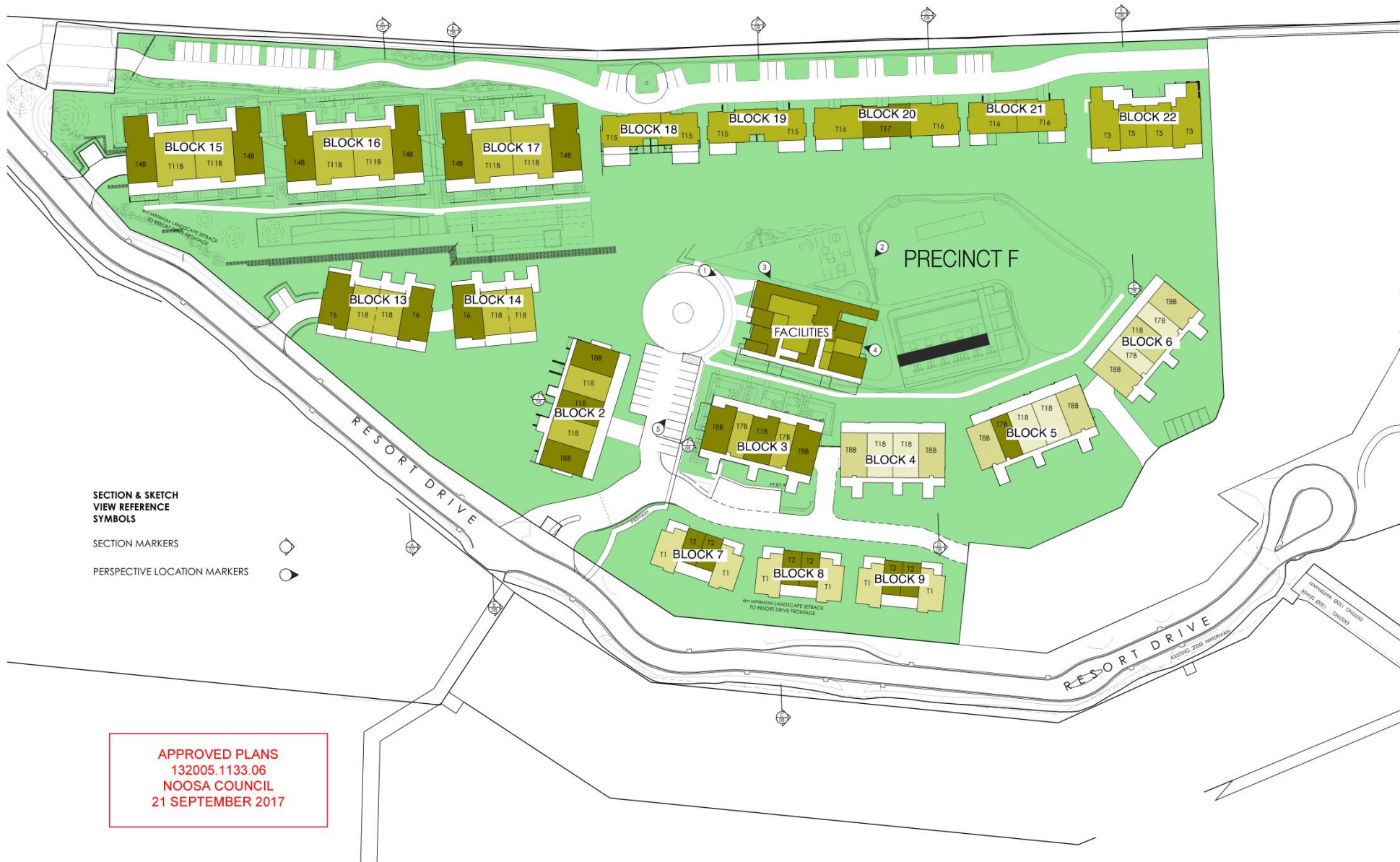
CARPARKING		
OPEN CAR PARKS	= 94	APARTMENT CAR PARKS = 243
UNDERCOVER CAR PARKS	= 243	STAFF CAR PARKS = 6
		VISITOR CAR PARKS = 88
<b>TOTAL CAR PARKS</b>	<b>= 337</b>	<b>TOTAL CAR PARKS = 337</b>
UNIT CARPARKING		
BUILDINGS	REQUIRED	PROVIDED
A	4x1.0 + 6x1.0 + 2x1.0 + 1x1.0	= 13.0 23
B	4x1.0 + 6x1.0 + 2x1.0 + 1x1.0	= 13.0 23
C	4x1.0 + 6x1.0 + 2x1.0 + 1x1.0	= 13.0 23
D	2x1.0	= 2.0 4
E	2x1.0	= 2.0 4
F	3x1.0	= 3.0 6
G	2x1.0	= 2.0 4
K	5x1.0 + 6x1.0	= 11.0 20
L	2x1.0 + 4x1.0 + 4x1.0 + 3x1.0	= 13.0 16
M	5x1.0 + 6x1.0 + 2x1.0 + 1x1.0	= 14.0 18
N	6x1.0 + 6x1.0	= 12.0 13
O	2x1.0 + 4x1.0 + 4x1.0 + 3x1.0	= 13.0 16
P	2x1.0 + 2x1.0	= 4.0 6
Q	2x1.0 + 2x1.0	= 4.0 6
R	2x1.0 + 2x1.0	= 4.0 6
S	4x1.0 + 6x1.0 + 4x1.0	= 14.0 23
T	4x1.0 + 2x1.0	= 6.0 13
U	4x1.0 + 4x1.0	= 8.0 19
<b>TOTALS</b>	<b>=151.0</b>	<b>= 243</b>

PROPOSED PRECINCT F DEVELOPMENT,  
NOOSA SPRINGS, NOOSA HEADS

ALTM CONSTRUCTIONS  
CARPARKING /  
BASEMENT

DEVELOPMENT APPROVAL north  
scale: 1:1000 @ A3  
issue: 09 date: 06-06-17  
7038-DA03





APPROVED PLANS  
 132005.1133.06  
 NOOSA COUNCIL  
 21 SEPTEMBER 2017

PROPOSED PRECINCT F DEVELOPMENT,  
 NOOSA SPRINGS, NOOSA HEADS

ALTUM CONSTRUCTIONS  
 FIRST FLOOR

DEVELOPMENT APPROVAL north  
 scale: 1:1000 @ A3  
 issue: 09 date: 06-06-17  
 7038-DA05

Blackburne Jackson Design  
 Architecture | Landscape | Interiors



RECEPTION ENTRY , CAFE AND CONVENIENCE

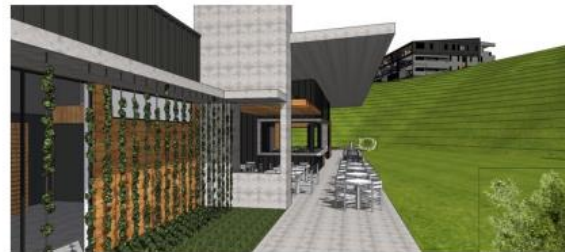
APPROVED PLANS  
 132005.1133.06  
 NOOSA COUNCIL  
 21 SEPTEMBER 2017



VIEW FROM OPEN SPACE TO OUTDOOR DINING



OUTDOOR DINING AND APPROACH TO OPEN SPACE



SERVICE WINDOW AND POOL ACCESS



APPROACH TO RESORT ENTRY

PROPOSED PARKRIDGE NOOSA  
 NOOSA SPRINGS, NOOSA HEADS

ALTUM CONSTRUCTIONS  
 FACILITIES BUILDING  
 PERSPECTIVES

Preliminary  
 scale: n.t.s.  
 issue: 01 date: 19-05-17  
 7088\_A017\_01\_01

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 Architecture | Landscape | Interiors



APPROVED PLANS  
132005.1133.06  
NOOSA COUNCIL  
21 SEPTEMBER 2017



QUARRY CAFE - **VIEW EXAMPLE 01** - INCLUDES GREATER ADDRESS OF RECEPTION, VIEW TO PARK AND LESS OF BLOCK 3 EAST FACADE



QUARRY CAFE - **VIEW EXAMPLE 02** - INCLUDES GREATER ADDRESS OF CAFE, LESS VIEW TO PARK AND GREATER EXTENT OF BLOCK 3 EAST FACADE

## PROPOSED PARKRIDGE NOOSA NOOSA SPRINGS, NOOSA HEADS

ALTUM CONSTRUCTIONS  
QUARRY CAFE VIEWS

Preliminary  
scale: n.t.s.  
Issue: 01 date: 19-05-17  
7088\_A017\_03\_01

Blackburne Jackson Design  
Architecture | Landscape | Interiors



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DEVELOPMENT APPROVAL north  
 scale: 1:1000 @A3  
 issue: 10 date: 29/09/17  
 7038 - DA05

ALTUM CONSTRUCTIONS  
 FIRST FLOOR

PROPOSED PRECINCT F DEVELOPMENT,  
 NOOSA SPRINGS, NOOSA HEADS



RECEPTION ENTRY, CAFE AND CONVENIENCE



VIEW FROM OPEN SPACE TO OUTDOOR DINING



OUTDOOR DINING AND APPROACH TO OPEN SPACE



SERVICE WINDOW AND POOL ACCESS



APPROACH TO RESORT ENTRY

# PROPOSED PRECINCT F DEVELOPMENT, NOOSA SPRINGS, NOOSA HEADS

ALUM CONSTRUCTIONS  
PERSPECTIVE SKETCHES

DEVELOPMENT APPROVAL north  
SCALE: 1:1000 @A3  
ISSUES: 08 DATE: 29-09-17

7038 - DA 11



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Architecture | Landscape | Interiors

180 Middle Street, Suite 100, Noosa Heads, Queensland 4652, Australia. Phone: 07 5447 8888

**3 RAL17/0501 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 6 RESIDENTIAL LOTS), LOCATED AT 2 DAVID LOW WAY, CASTAWAYS BEACH**

**Author** Development Planner, Lisa Pienaar  
Environment and Sustainable Development

**Index** ECM / Application / RAL17/0501

**Attachments** 1. Subdivision Proposal Plan dated 31 October 2017

<b>APPLICATION DETAILS</b>	
Applicant	Kenlynn Pty Ltd
Proposal	Development Application for Reconfiguring A Lot – (1 into 6 residential lots)
Properly Made Date	17 August 2017
Information Request Date	6 September 2017
Information Response Date	17 November 2017
Decision Due Date	19 January 2018
<b>PROPERTY DETAILS</b>	
Property Address	2 David Low Way Castaways Beach
RP Description	Lot 71 MCH 2854
Land Area	9677m <sup>2</sup>
Existing Use of Land	Duplex
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Urban Footprint
Locality	Noosa Plan (16 September 2013)
Zone	Detached Housing
Overlays	Biodiversity – Environmental Protection and Riparian buffer Natural Hazard: Bushfire & Acid Sulfate Soils Overlay – Low Potential Acid Sulfate Area Natural Hazard: Landslide & Flooding Overlay – Landslide Hazard Area Natural Resources Overlay – Coastal Protection Area
Assessment Type	Code



## RECOMMENDATION

That Council note the report by the Development Planner to the General Committee Meeting dated 15 January 2018 regarding Application RAL17/0501 for a Development Permit for Reconfiguring a Lot – (1 into 6 residential lots), situated at 2 David Low Way, Castaways Beach and:

- A. Refuse the application for the following reasons:
1. The proposed development is contrary to the Overall and Specific Outcomes of the Eastern Beaches Locality Code of the Noosa Plan. The development proposes significant clearing that is contrary to the Locality Code which requires protection of the vegetated character and views from the David Low Way and protection of native vegetation.
  2. The proposed development is contrary to the Biodiversity code as it involves clearing of vegetation that is mapped as Environmental Protection and Riparian vegetation under the Noosa Plan.
  3. The proposed development will result in unacceptable impacts on the visual amenity and character of the area.
  4. The applicant has not demonstrated that a compliant, safe access is able to be provided to the site in accordance with required standards. To achieve a safe access significant clearing of vegetation and earthworks in the road reserve is also likely to be required.
  5. The proposal is an overdevelopment of the site with the resultant development form detrimentally affecting the environmental and amenity values of the site.
- B. Advise the utility service providers that there is significant vegetation within the road reserve adjacent 2 David Low Way, Castaways Beach that requires detailed assessment prior to installation of any services to minimise potential impacts on this vegetation.
- C. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

## REPORT

### 1. PROPOSAL

This application seeks approval for a Reconfiguration of a Lot to create 1 in to 6 residential lots and an access easement at 2 David Low Way, Castaways Beach. The boundaries of the proposed 6 lots extend across the entire site and include vegetation buffer areas in the form of covenants around the boundaries.

The reconfiguration proposes the following lot sizes in **Table 1** below with each lot to have a defined building envelope:

Lot Number	Total Area	Coastal Covenant (required for stormwater, fire suppression and structure protection purposes)	Road Buffer Covenant (vegetation to be retained)	Building Envelope (vegetation to be cleared)
Lot 711	3336m <sup>2</sup>	83m <sup>2</sup>	2142m <sup>2</sup> (includes covenant to Burgess Creek)	527m <sup>2</sup>
Lot 712	1219m <sup>2</sup>	102m <sup>2</sup>	171m <sup>2</sup>	618m <sup>2</sup>
Lot 713	1181m <sup>2</sup>	102m <sup>2</sup>	174m <sup>2</sup>	613m <sup>2</sup>
Lot 714	1118m <sup>2</sup>	174m <sup>2</sup>	105m <sup>2</sup>	565m <sup>2</sup>
Lot 715	942m <sup>2</sup>	113m <sup>2</sup>	183m <sup>2</sup>	388m <sup>2</sup>
Lot 716	1807m <sup>2</sup>	343m <sup>2</sup>	746m <sup>2</sup>	257m <sup>2</sup>

Two different covenant areas are proposed over the site and include:

- Coastal covenant: 6 metre strip along seaward boundary. (Note: Plan of Development - Figure 2 does not include boundary setbacks within lots within covenant area however Vegetation Management Plan Figure 5 does include boundary setbacks in the covenant area).
- Road buffer covenant: 10 metre strip along David Low Way and includes area of land located over the northern part of the site, 50 metres from Burgess Creek.

The applicant indicates that covenant and vegetation buffers areas total 3643m<sup>2</sup> or 38% of the site and enable protection and rehabilitation of vegetation along David Low Way and to Burgess Creek.

The proposed Statutory Environmental covenants include a number of requirements including:

- Retention of vegetation along David Low Way (10 metres wide) (road buffer covenant).
- Vegetation management obligations.
- 1.5 metre black pool style, gate free fence along the entire seaward boundary to restrict uncontrolled access to the beach.
- Habitat Protection Area (road buffer covenant) – though indigenous vegetation where it poses a serious and imminent risk to human safety, including bushfire risk, may be cut down or trimmed to remove the risk.
- Bushfire Risk and Stormwater Management Areas (coastal covenant area) – No combustible mulch permitted. No vegetation that is a climbing vine, shrub or a tree or an environmental weed permitted. Only ground covers with a maximum height of 150mm to be maintained.
- Council obligations include maintenance of sight lines with regard to vegetation and access and maintain bushfire fuel loads in adjoining reserves.

The existing access to the site is proposed to be relocated further southwards to provide better sight distances. An easement for access and services is proposed 10 metres from the David Low Way. Carparking for the development would be provided on each individual lot and a service/bin area is proposed within the access and services easement adjacent to proposed Lot 715.

The lots are proposed to be connected to nearby water and sewer infrastructure and stormwater is proposed to be treated on site for each lot with a 100m<sup>2</sup> detention basin located along the eastern boundary of each lot. Earthworks are also proposed for the site with the existing northern knoll excavated by 2 to 3 metres and used to fill the low vegetated portion of the site.

The site will be substantially cleared as part of investigation into Unexploded Ordnance as well as required for fire suppression and structure protection.

The following information was submitted as part of the application and information request:

- Vegetation Management Plan - Cardno
- Ecological and Bushfire Assessment – Cardno
- Civil Engineering Assessment - Sheehy and Partners
- Specific Engineering Assessments: Dr. T. Johnston/Cardno - Coastal Hazard and Erosion, Flooding, Acid Sulphate Soils Geotechnical Assessment Stormwater Management
- Traffic Engineering Report – TTM P/L
- Unexploded Ordnance Assessment - OPEC Systems
- Bushfire Management Plan – prepared by Cardno
- Fauna Assessment prepared by Cardno

The applicant has also provided a copy of a Services Advice Notice from Unity Water which indicates that the site is located within Unitywater’s connections area and that the applicant will be required to demonstrate how they intend to connect the proposed lots to the existing sewer and water mains. The concept plans provided indicate that further clearing is proposed in the road reserve to accommodate the sewer and water mains.

A locality plan and proposal plans are detailed in **Figures 1 to 5** below.



**Figure 1 - Location of Site**

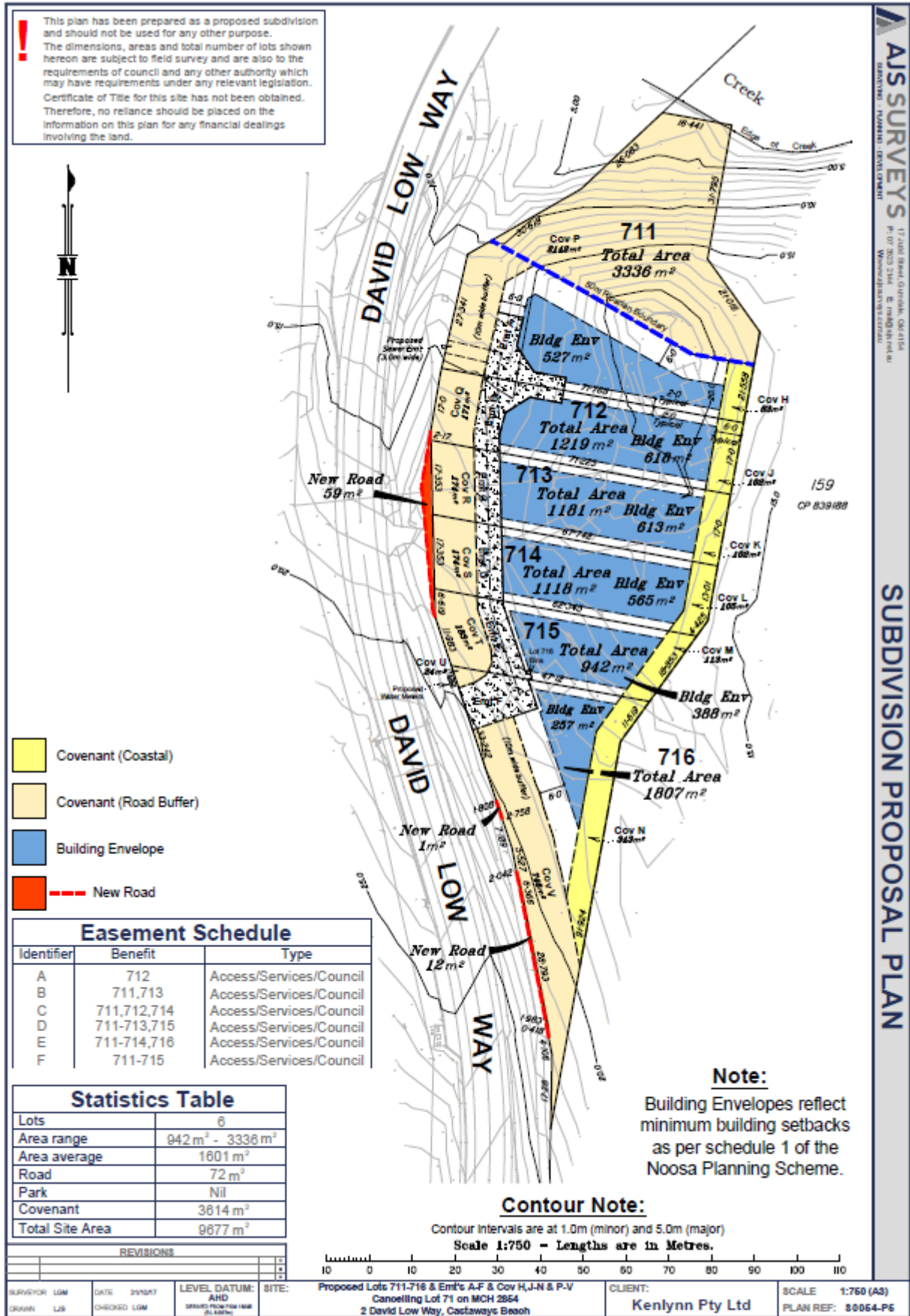


Figure 2 – Proposal Plan

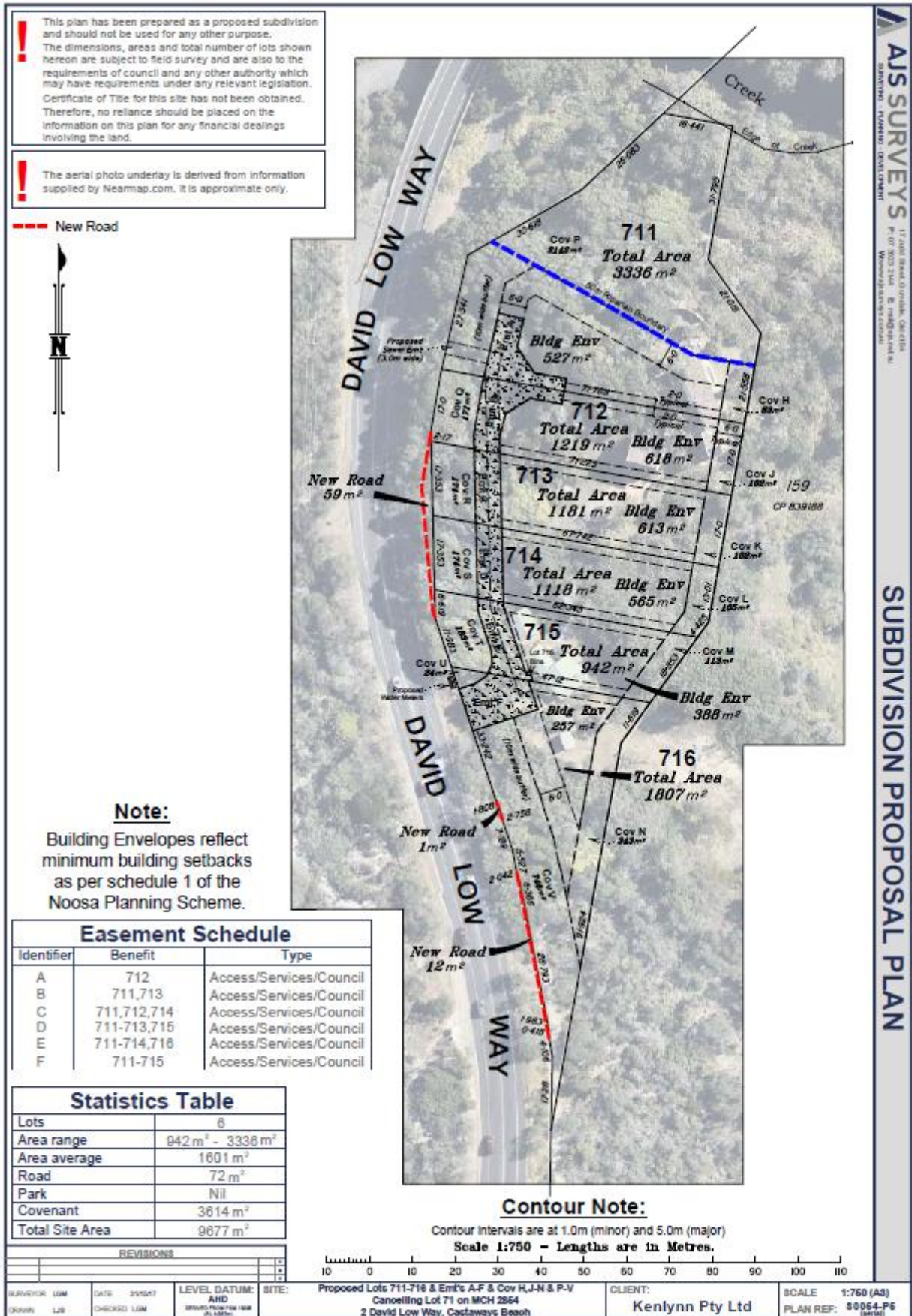


Figure 3 - Proposal Plan

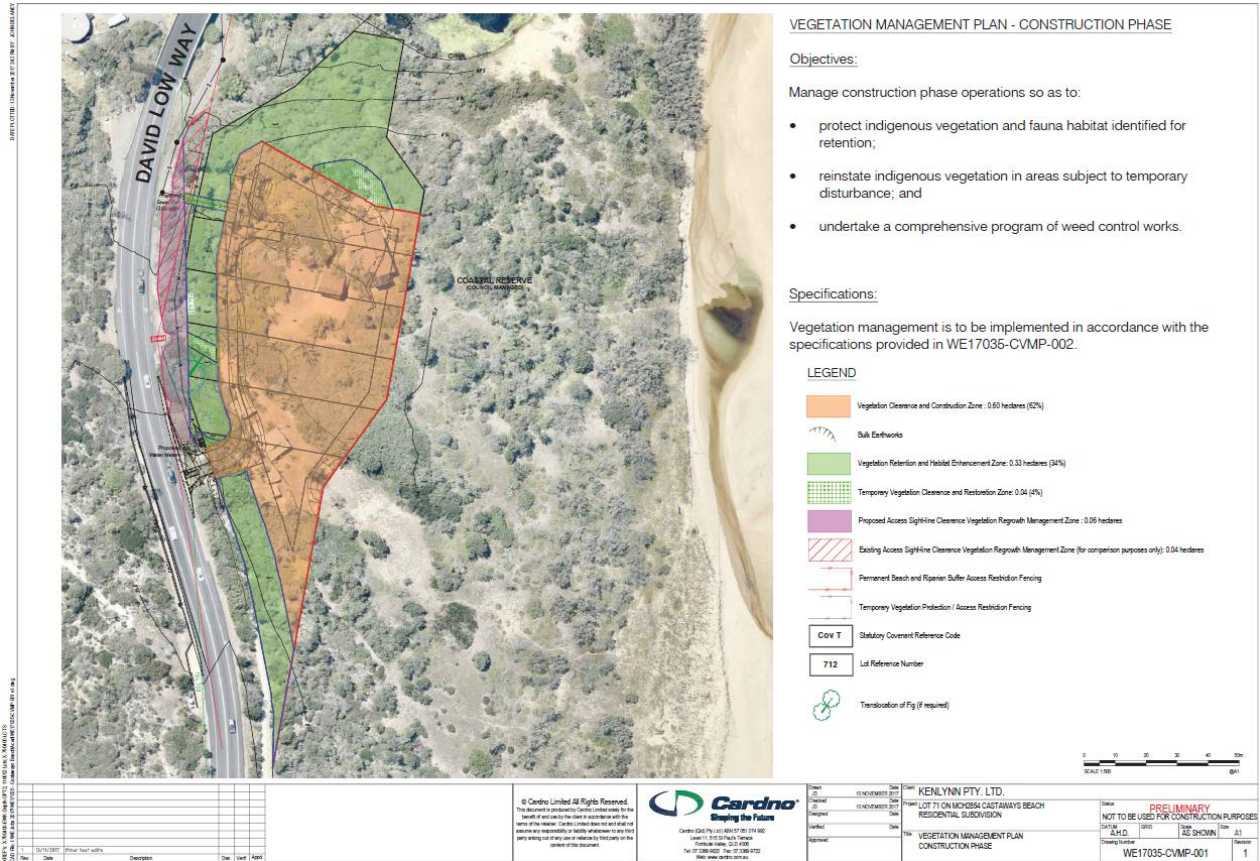


Figure 4 – Vegetation Management Plan – Construction Phase

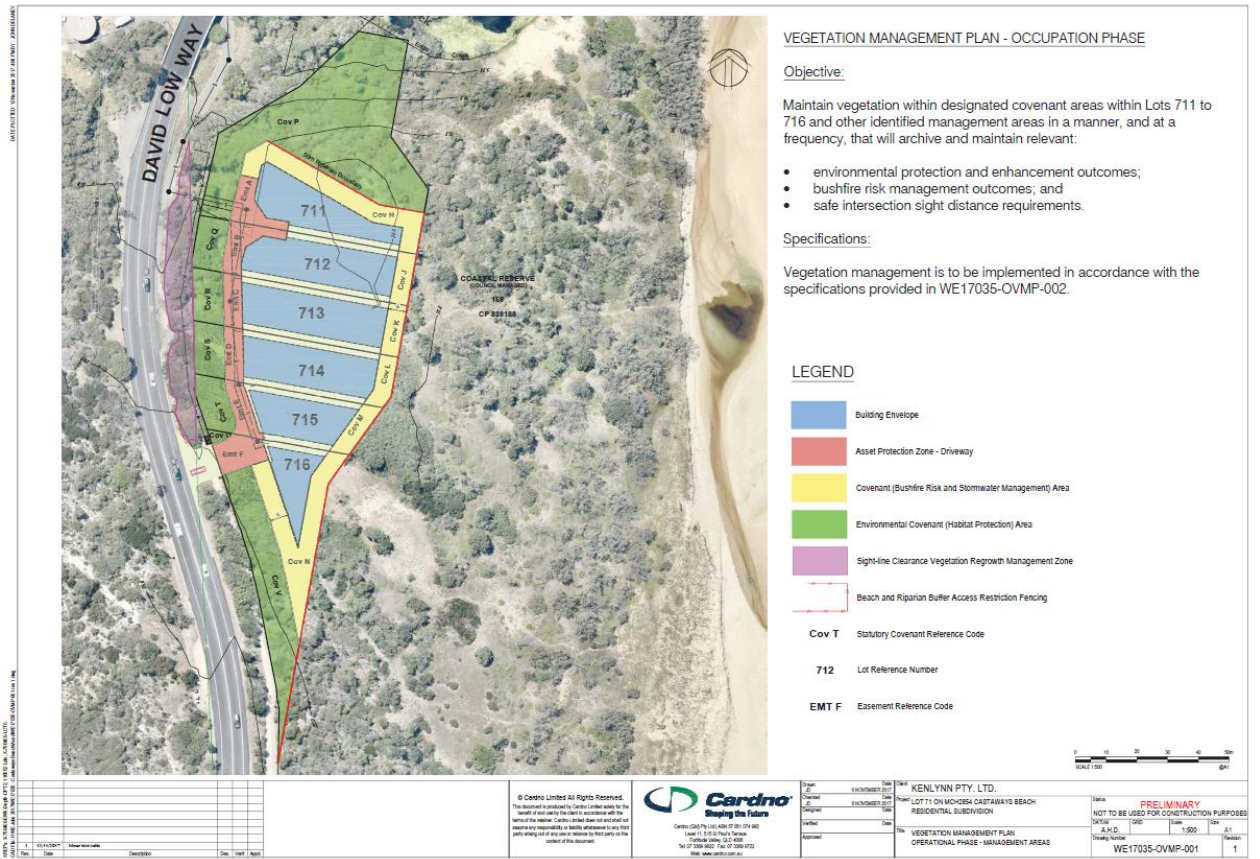


Figure 5 – Vegetation Management Plan – Occupation Phase

2. SITE DETAILS

2.1. Background

The site has an existing approval for a duplex under TPC 2566 issued in 1993 and reflects the existing two buildings on the site.

The most recent approval over the site relates to a reconfiguration of a lot to create 2 lots and access easement under REC16/0015. Due to issues relating to bushfire and effluent disposal, a Preliminary Approval was issued by Council in September 2016. Following lodgement of submissions and further reports addressing the above issues, Council issued a Negotiated Decision Notice for the Reconfiguration. The applicant subsequently lodged an appeal to the Planning and Environment Court of 16 January 2017 seeking a reduction in the approved covenant area of the lots. Council’s experts for the appeal have been appointed and are currently reviewing the matter with Council’s solicitor. A copy of the negotiated subdivision layout is detailed in **Figure 6 – Negotiated Subdivision Layout for REC16/0015**. The approved plan detailed two lots with significant areas of the site including existing vegetation to be retained.

ATTACHMENT 2

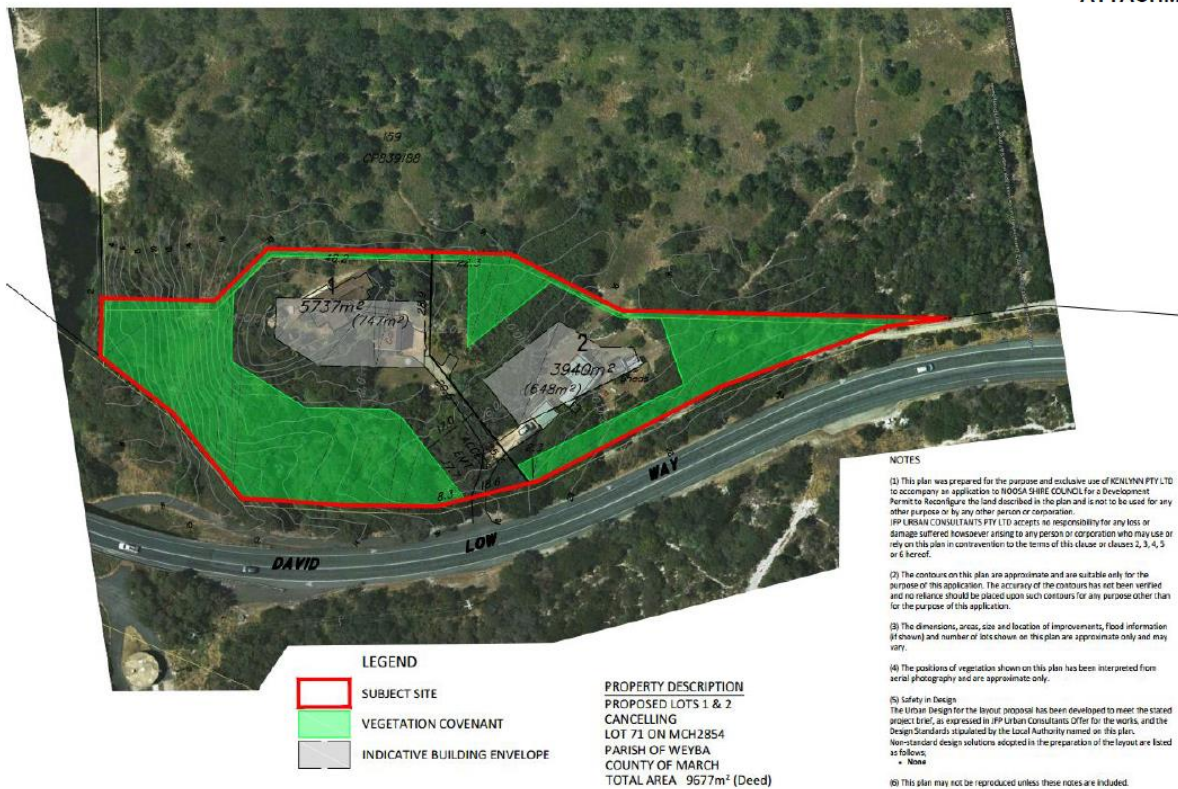


Figure 2 - Negotiated Subdivision Layout

Figure 6 – Negotiated Subdivision Layout for REC16/0015

The applicant had a pre-lodgement meeting prior to lodging this application proposing a 1 into 3 lot subdivision. At that meeting officers indicated a 1 into 2 lot subdivision was more appropriate reflecting the existing approval for the duplex.

Given the site is located within the Coastal Management District the applicant was advised they should consult with the Department of Infrastructure, Local Government and Planning (State Assessment and Referral Agency) which they did on 30 June 2017. The Department supported vegetation covenants along David Low Way and the northern part adjoining Burgess Creek.

The current development application was lodged on 11 August 2017, with a Council information request issued 6 September 2017. This information request detailed sixteen items to be addressed, including clearance of vegetation, Biodiversity provisions, Unexploded Ordnance (UXO) clearances, bushfire, fauna, size of building envelopes, water quality and stormwater, easement and covenant details and sight lines and access. The applicant responded to the items raised on 10 November 2017.

## 2.2. Site Description

The site is situated on the eastern side of David Low Way directly to the south east of the Burgess Creek bridge near the residential suburb of Castaways Beach. The site has an area of 9677m<sup>2</sup> with a frontage to the David Low Way of approximately 254m<sup>2</sup>. Two dwelling units are located on the site accessed from a central driveway off David Low Way.

The site is an isolated lot that is well separated from the existing developed residential suburbs of Sunrise and Castaways Beach by the existing David Low Way road corridor and environmental area surrounding Burgess Creek.

The site's elevation ranges from 4m AHD to 24m AHD and generally slopes down from the southern corner to the existing dwelling and then falls steeply to the Burgess Creek boundary. The slope to Burgess Creek is approximately 38%.

Dunal vegetation is located throughout the site and generally consists of Spinifex grassland, Black Wattle, Coastal Casuarina, Acacia, Banksia, Pandanus, Carrotwood and Coastal Aspin. The site is almost wholly located within a riparian buffer area identified by the Noosa's Plan's Biodiversity Overlay.

## 2.3. Surrounding Land Uses

The site abuts a 92.8ha reserve to the east (Castaways Beach Park) and Burgess Creek to the north which are zoned Open Space Conservation. Adjoining the site to the west is David Low Way and further south-west across the road reserve are detached dwellings located off Driftwood Drive and Caribbean Court.

## 3. ASSESSMENT

### 3.1. Instruments for Statutory Assessment

Under the *Planning Act 2016* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policy;
- South East Queensland Regional Plan;
- Planning Regulation 2017;
- The Noosa Plan.

The statutory planning instruments relevant to this application are discussed in the sections that follow.

### 3.2. State and Other Statutory Instruments

#### State Planning Policy

Under the State Planning Policy, the site is mapped as being affected by the following:

- Coastal Environment: Coastal Management District
- Bushfire Prone Area
- Erosion Prone Area
- Medium Storm tide inundation area

The above State Planning Policies are generally reflected in the planning scheme.



**Biodiversity – Matters of State Environmental Significance (MSES)**

The northern portion of the site is identified by the state as being mapped as MSES - Regulated vegetation (wetland). The applicant details that this matter was raised by SARA at a pre-lodgement meeting wherein it was stated that the vegetated area on Lot 711 will be protected. The applicant has addressed the MSES status in the Ecological and Bushfire Assessment Report submitted as part of the application and contends that:

*This suggestion has been investigated and it has been determined that this particular MSES does not apply to the Site... as the regulated vegetation that occurs on the Site is not a wetland regional ecosystem and there are no wetland areas on the Site, apart from a narrow fringe of wetland associated with Burgess Creek.*

The proposed clearing and subsequent future building works on the site will detrimentally impact on the coastal vegetation on the site with the vegetation adjacent to Burgess Creek being subject to understory clearing in order to gain unexploded ordnance clearance. The existing vegetation is critical in maintaining the ecological integrity of Burgess Creek. The vegetation is also important in maintaining soil and coastal bank stability with the site having direct frontage to a coastal foreshore.

**South East Queensland (SEQ) Regional Plan**

The site is located within the Urban Footprint area of the SEQ Regional Plan. The Regional Plan identifies that the Urban Footprint *includes established urban areas and land with the potential for new urban development. It incorporates the full range of urban uses including housing, industry, business, infrastructure, community facilities..... The priority for developing land in the Urban Footprint is to accommodate urban growth. However, the Urban Footprint is not an urban zone and does not imply that all land can be developed for urban purposes.*

The proposal is considered to be an urban development which accords with the intent of the SEQ Regional Plan. However, it is noted that the Urban Footprint principles includes that *the Urban Footprint is a tool for managing, rather than simply accommodating, regional growth.*

**Planning Regulation 2017**

The following assessment benchmark mapping apply to the application:

- Bushfire Hazard Area – Medium Potential Bushfire Intensity
- Erosion Prone Area

The applicant has provided a Bushfire Assessment Report and Bushfire Management Plan as part of the application. The Bushfire Management reports conclude that the level of risk is relatively low due to David Low Way and Burgess Creek acting as fire breaks, reticulated water on site and access for each lots for emergency services. This aspect is discussed further in the Natural Hazards Code assessment below.

The Bushfire Management Plan proposes Asset Protection Zones wholly co-located in the proposed covenant areas for vegetation protection. The Assets Protection Zones require the removal of all flammable material within this area including overhanging vegetation. The co-location of this asset protection zone in the covenant areas will result in vegetation retained no higher than 150mm.

The application was referred to the State due to the site being located in the Coastal Management District. The Department of Infrastructure, Local Government and Planning have offered no objection to the proposed development and as a concurrence agency have directed Council to impose conditions on any development approval.

### 3.3. Statutory Instruments – Planning Scheme

The subject site is located in the Eastern Beaches Locality and is zoned Detached Housing. The proposed development is identified as code assessable development within the zone and is required to follow a code assessable application process, assessable against the following codes:

- Eastern Beaches Locality Code;
- Reconfiguring a Lot Code;
- Landscaping Works Code;
- *Engineering Works Codes*;
- Biodiversity Overlay Code (Environmental Protection & Riparian Buffer Area); and
- Natural Hazard Overlay Code (Landslide Hazard & Bushfire Hazard).

The application has been assessed against each of the above applicable codes. The pertinent issues arising out of the assessment against the codes are discussed below:

#### Locality Provisions – Overall Outcomes

The subject site is located in the Eastern Beaches Locality and is zoned Detached Housing. The proposed development is required to follow a code assessable application process.

The Overall Outcomes for the Eastern Beaches locality detail the intent for the area with the most pertinent to the development detailed below:

- a) *New uses and works are located, designed and managed to—*
  - iii. *avoid significant adverse impacts on the amenity enjoyed by users of other premises, including acoustic and visual qualities;*
  - iv. *avoid significant adverse impacts on the natural environment, including native habitat removal, fragmentation and attrition; and*
  - v. *protect the natural beach experience and overall visual amenity for beach users;*
- j) *The locality's complex dune system, forming protected valleys and exposed ridges leading to the Pacific Ocean or wetlands on the shores of Lake Weyba is protected;*
- l) *The especially deep eastern drainage systems including Sunshine, Burgess, Castaways, Marcus and Peregian Creeks are protected;*
- m) *Particular values of the landform and landscape are maintained and protected including—*
  - ii. *the beach and the natural fore dune system stretching along the beachfront; and*
  - iii. *the coastal dunes, creeks and lagoons;*
- n) *The large diversity of indigenous vegetation, supported by the dunes and wetlands including wetland communities, stunted heath land communities and higher eucalypt communities, are maintained and protected for dune stability and attractive vistas from the David Low Way and the beach;*
- r) *Areas of native remnant or regrowth vegetation, including their biodiversity and habitat values are protected;*
- t) *Access to the fore dune and beachfront areas is provided via formalised communal access points designed to protect dunal systems;*
- u) *Vegetated views from the beach and the David Low Way are protected from the potential impacts of development;*
- w) *Access to the coastal areas is maintained north-south along the David Low Way and provides constantly changing vistas of the ocean and vegetated dune system, curving between densely vegetated national park to the west and wallum plains;*
- kk) *For the Detached Housing Zone—single detached housing prevails that maintains—*
  - iv. *landscaping amongst buildings, retaining trees and vegetation wherever practical;*

These outcomes of the locality clearly highlight the importance of maintaining the natural environment and vegetation as well as maintaining the natural beachside experience through the protection of vegetated views and surrounds. The site is currently well vegetated, has a limited visual presence to the area and is separate to the existing coastal development west of David Low Way. These current vegetated corridors of David Low Way contribute to the vegetated landscape setting and are an important feature of the coastal area.

The proposed subdivision of the site does not give due consideration to the outcomes detailed in the locality code, with the applicant stating that much of the vegetation on site is not of conservation status and is to be removed. The proposed clearing works combined with the limitations on future planting in the coastal covenant and clearing for fire management (which includes the seaward covenant and side boundary covenant areas) and the proposed building envelopes, provide no opportunity for retention of vegetation in lots or revegetation of the site which is contrary to the outcomes of the locality.

The visual impacts of the proposed clearing on the current vegetation of David Low Way and surrounding pedestrian coastal pathways are significant and do not address the outcomes of the code which express the importance of maintaining vegetated views from the beach and the David Low Way. The applicant has not provided any information regarding visual impacts of future development and relies on the provision of the buffer to David Low Way.

The existing dwellings are currently visible from the northern and southern approaches of David Low Way with the main building visible across Burgess Creek to the north (refer **Figure 7** below). Whilst this main building is to be demolished and the knoll excavated two to three meters building height is still measured from the *natural ground surface* level and it is likely that portions of future dwellings on the site will be visible from this northern portion of the David Low Way.



**Figure 7 – View of existing main dwelling from David Low Way north of Burgess Creek bridge.**

The existing main dwelling is also currently visible from the southern approach of the David Low Way as illustrated in **figure 8** below. As this dwelling is located on the northern part of the site with the proposed lots located to the south, it is likely that future dwellings constructed on the site would be visible from the David Low Way from the southern approach.



**Figure 8 – View of existing main dwelling from David Low Way south of Burgess Creek bridge.**

The existing smaller dwelling on the south of the site is also visible through the existing vegetation on site and within the road reserve. The proposed clearing required for access, building envelopes unexploded ordnance, bushfire management and coastal covenants which restrict revegetation increases the visibility of the development in this location to the David Low Way.

Site line clearing for the access driveway is also unclear with Council's traffic consultant advising that substantial clearing of vegetation and earthworks in the road reserve may be required to achieve safe sight distances. This clearing would significantly impact on the current vegetated road corridor.

#### Locality Provisions - Specific Outcomes

The proposal has also been reviewed against the Locality Code and whilst it generally complies with many of the specific code requirements it does not meet the following Specific Outcome:

*O2 The vegetated character of the David Low Way is protected and new development recognises and protects the function, capacity and efficiency of the David Low Way as the major north-south link throughout the coastal part of Noosa.*

As detailed above, the proposal involves extensive removal of vegetation with the resultant subdivision and future residential lots of 715 and 716 likely to be visible to the David Low Way.

Further, the Overall outcomes of the Landscaping Code reinforce retention and rehabilitation of native wildlife habitat and riparian zones

#### Land Use & Works Provisions

The application has been assessed against the applicable codes detailed below

#### **Proposed Lots**

The Detached Housing zone details a minimum lot area of 600m<sup>2</sup> and minimum average width of 17 metres for lots within the Eastern Beaches locality. The lot sizes range from 942m<sup>2</sup>-1807m<sup>2</sup> with the exception of larger lot 711, which is 3336m<sup>2</sup> which includes Covenant P which serves to provide separation to Burgess Creek. The proposal complies with the minimum requirements in this respect.

The Code’s Overall Outcome includes provision for ‘lots avoid significant adverse effects on the natural environment and landscape and minimise the risk of hazards for people and property’. The proposed building envelopes range from 257m<sup>2</sup> to 618m<sup>2</sup>, with an average size building envelope of 494m<sup>2</sup>. The building envelopes are generally half the size of the lot. The lots contain significant amounts of vegetation and building envelopes generally enable the landowner to utilise the land to its greater extent with regard to building form. It would be expected that very little of the vegetation within the proposed building envelopes will be retained. The applicant was requested to address this issue at the information request stage, but declined to modify the building envelopes.

Generally, the proposed building envelopes exceed the maximum building site cover of 50% (ground floor) of the total site area required in the Eastern Beaches Locality code.

The following Specific outcomes of the Reconfiguring a Lot Code apply to this proposal.

Specific Outcome	Probable Solutions	Proposal
<p>O19 Stormwater run-off is managed so as not to cause any adverse impacts on the built or natural environment including changes in quality, quantity or location of stormwater discharges.</p>	<p>No solution provided</p>	<p>The applicant has proposed to provide 100m<sup>2</sup> bioretention basins for each individual allotment. This proposal would require conditions ensuring an appropriate Operational Works approval was sought that ensured the water quality targets were appropriately achieved, as well as covenants placed over the basins to ensure individual lot owners appropriately maintain the basins.</p> <p>The expert geotechnical advice was that drainage from the proposed subdivision could rely on infiltration only. Geotechnical advice provided for other sites along the eastern beaches has indicated that coffee or other floating rocks within the dunal system may intersect concentrated water flows from the hardstand areas and cause water to push out the dune and cause scour. These other sites have needed to install pipework that discharges concentrated flows as low down the dune slope as possible. A geotechnical investigation to the presence of rocks within this site would be able to give an indication if this is required here to give a more realistic understanding of any vegetation clearing needed for installation of pipes for drainage management in the event there are rock floaters in the substrate.</p>
<p>O20 Filling or excavation only occurs where it does not adversely impact on—</p> <ul style="list-style-type: none"> <li>a) watercourses, drainage lines and wetlands; or</li> <li>b) vegetation on land identified on Biodiversity Overlay Maps OM1.1-OM9.1; or</li> <li>c) water levels on properties elsewhere.</li> </ul>	<p>No prescribed solution.</p>	<p>Proposed excavation on site and filling results in removal of vegetation that is mapped on Biodiversity Overlay maps.</p>

Specific Outcome	Probable Solutions	Proposal
<p>O21 Land development responds to the distinctive landscape character of the site by utilising the natural features of the site, which include—</p> <ul style="list-style-type: none"> <li>a) watercourses and drainage lines;</li> <li>b) significant trees;</li> <li>c) understory vegetation;</li> <li>d) rock outcrops; and</li> <li>e) views</li> </ul>	<p>S21.1 The natural landform and landscape are not modified to accommodate the development.</p>	<p>Proposal seeks to modify the site through cut and filling of the site and removal of existing vegetation across most of the site. Proposed modifications do not reflect the existing natural undulating character of the site.</p>
<p>O22 Native vegetation, including individual mature trees are retained, protected, maintained and supplemented, with particular consideration given to—</p> <ul style="list-style-type: none"> <li>a) roadsides;</li> <li>b) the amenity of adjoining land uses; and</li> <li>c) the protection of environmentally sensitive areas.</li> </ul>	<p>S22.1 Buffers of existing native vegetation around site boundaries and environmentally sensitive areas are retained and reinforced through additional planting;</p>	<p>Existing vegetation around eastern boundary of site is to be removed. Minimal revegetation is proposed in this area.</p>
<p>O23 Buildings and other structures do not have a significant adverse impact upon the visual amenity of surrounding areas.</p>	<p>S23.1 All lots include a building envelope that enables buildings and structures to be sited so they do not—</p> <ul style="list-style-type: none"> <li>a) protrude above ridgelines; or</li> <li>b) result in the unnecessary removal of vegetation from the site.</li> </ul>	<p>It is likely that the northern lots will enable dwellings to protrude above the ridgeline and result in the unnecessary removal of vegetation.</p>

**Engineering Works**

The bulk earthworks plan associated with the application indicates that the northern knoll that currently supports the existing dwelling is to be excavated by 2 to 3 metres with the lower sections of the site filled 1.0 to 2.0 metres as detailed in **Figure 9** below. These earthworks further demonstrate areas of existing vegetation that will be cleared along with extensive site modifications.



Figure 9 – Proposed cut and fill

**Biodiversity and Coastal Protection**

The Noosa Plan maps the site as being included in the Environmental Protection and Riparian Buffer Areas. In accordance with the assessment table for the Biodiversity Overlay, a reconfiguration of a lot application that involves clearing of native vegetation triggers assessment under the code.

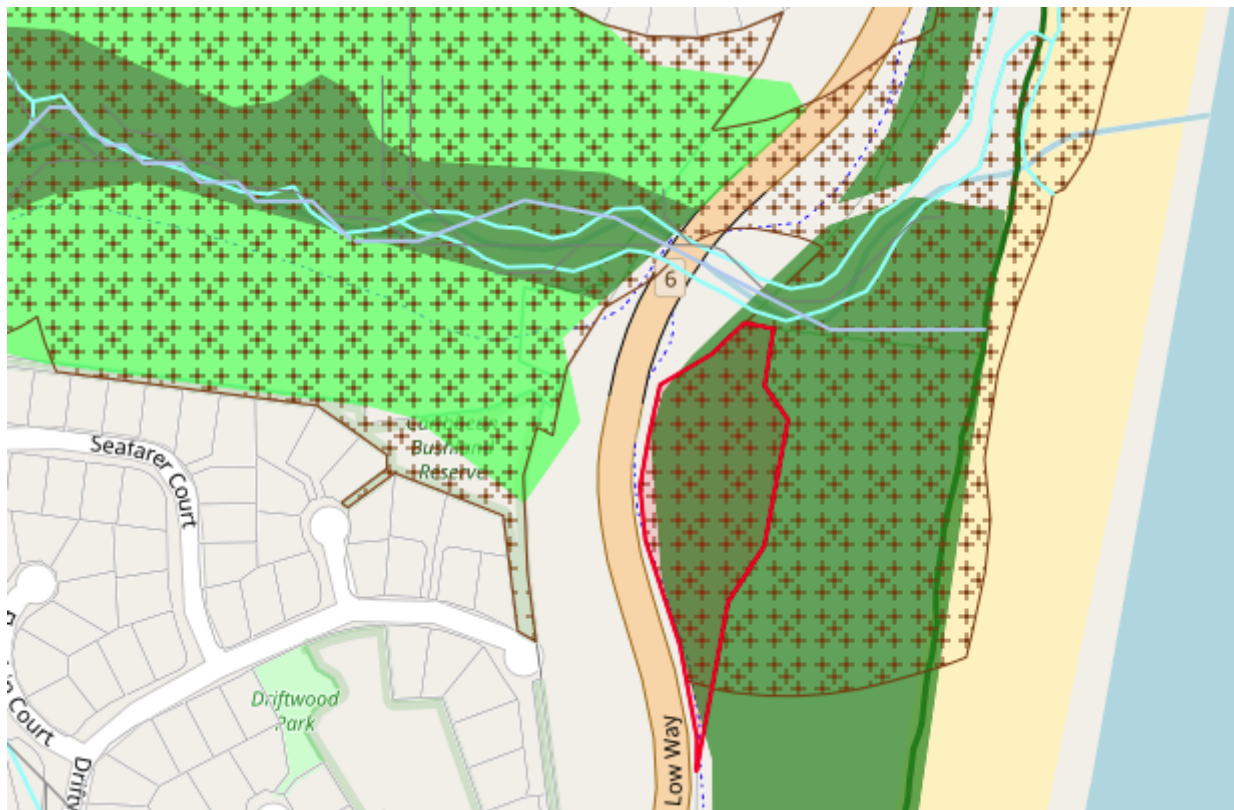


Figure 10 – Subject site and Biodiversity Overlay

The applicant's consultants contend that the vegetation on site does not satisfy the requirements for classification as either an Environmental Protection or Environmental Enhancement area under the Noosa Plan definitions, nor should it be classed as a Riparian Buffer Area.

The site is mapped as being located in a Coastal Protection Area however a reconfiguration application does not trigger assessment. It is noted that future dwellings on the site will require a future application for code assessment under the Overlay with the design considering protection of the beachfront character and provision of native landscaping.

Council's Environmental Officer advises *the provisions in the Biodiversity Overlay make it clear that the Riparian Buffer area is for more than just vegetation protection. It relates to broader ecosystem values/services including maintaining bank stability, avoiding incompatible uses and any new development. The site has a very specific function in terms of its buffering and stabilisation of the dune system. Vegetation located on the dune system is naturally restricted and retention of the vegetation also has an important role in this area for ecosystem services such as fauna habitat, amenity, stability, community asset protection and maintenance of the complex dune system functions.*

### **Natural Hazards**

The site is mapped as being located in Landslide Hazard, Bushfire and Acid Sulfate Soils Areas. A geotechnical assessment has been submitted that concludes the site is not subject to geotechnical instability and that the proposed development will not affect geotechnical stability. However, were there to be any future dwellings on site, a specific geotechnical report would be required confirming that development will not impact on the stability of the site.

The northern part of the site is mapped as a Low Potential Acid Sulfate Area and the applicant has provided an Engineering Assessment that indicates due to the elevation of the site and sandy composition, the site is unlikely to contain acid sulphate components. Conditions may be imposed to address this matter.

A Potential Impact Buffer associated with the Bushfire Hazard Overlay is located along the north western half of the site. This buffer relates to vegetation on site and on the western side of the David Low Way to the south of Burgess Creek. The applicant details that the proposed risk of bushfire is low due to the provision of a reticulated water supply to the site, formed access to each lot, David Low Way and Burgess Creek provide an appropriate separation to bushfire hazard in these areas and that proposed building envelopes will be more than 60m from bushfire prone vegetation.

### **Bushfire management**

The applicant has not provided a comprehensive assessment of the fuel loads on the site, however has used the hazard mapping to provide an overall assessment. The applicant recommends a 6m Asset Protection Zone to the east, north and south of the development footprint. Within this zone all ground covers must be kept to under 150mm at all times. The north western half of the site is mapped as being located in a Potential Impact Buffer in a Bushfire Prone Area. The applicant relies on the Building Standards to determine Bushfire Attack Levels (BAL) of construction and nominates a BAL rating of 19 with a caveat stating the BAL levels will be finally determined at design and construction stage. A BAL19 rating requires a setback of 24m from the hazardous vegetation. The applicant states the lot closest to the hazard has a setback of 33m.

The applicant states the development will not unduly burden emergency services. It is noted the landscaping around the house site areas will be required to be minimal and of low flammability so there will be no opportunity for establishing native shrubs and trees.

The applicant also states Council's obligations to keep the development safe, is to ensure all vegetation within the sightlines are maintained at all times and maintain bushfire loads in the coastal reserves so as not to present an unacceptable risk to residents of the development.



Furthermore, the proposed management of the northern 50m covenant area can include removing vegetation as it poses a serious and imminent risk to human safety, including bushfire risk. The supplied documents appear to acknowledge the bushfire risk associated with placing more people in a bushfire prone area and proposes managing the risk by removing the vegetation.

### Unexploded Ordnance (UXO)

It is noted that the site has been determined by the applicant's consultants as 'likely' being affected by UXO and that it will be required to be investigated and remediated. The applicant has provided an indicative de-vegetation plan (refer **Figure 11** below) which details that most of the proposed site requires clearing, including hand clearance of undergrowth to the areas outside the development footprint for investigation of UXO. The applicant proposes clearing of 62% of the site to facilitate the investigation and possible remediation of the site for UXO.

The undergrowth in the proposed covenant areas along the David Low Way and to Burgess Creek is proposed to be cleared by hand/brushcutter for the purpose of a visual survey. Any identified significant vegetation will be marked and excluded from clearing.

The UXO clearing is to be read in conjunction with the Ecological and Bushfire Assessment Report prepared by Cardno which indicates that Covenant Areas:

- Will be created after all civil engineering works and rehabilitation works have been completed.
- May be disturbed for maintenance of infrastructure and services and weed control following which they will be rehabilitated.



**Figure 11 – Indicative De-Vegetation Plan for UXO clearing shown in red**

### Site Access

The proposal was referred to Council's traffic consultant to ensure access to the site was in accordance with required standards.

Council's consultant advises the following:

*The main issues relate to achieving satisfactory sight lines at the proposed new access driveway in accordance with Austroads guidelines, and achieving a satisfactory gradient on the access driveway in accordance with Australian Standards. The information submitted to date does not represent a satisfactory resolution of those issues.*

*A condition could probably be drafted to achieve safe and satisfactory sight lines at the new access driveway, but the associated extent of vegetation clearing and earthworks required to achieve such an outcome, both within the road reserve in both directions from the access, and within the site north of the access, would be greater than anticipated by the material supplied to date, and at the end of the day I'm not convinced that the new access driveway location would achieve a better overall safety outcome, if similar levels of vegetation clearing were also applied to the existing driveway.*

*A condition could also be drafted in relation to achieving a satisfactory vertical alignment on the new driveway from David Low Way, but the associated implications on the existing bike path alignment are unknown and could be substantial, and the associated extent of clearing and earthworks required within the site as a result is also unknown.*

#### **4. CONSULTATION**

##### **4.1. Referral Agencies**

The application was referred to the following Referral Agencies:

- Department of Infrastructure, Local Government and Planning (SARA)

SARA is a referral agency for contaminated land (unexploded ordnance UXO) and Tidal Works or work in a coastal management district.

The Department has responded advising that the proposal complies with the applicable performance outcomes of the State Development Assessment Provisions for both coastal and unexploded ordnance and lists two conditions requiring clearance of the unexploded ordnance.

##### **4.2. Other Referrals**

The application was forwarded to the following internal Council officers:

- Environment Officer, Development Assessment
- Engineering Officer, Development Assessment

#### **5. CONCLUSION & REASONS FOR RECOMMENDATION**

The application for a Reconfiguration of a Lot for 1 into 6 lots located at 2 David Low, Castaways Beach is not supported and recommended for refusal. Whilst the use of the site for residential purposes is consistent with the intent of the Detached Housing zone, the proposal is considered to be an overdevelopment of the site based on the environmental and amenity impacts and safety issues associated with the development.

The site is located on the eastern side of David Low Way and currently presents a well vegetated boundary to the surrounding area. The site is well separated from the existing residential areas of Sunrise Beach and Castaways Beach by the vegetated road reserve of David Low Way and Burgess Creek.

The applicant contends that the development is appropriate based on an environmental assessment that concludes the site is degraded, has high level of weed infestations, significant exotic plantings and has limited vegetation worthy of retention apart from the northern section of the site adjoining Burgess Creek and along the David Low Way. The applicant has subsequently proposed a six lot subdivision that necessitates clearing of approximately 62% of the site due to UXO clearance requirements whilst the proposed Coastal Covenants around the building envelopes limit significant revegetation as they are to be used for fire protection and stormwater management with low growing vegetation.

The applicant has not adequately demonstrated that the risk posed by bushfire can be managed whilst retaining the complex dune vegetation system.

The applicant’s submission that the site is incorrectly mapped is not supported. Council’s environmental officer has reviewed the supporting documentation and concludes that the site has significant vegetation values that should be maintained and incorporated into any development of the site.

The applicant has not satisfactorily demonstrated that the proposed site access is appropriate and complies with relevant standards and it is likely to require significant earthworks and clearing of roadside vegetation.

The applicant has not satisfactorily demonstrated that the impacts of the development will be appropriately managed. The proposed works will result in future development having a detrimental visual impact on the surrounding area and are inconsistent with the Noosa Plan.

Departments/Sections Consulted:

**Chief Executive Officer**  
Executive Officer  
Executive Support

**Community Services**  
Community Development  
Community Facilities  
Libraries & Galleries  
Local Laws  
Waste & Environmental Health

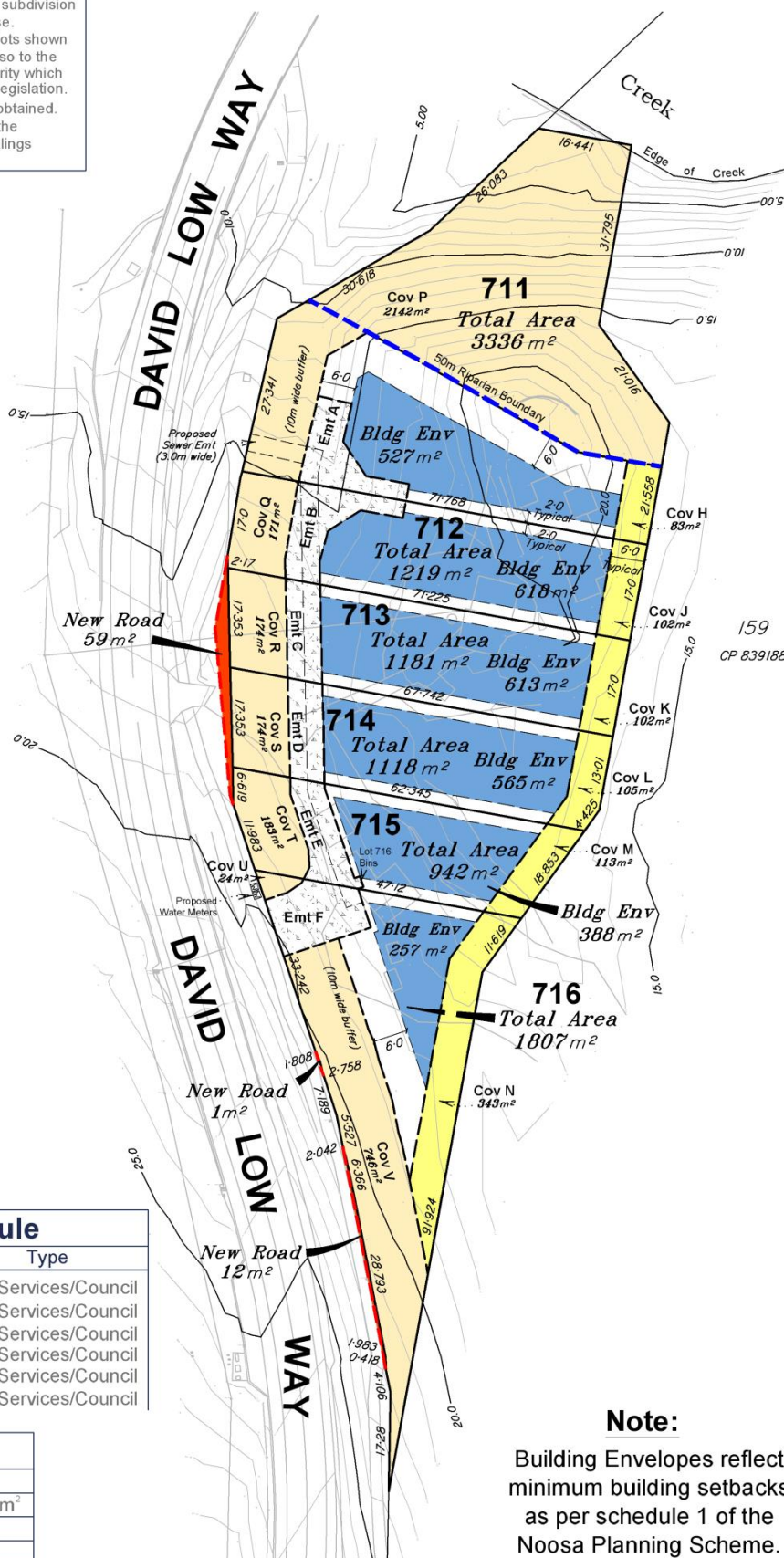
**Corporate Services**  
Financial Services  
ICT  
Procurement & Fleet  
Property  
Revenue Services

**Executive Services**  
Community Engagement  
Customer Service  
Governance  
People and Culture

**Environment & Sustainable Development**  
x Building & Plumbing Services  
x Development Assessment  
Economic Development  
Environmental Services  
Strategic Land Use Planning

**Infrastructure Services**  
Asset Management  
Buildings and Facilities  
Civil Operations  
Disaster Management  
Infrastructure Planning,  
Design and Delivery

**!** This plan has been prepared as a proposed subdivision 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 are also to the requirements of council and any other authority which may have requirements under any relevant legislation. Certificate of Title for this site has not been obtained. Therefore, no reliance should be placed on the information on this plan for any financial dealings involving the land.



- Covenant (Coastal)
- Covenant (Road Buffer)
- Building Envelope
- New Road

Easement Schedule		
Identifier	Benefit	Type
A	712	Access/Services/Council
B	711,713	Access/Services/Council
C	711,712,714	Access/Services/Council
D	711-713,715	Access/Services/Council
E	711-714,716	Access/Services/Council
F	711-715	Access/Services/Council

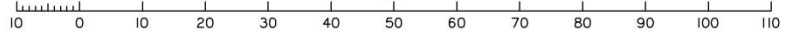
Statistics Table	
Lots	6
Area range	942 m <sup>2</sup> - 3336 m <sup>2</sup>
Area average	1601 m <sup>2</sup>
Road	72 m <sup>2</sup>
Park	Nil
Covenant	3614 m <sup>2</sup>
Total Site Area	9677 m <sup>2</sup>

REVISIONS		

SURVEYOR: LGM DATE: 31/10/17 LEVEL DATUM: AHD SITE: Proposed Lots 711-716 & Emt's A-F & Cov H,J-N & P-V CANCELLING Lot 71 on MCH 2854 CLIENT: Kenlynn Pty Ltd SCALE: 1:750 (A3)  
 DRAWN: LJS CHECKED: LGM DERIVED FROM: F5M 18395 (PL 53876) PLAN REF: S0054-P5  
 2 David Low Way, Castaways Beach

**Note:**  
 Building Envelopes reflect minimum building setbacks as per schedule 1 of the Noosa Planning Scheme.

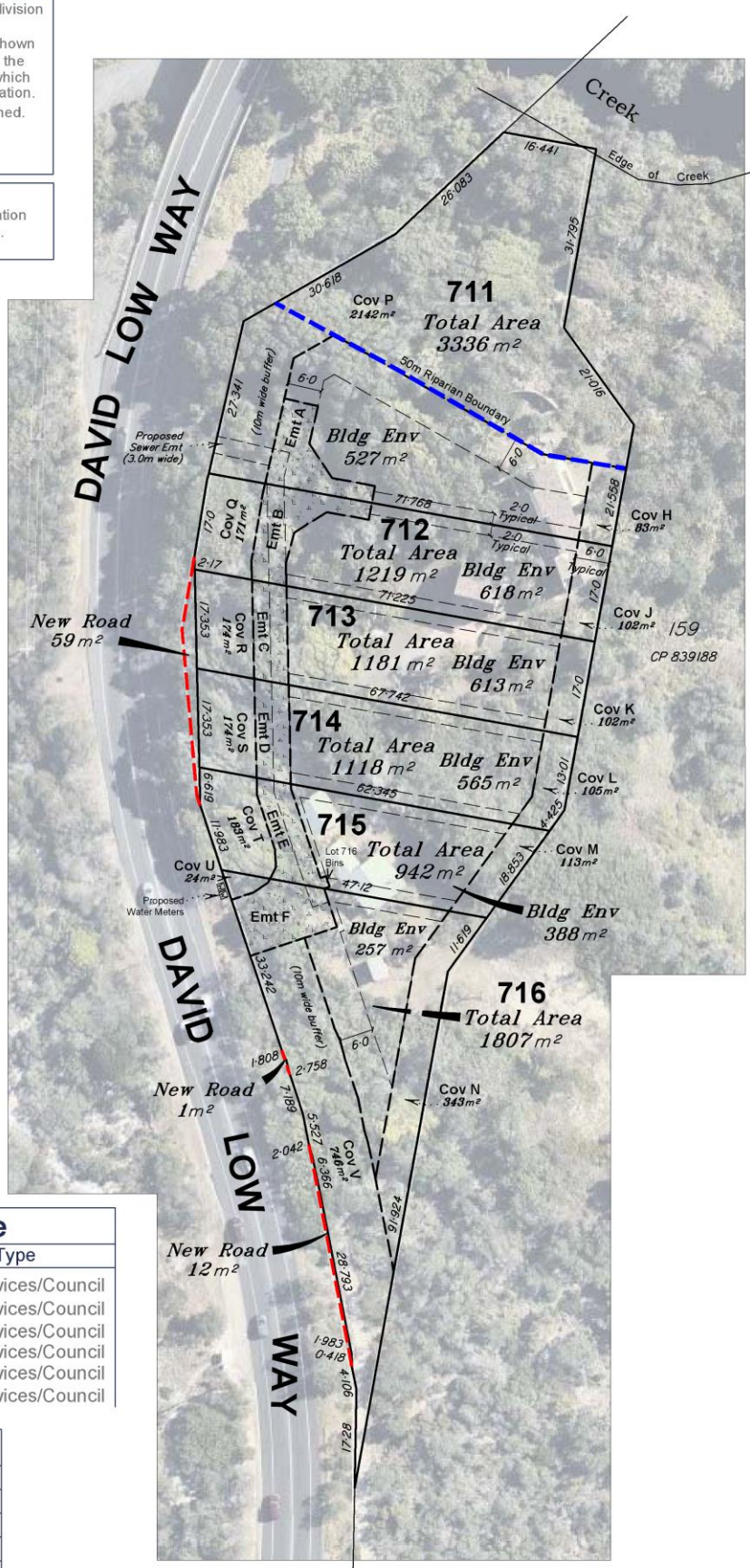
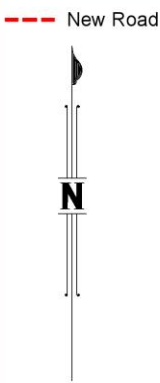
**Contour Note:**  
 Contour intervals are at 1.0m (minor) and 5.0m (major)  
 Scale 1:750 - Lengths are in Metres.



**AJS SURVEYS**  
 SURVEYING - PLANNING - DEVELOPMENT  
 17 Judd Street, Gumbella, Qld 4554  
 P: 07 3023 2144 E: mail@ajs.com.au  
 W: www.ajs.com.au  
**SUBDIVISION PROPOSAL PLAN**

**!** This plan has been prepared as a proposed subdivision 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 are also to the requirements of council and any other authority which may have requirements under any relevant legislation. Certificate of Title for this site has not been obtained. Therefore, no reliance should be placed on the information on this plan for any financial dealings involving the land.

**!** The aerial photo underlay is derived from information supplied by Nearmap.com. It is approximate only.



**Note:**  
Building Envelopes reflect minimum building setbacks as per schedule 1 of the Noosa Planning Scheme.

**Easement Schedule**

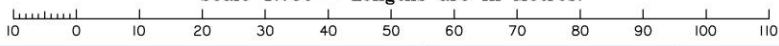
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**Statistics Table**

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Total Site Area	9677 m <sup>2</sup>

**Contour Note:**

Contour intervals are at 1.0m (minor) and 5.0m (major)  
Scale 1:750 - Lengths are in Metres.



REVISIONS			
No.	Description	Date	By

SURVEYOR	LGM	DATE	31/10/17	LEVEL DATUM:	AHD	SITE:	Proposed Lots 711-716 & Emt's A-F & Cov H,J,N & P-V Cancelling Lot 71 on MCH 2854 2 David Low Way, Castaways Beach
DRAWN	LJS	CHECKED	LGM	DERIVED FROM PSM	19395 (PL 11/03/00)		

CLIENT: **Kenlynn Pty Ltd**

SCALE: 1:750 (A3)  
PLAN REF: S0054-P5  
(serial)

#### 4 REC16/0014 DEVELOPMENT PERMIT FOR RECONFIGURING A LOT, 1 LOT INTO 11 RESIDENTIAL LOTS, LOCATED AT 28 ELKHORN DRIVE, TEWANTIN

**Author** Development Planner, Lisa Pienaar  
Environment and Sustainable Development

**Index** ECM/ Application/ REC16/0014

**Attachments** 1. Proposal Plan

APPLICATION DETAILS	
Applicant	Elkhorn Investments (QLD) P/L TTE
Proposal	Development Permit to Reconfigure a Lot - 1 lot into 11 residential lots
Properly Made Date	17 June 2016
Information Request Date	14 July 2016
Information Response Date	2 November 2016
Decision Due Date	19 January 2018 (numerous extensions have occurred)
PROPERTY DETAILS	
Property Address	28 Elkhorn Drive, Tewantin
RP Description	Lot 70 M 37807
Land Area	12,920m <sup>2</sup>
Existing Use of Land	Dwelling and shed
STATUTORY DETAILS	
SEQRP Designation	Urban Footprint
Locality	Tewantin and Doonan
Zone	Detached Housing
Overlays	Biodiversity Natural Hazards – Flood, Bushfire, Acid Sulphate
Assessment Type	Code

#### RECOMMENDATION

That Council note the report by the Development Planner to the General Committee Meeting dated 15 January 2018 regarding Application REC16/0014 for a Preliminary Approval for Reconfiguration of a Lot (1 into 11 residential lots) situated at 28 Elkhorn Drive, Tewantin and approve the proposed, granting a Preliminary Approval for Reconfiguring a Lot (1 into 10 residential lots and drainage reserve), subject to the following conditions:

1. The applicant is required to submit a further code assessable application for a Development Permit for Reconfiguring a Lot complying with the conditions of this Preliminary Approval.

### Approved Plans

2. Development undertaken in accordance with this approval must generally comply with the approved plan no. 15228.1 (Rev. C), prepared by Project Urban dated 31/10/16. The approved plan must be amended to:
  - a. Include the area of proposed Lot 11 as “Drainage Reserve” generally in accordance with the submitted “Proposed Stormwater Layout V2”,
  - b. Incorporate the indented area in the front of Lots 1 & 2 within these lots;
  - c. Include dedication of Covenant areas A & B and land behind the existing dwelling (from the fence line) to the eastern boundary on proposed Lot 9 as conservation park;
  - d. Include a road reserve width to provide for a cul-de-sac with a circular turning area of sufficient size (9m minimum radius) to accommodate the single forward motion turn of a Waste Collection Vehicle (WCV) together with minimum 3.5m wide verge from the new kerb line to the property boundary adjacent to the cul-de-sac;
  - e. Where the development is to be staged, a cul-de-sac must be included at the relevant stage;
  - f. Maintain the road reserve width of 15m minimum to the common boundary with Lot 6 on RP149498;
  - g. Include a footpath in the road reserve on the western side of the new road.

### New Road

3. The new road (extension of Elkhorn Drive to the adjoining property to the west (No 20 Eagle Drive – Lot 6 RP149498) shown on the Approved Plans must be constructed in accordance with the conditions of this Decision Notice and dedicated as road reserve at no cost to Council.
4. The road reserve for the new road through to the adjoining property to the west must be dedicated with the first stage of the development.
5. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. an “access” road in accordance with Council’s Planning Scheme Policy 5 – Engineer Design Standards – *Roads, Drainage and Earthworks* (reserve width of 15 metres minimum and a carriageway width of 6 metres kerb to kerb)
  - b. sealing, drainage, kerbing and channelling
  - c. construction of pedestrian footpaths as shown on the approved plans
  - d. installation of street lighting
6. The new road must terminate in a cul-de-sac with a circular turning area of sufficient size to accommodate the single forward motion turn of a Waste Collection Vehicle (WCV) clear of private driveways on-street parking and speed control devices or if the adjoining property to the west (No 20 Eagle Drive - Lot 6 RP149498) has been developed or the connecting road dedicated. The “access” road formation must extend to and match smoothly with the existing formation within Lot 6 RP149498, whichever is applicable at the time of construction.

### Stormwater Quality

7. Prior to Council accepting water quality treatment device assets “Off Maintenance”, the applicant must provide Council with a Schedule of Maintenance Costs for all activities undertaken to maintain the bio retention basins in accordance with the most current version of Healthy Waterways Bio-retention Basin Maintaining Vegetated Stormwater Assets Guidelines. The schedule shall include records of actual costs of maintenance work undertaken.

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**Stormwater Drainage**

8. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval.
9. The development must be designed such that space is allocated for dedicated whole-of-development stormwater quality/quantity treatment infrastructure and that major and minor flows from the development are drained to and treated by this infrastructure. The design of such infrastructure should be in accordance with current best practices, guidelines and the Noosa Plan, including:
  - a. State Planning Policy Part E State interest policies and assessment benchmarks (Water Quality) and Appendix 2 – Stormwater Management Design Objectives;
  - b. Noosa Plan Planning Scheme Policy 5— Engineering Design Standards – Roads, Drainage and Earthworks);
  - c. Australian Rainfall and Runoff Guidelines;
  - d. Queensland Urban Drainage Manual (including Ch 4 Catchment hydrology, Ch 5 Detention/retention systems and Ch 13 Safety aspects);
  - e. MUSIC Modelling Guidelines; and
  - f. Water Sensitive Urban Design Technical Design Guidelines for South East Queensland, including current versions of updated guidelines such as Bioretention Technical Design Guidelines
10. If stormwater is to be discharged through an adjacent property, written consent must be gained from the relevant property owners prior to lodgement of an application for Operational Works.

**Vegetation**

11. Existing native trees on the site and in the road verge must be retained in accordance with an Arborist Report for the development and referenced in a Development Permit for Operational Works. The existing native trees to be retained must be located clear of proposed services and generally suitable for the proposed location.
12. Vegetation must only be removed or disturbed in accordance with a Fauna Management Plan (or part thereof) and endorsed through an Operational Works approval.

**Dedication of Land as Reserve**

13. The land area described as Covenant A and Covenant B, including the area beyond the existing fence line to the eastern boundary in Lot 9 must be dedicated to Council as freehold land as park with the first stage of the development. The land to be dedicated is “non-trunk infrastructure” for the purposes of the *Sustainable Planning Act 2009*.
14. A 4.5 metre wide easement for access purposes must be registered against the title of the property in favour of Council over the land area identified as Lot 9 on the subject site to provide access to the dedicated park areas.
15. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.

**Works within Protected Land**

16. The following works must be undertaken in the land required to be transferred to Council:
  - a. Timber Post and rail fencing to any newly created residential lots
  - b. Removal of any fencing between the park areas required to be dedicated and the esplanade



- c. Ecological restoration of the park areas required to be dedicated
- d. Removal of any structures or foreign debris within the park areas required to be dedicated
- e. Arborist assessment of the trees contained within the park areas required to be dedicated

The works must be undertaken in accordance with an Operational Works approval.

### **Landscaping Works**

17. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval and the Noosa Plan for that specific area and must include in particular:
  - a. Provision of 1 native street tree within the road reserve for every 8 metres of new road.
  - b. 100mm deep mulching and landscaping to any batter within road reserves that exceed 1 in 4 slope (25%).
  - c. Turf and garden beds to road reserve, including retained trees.
  - d. Retaining walls within the bio-basin must be constructed or permanently faced with materials which provide for a natural appearance such as sandstone, bluestone, granite or the like.
  - e. Removal of all weeds species listed in the following standards and legislation.
    - i. declared plants under the Land Protection (Pest and Stock Route Management) Act 2002 and sub-ordinate Regulation 2003.
    - ii. The Noosa Local Government Area Pest Management Plan 2015-2019
18. All landscape works must be established and maintained in accordance with horticultural best practice with construction techniques that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form.
19. All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.
20. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

### **Estate Entrance Feature**

21. Any proposed estate entrance feature must:
  - a. reflect a subdued local character, rather than an overbearing or contrived statement
  - b. comprise feature vegetation (either existing or planted) in preference to built forms
  - c. integrate with the landscape design of the balance of the estate
  - d. be constructed of durable and low maintenance materials
  - e. be treated with a graffiti resistant coating
  - f. not restrict pedestrian access

Any estate entrance works must be undertaken in accordance with an Operational Works approval.

### **Property Access and Driveways**

22. A residential driveway must be constructed to each lot. The works must be undertaken in accordance with an Operational Works approval.

**Pedestrian and Bicycle Facilities**

23. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include a 2 metre wide footpath within the road verge for the entire length of the new extended Elkhorn Drive.

**Electricity and Telecommunication Services**

24. Underground reticulated electricity and telecommunication services must be provided to each lot in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
25. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
26. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

**Easements**

27. A private easement for inter-lot drainage purposes must be registered over the stormwater drainage system (both below ground and overland flows) that conveys stormwater from an upstream property. The easement must benefit all upstream properties and place the maintenance responsibilities on the burdened lot. The easements must be a minimum 1.5 metre wide or of sufficient width to wholly encompass the drainage structures and the associated overland flowpaths.
28. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
29. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.
30. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

**Earthworks**

31. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
32. Where the development involves excavation or filling over, or adjacent to, drainage, water supply or sewerage infrastructure, all access chamber surface levels must be adjusted to provide a freeboard of 100mm above the finished ground surface level.

**Damage to Services and Assets**

33. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
  - a. where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
  - b. where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

REPORT

1. PROPOSAL

The applicant originally applied for a Development Permit for 1 into 11 residential lots with access from Elkhorn Drive. The proposal requires an extension to Elkhorn Drive, where lot sizes vary from 601m<sup>2</sup> to 718m<sup>2</sup>, apart from Lot 9, which includes the existing dwelling and shed with an area of 4,249m<sup>2</sup>. Two (2) covenants are also proposed on the eastern (river) side boundary, which seeks to exclude development in the riparian buffer and protect the Noosa River. The applicant proposes to construct the extension to Elkhorn Drive to cul-de-sac standard or through road, depending on the timing of the development of this site and the site adjoining to the west. Refer **Figure 1 – Proposed reconfiguration** and **Figure 2 – Subject and adjoining property**.

The applicant on 19 October 2017 advised they are agreeable to accepting only a Preliminary Approval for the proposal to allow the stormwater design to be further designed. This is discussed further in Section 2.1 of this report.

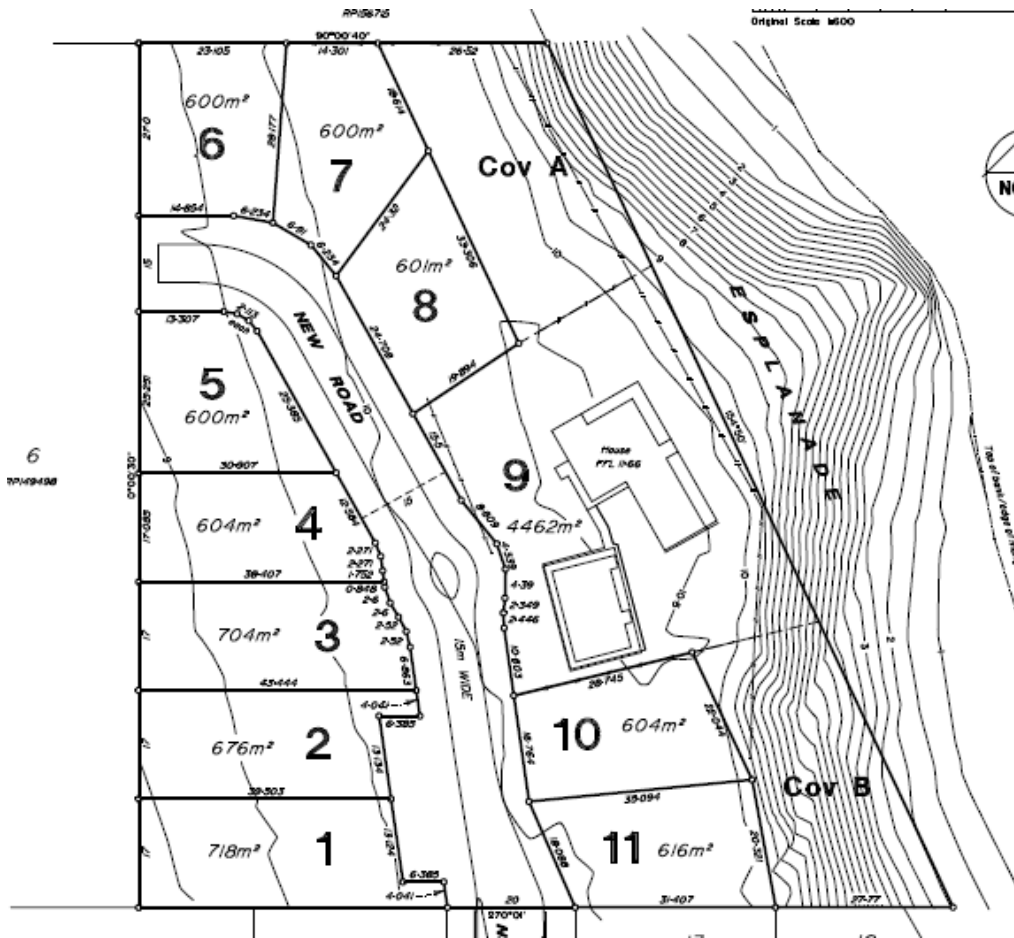


Figure 1 – Proposed reconfiguration.



*Figure 2 – Subject and adjoining property*

## 2. SITE DETAILS

### 2.1. Background

During the application process the applicant submitted a number of preliminary stormwater solutions for the site, some of which included significant infrastructure located within the riparian buffer to the Noosa River; extensive filling of part of the site and a device built into the road formation in order to drain the site predominantly to the Noosa River. To achieve a satisfactory stormwater design, the applicant has now proposed:

- Lot 11 to be used as a detention basin to address stormwater generally flowing to the east; and
- Proposes to connect to the drainage reserve required for the development of the adjoining property to the west.

Refer **Figure 3 - indicative location of stormwater solution**. This will result in a reduction in the number of lots from 11 to 10 and will require either the adjoining site to be developed and the required drainage reserve created or alternatively the consent of the adjoining land owner to discharge stormwater through their land. For this reason, the applicant has advised officers that they would accept a Preliminary Approval only and amend the plans at a later date to reflect these changes in order to receive a Development Permit.



Figure 3 – indicative location of stormwater solution

**2.2. Site Description**

The site is located north and approximately 1 km from the Tewantin town centre on the western bank of the Noosa River. The site has frontage to Elkhorn Drive of approximately 20 metres and contains some mature vegetation, with some large cleared areas. The north and south eastern corners of the site slope towards Noosa River to the east.

**2.3. Surrounding Land Uses**

The subject site has low density residential development to the north and south. Adjoining to the west is a recently approved development for 22 residential lots which has been designed to connect into the subject site.

**3. ASSESSMENT**

**3.1. Instruments for Statutory Assessment**

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policy;
- South East Queensland Regional Plan;
- The Noosa Plan.

**3.2. State and Other Statutory Instruments**

State Planning Policy

The State Planning Policy has been deemed by the Minister for Local Government and Planning as appropriately reflected in the Planning Scheme and therefore does not warrant a separate assessment.

South East Queensland (SEQ) Regional Plan

The site is located within the Urban Footprint area of the SEQ Regional Plan. The proposal is consistent with the regional policies of the SEQ Regional Plan.

### 3.3. Statutory Instruments – Planning Scheme

The application must be assessed against each of the following codes to the extent they are relevant to the development:

- Tewantin & Doonan Locality Code
- Reconfiguring a Lot Code
- Water Sensitive Design Code
- Transport, Roads and Drainage Code
- Landscaping Code
- Waste Management Code

#### Locality Provisions

The subject site is located in the Tewantin & Doonan Locality and is zoned Detached Housing. The proposed reconfiguration is consistent within the Locality provisions and the surrounding residential area and is required to follow a code assessable application process.

#### Land Use & Works Provisions

The application has been assessed against applicable codes. The pertinent issues arising out of the assessment against the codes are discussed below.

#### **Proposed lots**

All proposed lots achieve the minimum lot size requirement of 600m<sup>2</sup> for the Tewantin Locality and have an average lot size (excluding the large balance lot with the existing dwelling – lot 9) of 632m<sup>2</sup>. All lots meet the minimum width requirements.

The Biodiversity Overlay for the protection of vegetation applies to a small portion of the south eastern corner of the site, while the riparian buffer applies to the eastern edge of the property. The applicant proposes to address the Biodiversity Overlay by proposing two environmental covenants within Lot 9. While environmental covenants would provide a level of protection for the riparian buffer and the vegetation located in the south eastern corner, the dedication of this land to Council for conservation purposes would afford a higher level protection. This dedication is considered warranted given the importance of the Noosa River and riparian buffers to the river's water quality and as a wild life corridor. It is also recommended that a condition require the inclusion of land behind the existing dwelling, beyond the fence line to the eastern boundary to be also dedicated as public land/park.

The vegetation includes scattered semi-mature and mature trees comprising mango trees, Moreton Bay Ash, Blue Gums, Turpentine and garden species. The understory is mown grass. The supporting documents submitted with the application note that existing vegetation on site outside the proposed covenant areas will be retained where appropriate.

There are three mature mango trees located in proximity to the north western corner of the proposed lot 9. It is likely two of the mango trees will remain in the lot, with one being removed to facilitate the new road. It should be noted the clearing of orchard tree species is an exempt activity under the planning scheme provisions for vegetation management and no permit is required from Council to undertake this activity.

However, it is most likely that works associated with reconfiguration and future development of the site will result in the removal of a significant amount of the site's existing native vegetation. The retention of large mature trees within the lots is not considered feasible nor prudent in area intended to be developed for standard residential house lots. Some smaller groupings of trees may be able to be retained within the lots and/or on road reserve. It is also considered the dedication of the land areas marked Covenant A and B as public land will provide opportunity to retain large mature trees within a public space and contribute to the ecological values associated with the Noosa River and its riparian buffer areas.

**Road Connectivity**

A new road is proposed to connect to future development at the adjacent 20 Eagle Drive (Lot 6 RP149498), ultimately connecting Elkhorn Drive with Eagle Drive. The resultant connectivity will provide for a continuous route between Elkhorn Drive and Eagle Drive. This new route will also provide an improved outcome for residents and for services and emergency vehicles.

However, should the adjoining property not develop at the same time there is no provision proposed for vehicles, specifically Council’s waste collection vehicle, to turn around. In order to provide an interim turn-around area amendments are required to the layout.

**4. CONSULTATION**

**4.1. Referral Agencies**

No referral to IDAS Referral Agencies were required.

**4.2. Other Referrals**

The application was forwarded to the following internal Council officers:

- Engineering, Development Assessment
- Ecologist, Development Assessment

The application was also assessed by an external stormwater consultant on behalf of Council.

Their assessment forms part of this report.

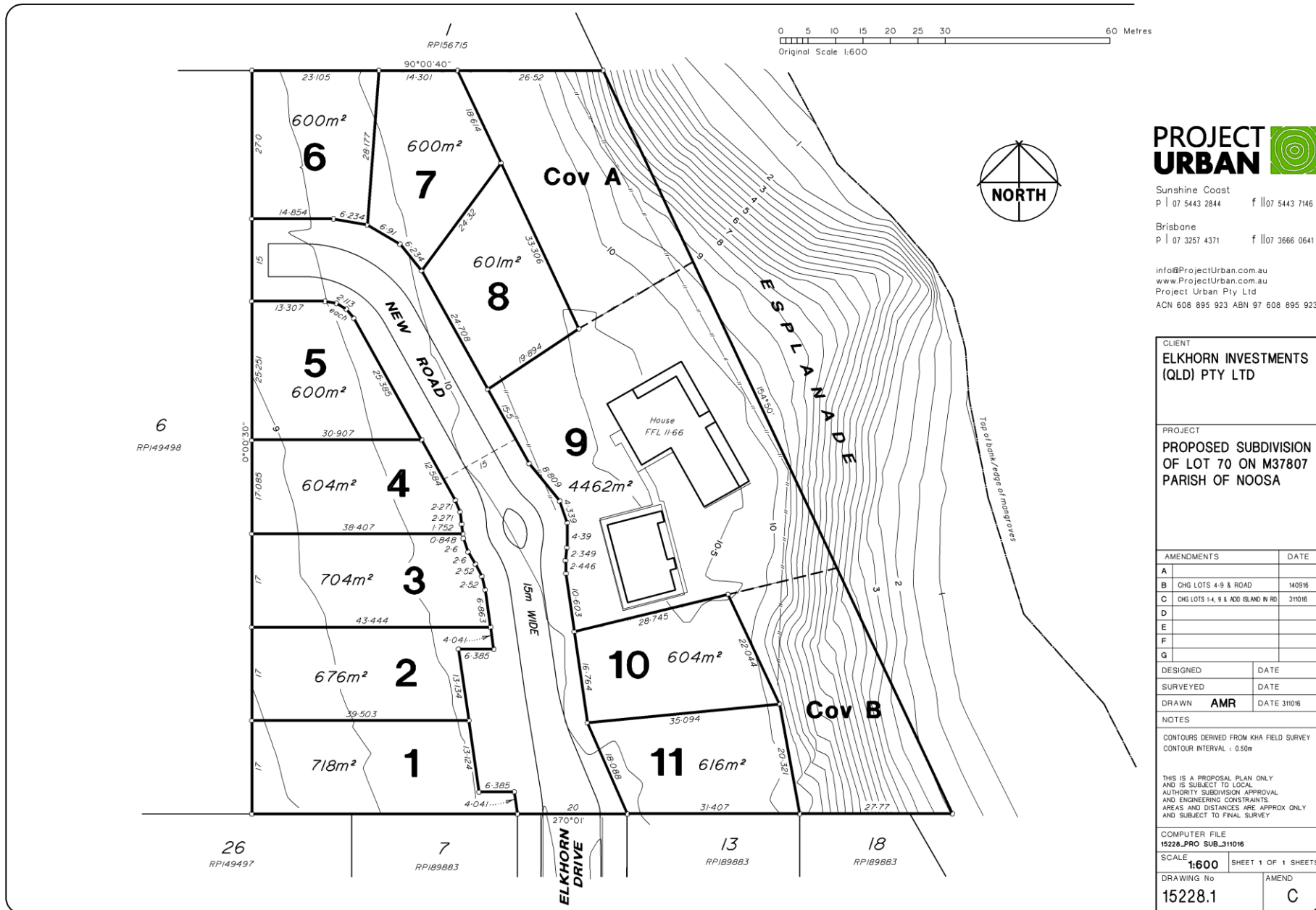
**5. CONCLUSION & REASONS FOR DECISION**

The proposal is generally compliant with the relevant sections of The Noosa Plan and is situated in an existing residential area with close proximity to the Tewantin town centre. The lot layout is generally sensitive to the environmental values on site and subject to some conditions is responsive to the infrastructure required to service the development.

The request to issue a Preliminary Approval for the proposal is therefore supported.

Departments/Sections Consulted:

<input type="checkbox"/> <b>Chief Executive Officer</b> Executive Officer Executive Support	<input type="checkbox"/> <b>Community Services</b> Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input type="checkbox"/> <b>Corporate Services</b> Financial Services ICT Procurement & Fleet Property Revenue Services
<input type="checkbox"/> <b>Executive Services</b> Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b> Building & Plumbing Services x Development Assessment Economic Development x Environmental Services Strategic Land Use Planning	<input type="checkbox"/> <b>Infrastructure Services</b> Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery



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 ACN 608 895 923 ABN 97 608 895 923

CLIENT	
ELKHORN INVESTMENTS (QLD) PTY LTD	
PROJECT	
PROPOSED SUBDIVISION OF LOT 70 ON M37807 PARISH OF NOOSA	
AMENDMENTS	DATE
A	
B	CHG LOTS 4-9 & ROAD 140916
C	CHG LOTS 14, 9 & ADD ISLAND IN RD 311016
D	
E	
F	
G	
DESIGNED	DATE
SURVEYED	DATE
DRAWN	AMR DATE 311016
NOTES	
CONTOURS DERIVED FROM KHA FIELD SURVEY CONTOUR INTERVAL : 0.50m	
THIS IS A PROPOSAL PLAN ONLY AND IS SUBJECT TO LOCAL AUTHORITY SUBDIVISION APPROVAL AND ENGINEERING CONSTRAINTS. AREAS AND DISTANCES ARE APPROX ONLY AND SUBJECT TO FINAL SURVEY	
COMPUTER FILE 15228_PRO SUB_311016	
SCALE	SHEET 1 OF 1 SHEETS
1:600	
DRAWING No	AMEND
15228.1	C



**5 MCU16/0144 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES RETAIL BUSINESS TYPE 2 SHOP AND SALON AT 1 KINGSGATE DRIVE, TINBEERWAH**

**Author** Development Planner, Lisa Pienaar  
Environment and Sustainable Development

**Index** ECM/ Application/ MCU16/0144

**Attachments** 1. Site Plan, floor plan and elevations and Conceptual Car Park Extension and Modifications

<b>APPLICATION DETAILS</b>	
Applicant	MA McFarland
Proposal	Development Application for Material Change of Use of Premises - Retail business Type 2 – Shop and Salon
Properly Made Date	24 November 2016
Information Request Date	22 December 2016 and 14 September 2017
Information Response Date	29 March 2017 and 10 October 2017
Decision Due Date	18 December 2017 (Extended until 19 January 2018)
Number of Submissions	68 (1st round of public notification) & 10 (2 <sup>nd</sup> round of public notification)
<b>PROPERTY DETAILS</b>	
Property Address	1 Kingsgate Drive, Tinbeerwah
RP Description	Lot 63 RP 200339
Land Area	10,080 m <sup>2</sup>
Existing Use of Land	2 x Dwellings, large shed and restaurant named as 'Orange on Sunrise'
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Rural Living Area
Locality	Cooroy and Lake Macdonald Locality
Zone	Rural Settlement
Overlays	Natural Hazard Overlay – Bushfire - Potential Impact Buffer and High to Very High Potential Bushfire Intensity
Assessment Type	Impact

**RECOMMENDATION**

That Council note the report by the Development Planner to the General Committee Meeting dated 15 January 2018 regarding Application No. MCU16/0144 for a Development Application for Material Change of Use of Premises - Retail Business Type 2 – Shop and Salon situated at 1 Kingsgate Drive, Tinbeerwah and:

A. Approve the application in accordance with the following conditions:

**When Conditions must be Complied With**

1. Unless otherwise stated, all conditions of this Decision Notice must be complied within 6 months of this approval, and then compliance maintained at all times while the use continues.

**Approved Plans**

2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
A.01	1	Site Plan, prepared by Zest Building Design	30 August 2017
A.02	1	Floor Plan, prepared by Zest Building Design	30 August 2017
A.03	1	Elevations, prepared by Zest Building Design	30 August 2017
1688		Conceptual plan of proposed car park extension, drawn by TOD Engineers and Project managers	4 August 2017

**Nature and Extent of Approved Use**

3. The approval is limited to 2 tenancies as shown on the Floor Plan (A.02) and the particulars as outlined in the following conditions.

Shop (café known as Orange on Sunrise)

4. The approved use must not operate outside the hours of 5.30pm-9pm Wednesday to Sunday, excluding public holidays.
5. The serving of meals must cease by 8.30pm and takeaway orders must not be taken later than 8pm on any night of trading.
6. Dining facilities are permitted on site for up to 10 people. There must no more than 10 diners at any one time. The number of dining facilities on site must be immediately reduced on site to no more than 10 seats.

Salon

7. The approved use is restricted to either a hairdressers and/or beautician only.
8. The approved use must not operate outside the hours of 8.30am to 4.30pm Monday to Friday and 9.00am – 4.30pm on Saturdays, excluding public holidays.
9. The Salon tenancy is limited to a maximum of 1 staff member and 1 customer at any one time.

**Performance Bond**

10. Security in the form of a cash bond or trading bank guarantee to the sum of \$5000 must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

**Noise**

11. External speakers or amplified music are not permitted.
12. The emission of noise from the premises must not exceed (measured by LAeq,adj,T) more than 5 dB(A) greater than the existing acoustic environment measured by LA90,T.
13. Further acoustic analysis is required using the Environmental Protection (Noise) Policy section 10 'Controlling Background Creep' noise criteria. This report should include recommendations for noise attenuation if criteria under this section are being exceeded. This report is to be provided to Council within 60 days of the date of this approval and recommendations implemented within 60 days of Council's receipt of the report.

**Signage**

14. The total number of advertising signs provided on the site must not exceed 1 with a maximum sign face area of 4m<sup>2</sup>.

**Waste**

15. Waste storage areas must be sited and designed so as to not detract from the visual amenity of the streetscape.
16. Waste storage areas allow for the separate storage of different waste materials for reuse or recycling by:
  - a. providing sufficient area to store all recyclable material and recycling containers required; and
  - b. sign posting the types of waste stored.
17. Emptying of recyclable material such as glass into the Council recyclable bin must not occur between the hours of 9pm and 7am on any day.

**External Works**

18. Kingsgate Drive must be reinstated for the length of its frontage to the subject site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. the removal of the informal gravel carparking area and access
  - b. the reinstatement of the table drains
  - c. the landscaping of the verge area
  - d. the construction of 2 vehicle crossovers (1 for residential use and 1 for commercial use) that comply with Council's standard drawing RS-056

**Site Access and Driveways**

19. A sealed access driveway must be provided from Kingsgate Drive to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. driveway crossovers generally in accordance with Council's standard drawing RS-056
  - b. sight distances in accordance with section 3.2.4 of AS/NZS2890.1:2004 for the relevant speed environment

**Car Parking**

20. A minimum of 9 car parking spaces must be provided for visitors/customers and marked on the site and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. Dimensions, crossfalls and gradients in accordance with Australian Standard AS/NZS2890.1:2004 for the relevant user class;
  - b. Surfaces constructed of suitably bound material to minimise erosion, dust and noise.
21. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
22. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

**Stormwater Drainage**

23. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

**Damage to Services and Assets**

24. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
  - a. where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
  - b. where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
  1. The site has approval for a business use (general store) for over 2 decades and The Noosa Plan specifically identifies the subject site for use as Retail Business type 1 Local (General Store) which permits the sale of prepared food and dining facilities for up to 10 people.
  2. The proposal is small scale and potential amenity impacts are able to be appropriately mitigated for nearby residents.
  3. The proposed use predominantly serves a local function and affords the Tinbeerwah community a local venue, providing an alternative to travelling to nearby local centres.
- C. Advise the applicant that they must immediately reduce the number of dining facilities on site to no more than 10 seats, pursuant to the Noosa Plan's definition of Retail Business Type 2 Shop & Salon.

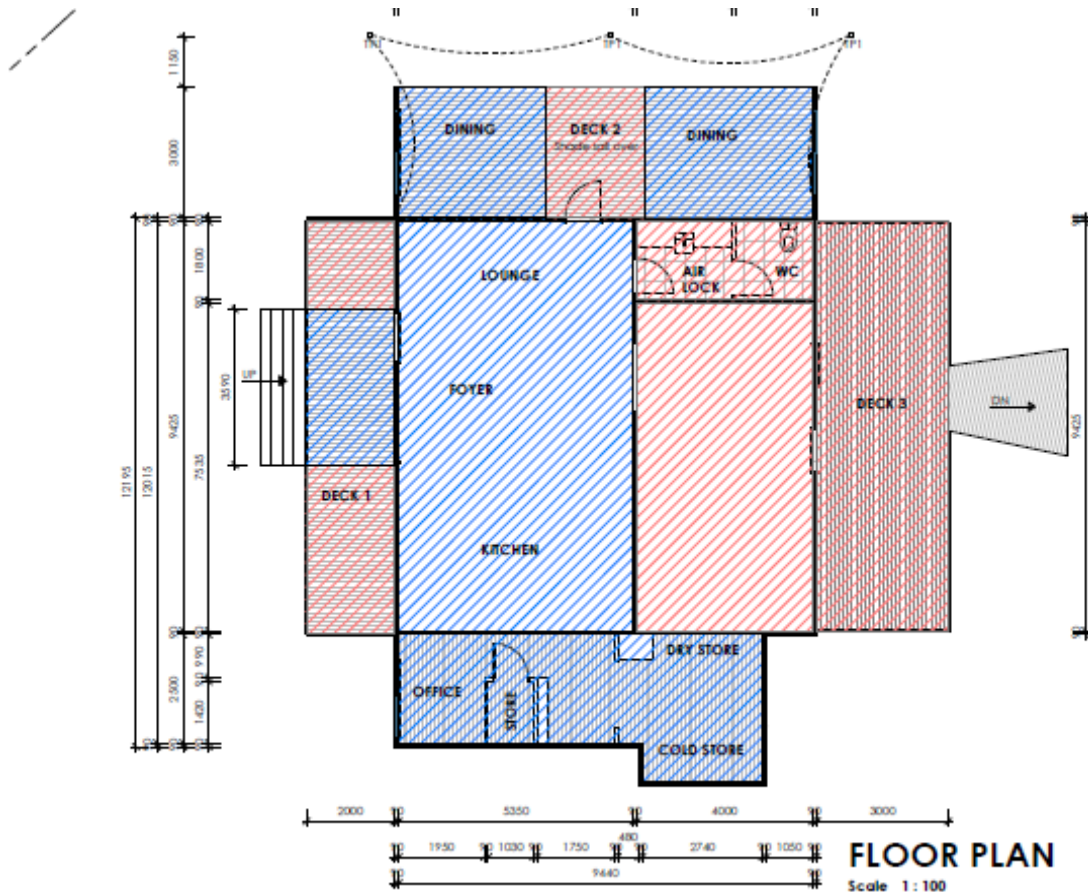
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**REPORT****1. PROPOSAL**

The application for a restaurant is intended to formalise the existing use for a restaurant/café and to introduce a new tenancy. The applicant has applied for a Material Change of Use to establish a Retail Business – Type 2 Shop and Salon. The 2 tenancies are to be located within the existing building on site which is currently known as 'Orange on Sunrise'.

The proposed restaurant/café is for seating of 10 people and a take away facility over a 98.6m<sup>2</sup> floor area preparing and serving predominately pizzas in the evenings. The applicant has advised the second tenancy is for a hair and beauty salon and is to operate by day only, over 31.4m<sup>2</sup> of floor area. Refer **Figure 1 – Floor Plan**.

Orange on Sunrise proposes to operate 5.30pm-9.00pm, Wednesday to Sunday, while the salon proposes to operate 8.30am-4.30pm Monday to Friday and 9.00am–4.30pm on Saturdays.



**CONSTRUCTED GENERAL STORE**

Figure 1 – Floor Plan

**2. SITE DETAILS**

The site is approximately 1 hectare in size and has frontage to Sunrise Road and Kingsgate Drive. The site comprises 2 residential dwellings, a shed and a restaurant/café called ‘Orange on Sunrise’. Five (5) sealed car spaces are located within the site on the Kingsgate Drive frontage.

**2.1. Background**

The site has approval for a general store and residence, approved in 1991, with the general store operating up until recent years, when it was deemed by the owners as unviable. The site has evolved into a BYO restaurant known as ‘Orange on Sunrise’ serving predominately pizzas and it is estimated that this use has been occurring in some capacity for nearly 10 years with no planning approval in place and no complaints received by Council until more recently. The applicant advised the restaurant has been operating 5 days a week from Wednesday to Sunday 5pm – 8.30pm. An existing shed on site has also been converted to a secondary dwelling in part.

An application was submitted in response to Council's compliance notice (COM16/0199) dated 18 July 2016 with regard to the operation of 'Orange on Sunrise'. A formal complaint from a resident was received July 2016 with regard to noise from patrons, car movements and restaurant activities at night. In response to this complaint, Council issued a breach letter identifying the non-conforming use occurring on site to the leasee of the restaurant and owner of the property. At that time, large numbers of people were reported to be dining at any one time. The letter advised that the use operating should be limited in scale, not include more than 10 seats and to lodge an impact assessable application to seek approval for the use. It was determined that the relevant defined use under The Noosa Plan is Retail Business - Type 2 Shop and Salon, rather than Type 1 Local as there is no selling of general merchandise as would be associated with a general store or Type 1 Local use.

Inspections by officers over the last year have found that the 'restaurant' has around 70 available seats at any one time. Submissions and local knowledge (source correspondence from residents and social media) have identified that the site has catered for large groups of people at times. Noise impacts from cars and patrons intensify when higher numbers of people and larger groups of people visit the site, with many cars parked in Kingsgate Drive.

Since the lodgement of the application, Council officers advised the applicant on numerous occasions to trade with a limit of 10 people dining at any one time to minimise impacts for nearby residents. This is in accordance with the numbers specified under the definition of Retail Business – Type 2 Shop and Salon in The Noosa Plan and the number of patrons permitted under a Type 1 Local business which is identified as a consistent use for the site in the Noosa Plan.

After the application was publicly notified, the applicant applied to change the application to add another tenancy, in addition to the Orange on Sunrise use. In accordance with S354 and S355 of the *Sustainable Planning Act 2009*, the application process restarted from the start of the acknowledgement notice stage. This resulted in the application being publicly notified twice, the first time with regard to Orange on Sunrise, the second time including the second tenancy.

### Compliance

Council officers have been on site on a number of occasions to investigate the night time impacts reported through the complaints. At these inspections officers observed a small number of diners on site and very little noise though did observe parking in Kingsgate Drive.

Since the time of the first complaint, Council has received some sound recordings and photos, from a resident documenting noise from the premises and car parking along Kingsgate Drive and gravel road reserve. These sound recordings did not conclusively show that noise from the use was excessive, though diners appeared to exceed 10 persons, car parking occurring in Kingsgate Drive was shown to be inappropriate and the use was operating after 8.30pm.

### **2.2. Site Description**

The subject site is located at 1 Kingsgate Drive, Tinbeerwah and is formally described as Lot 63 on RP200339 as shown in **Figure 2 – Location of subject site** and **Figure 3 – Aerial of site**. The site has frontage to Kingsgate Drive and Sunrise Road. There is an electricity easement to the rear and the site has many established trees.

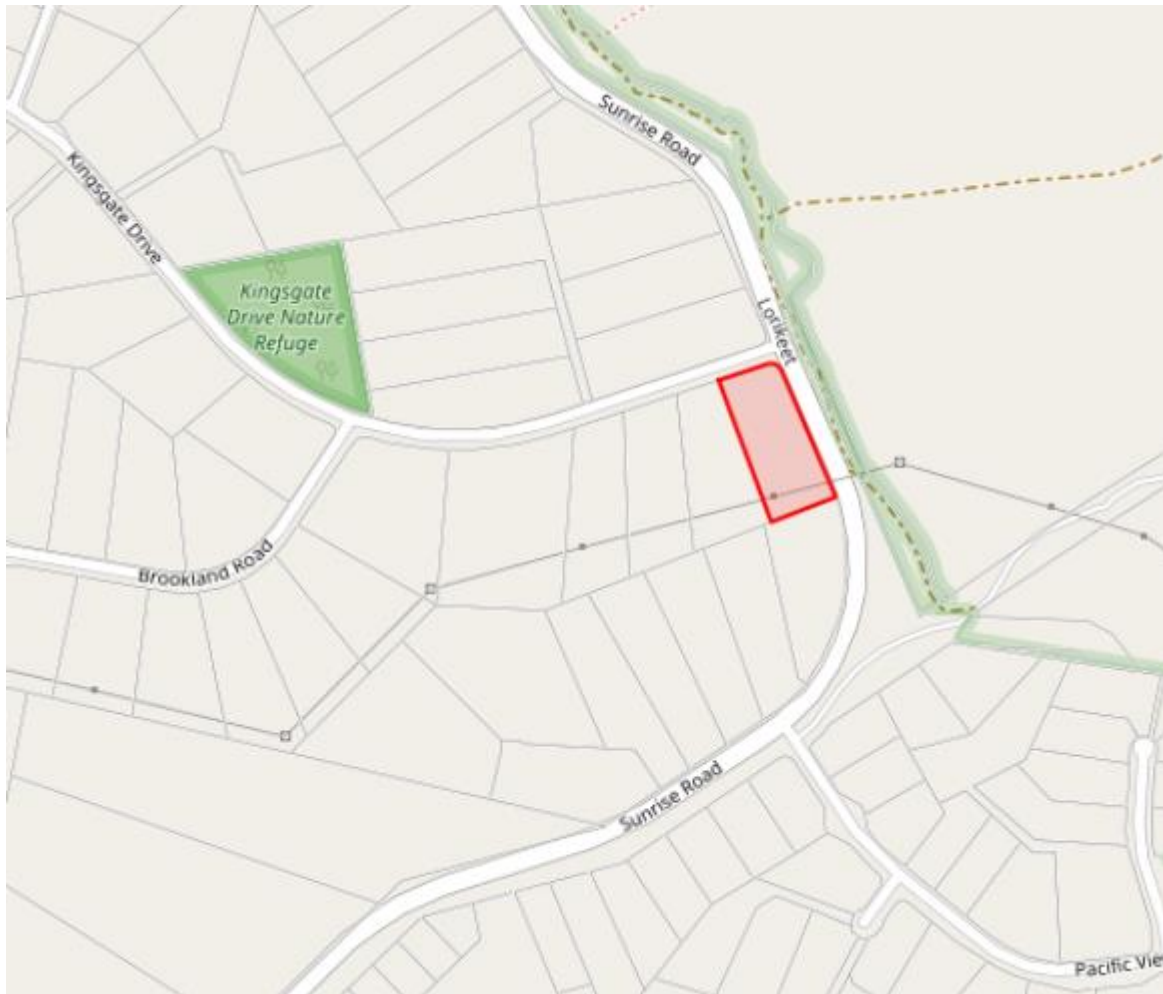


Figure 2 – Location of subject site



Figure 3 – Aerial of site

### 2.3. Surrounding Land Uses

The site has similar sized rural residential uses on the southern and eastern boundaries, Kingsgate Drive adjoins the property to the north, Sunrise Road to the west and Tewantin National Park beyond. The closest resident dwelling to the proposed use is approximately 43 metres away, with other residents' homes between 140 + metres away. Refer **Figure 3 – Aerial of site**.

## 3. ASSESSMENT

### 3.1. Instruments for Statutory Assessment

The application was lodged under the *Sustainable Planning Act 2009*. Under the *Act*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions; and
- The Noosa Plan.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

### 3.2. State and Other Statutory Instruments

There are no State Planning Policies relevant to the proposal.

#### South East Queensland (SEQ) Regional Plan 2009 - 2031

The site is located within the Rural Living area of the SEQ Regional Plan. The proposal is consistent with the regional policies of the SEQ Regional Plan.

#### State Planning Regulatory Provisions

The SEQ Regional Plan Regulatory Provisions apply to the application.

The proposal is for an urban activity within the Rural Living Area and is consistent with the SEQ Regional Plan Regulatory Provisions.

### 3.3. Statutory Instruments – Planning Scheme

The subject site is located in the Cooroy/Lake MacDonald Locality and is zoned Rural Settlement. The proposed use – Retail Business Type 2 Shop and Salon is identified as an inconsistent use within the zone and is required to follow an impact assessable application process.

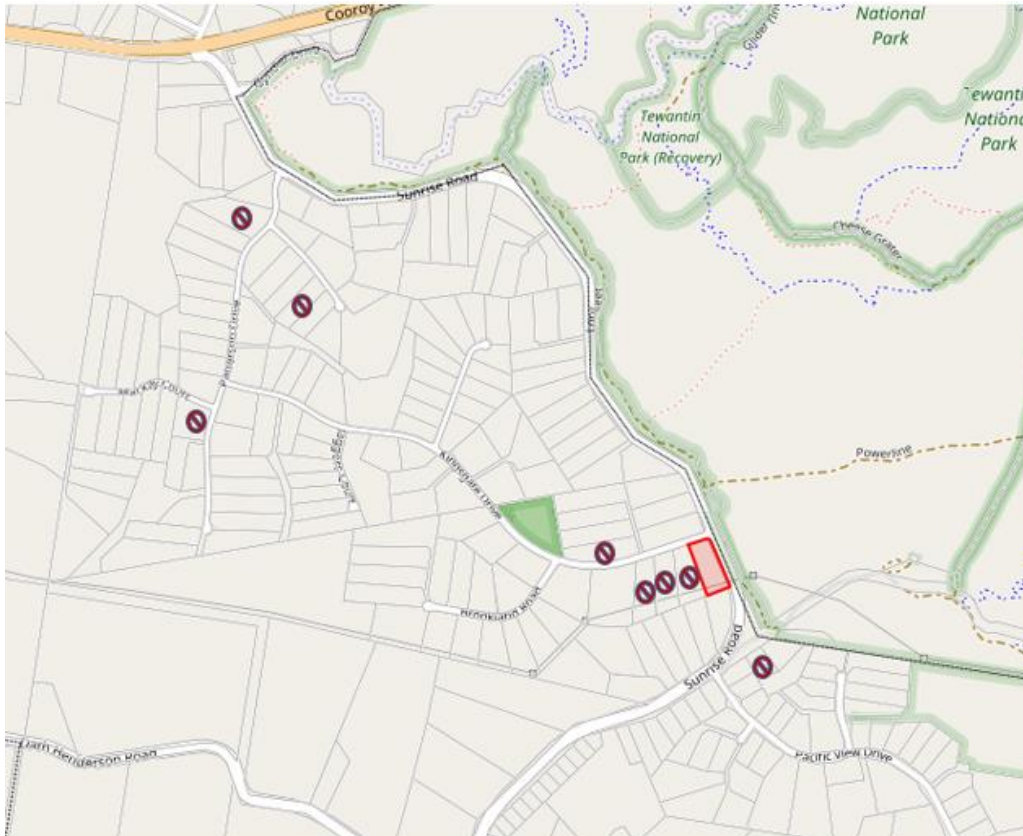
The Rural Settlement zone is intended to provide for detached housing on large lots offering a relaxed rural lifestyle for residents. Detached housing is to be the dominant use to the general exclusion of other uses. Notwithstanding this, the Noosa Plan specifically identifies the subject site for use as Retail Business type 1 Local (General Store) reflective of the current approval for a General Store and to provide convenient access to local residents to general goods. Under the Noosa Plan the Retail Business Type 1 Local includes the sale of prepared food and dining facilities for up to 10 people.

While the applicant has not applied for a Retail Business Type 1 Local, it is relevant to give consideration to the existing approval and the permitted use for the site in assessing this application and the proposal's suitability for the site and its potential impacts. In this regard, the proposal is considered a suitable use for the site offering a small restaurant/cafe in a rural setting generally for local residents and providing a small scale hair and beauty salon. The proposed uses do though have the potential to impact on nearby resident's amenity if not maintained at a small scale and potential impacts appropriately mitigated.



**Business use in a Rural Settlement Zone**

The key challenge for business located in the rural residential environment is the preservation of amenity for residents nearby. The Code requires business uses *‘to be located, designed and operated to avoid significant adverse changes to the light, air quality, noise, accessibility or other conditions enjoyed by users of associated, adjoining or nearby uses.’* Orange on Sunrise has had complaints with regard to impacts on amenity from residents and submissions objecting to the proposal identified a particular emphasis on amenity impacts. It is important to note that those objectors were residents in close proximity to the use, most likely to be impacted by the proposed businesses. Refer to **Figure 3 – Map showing locations of objectors**.



**Figure 3 – Map showing locations of objectors (subject site outlined in red)**

**Hours of Operation**

The applicant has applied for a Material Change of Use to establish a Retail Business – Type 2 Shop and Salon. Orange on Sunrise proposes to operate 5.30pm-9.00pm, Wednesday to Sunday, while the Salon proposes to operate 8.30am- 4.30pm Monday to Friday and 9.00am – 4.30pm on Saturdays.

Currently, the applicant submits that the use operates 5.00-8.30pm Wednesday to Sunday for in house dining and takeaways/deliveries. Approximately 70 seats and lounge area (and corresponding tables) are located inside the building, on a semi enclosed deck and within the gardens on the Sunrise Road frontage and deck on the southern side of the building. Refer **Figure 1 – Floor Plan**. The current approval for a general store conditioned operating hours to be Monday to Saturday 7am – 6pm (no public holidays).

The proposed hours for a pizza restaurant/shop seem excessive in a rural residential environment, where sounds carry more in the evening. Given the complaints and submissions received are largely based on impacts of patrons (discussed further below) and traffic creating noise in the rural residential area, it is suggested that the operating hours be conditioned to be Wednesday to Sunday 5.30pm to 9pm, but the serving of meals should cease by 8.30pm and takeaways orders are not to be taken any later than 8pm. This is to assist in ensuring patrons leave the site by 9pm.

With regard to the tenancy to operate during the day, the hours applied for are considered reasonable. The applicant indicates that only 1 staff member will attend to 1 customer at a time. It is recommended this be conditioned.

**Noise**

Submitters concerns were largely around the impacts resulting from car movements, parking on Kingsgate Drive and general restaurant and patron noise. An acoustic report was provided with the application which recommended changes to an existing fence adjoining the car park to limit noise from vehicle movements and outdoor dining. This fence largely screens the use from the adjoining neighbour. Refer **Figure 4 – Acoustic fence**.

The report indicated noise levels were within the criteria being used. However, it was also acknowledged that in rural areas background noise is generally at low levels. For this reason, it is therefore considered prudent that further analysis be done on probable noise levels using background creep criteria and an analysis of the noise mitigation provided by the new fence.

Further to this, additional sealed car parking on site and reinstating the Kingsgate Drive reserve area to prevent cars parking in this area and in the driveway adjacent the nearest resident will address the main noise issue and minimise impacts raised by submitters.

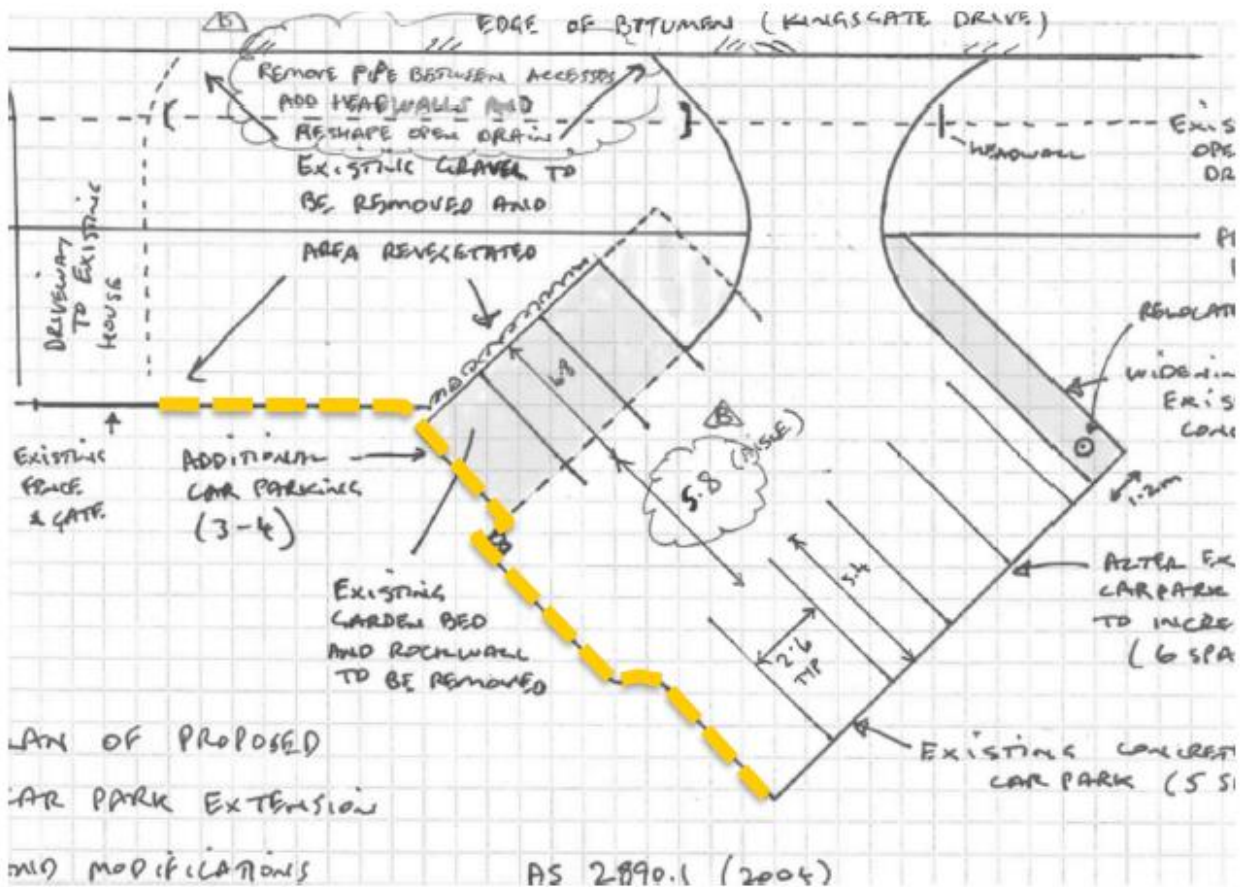


Figure 4 – Acoustic fence

### **Car parking and vehicle movements**

The site has 5 sealed car parks on site, located in front of the restaurant/cafe on the Kingsgate Drive frontage.

The dining component of the use attracts a car parking rate of 1 space per 20m<sup>2</sup>. The proposed use area (for dining) is 99m<sup>2</sup>, requiring 5 car parks. In addition to patrons, on any one night there are between 2 - 3 staff members on site. The use also has a takeaway and delivery component. Currently the applicant advises the business sells 180 pizzas per week, equating to approximately 65 orders over 5 days in operation. Therefore, on average 11 takeaway/delivery orders are received on any one of the 5 days in operation. Friday and Saturdays are the busiest where sometimes around 14 pizzas are taken away or delivered. Car parking requirements need to consider this scenario.

In total, the applicant proposes to construct an additional 4 car spaces on site adjacent to the existing 5 car spaces accessed from Kingsgate Drive. A condition for the construction of a complying access driveway will also be required.

It is worth noting that other options for car parking were investigated during the assessment process with the applicant, including car parking off Sunrise Road at the rear of the property. There appears to be sufficient space to provide the parking at the rear of the site but safe access and egress (complying with AS/NZS2890.1:2004) could not be demonstrated without significant vegetation clearing and roadworks within the road reserve. This option did not proceed.

### External Works

Currently, an area of road reserve on the site's frontage to Kingsgate Drive is currently utilised for car parking. Kingsgate Drive is also utilised as an overflow for car parking during busy periods. The existing informal carparking area adjacent to the Kingsgate Drive frontage is not acceptable as it does not have a suitable surface, is impacting on adjoining resident's amenity and requires vehicles parking in that location to reverse on to Kingsgate Drive.

Works are required in Kingsgate Drive to reinstate the frontage of the site, which has been highly modified by the applicant without approval. The required works include the removal of the informal carparking access and area, reinstatement of the table drains, landscaping of the verge area and the construction of a vehicle crossover that complies with Council's standard drawing RS-056.

Removing car parking from the gravel road reserve areas on Kingsgate Drive will greatly assist in addressing noise impacts and improve stormwater conveyance.

## **4. CONSULTATION**

IDAS Referral Agencies

The application was not required to be referred to any IDAS Referral Agencies.

### **4.1. Other Referrals**

The application was forwarded to the following internal Council specialists:

- Environmental Health
- Engineering
- Landscaping

**4.2. Public Notification**

The application was first publicly notified with regard to ‘Orange on Sunrise”, for 15 business days in accordance with the *Sustainable Planning Act 2009*. 65 properly made submissions and 3 not properly made submissions were received. 2 petitions were received in support of the proposal, 1 with 83 signatures and 1 with 202 signatures. 9 objections were received. An online petition was also created through Change.org and 231 persons were party to this petition – all in support.

When the changed application was re-notified with the second tenancy (Salon), 10 properly made submissions were received, 1 in support and 9 objecting. Of the 10 submissions, 9 had put in a submission during the first round of consultation. The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
9 submissions objecting to the proposal (2 from the same address)	(refer to <b>Figure 3</b> for a map of where these submissions come from)
<p>Proposal is not consistent with Noosa Plan (Cooroy &amp; Lake Macdonald Locality) and not consistent with the Rural Settlement zoning.</p> <p>Does not comply with 6.7.2 Overall Outcomes for the Cooroy and Lake Macdonald Locality (adverse impacts on amenity) – Acoustic and visual impacts have adverse impacts on our property and lifestyle.</p>	<p>The proposed uses are inconsistent with the Noosa Plan, however, there are considered sufficient grounds to approve the proposed uses having regard to the site’s existing approval, the permitted use for the site and the scale of the proposed businesses.</p> <p>The proposed businesses are to be limited in scale and noise and visual impacts are able to be suitably mitigated.</p>
<p>Oppose a shop in a rural residential area and normally quiet street operating hours of 7am to 9pm daily. In the past Orange on Sunrise opened from 5pm-8pm 5 days a week totalling 15 hours per week. In the last 2 years the operating hours have increased to cater for larger groups and patrons are still on site at 10pm – noise in the kitchen until 10.30pm. People still picking up takeaway at 9pm. Legalising operating hours until 9pm will encourage the business to stay open later.</p> <p>Unacceptable noise from patrons (talking loudly, singing, kids playing, babies crying, talking on phones), car movements and car door slamming, car alarms, music, tables and chairs being dragged, dishes clanging, bottles being dumped in bins, phone ringing loudly. Vibrations as a result.</p>	<p>The proposal is within an existing building that has existing approval for a general store. The proposal is of small scale and can be conditioned as such. Conditions may also be imposed to address noise impacts, including a restriction on diners, hours of operation and requirements to upgrade the existing fence, provide additional on-site car parking and reinstate Kingsgate Drive road reserve.</p>
<p>Object to the consumption of alcohol on site – intoxicated loud people. If approved, alcohol should not be allowed.</p> <p>Should not allow a liquor license.</p>	<p>The site has been operating as a BYO restaurant. This has been identified by one submitter.</p> <p>A liquor license has not been applied for and this would be separately assessed by Liquor Licensing and Council.</p>
<p>Every day we are unaware what the night will bring – a drunken party some nights.</p>	
<p>Concerned that 10 seats do not make the business viable and to be viable they need to trade in excess of this amount. It will be difficult for the business to turn people away.</p> <p>Seating limitations are not adhered to and Council unable to investigate as outside council hours. Concerned if approved and Council does not monitor the number of patrons that the business</p>	<p>Council officers have responded to complaints and have investigated the site a number of times. Although it has been observed that 70 seats have been set on some site visits, site inspections observed a small number of diners on site and very little noise.</p>

Issues	Comments
<p>will grow and will see a large number of patrons on a nightly basis. They have not been complying with the 10 seat restriction. The existing dining is approximately 100 seats and in excess of 99m<sup>2</sup> (that has been applied for).</p> <p>Difficult for Council to monitor numbers and difficult to report Council outside business hours.</p>	<p>A condition may be imposed limiting the number of seats on site to 10 only and that additional seating must be removed.</p>
<p>Parking on Kingsgate Drive creates bad vision at T junction, littering and soil erosion and obstructing views on the corner.</p>	<p>Additional car parking is proposed to be constructed on site to address the overflow of parking in Kingsgate Drive. Reinstatement of the road reserve by the applicant will also assist in addressing these issues.</p>
<p>Parking is inadequate forcing cars on gravel road reserve and up and down the road – both sides. Gravel road reserve is unsightly, dominates the street scape and is not in harmony with the rural setting.</p>	
<p>Stormwater runoff from both parking areas runs into No. 3 Kingsgate Dr, eroding the driveway.</p>	
<p>There are no designated disabled parking bays.</p>	<p>As there is no building works proposed, the Building Code does not require the provision of disabled parking spaces on site. Notably the existing building has poor to no access for disabled persons.</p>
<p>Difficult for vehicles to leave the site in a forward manner.</p>	<p>The car parking will be upgraded to facilitate vehicles leaving the site in a forward manner.</p>
<p>Vehicles pulling into other residences driveways and shining lights into bedrooms etc and displacing gravel. Damage to concrete culverts have occurred. Cars driving onto No.3 Kingsgate looking for car parks.</p>	<p>The reinstatement of the road reserve area and additional on-site car parking will assist to alleviate these impacts.</p>
<p>Safety issues with vehicles leaving Kingsgate onto the high speed environment of Sunrise Road.</p>	<p>Speeding vehicles are a police matter, with the existing intersection design being satisfactory.</p>
<p>No separation between patrons and car parking – forced to walk through car park.</p>	<p>Patron numbers are proposed to be low and it is considered that there would be little benefit from formal separation due to the car parking configuration (in front of the entry to the building).</p>
<p>Inadequate lighting in the 5 car park area.</p>	<p>The car parking area adjoins the building and light spill from the restaurant/café will assist patrons in getting to and from their vehicles. Additional lighting may impact on nearby residents.</p>
<p>Outdoor dining does not comply with Noosa Planning Scheme Policy 14 – Outdoor Dining eg. adverse impacts on adjacent uses (noise), buildings not compatible or enhance the street scape character. It appears the building is not safe, (referring to a wall) and there is a tarp. Concerns about risk to diners.</p> <p>Also fire braziers are used in winter. Does the business comply with fire and safety standards?</p>	<p>Potential impacts of outdoor dining have been assessed previously in the report.</p> <p>The concerns raised in this submission on the building's integrity have been reported to Council's building department for investigation. A glass wall has since been removed by the owner as requested by Council's Building Department. The tarp was not present at a recent inspection in December 2017.</p> <p>One brazier has been sighted on the lawn in the front garden area and when sighted had adequate separation to all furniture and structures. However, this is not a planning issue and is a matter for the owners.</p>
<p>Approval would set a precedent for others to apply in the rural area. More shops could 'pop up' and</p>	<p>The proposal is within an existing building that has existing approval for a general store and on a site</p>

Issues	Comments
<p>become a shopping strip. Business should be located in a shopping precinct.</p> <p>Not the 'spirit of the hinterland community of the Noosa lifestyle'.</p> <p>Does not fit with the neighbourhood character and intrudes on lifestyles of residences.</p> <p>We do not need a restaurant in our street, as there are many other restaurants in the area.</p> <p>No benefit to local residences, in fact has 'a detrimental effect on our country atmosphere' and peace and quiet.</p> <p>Do not wish to put up with businesses 6 days/5 nights a week. Deliveries also occur outside of these hours.</p>	<p>that has been specifically identified by The Noosa Plan for use as a general store which may include the sale of prepared food and dining facilities for up to 10 people.</p> <p>The proposal is for a small restaurant/cafe in a rural setting generally for local residents.</p>
<p>The business has grown to an unbearable level</p>	<p>It would seem that the popularity has increased the numbers over time, which in turn has increased the impacts. Submissions and complaints have identified at times there may be large numbers of people. The proposal may be conditioned to limit the maximum number of diners at any one time to 10.</p>
<p>Not approved for the use – but has been allowed to continue.</p>	<p>Council officers have allowed the use to continue while the application was being assessed. The applicant has scaled back operations during this time.</p>
<p>Devaluation of properties if approved.</p>	<p>There is no evidence that this is the case. This is not a planning issue.</p> <p>It is noted that the site has approval for a general store and that the Noosa Plan also identifies a general store as a consistent use for the site.</p>
<p>The acoustic report has contradictions and inconsistencies – this is outlined in detail in the submission (Document # 20201551).</p>	<p>The report clearly identifies the noise criteria being used and compares these criteria with the data collected. It is clear that the recorded noise levels are within the criteria being referenced. Under the suggestions for improvement, the author does state compliance with the relevant criteria, however makes suggestions to help mitigate some of the noise being received at the closest residence.</p> <p>The observed sources of noise from the restaurant appear to be a reasonable representation of the various sources of noise mentioned in the complaints received.</p> <p>The noise levels allowable outside are higher than those allowed for inside the house. Rather than use two sets of levels throughout the report, the author has used the lower inside levels. Using the levels allowed for outside the building against the measured levels, show compliance.</p> <p>Noise levels reduce over distance, so the 3.6dB(A) reduction used for the distance between the measuring area and the nearest residence is based on this known mathematical analysis. It is possible that levels at the residence may for some reason not fit this analysis, but this is not expected to be the case.</p> <p>Recorded levels do indicate that the different</p>

Issues	Comments
	<p>sources of noise are within the noise level criteria referenced, i.e. the Environmental Protection (Noise) Policy 2008 Acoustic Quality Objectives. Despite the recorded levels being within the criteria used, the report recognises that certain noise sources such as cars on the gravel or doors closing, can be further reduced through the removal of gravel surfaces and improving the structure of the fence.</p> <p>The report indicated noise levels were within the criteria being used. However, it was also acknowledged that in rural areas background noise are generally at low levels. It is therefore considered prudent that further analysis could be done on probable noise levels if the suggested noise management measures were undertaken. A condition is recommended that requests the applicant to submit further acoustic analysis with regard to background noise creep.</p> <p>Removing car parking from gravel areas (and the reinstatement of the road reserve area currently used for car parking), creating more on site car parking and improving the fence will assist in this regard.</p>
<p>The existing advertising device does not comply with the Advertising Devices Code – there are 3 signs – the larger sign is greater than 4m<sup>2</sup>.</p>	<p>The current sign has a face of 4.47m<sup>2</sup> with the total text area of 1.8m<sup>2</sup>. The total sign area is 0.5m<sup>2</sup> greater than stipulated in the Advertising Devices Code.</p> <p>The development will be conditioned to comply with the Code.</p>
<p>Concerned with the storage of chemicals (associated with the Salon use) – fire hazard or potential for break-ins for chemicals to be stolen to produce illegal drugs. These problems should not be a concern in a rural residential area.</p>	<p>Chemicals must be stored securely in accordance with work place health and safety requirements.</p>
<p>Questions if Drainage and roadworks cost ratepayers or owner. The owner currently utilises an area in the road reserve for car parking.</p>	<p>Any condition requiring the reinstatement of the road reserve will be the responsibility of the applicant.</p>
<p>No economic need for a salon.</p>	<p>An economic need analysis was not requested from the applicant as the proposed area is within an existing building, is small scale and will cater to only 1 client at a time akin to a home based business.</p>
<p>The plans show 4 work stations for the Salon tenancy. Concerned that there could be up to 2-4 staff and up to 4 clients at any one time.</p>	<p>The applicant advised there will only be 1 employee and 1 client at a time. The proposal will be conditioned as such.</p>
<p>The property owner (1 Kingsgate) does not maintain the existing car park facility – there is foliage build up resulting in water flows to property next door.</p>	<p>Maintenance of a property is not a planning issue. The existing car park has been there for a number of years. The upgrade of the existing car park and associated drainage as part of an operational works approval will assist with this issue.</p>
<p>There are no revegetation plans submitted with the application.</p>	<p>The reinstatement of the road reserve currently used for car parking may be conditioned should the proposal be supported. This will include landscaping requirements and be lodged as part of an Operational Works application to Council for assessment.</p>

Issues	Comments
1 submission for conditional support:	
<p>Support the use provided:</p> <ul style="list-style-type: none"> <li>- No parking allowed on Kingsgate Dr – the road is too narrow for cars parking on both sides of the street, creating traffic hazard for cars and pedestrian. Offer more off street parking. This will solve the litter problem too.</li> <li>- Take away patrons only to reduce noise in evenings (some parties have disturbed the peace). No operation after 9pm.</li> <li>- Business only for food and no other retail use.</li> <li>- Do not allow it to be licensed.</li> </ul>	<p>There are currently 5 car parks with the site off Kingsgate Drive. A further 4 on site car parks are proposed.</p> <p>The approval will be conditioned to ensure there are no takeaways orders taken after 8pm.</p> <p>The applied for use is for a restaurant/café and salon only.</p> <p>No liquor license has been lodged. Council will be notified and have the opportunity to comment if a license is applied for through liquor licensing.</p>
59 submissions in support of the proposal:	
<p>The venue is valuable to the community as:</p> <ul style="list-style-type: none"> <li>- it provides a local venue and meeting place without having to drive to townships - able to walk to</li> <li>- the use was established in response to need</li> <li>- it is a convenient and fun meeting place</li> <li>- it is a wonderful place with great food</li> <li>- it is a 'little gem in the hinterland'</li> <li>- it has grown into a sustainable and viable venue</li> <li>- been part of the neighbourhood for many years and would miss it</li> <li>- more successful/compatible than a general store</li> <li>- Focal point for the neighbourhood and is responsive to the site's hinterland location and setting.</li> </ul>	<p>Acknowledged - There are a large number of supportive submissions that have identified the importance of the venue to them.</p>
<p>The business has been operating for a long time and the business was there when properties were purchased.</p>	<p>Acknowledged - The proposal is within an existing building that has existing approval for a general store but which has been operating as a restaurant/café for a long time without complaint until recently.</p>
<p>The Planning Scheme is too restrictive and does not reflect the current and future needs of the community.</p>	<p>The rural settlement zone allows for a General Store to operate on the site with dining for 10 persons on this site and the sale of prepared food.</p>
<p>Do not agree there are adverse impacts such as hours of operation, parking, traffic and late nights. The current use is not intrusive and there are no impacts - The complaints received are unfounded. Does not create noise and is not disruptive.</p>	<p>The proposal has the potential to impact on resident's amenity if not maintained at a small scale and appropriate mitigation measures applied.</p>
<p>Pomona and Boreen Point have establishments that have dining with 10 or more seats (population same as Tinbeerwah).</p>	<p>These locations are not comparable with Tinbeerwah, as Pomona is a township with a number of business and retail uses within a distinctive main street. Boreen Point is a destination with 2 small scale retail uses (yacht club and small corner shop) to cater to the local community and visitors. Tinbeerwah is not comparable to these places.</p>
<p>Limited hours of operation minimise issues.</p>	<p>The proposal may be conditioned appropriately</p>



Issues	Comments
The acoustic report demonstrates that the current and proposed use complies with noise standards and does not create adverse noise impacts on surrounding properties.	The report indicates compliance against the noise criteria used though some additional modelling is considered appropriate.
An online petition has been created through Change.org and 231 persons were party to this petition – all in support.	The petition has a significant number of comments and issues raised are similar to matters already discussed in this table.
<p>Generally:                      Site has approval for a general store. The use does not fall under definition Retail Business Type 2 – Shop and Salon.                      The proposal should be defined as an Entertainment and Dining Type 1 – Food and Beverage as the existing use is a restaurant.</p>	<p>The planning scheme recognises the former general store use on this site as a consistent use.                      The proposed use meets the definition of Retail Business Type 2 – Shop and Salon.</p>

**5. CONCLUSION**

The site has approval for a business use (general store) for over 2 decades and it is considered that the proposed use does not notably increase impacts from what is currently approved. The proposed use is small scale and can be conditioned to ensure that amenity impacts on nearby residences are addressed. The proposed use also provides a valuable local meeting place for the local community as reflected by the large number of submitters supporting the proposal, with the proposed hair and beauty salon being akin to a home-based business. The application is therefore recommended for approval.

Departments/Sections Consulted:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <b>Chief Executive Officer</b><br>Executive Officer<br>Executive Support                                  | <input type="checkbox"/> <b>Community Services</b><br>Community Development<br>Community Facilities<br>Libraries & Galleries<br>Local Laws<br>Waste & Environmental Health  | <input type="checkbox"/> <b>Corporate Services</b><br>Financial Services<br>ICT<br>Procurement & Fleet<br>Property<br>Revenue Services  |
| <input type="checkbox"/> <b>Executive Services</b><br>Community Engagement<br>Customer Service<br>Governance<br>People and Culture | <input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b><br>Building & Plumbing Services<br>x Development Assessment<br>Economic Development<br>Environmental Services<br>Strategic Land Use Planning | <input type="checkbox"/> <b>Infrastructure Services</b><br>Asset Management<br>Buildings and Facilities<br>Civil Operations<br>Disaster Management<br>Infrastructure Planning,<br>Design and Delivery |

**REAL PROPERTY DESCRIPTION**

Lot: 63 On: RP200339  
 Lot / Site Area (m<sup>2</sup>): 10080 m<sup>2</sup>  
 Local Government: Noosa Shire Council

**STATUTORY INFORMATION:**

Building Classification: 1a  
 Storeys: 1  
 Climate Zone: 5  
 Wind Category: N3

**General**

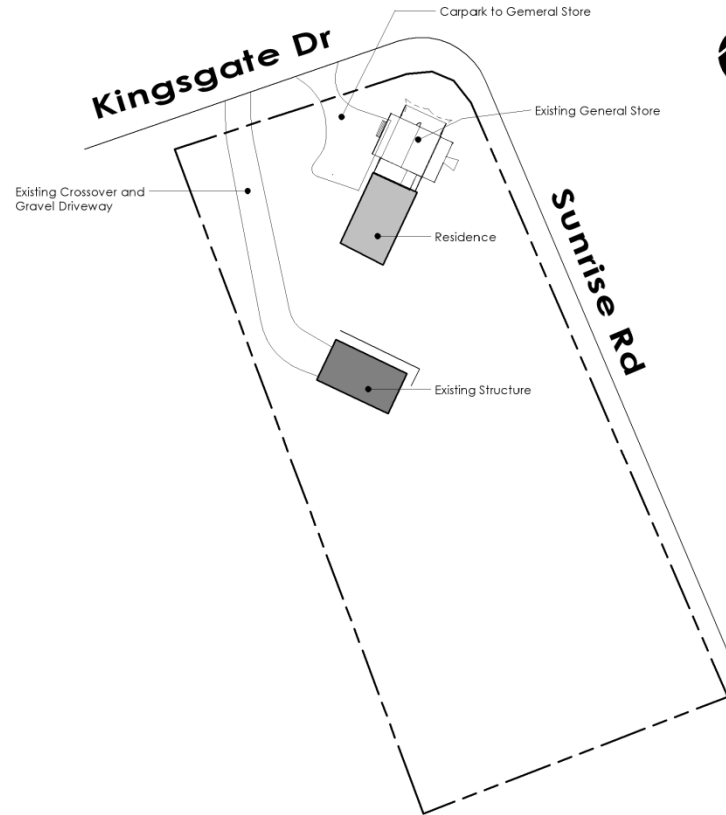
Do not scale from these drawings, figured dimensions take precedence at all times - when in doubt consult the designer prior to commencing construction. It is the builders responsibility to:

- Verify all dimensions and levels on site.
- Ensure all boundary setbacks are strictly adhered to.
- Verify location and levels of all services on site.
- Verify that floors and finished levels enable connection to required services on site.
- Real property information to be confirmed by licensed surveyor prior to construction.
- Bearings have been corrected by modelling software to read in a clockwise direction. This may cause discrepancies of 180 deg from original survey information.
- Site levels, driveway design & site works to detail by others.

These drawings have been prepared for building permit application only. It is the builder's / proprietor's responsibility to further interpret the design and drawings to detail the project for construction.

**Termites**

Protection against subterranean termites to be in accordance with A.S. 3660 Part 1, (protection of buildings from subterranean termites). Protection against subterranean termites to apply to all 'primary building elements'. The builder is to provide physical barriers to the entry by subterranean termites by construction of all slabs & timber floor framing in accordance with A.S. 2870.1 (Residential footing and slab construction), and A.S. 3600 (Concrete structures code). In addition all slab penetrations are to be protected using stainless steel mesh. (Termimesh or equivalent fitted to manuf. spec.). External perimeter barrier to be installed by excavation trenches, treating the exposed trench and backfilling the trench with treated material and protecting the trench with a 50mm thick concrete cover strip x 300mm wide measured from the external wall of the building. 2 durable notices shall be installed in prominent locations stating method of protection, date of installation, life expectancy and scope and duration of future inspections. Regular inspections of the building are to be carried out to ensure the barrier has not been bridged by termites. Inspections are to be carried out as per notices.



**SITE PLAN**

Scale 1 : 1000

**Storm Water**  
 Surface water drainage must be prevented from entering the building with fgl sloping 50mm over the first 1m away from the building & the finished slab height at a minimum FFL 150mm above FGL or minimum 100mm above FGL in sandy, well drained areas of low rainfall intensity (Q20 125mm), or 50mm above impermeable paved or concrete areas all in accordance with BCA Vol 2 P3.1.2.3

**Domestic driveway design requirements :**

- 3m minimum width (AS 2890:2004 Amdt1, S2.6.1)
- Maximum 1 in 4 (25%) gradient (AS 2890:2004 Amdt1, S2.6.2)

Changes in grade for straight driveways to prevent vehicle scraping driveway require grade transitions of 2m in length when:

- Summit changes in grade is over 1 in 8 (12.5%)
- Sag changes in grade is over 1 in 6.7 (15%) (AS 2890:2004 Amdt1, S2.5.3(d))

Builder is to follow the best practice guidelines for controlling stormwater pollution from building sites by local council

The builder is responsible to check all existing services prior to beginning construction

Drawing Schedule			
Sheet No.	Sheet Name	Revision	Current Revision Date
A.01	SITE PLAN	A	15/11/16
A.02	FLOOR PLAN	A	15/11/16
A.03	ELEVATIONS	A	15/11/16

**AS CONSTRUCTED GENERAL STORE**

ZEST BUILDING DESIGN STUDIO

**Sunshine Coast**  
 P 0437215346  
 A 1 30 Watfield Drive, Doonan, QLD 4552  
 E info@zestbuildingdesign.com.au  
 W www.zestbuildingdesign.com.au  
 ABN: 37 601 151 508  
 Q.B.C.C. Lic. No: 1307012

Designer (s)  
**I. Brundell**

Project Address

**1 Kingsgate Drive Orange on Sunrise TINBEERWAH 4563**

Client Name

**Margaret McFarland C/O RG Strategic**

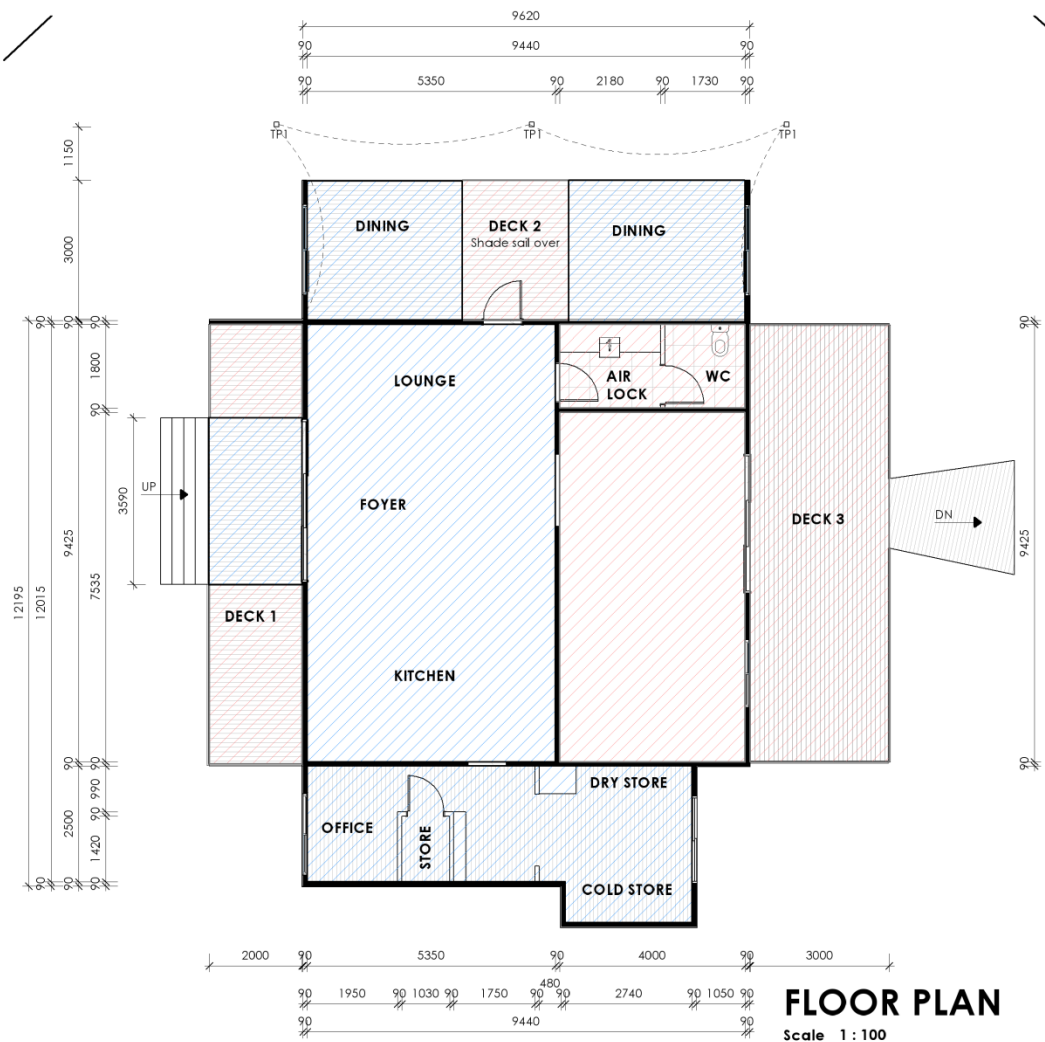
Drawing Title

**SITE PLAN**



**A.01**

16072 Phase AC Bld # 00 Issue A



Gross Floor Area

- Use area: 99.46 m<sup>2</sup>
- Non-use area: 87.30 m<sup>2</sup>

**FLOOR PLAN**  
Scale 1 : 100



**AS CONSTRUCTED GENERAL STORE**

ZEST BUILDING DESIGN STUDIO  
**Sunshine Coast**  
 P | 0457314345  
 A | 30 Wattleford Drive, Doonan, QLD 4562  
 E | info@zestbuildingdesign.com.au  
 W | www.zestbuildingdesign.com.au  
 ABN: 37 601 151 508  
 O.B.C.C. Lic. No: 1307012  
 Designer (s)  
**I. Brundell**

Project Address  
**1 Kingsgate Drive Orange on Sunrise TINBERWAH 4563**  
 Client Name  
**Margaret McFarland C/O RG Strategic**

Drawing Title  
**FLOOR PLAN**

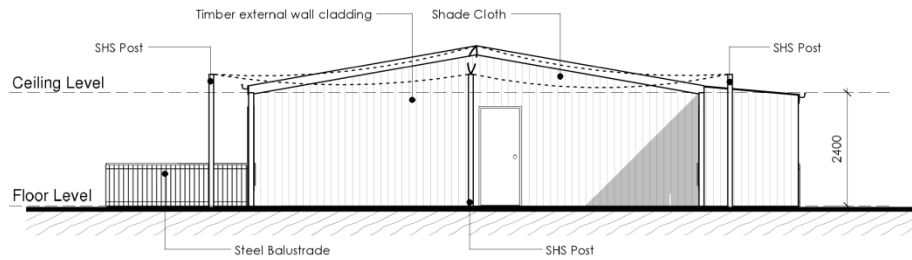


**A.02**

**16072** Phase | Bld # | Issue  
 AC | 00 | A

Issue	Description	Date
A	AsCon V2	15/11/16

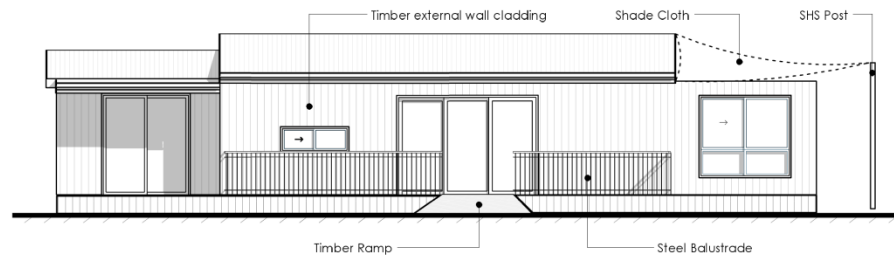
**AS CON**



Elevation  
North East Elevation 1 : 100



Elevation  
North West Elevation 1 : 100



Elevation  
South East Elevation 1 : 100



**AS CONSTRUCTED GENERAL STORE**

ZEST BUILDING DESIGN STUDIO

Sunshine Coast  
P | 0437314346  
A | 30 Wafflebird Drive, Doonan, QLD 4562  
E | info@zestbuildingdesign.com.au  
W | www.zestbuildingdesign.com.au

ABN: 37 601 151 508  
Q.B.C.C. Lic. No: 1307012

Designer (s)  
**I. Brundell**

Project Address

**1 Kingsgate Drive Orange on  
Sunrise TINBEERWAH 4563**

Client Name

**Margaret McFarland C/O RG  
Strategic**

Drawing Title

**ELEVATIONS**



**A.03**

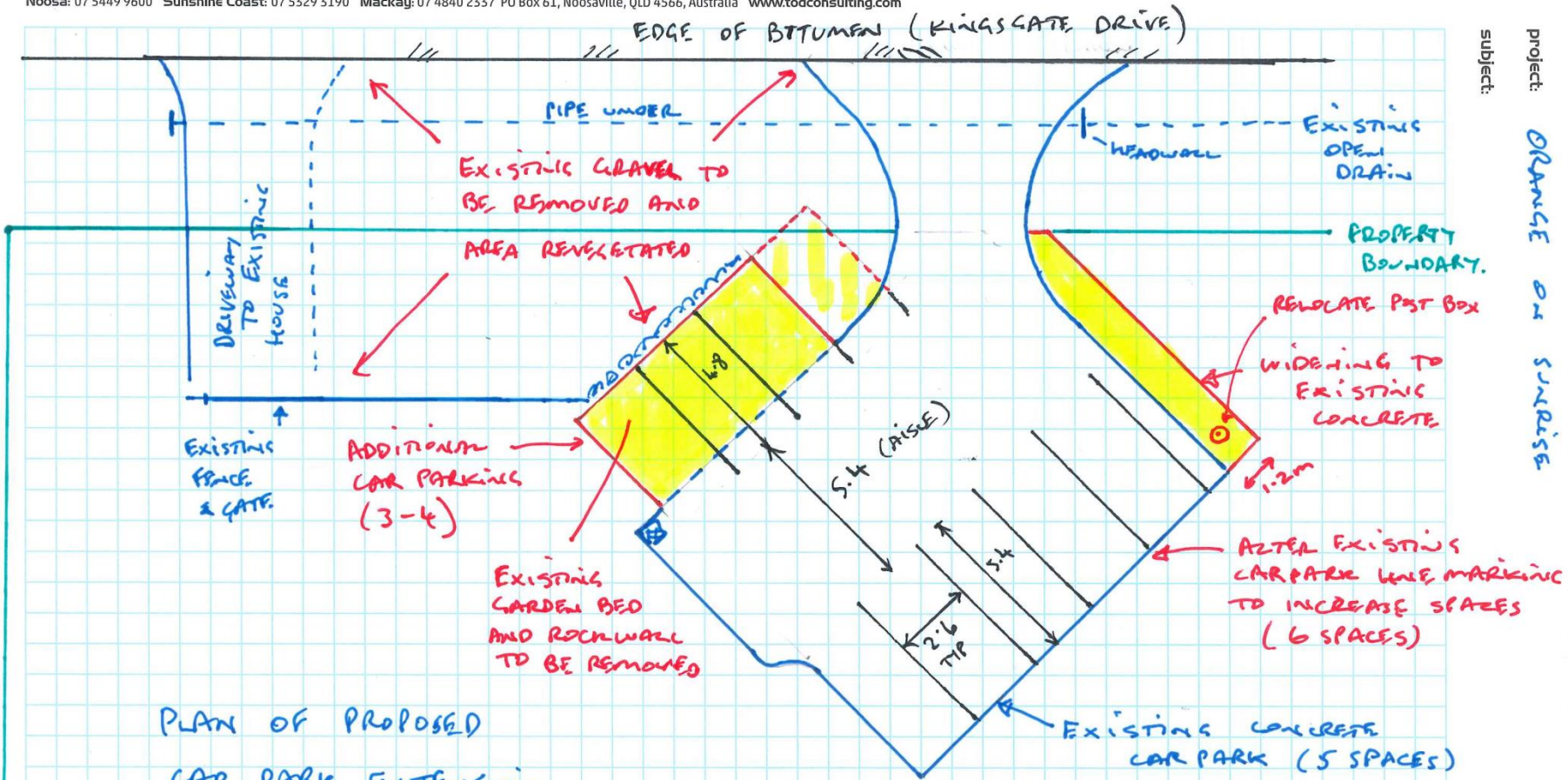
A AcCon-V2  
Issue Description

15/11/16  
Date

**16072**

Phase	Bld #	Issue
AC	00	A

project: ORANGE ON SURFISE  
subject:



PLAN OF PROPOSED  
CAR PARK EXTENSION

AND MODIFICATIONS

(NTS)

AS 2890.1 (2004)

CAR PARKING - CLASSIFICATION 3A

WIDTH - 2.6m

LENGTH - 4.8 - 5.4m

AISLE - 5.4m

Note: Location of car parks, boundaries etc approximate only.

PREPARED BY: D. REYNOLDS - RPEL 9072

**6 PS17/0021 PLANNING & ENVIRONMENT COURT APPEAL NO 4595 OF 2017 REFUSAL TO CHANGE ACTION NOTICE FOR SEALING OF SURVEY PLAN (STAGE 1) 191 HOLLETT RD, NOOSAVILLE**

**Author**                    **Manager Development Assessment, Kerri Coyle**  
**Environment & Sustainable Development**

**Index**                    **ECM/Application /PS17/0021 /Case /4595/2017 JS Hofmann & KM Hofmann**

**Attachments**        **1. Development Permit to Reconfigure a Lot (36 page attachment provided separately to this agenda)**

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### **EXECUTIVE SUMMARY**

Not applicable.

### **RECOMMENDATION**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 15 January 2018 regarding Planning & Environment Court Appeal No. 4595 of 2017 and agree to defend the appeal.

---

### **REPORT**

A report on an application to extend the relevant period of a Development Permit to Reconfigure a Lot for 52 rural residential type lots and park at 191 Hollett Road, Noosaville by 2 years to 5 July 2019 was considered at Council's Ordinary meeting on 20 July 2017 and again at Council's Ordinary meeting on 17 August 2017. The first request was made under the *Sustainable Planning Act 2009* and the second under the new *Planning Act 2016*.

The reports to Council concluded that the development approval which had stemmed from a rezoning approval given in 1997, was not consistent with the current laws and policies applying to the development, the community was unlikely to be aware of the proposal, significant time had lapsed and bushfire and ecological reports were outdated.

Accordingly, the Council resolved to refuse both applications under the respective Acts.

On 29 June 2016 a compliance assessment application was also lodged with Council to seal the plan of survey for the first stage of the development comprising 9 rural residential lots and a balance lot. This application to seal the plan of survey was lodged under the *Sustainable Planning Act 2009* (SPA) and so was required to follow the compliance assessment process for sealing of the survey plan as set out under this Act. Under the compliance assessment process, the Council must either issue an approval for the plan of survey or an 'Action Notice' within 20 business days of the application being properly made.

In this instance, Council officers issued an Action Notice to the applicant as a number of the development approval conditions had not been complied with and the required works (such as roadworks) had not commenced or been completed on site. Without the roadworks completed the proposed lots in which the applicant sought to create titles for through sealing of the plan of survey had no road access.

An extract from the Action Notice is included below which details the outstanding matters and the actions required to achieve compliance.

Reasons Compliance Not Achieved	Action Required to Achieve Compliance
1. The Decision Notice requires lodgement of an Operational Works application for subdivisional works for each stage.	Lodge an application for a Development Permit for Operational Works for stage 1 with appropriate documentation and management plans as required by conditions of the Development Permit to Reconfigure a Lot (152006.1999).
2. Amended plans have not been submitted pursuant to the Decision Notice.	Submit amended plans prior to the issue of the first Development Permit for Operational Works.
3. The Performance Bond required by Condition 17 of the Development Permit to Reconfigure a Lot (152006.1999) has not been lodged with Council.	Submit the Performance Bond of \$60,000 to Council.
4. Works required to be completed for stage 1 as set out in the Development Permit to Reconfigure a Lot (152006.1999) have not commenced or been completed.	Complete the required works for stage 1 in accordance with a Development Permit for Operational Works and the Development Permit to Reconfigure a Lot (152006.1999).
5. The Infrastructure Charges for the approved development have not been paid pursuant to the Infrastructure Charges Notice 449.	Pay the Infrastructure Charges for stage 1 of the development of \$163,398 (at cpi March 2017)
6. Council's rates are outstanding for the property as of 13 July 2017.	Pay the outstanding rates for the property.

In accordance with SPA, the Action Notice must also state a time period in which the applicant may again make an application to Council to avoid lapsing of the compliance assessment application. The initial Action Notice issued gave the applicant 3 months, ending on 21 October 2017.

The applicant subsequently made representations to this Action Notice advising that Council's rates had been paid and seeking an extension to the period within which to complete the outstanding items to 5 July 2019.

Council officers responded to the request and advised the applicant that "...Council does not agree to your request to extend the period within which to complete these outstanding items to 5 July 2019 as:

1. *Condition 1 of the Court Order dated 5 July 2013 approving the development requires that all works relevant to the particular stage be completed prior to the submission of the subdivision plan for the particular stage.*
2. *The requested extension seeks an extension beyond the relevant period identified in the Court Order.*
3. *Council has refused to extend the relevant period of the Court Order.*

*The Council notifies 1 December 2017 as the date by which a further request for compliance assessment may be made failing which the request for compliance assessment lapses".*

The applicant has subsequently lodged an appeal against this response seeking that Council's Action Notice be changed to allow until 5 July 2019 to complete the outstanding the actions. The applicant submits that the period set by Council for taking the actions is not reasonable.

It is in order for Council to defend the appeal and the recommendation is worded accordingly.

**Previous Council Consideration****Ordinary Meeting Minutes, 20 July 2017, Item 1, Page 13**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee dated 11 July 2017 and the further report to the Ordinary Meeting dated 20 July 2017 and refuse Application No. 152006.1999.01 for an extension to the Relevant Period for a Development Permit to Reconfigure a Lot (52 lots and park) situated at 191 Hollett Road, Noosaville for the following reasons:

1. *The approval is not consistent with the South East Queensland Regional Plan as the development would result in the creation of an urban settlement within an area where the intent is to protect the landscape and the capacity for rural production.*
2. *The approval is not consistent with the Noosa Plan 2006 as the proposed urban development is not located within an established village and would result in fragmentation of land holdings outside of areas already allocated for such purpose by the Noosa Plan. The development is also partly located within the Riparian Buffer area identified for protection by the Biodiversity Overlay*
3. *The approval is contrary to the South East Queensland Koala Conservation State Planning Regulatory Planning Provisions as the development will result in the removal of non-juvenile koala habitat trees.*
4. *Different bushfire hazard mapping to that used for the initial approval applies as the State Planning Provisions came into effect after the original approval and results in a higher hazard rating. The higher hazard rating may require changes to setback/buffer areas and an amended subdivision layout. An updated bushfire management plan has not been submitted to enable an assessment of the current bushfire hazard.*
5. *Significant time has lapsed since the ecological assessment reports were originally submitted and the information in these reports is now outdated. Updated ecological reports have not been submitted.*
6. *The community is unlikely to be aware of the proposal given the significant time that has lapsed, the Noosa Plan's current zoning and no works have commenced on site.*

**Ordinary Meeting Minutes, 17 August 2017, Item 5, Page 5**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 8 August 2017 and refuse Application No. 152006.1991.02 for an Extension to the Currency Period for Development Permit to Reconfigure a Lot (52 lots and park), situated at 191 Hollett Road Noosaville for the following reasons:

1. *The approval is not consistent with the South East Queensland Regional Plan as the development would result in the creation of an urban settlement within an area where the intent is to protect the landscape and the capacity for rural production and the development would be prohibited under the Planning Regulations 2017.*
2. *The approval is not consistent with the Noosa Plan 2006 as the proposed urban development is not located within an established village and would result in fragmentation of land holdings outside of areas already allocated for such purpose by the Noosa Plan. The development is also partly located within the Riparian Buffer area identified for protection by the Biodiversity Overlay.*



3. *The approval is contrary to the South East Queensland Koala Conservation State Planning Regulatory Planning Provisions as the development will result in the removal of non-juvenile koala habitat trees.*
4. *Different bushfire hazard mapping to that used for the initial approval applies as the State Planning Provisions came into effect after the original approval and results in a higher hazard rating. The higher hazard rating may require changes to setback/buffer areas and an amended subdivision layout. An updated bushfire management plan has not been submitted to enable an assessment of the current bushfire hazard.*
5. *Significant time has lapsed since the ecological assessment reports were originally submitted and the information in these reports is now outdated. Updated ecological reports have not been submitted.*
6. *The community is unlikely to be aware of the proposal given the significant time that has lapsed, the Noosa Plan's current zoning and no works have commenced on site.*

**Finance**

Should the matter proceed to trial it is likely this matter will be heard together with the appeal(s) to extend the relevant period.

**Risks & Opportunities**

It is premature to advise on potential prospects of the appeal.

**Consultation**

**External Consultation - Community & Stakeholder**

Wakefield Sykes Solicitor

Departments/Sections Consulted:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <b>Chief Executive Officer</b><br>Executive Officer<br>Executive Support                                  | <input type="checkbox"/> <b>Community Services</b><br>Community Development<br>Community Facilities<br>Libraries & Galleries<br>Local Laws<br>Waste & Environmental Health  | <input type="checkbox"/> <b>Corporate Services</b><br>Financial Services<br>ICT<br>Procurement & Fleet<br>Property<br>Revenue Services  |
| <input type="checkbox"/> <b>Executive Services</b><br>Community Engagement<br>Customer Service<br>Governance<br>People and Culture | <input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b><br>Building & Plumbing Services<br>x Development Assessment<br>Economic Development<br>Environmental Services<br>Strategic Land Use Planning | <input type="checkbox"/> <b>Infrastructure Services</b><br>Asset Management<br>Buildings and Facilities<br>Civil Operations<br>Disaster Management<br>Infrastructure Planning,<br>Design and Delivery |

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**7 MCU17/0049 PLANNING & ENVIRONMENT COURT APPEAL D160 OF 2017 REFUSAL OF DEVELOPMENT APPLICATION FOR HOME-BASED BUSINESS TYPE 3 (SWIM SCHOOL) AT 8 MCKENNA COURT, NOOSAVILLE**

**Author**                    **Manager Development Assessment, Kerri Coyle**  
**Environment & Sustainable Development**

**Index**                    **ECM/ Application / MCU17/0049 / Case / D160/2017 Alana Harber**

**Attachments**        **Nil**

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**EXECUTIVE SUMMARY**

Not applicable.

**RECOMMENDATION**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 15 January 2018 regarding Planning & Environment Court Appeal D160 of 2017 and agree to defend the appeal.

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**REPORT**

A report on this application for a Home-based business – Swim School was considered by Council at its Ordinary Meeting on 19 October 2017.

The home based swim school business is proposed to operate Monday to Friday, commencing at 8:30am and concluding at 6:00pm, with a break between 12:00pm (midday) and 2:30pm. The classes are proposed to be held for 30 weeks a year, from January to the beginning of May and recommencing at the end of August through to the beginning of December, relative to the school terms. The proposed business will not run on public holidays or during the Christmas holidays.

A maximum of 10 classes and 3 students in each class will be held each day. Each class is proposed to run for 30 minutes and have a 15 minute break between classes to prevent the overlap of visiting clients on the site.

19 properly made submissions were received to the application, with 10 submissions made in support and 9 submissions raising objections to the proposed swim school due to adverse impacts on amenity.

At the Ordinary Meeting Council resolved to refuse the application for the following reasons:

1. The application is contrary to The Noosa Plan and Home-based Business Code as the proposed use will adversely impact on the amenity of surrounding residents due to noise generated by the business and unsatisfactory provision of on-site car parking.
2. The applicant has not satisfactorily demonstrated that noise generated by the business activities will be satisfactorily mitigated for surrounding residents.
3. The scale and nature of the business is not appropriate or relative to the residential property and is likely to dominate and conflict with the surrounding area given the number of classes and operating hours proposed.
4. A number of properly made submissions were received from surrounding residents raising valid objections to the proposed business.

Council also resolved to advise the applicant that the business is currently operating in breach of the Noosa Plan and the *Planning Act 2016* and must cease operating by the 16 November 2017. The swim school is currently not operating from the site.

The applicant subsequently appealed the decision stating that the application should be approved. One of the submitters who raised objection to the business has also joined the appeal.

It is in order for Council to defend the appeal and the recommendation is worded accordingly.

### **Previous Council Consideration**

#### ***Ordinary Meeting Minutes, 19 October 2017, Item 1, Page 9***

*That Council note the report by the Assistant Development Planner to the Planning & Environment Committee Meeting dated 10 October 2017 regarding Application No. MCU17/0049 for a Development Permit for (Home Based Business Type 3 - Swim School), situated at 8 McKenna Ct Noosaville and:*

- A. *Refuse the application for the following reasons:*
1. *The application is contrary to The Noosa Plan and Home-based Business Code as the proposed use will adversely impact on the amenity of surrounding residents due to noise generated by the business and unsatisfactory provision of on-site car parking.*
  2. *The applicant has not satisfactorily demonstrated that noise generated by the business activities will be satisfactorily mitigated for surrounding residents.*
  3. *The scale and nature of the business is not appropriate or relative to the residential property and is likely to dominate and conflict with the surrounding area given the number of classes and operating hours proposed.*
  4. *A number of properly made submissions were received from surrounding residents raising valid objections to the proposed business.*
- B. *Advise the applicant that the business is currently operating in breach of the Noosa Plan and the Planning Act 2016 and must cease operating by the 16 November 2017.*

### **Finance**

Should the matter proceed to trial there will be costs in defending the appeal.

### **Risks & Opportunities**

It is premature to advise on potential prospects of the appeal.

### **Consultation**

#### **External Consultation - Community & Stakeholder**

Wakefield Sykes Solicitor

Departments/Sections Consulted:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <b>Chief Executive Officer</b><br>Executive Officer<br>Executive Support                                  | <input type="checkbox"/> <b>Community Services</b><br>Community Development<br>Community Facilities<br>Libraries & Galleries<br>Local Laws<br>Waste & Environmental Health  | <input type="checkbox"/> <b>Corporate Services</b><br>Financial Services<br>ICT<br>Procurement & Fleet<br>Property<br>Revenue Services  |
| <input type="checkbox"/> <b>Executive Services</b><br>Community Engagement<br>Customer Service<br>Governance<br>People and Culture | <input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b><br>x Building & Plumbing Services<br>x Development Assessment<br>Economic Development<br>Environmental Services<br>Strategic Land Use Planning | <input type="checkbox"/> <b>Infrastructure Services</b><br>Asset Management<br>Buildings and Facilities<br>Civil Operations<br>Disaster Management<br>Infrastructure Planning,<br>Design and Delivery |

**8 ZERO EMISSIONS NOOSA ORGANISATIONAL ACTION PLAN**

**Author**                **Project Officer – Carbon Reduction, Anne Nolan  
Environment and Sustainable Development**

**Index**                **ECM/ Subject / Zero Emissions Noosa**

**Attachments**    **1. Zero Emissions Noosa Organisational Action Plan 2017-2020**

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**EXECUTIVE SUMMARY**

The Zero Emissions Noosa Organisational Strategy 2016–2026 (“The ZEN Strategy”) which was adopted by Council in 2016 sets an ambitious goal of net zero emissions for Council operations by 2026. Key Action 4 of the ZEN Strategy requires a *“detailed Action Plan to be developed that will prioritise actions over an initial 5-year period (and ultimately 10 years). Funding of actions will be considered as part of the annual budget development process”*. This report presents the Zero Emissions Noosa Organisational Action Plan 2017–2020.

As a member of the Cities Power Partnership (CP), Council is required to pledge to five key actions from the CPP’s list of emission reduction options. This report identifies these 5 key actions.

**RECOMMENDATION**

That Council note the report by the Project Officer - Carbon Reduction to the General Committee Meeting dated 15 January 2018 regarding the Zero Emissions Noosa Organisational Action Plan 2017-2020 and:

- A. Approve the Net Zero Emissions Noosa Organisational Action Plan 2017-2020; and
  - B. As a member of the Climate Council Cities Power Partnership pledge to take action and report on the following key actions;
    - 1. Install renewable energy (solar PV and battery storage) on Council buildings;
    - 2. Support community facilities accessing renewable energy through incentives, support or grants;
    - 3. Implement landfill gas methane flaring or capture for electricity generation;
    - 4. Adopt best practice energy efficiency measures across all Council buildings and support community facilities to adopt these measures; and
    - 5. Encourage sustainable transport use (public transport, walking and cycling) through Council transport planning and design.
- 

**REPORT****Background**

In October 2016, Council adopted the Zero Emissions Noosa Organisational Strategy 2016-2026. “The ZEN Strategy”. This strategy sets the ambitious target of net zero emissions for the organisation by 2026. The ZEN Strategy outlines 8 Key actions to achieve net zero emissions goal. Key Action 4 of the ZEN Strategy requires a *“detailed Action Plan to be developed that will prioritise actions over an initial 5-year period (and ultimately 10 years). Funding of actions will be considered as part of the annual budget development process”*

Whilst it is recognised that the ZEN Strategy calls for a 5 year, and ultimately a 10 year action plan, initially a 3 year plan has been developed. As Council is still determining the nature of the landfill emissions and potential reduction strategies, and given the rapidly changing nature of technology and solutions with regard to emissions reduction initiatives, it is considered prudent and agile for an initial 3 year plan to be developed with an annual review.

### **The Zero Emissions Noosa Organisational Action Plan**

The Zero Emissions Organisational Action Plan 2017-2020 (The ZEN Action Plan) has been developed to achieve the core objectives of the ZEN Strategy, namely

- To help mitigate climate change and provide a sustainable future by reducing Council's Green House Gas (GHG) emissions to a zero net position; and
- To ensure that reduction in GHG emissions will not impact on Council's long-term financial sustainability nor result in any significant financial impost on ratepayers.

The ZEN Action Plan has been developed utilising information from the following documents and reports:

- Noosa Council Carbon Footprint 2015/16 and 2016/17 which identified Council's emission sources;
- The ERM Power audits of Council's highest electricity consuming buildings and facilities which identified and prioritised emission reduction projects based on a cost-benefit analysis;
- Council policies and procedures that have the potential to impact upon Council's emissions; and
- Consultation with the ZEN Project Control Group and ZEN Operational Team.

The ZEN Action Plan details specific actions to achieve the following objectives:

- A coordinated approach to reducing emissions throughout Council's operations, policies and procedures;
- The cost-effective reduction of Council's Scope 1, 2 and 3 emissions; and
- A cost-effective approach to offsetting Council's residual emissions.

A summary of the actions is provided below and detailed in **Attachment 1**.

#### **1. Provide a coordinated organisational approach to carbon reduction**

The ZEN Action Plan stipulates a number of initiatives to embed emission reduction throughout Council processes and operations as a standard way of doing business.

Council's carbon footprint will be calculated on an annual basis in accordance with the National Carbon Offset Standard (NCOS) methodology as amended from time to time. This annual calculation will track Council's carbon footprint over time and highlight the effectiveness of the reduction initiatives.

All Council staff have an opportunity to contribute to achieving the net zero emission targets through their everyday actions and choices. To encourage staff across Council, a behavioural change strategy will be developed to recognise and reward staff initiatives for carbon reduction. Regular communication to all stakeholders is an important component of the behavioural change strategy.

Council processes and procedures have a significant impact on the carbon footprint of the organisation. The inclusion of ZEN considerations in policies such as procurement, design and project management presents an opportunity to reduce emissions at the commencement of a project or purchase decision. Council policies will be reviewed to incorporate ZEN as appropriate.

## **2. Reduce Emissions - Scope 1**

Scope 1 emissions include fuel for transport and stationary uses, refrigerants and emissions from landfill. The ZEN Action Plan identifies actions that Council will undertake in relation to converting its own transport and plant fleet to alternative fuels as the technology becomes economically available.

The emissions from the Council controlled landfill comprise over 65% of Council's total carbon footprint. Further information is required to enable a comprehensive emissions reduction strategy to be developed for the landfill which will consider the cost-benefit analysis of further emission reductions and offset opportunities. The ZEN Action Plan includes an audit and the development of an overarching strategy to reduce the landfill emissions including the reduction of organic matter to the landfill and increasing the capture of the landfill gas, potentially leading to the generation of electricity. Other emission reduction options will also be explored as technology emerges.

## **3. Reduce Emissions - Scope 2**

Scope 2 emissions are as a result of the use of electricity for Council's operations and Council owned street lighting (Rate 3) which includes decorative street lighting and navigation lights at structures within man-made canals.

Whilst Scope 2 emissions comprise just 6% of Council's total footprint, improving energy efficiency and increasing the use of on-site renewable energy will decrease Council's reliance on electricity from the grid and reduce exposure to increasing grid power prices.

The ZEN Action Plan utilised the Marginal Abatement Cost Curve (MACC) developed from the energy audits conducted by ERM Power in April 2017 to prioritise the energy efficiency and renewable energy projects across Council's large electricity consumption sites, including:

- Retrofit of inefficient lighting with LEDs;
- Upgrading of air conditioning units and control systems;
- Installation of on-site solar systems.

The timing and capital funding allocation for these projects has been determined in accordance with the following criteria:

- Emissions reduction per \$ spend;
- Building works status of each facility;
- Capital cost; and
- Total emission reduction achieved.

The attached ZEN Action Plan identifies capital projects from 2017–2020, however, it should be noted that the timing of these projects is subject to change as a result of changes to other capital works which are linked to the ZEN initiatives or as Council determines the annual capital works program.

#### **4. Reduce Emissions - Scope 3**

Scope 3 emissions are those emissions that are not directly owned or controlled by the organisation and are assessed for relevance and materiality. Scope 3 emissions include electricity consumption from third-party street lighting, indirect emissions embedded within purchased goods and services, the production and transmission of electricity and fuel, waste generated by Council operations, business travel and employee commuting.

Individually these categories of Scope 3 emissions account for <1 to 12% of Council's total footprint, however cumulatively they comprise approximately 27% of the total footprint and are therefore required to be reported under the National Carbon Offset Standard (NCOS) methodology. NCOS is Australia's only government supported voluntary carbon neutral scheme and is the standard that Council is using to measure and report its carbon emissions.

Reducing Council's fuel and electricity consumption will also reduce the Scope 3 emissions related to their production and transmission. The ZEN Action Plan includes initiatives related to waste generated by Council operations and business travel as Council has influence over these emissions.

Scope 3 emissions also include Street lighting that is owned and controlled by others i.e. non-contributed assets – owned by Queensland Energy/Energex (Rate 1) and contributed assets – generally from development approvals (Rate 2). Energex has commenced a trial of LED Streetlights across Brisbane. Council will monitor Energex's plans to roll out LEDs across its portfolio of streetlights and the impact this will have on Council's emissions. A successful trial will see the progressive introduction of standard LED streetlights for residential streets with greater energy efficiency across the Energex portfolio.

#### **5. Offset residual emissions**

The focus in the short to medium term is to reduce Council's emissions through energy efficiencies and renewable emissions and to reduce landfill gas emissions. In the longer term, Council will need to consider options for offsetting its residual emissions that are not technically or financially feasible to reduce further. The ZEN Action Plan identifies the actions to be undertaken over the next 3 years to inform the development of an appropriate offset strategy and determine effective offset options.

#### **6. Community Engagement**

As outlined in the ZEN Strategy principles, Council has a leadership role to set an example of best practice for the community. Whilst Council's initial focus has been to reduce the emissions of its own operations, the ZEN Action Plan includes the development and implementation of a Community Engagement strategy to share Council's own experience in emissions reduction with the broader community and assist the whole of Noosa Shire to reduce its emissions profile

#### **7. Cities Power Partnership**

Council has joined the Climate Council's Cities Power Partnership (CPP). The CPP is a national program to highlight the initiatives local councils are undertaking to reduce emissions and address climate change. The CPP provides a connection and information sharing opportunity between Local Governments. Participating councils are directly connected with 2-3 other Local Governments, providing direct information sharing and learning arrangements. Council also has access to all participants and a wide range of resources and information. Participation in the CPP is at no cost to Council. It is a requirement of CPP membership for participating councils to select 5 key actions from The Partnership Action Pledge which is a list of 43 options on which to undertake action and report progress.



The list is related to the following categories:

- Renewable Energy
- Energy efficiency
- Sustainable Transport
- Work together and influence

The following 5 key actions have been selected from the CPP Partnership list as they align with Council's Sustainability Principles, ZEN Strategy, Transport Strategy and the Waste Reduction and Recycling Plan:

1. Install renewable energy (solar PV and battery storage) on Council buildings.
2. Support community facilities accessing renewable energy through incentives, support or grants.
3. Implement landfill gas methane flaring or capture for electricity generation.
4. Adopt best practice energy efficiency measures across all Council buildings, and support community facilities to adopt these measures.
5. Encourage sustainable transport use (public transport, walking and cycling) through Council transport planning and design.

Council is required to take action against each of these and report on progress, these actions have been built into the attached Zen Action Plan.

### **Monitoring and Review**

The ZEN Action Plan will be monitored and reviewed through the following:

- The implementation of the ZEN Action Plan will be overseen by the ZEN PCG. Any variation to the ZEN Action Plan as a result of new innovations or opportunities will be reviewed by the ZEN PCG;
- A report on the progress of the implementation of the ZEN Action Plan will be included in the quarterly departmental report of Environment and Sustainable Development;
- An annual report will be provided to Council on progress of implementation and outlining Council's annual carbon footprint and progress; and
- The 6 monthly Climate Partnership Program (CPP) online survey will be completed to meet Council's commitment to report on Council's progress on the five key CPP actions.

### **Previous Council Consideration**

Council adopted the current defined garden waste service area during the acceptance of the Waste Management Contract 1516T043 by Council resolution in December 2016.

### **Ordinary Meeting Minutes, 15 December 2016, Item 7, Page 10**

*That Council note the report by the Manager Waste and Environmental Health to the General Committee Meeting dated 12 December 2016 regarding the new 7 year waste management contract 2017 - 2024, and:*

A-C ...

*D Agree to the continued provision of an optional garden waste collection service to commercial and multi-unit domestic premises and other premises within 5 kilometres of the identified urban garden waste service area;*

E-F...

**Ordinary Meeting Minutes, 21 September 2017, Item 5, Page 18**

*That Council note the report by the Carbon Reduction Project Officer to the General Committee Meeting dated 18 September 2017 providing a summary of the activities undertaken in accordance with Council's Zero Emissions Noosa Organisational Strategy.*

**Finance & Risk**

Ongoing capital allocation will be required to continue to implement the energy efficiencies and renewable energy which will reduce emissions and reduce the cost of Council's electricity identified in the ZEN Action Plan. Capital may also be required to implement emission reduction initiatives recommended by the forthcoming Landfill Emission Reduction Strategy.

Capital will be required to offset Council's residual emissions. The quantum of emissions to be offset is dependent upon the implementation of emission reduction initiatives, particularly at the landfill.

There is a risk that future Councils may not have the same appetite for emissions reduction as the current Council. However, the financial savings achieved by these actions outlined in the ZEN Action Plan achieve positive economic return, so it is unlikely that these projects would be curtailed.

There is a risk that the identified projects may not achieve the emission performance expected. This risk is considered low and is managed by the selection of accredited solar and lighting experts through appropriate assessment and due diligence of the suppliers.

There is a risk that the current subsidies available on the solar PV systems will be withdrawn by the Federal Government. This risk is mitigated by prioritising the installation of the solar projects in the next 2-3 years to benefit from the current rebate schemes.

Technology related to energy efficiency and renewable energy is changing at a rapid pace. There is a risk that the energy efficiency and renewable energy projects may be obsolete as new technology becomes available. The savings that have been estimated as a result of these projects will still be achieved, thereby allowing financial savings to be utilised on some of the more experimental technology in the future.

The Cities Power Partnership is run by the Climate Council and funded through donations and philanthropic sponsors. There is a risk that this program will not achieve continued funding. Given this is a free program for participants the risk to Council is very low, Council is also leading and implementing its own ZEN strategy and is therefore not reliant on the continued operation of the CPP should it be discontinued.

**Consultation****External Consultation - Community & Stakeholder**

Discussions have been held with the following stakeholders to inform the ZEN Action Plan:

- Greenhouse and Energy Network Professional Officers Group (GENPOG)
- ERM Power

**Internal Consultation**

The ZEN Project has a robust governance structure within Council.

- The ZEN Project Control Group (PCG) comprises members of Council’s Leadership Team and the Carbon Reduction Project Officer. The PCG provides a coordinated approach to the implementation of the ZEN Action Plan.
- The ZEN Operational Team comprises Council managers and staff and monitors the development and implementation of the Zero Emissions Action Plan.

Departments/Sections Consulted:

<input type="checkbox"/> <b>Chief Executive Officer</b> Executive Officer Executive Support	<input checked="" type="checkbox"/> <b>Community Services</b> Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input checked="" type="checkbox"/> <b>Corporate Services</b> Financial Services ICT Procurement & Fleet Property Revenue Services
<input checked="" type="checkbox"/> <b>Executive Services</b> Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b> Building & Plumbing Services Development Assessment Economic Development Environmental Services Strategic Land Use Planning	<input checked="" type="checkbox"/> <b>Infrastructure Services</b> Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

GOVERNANCE					
Category	Item	Proposed Actions	Year	Responsibility	Status
<b>1.0 Provide a coordinated organisational approach to carbon reduction</b>					
Behaviour change	1.1	Develop and oversee implementation of an effective Behavioural Change Strategy aimed at Council Staff to support a reduction in carbon emissions across Council.	2018-19	Carbon Reduction Project Officer	Underway
Behaviour change	1.2	Increase energy management and literacy awareness of staff by developing content and educational material for new employee induction and training of existing employees on energy management concepts and practices.	2016-17	Carbon Reduction Project Officer	Ongoing
Communications	1.3	Develop, implement and regularly review an effective Communications Plan for the program.	2016-17	Carbon Reduction Project Officer	Underway
Governance	1.4	Establish Project Control Group to oversee the implementation of the ZEN Strategy	2016-17	Carbon Reduction Project Officer	Complete/ongoing
Governance	1.5	Establish ZEN Operational Team to coordinate ZEN initiatives across Council	Ongoing	Carbon Reduction Project Officer	Complete/ongoing
Innovation	1.6	Establish industry and research partnerships to trial emerging technology at sites under Council's direct control.	Ongoing	Carbon Reduction Project Officer	Ongoing
Organisational policy	1.7	Review all current policies, guidelines and processes to incorporate energy and sustainability requirements.	Progressive	Carbon Reduction Project Officer & relevant departments	Ongoing
Organisational policy	1.8	Incorporate energy and sustainability requirements into the Noosa Design Principles document.	At review	Infrastructure Planning, Design & Delivery	Not started
Organisational policy	1.9	Develop Environmentally Sustainable Design Guidelines for new construction or upgrades of Council Buildings & Facilities.	2018-19	Design Team	Not started
Organisational policy	1.10	Promote the Community Grants Program as a means of funding for provision of energy efficiency measures and renewable energy on community buildings owned by Council and leased to community organisations.	Annually	Community Grants Team	Ongoing
Organisational Policy	1.11	Identify carbon reduction targets for Council to achieve its net zero emission target by 2026	2018-19	Carbon Reduction Project Officer	Not started
Process, systems & tools	1.12	Calculate and report Council's annual carbon footprint in accordance with the National Carbon Offset Standard (NCOS) methodology	Annually	Carbon Reduction Project Officer	Ongoing
Process, systems & tools	1.13	Utilise the Marginal Abatement Cost Curve analysis tool to prioritise abatement options across the emissions inventory	2016-17	ZEN PGC	Ongoing
Process, systems & tools	1.14	Review the ZEN Organisational Strategy every 2 years	2018-19	ZEN PGC	Ongoing
Procurement	1.15	Continue to seek best value from energy supply contracts including purchase of green power as appropriate.	Ongoing	Procurement & Fleet	Ongoing
Procurement	1.16	Review procurement policy and develop guidelines that include consideration of emission reductions in purchasing decisions	2018-19	Procurement & Fleet	Not started
Reporting	1.17	Report as required on progress on the key actions pledged under the Cities Power Partnership	2018-19	Carbon Reduction Project Officer	Ongoing
Reporting	1.18	Report annual progress on the implementation of this ZEN Action Plan.	2017-18	Carbon Reduction Project Officer	Ongoing
Innovation	1.19	Keep up to date with innovative opportunities for emission reductions across Council.	Ongoing	Carbon Reduction Project Officer	Ongoing
Leadership	1.20	Investigate opportunities to highlight Council's emission reduction success through the use of innovative mapping/display mechanisms.	2018-19	Carbon Reduction Project Officer	Not started
Leadership	1.21	Investigate opportunities to encourage Ecological Sustainable Design requirements for new developments.	2018-19	Carbon Reduction Project Officer	Not started

Category	Item	Proposed Actions	Year	Responsibility	Status
<b>2.0 REDUCE EMISSIONS - Scope 1</b>					
<b>Transport Fuels</b>					
Behaviour change	2.1	Continue to promote the use of Skype and teleconference calls for business meetings in lieu of driving to a meeting venue and improve awareness of help guides available on the intranet.	2016-17	Carbon Reduction Project Officer	ongoing
Behaviour change	2.2	Provide staff education on eco driving fuel saving measures.	Ongoing	Carbon Reduction Project Officer	ongoing
Fleet	2.3	Continue to ensure that new and replacement programs provide 'fit for purpose' and 'best in class' fuel efficiency vehicles and plant.	Ongoing	Procurement & Fleet	ongoing
Fleet	2.4	Analyse available technical information and assess suitability of trial of use of hybrid trucks for field maintenance activities.	Ongoing	Procurement & Fleet	Ongoing
Fleet	2.5	Analyse available technical information and assess suitability of trial of use of hybrid or alternative energy fleet vehicles	Ongoing	Procurement & Fleet	Ongoing
<b>Stationary Fuels</b>					
Stationary plant and equipment	2.6	Purchase electric/battery plant and equipment to replace fossil fuel power equipment.	Ongoing	Procurement & Fleet	Ongoing
<b>Refrigerants</b>					
Air-conditioning	2.7	Develop air conditioning guidelines to include refrigerants with the lowest possible global warming potential.	2019-20	Carbon reduction Project Officer	Not started
<b>Landfill emissions</b>					
Waste	2.8	Conduct an audit of the waste disposed to Council landfill to accurately measure the % of organic waste for emission calculations.	2017-18	Waste & Environmental Services	Not started
Waste	2.9	Develop an emission reduction strategy for the landfill	2018-19	Waste & Environmental Services	Not started
Strategy	2.10	Implement Council's Waste Reduction and Recycling Plan .	Ongoing	Waste & Environmental Services	Ongoing
Waste	2.11	Provide intermediate capping for landfill cell # 2.1	2016-17	Waste & Environmental Services	Complete
Waste	2.12	Install additional bores in the new capped area to capture additional gas flare.	2016-17	Waste & Environmental Services	Complete
Waste	2.13	Investigate feasibility of flared gas being used for electricity generation.	2017-18	Waste & Environmental Services	Underway
Waste	2.14	Determine opportunities to increase Land Fill Gas extraction in conjunction with LMS - e.g. lateral extraction lines.	2017-18	Waste & Environmental Services	Underway
<b>3.0 REDUCE EMISSIONS - Scope 2</b>					
<b>Council Owned Building and facilities</b>					
Buildings & Facilities - Highest Emission Sites	3.1	i. Assess and analyse energy usage profile; ii. Identify solutions to reduce energy consumption; iii. Scope requirements and provide estimates; iv. Undertake cost-benefit analysis to determine most effective approach (includes payback periods and financing options.) v. Develop a staged prioritised capital replacement and renewal program together with estimated costs to inform future capital works programs.	2016-17	Carbon reduction Project Officer	Complete
Buildings & Facilities - Lower Emission Sites	3.2	Provide a budget allocation for Whole of Shire minor works to cover replacement of lighting, installation of sensors or upgrade of timers at minor sites included in the carbon footprint (e.g. public amenities buildings, minor corporate buildings such as Landfill Office & workshop, Pomona Works Depot etc.)	Ongoing	Financial Services	Ongoing
Buildings & Facilities - Highest Emission Sites	3.3	Implement Major Actions arising from the ERM Energy Audits .	Ongoing	Carbon reduction Project Officer	Ongoing

Category	Item	Proposed Actions	Year	Responsibility	Status
Buildings & Facilities - Highest Emission Sites	3.4	Investigate the installation of Energy Management Systems at relevant sites.	2017-18	Carbon reduction Project Officer	Underway
Depot	3.5	LED lighting upgrade	2017-18	Carbon reduction Project Officer	Complete
Depot	3.6	Solar PV Installation	2017-18	Carbon reduction Project Officer	Underway
Depot	3.7	Air conditioning upgrade	2017-18	Buildings & facilities	Complete
Noosa Aquatic Centre	3.8	Lighting Upgrade	2018-19	Carbon reduction Project Officer	Not started
Noosa Aquatic Centre	3.9	Solar PV Installation	2017-18	Carbon reduction Project Officer	Underway
The J	3.10	LED lighting upgrade	2019-20	Carbon reduction Project Officer	Not started
The J	3.11	Solar PV Installation	2017-18	Carbon reduction Project Officer	Underway
The J	3.12	Air conditioning improvements	2017-18	Community facilities	Ongoing
Noosa Leisure Centre	3.13	Solar PV Installation	2017-18	Carbon reduction Project Officer	Underway
Noosa Leisure Centre	3.14	LED lighting upgrade (residual)	2018-19	Carbon reduction Project Officer	Not started
Cooroy Library	3.15	LED lighting upgrade	2017-18	Libraries & galleries	Complete
Cooroy Library	3.16	Air conditioning improvements	2017-18	Libraries & galleries	Complete
Cooroy Library	3.17	Solar PV Installation	2018-19	Carbon reduction Project Officer	Not started
Tewantin Admin Building	3.18	LED lighting upgrade	2018-19	Carbon reduction Project Officer	Not started
Tewantin Admin Building	3.19	Air conditioning improvements	TBA	Infrastructure Planning, Design & Delivery	Not Started
Tewantin Admin Building	3.20	Solar PV Installation	2018-19	Carbon reduction Project Officer	Not started
Noosaville Library	3.21	LED lighting upgrade	2018-19	Infrastructure Planning, Design & Delivery	Not Started
Noosaville Library	3.22	Air conditioning upgrade	2018-19	Infrastructure Planning, Design & Delivery	Not Started
Noosaville Library	3.23	Solar PV Installation	2018-19	Carbon reduction Project Officer	Not started
Noosa River Caravan Park	3.24	Solar PV Installation	2019-20	Carbon reduction Project Officer	Not started
Buildings & facilities - small sites	3.25	Conduct audits of small sites to identify opportunities for emission reductions	2018-19	Carbon reduction Project Officer	Not started
<b>Street Lighting</b>					
Design Standards	3.26	Revise Engineering Design Standards to incorporate the requirement for energy efficient lamps to be provided in all new public lighting infrastructure, and that auto dimming or motion sensors also be provided as appropriate.	2017-18	Infrastructure Planning, Design & Delivery	Not started
Rate 3 - Council owned streetlights	3.27	Conduct a audit of all Rate 3 lighting assets to determine condition and identify requirements for upgrade of poles and fittings to accommodate more energy efficient lamps.	2018-19	Carbon reduction Project Officer	Not started

Category	Item	Proposed Actions	Year	Responsibility	Status
<b>4.0 REDUCE EMISSIONS - Scope 3</b>					
Transmission and distribution of energy	4.1	Implement the actions related to Scope 1 & 2 above	Ongoing	Carbon Reduction Project Officer	Ongoing
Rates 1 & 2 - Energex Lighting	4.2	Include the new Energex LED Public Lighting Standards into Planning Scheme Policy.	As amended	Strategic Land Planning	Not started
Employee commuter travel	4.3	Encourage staff to use alternative methods of commuting to work such as public transport, bikes and car pooling.	Ongoing	Carbon Reduction Project Officer	Ongoing
Business travel	4.4	Review travel policy to include use of low emission travel opportunities.	2018-19	Carbon Reduction Project Officer	Not started
Council generated waste	4.5	Implement the Council waste and recycling strategy throughout Council operations.	Ongoing	Waste & Environmental Services	Ongoing
Purchased goods and services	4.6	Refine Scope 3 emissions calculations through the collection of emissions data from suppliers where possible.	2019-2020	Carbon Reduction Project Officer	Not started
<b>5.0 Offset Council's residual emissions</b>					
Offsets	5.1	Determine the likely offsets required to offset residual emissions following the implementation of the emission strategies above particularly in relation to the landfill.	2018-19	Carbon Reduction Project Officer	Not started
Offsets	5.2	Investigate the feasibility of renewable energy generation (e.g. solar / solar thermal etc.) options to meet Council's remaining energy needs (post implementation of all reduction measures) versus alternatives such as buying green power, or partnering with others to develop a renewable energy scheme etc.	2019-2020	Carbon Reduction Project Officer	Not started
Offsets	5.3	Investigate the feasibility of using Environment Levy funds to purchase degraded land that can be used for offset projects.	2018-19	Carbon Reduction Project Officer	Not started
<b>6.0 Community Engagement</b>					
Community Engagement	6.1	Develop a community engagement plan based on Council's experience to inform the Noosa community of the actions it can take to reduce emissions.	2018-19	Carbon Reduction Project Officer	Not started

Note: Status

Not started	The initiative has not yet commenced
Underway	The initiative has commenced but not yet completed
Ongoing	The initiative is recurring over time

**9 ZEN - SOLAR SYSTEM SUPPLY & INSTALLATION - 1718Q043 STAGE 2**

**Author** Project Officer – Carbon Reduction, Anne Nolan  
Environment and Sustainable Development

**Index** ECM/ Subject / Zero Emissions Noosa

**Attachments** Nil.

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**EXECUTIVE SUMMARY**

Not applicable.

**RECOMMENDATION**

That Council note the report by the Project Officer - Carbon Reduction to the General Committee Meeting dated 15 January 2018 and award contract 1718Q043 – Stage 2 to ERM Power Retail Pty Ltd (ERM Power) for the lump sum price of \$253,133.70 (excluding GST), subject to agreement of Stage 2 Contract terms and conditions.

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**REPORT**

This project involves the installation of rooftop Solar PV renewable energy at four of Council's facilities, namely The Noosa Aquatic Centre, The J, The Noosa Leisure Centre and the Council Depot at Noosaville.

The objective of the installation of rooftop solar PV is to reduce Council's carbon emissions as a result of consuming electricity from the National Electricity Grid sourced from coal fired power stations. The installation of on-site renewable solar energy will also reduce Council's financial exposure to increasing electricity prices sourced from the grid.

Installation of the solar systems will commence from late January 2018, with an estimated completion date of April 2018.

**1. Emissions Reduction**

The Zero Emissions Noosa Organisational Strategy 2016–2026 (The ZEN Strategy) which was adopted by Council in 2016, sets an ambitious goal of net zero emissions for Council operations by 2026. To achieve this goal Council must reduce its emissions as far as possible through energy efficiencies, the use of renewable energy and finally, the use of offsets.

To determine the most cost effective means to reduce emissions from electricity consumption, Council commissioned ERM Power Retail Pty Ltd (ERM) to conduct an energy audit of Council's seven major electricity consuming buildings and facilities. As a result of the energy audit, ERM developed a Marginal Abatement Cost Curve (MACC) to prioritise the large number of carbon reduction projects to achieve the most effective carbon abatement. The ZEN Project Control Group reviewed the recommendations from ERM and selected a number of projects to include in the capital budget for 2017/18 financial year, based on the following criteria:

- Emission reductions achieved
- Net Present Value (NPV)
- Dependency (e.g. roof repairs)
- Public profile – leadership demonstration



The emission reduction projects for the 2017/18 budget allocation included LED lighting upgrades, the installation of Energy Management Systems and the installation of PV Solar Systems.

In reference to the PV Solar System installations, the following four Council facilities are included under the scope of this Stage 2 contract:

- Noosa Aquatic Centre
- The J
- Noosa Leisure Centre
- The Council Depot at Noosaville

The four on-site solar systems are estimated to generate a total of 357,000 kwhr per annum, which equates to the equivalent of the annual consumption of 61 Queensland homes<sup>1</sup>. Additionally, approximately 277 tonnes of CO<sub>2e</sub> will be abated annually as a result of Council generating renewable energy from these solar systems.

## 2. Electricity Cost Reduction

The installation of the rooftop solar PV will incur a one off capital cost. However, the solar PV system will continue to generate renewable energy for the expected life (Panel Performance Warranty of 25 years) of the system, thereby reducing Council's annual electricity spend.

It is estimated that the installation of these solar systems will save Council approximately \$38,000 (excl. GST) per annum in electricity costs.

## 3. Design

The following provides a breakdown of size and performance of the solar PV systems across the four nominated Council sites.

Location	Solar Size (Kw)	Annual Solar Generation (kWh)	Annual Carbon Emission Reduction (tonnes)
Noosa Aquatic Centre	100 Kw	160,244	124
The J	50 Kw	80,997	63
The Leisure Centre	22 Kw	36,463	28
Noosaville Depot	50 Kw	79,129	62
<b>Total</b>		<b>356,883</b>	<b>277</b>

## 4. Procurement Process

A Request for Quote was sourced from ERM Power Retail Pty Ltd (ERM) for the supply and installation of solar systems and electrical metering i.e. contract 1718Q043 Stage 1.

It was considered most advantageous to Council to source via the Local Buy panel with ERM due to the company's specific knowledge i.e. ERM being the Council's electricity retailer and having conducted the Level 2 Energy Audits of Council's 7 highest electricity consuming buildings.

<sup>1</sup>

[https://www.aer.gov.au/system/files/ACIL%20Allen\\_%20Electricity%20Benchmarks\\_final%20report%20v2%20-%20Revised%20March%202015.PDF](https://www.aer.gov.au/system/files/ACIL%20Allen_%20Electricity%20Benchmarks_final%20report%20v2%20-%20Revised%20March%202015.PDF)

Council entered into contract 1718Q043 – Stage 1 with ERM for the procurement and project management of Solar Systems and Electrical Metering for the amount of \$11,800 excl. GST.

This Stage 1 contract includes the following services/deliverables:

1. Metering reviews – a review of Council’s current electricity metering equipment and capacity to utilise energy management systems at each location;
2. Preparation of Report specifying the recommended design for the installation of appropriate energy management systems at each site;
3. Undertake subsequent procurement process on behalf of Council for sourcing of suitable contractors to undertake the supply and installation of appropriate solar PV systems for each of the four nominated sites system/s and the supply and installation of the recommended Energy Management Systems. This included:
  - a. Tender/specification development,
  - b. Invitation to Quote;
  - c. Evaluation of contractor responses; and
  - d. Recommendation (to Council) of suitable contractors.
4. ERM, as Principal Contractor, to project manage all stages (and sub-contractors) of the supply and installation, as approved by Council.

Subsequently, ERM completed a procurement process in accordance with the Sound Contracting Principles; and it being at the sole discretion of Noosa Council to approve any third party/s subcontractors, recommended by ERM, as a result of the procurement process.

ERM requested tenders from the following solar providers:

- Cherry Energy
- Solgen Energy
- Infinite Energy
- Uni-industries
- Planet Ark Power
- 24/7 Energy

Tenders were required to submit their responses to ERM by 8 December 2017 for ERM Energy to review evaluation and provide a recommendation to Council. All tenders provided a formal quotation with the exception of Uni Industries who declined to submit a formal offer.

## 5. Tender Assessment

ERM Power undertook an evaluation of all offers based on the following criteria:

Factor	Percentage Weighting
Quote Compliance	10%
Quality of submission	10%
Competitiveness of submission (pricing)	20%
Local representation & coverage	20%
Technical compliance	20%
Experience	20%

As a result of the evaluation ERM recommended Solgen Energy as the preferred contractor with the tendered price of \$220,116.25 (net of Small Technology Certificate rebates and excl. GST), for Councils consideration/approval.

The recommendation is based on:

- Solgen Energy complying fully with all of the requirements as listed in the procurement documentation issued by ERM;
- Solgen Energy holding all relevant accreditation, insurances and robust Quality Management Systems and Workplace Health & Safety processes;
- ISO 9001 / ISO 14001 / AS/NZS 4801 accreditation;
- Solgen Energy proposing to utilise Tier 1 equipment with market-leading warranties;
- Solgen Energy providing the most cost competitive quotation for the Project;
- Solgen Energy proposing optimal system sizing for each site;
- Inverters proposed (SolarEdge) – more efficient, safer to operate and provide monitoring down to panel level, ensuring the system is operating efficiently. The system will also monitor grid supply. SolarEdge comes with DC optimiser technology that minimises the impact of shading;
- Solgen Energy agreeing to utilise a local Sunshine Coast sub-contractor;
- Solgen Energy being able to commence works immediately, and completion dates meeting expected timelines;
- Solgen Energy demonstrating their ability to deliver commercial grade solar projects at scale;
- In addition, Solgen Energy has offered a performance guarantee on output of 90% for 3 years, and was the only provider to do so;
- There were no exclusions highlighted;
- All components required to deliver the project were factored into their delivered price to Noosa Council; and
- Solgen Energy has also included all costs associated with ensuring zero export at sites over 30 KW (relevant protection) and grid connection costs with Energex in their delivered cost.

The tendered price from Solgen Energy represents a competitive price, together with their demonstrated ability to meet the non-price criteria of the ERM procurement process. Solgen Energy demonstrated significant previous experience with construction of similar projects, a strong track record, will utilise local Sunshine Coast installers and have the necessary resources to meet Council's program to complete these works by April 2018.

Under this Stage 2 contract a fee of 15% of the awarded Solar contract/s value will be payable to ERM for the project management of the design, supply and installation of the Solar Systems. This fee is \$33,017.00 (GST Exc.) and represents good value to Council for the expertise and resources, offered by ERM, that Council otherwise would not have available in-house.

### **Previous Council Consideration**

#### ***Ordinary Meeting Minutes, 21 September 2017, Item 5, Page 21***

*That Council note the report by the Carbon Reduction Project Officer to the General Committee Meeting dated 18 September 2017 providing a summary of the activities undertaken in accordance with Council's Zero Emissions Noosa Organisational Strategy.*

## Finance

Council has allocated a total of \$265,652 in the 2017/18 Capital Works budget for the Carbon Reduction Plan (Building & Facilities).

This budget is sufficient for the design, installation and project management of the four solar systems as outlined below:

Item	Size of system (KW)	Cost (excl. GST)	
Noosa Aquatic Centre	99.6	\$93,891.05	Solar supply and installation, net of Small Technology Certificate rebates
Noosaville Depot	48.5	\$51,981.29	
The J	49.8	\$51,981.29	
The Leisure Centre	21.6	\$22,262.62	
ERM Power Management Fee (15% of contracted solar price)		\$33,017.45	Project management fee
<b>Total</b>		<b>\$253,133.70</b>	

## Risks & Opportunities

### *Financial risks*

- The price of the Small Technology Certificates (STCs) reduces over the schedule of the project. This is mitigated as the supplier has provided fixed lump sum pricing for the contract which negates any impact of changes in pricing to the STCs.
- Costs related to the network conditions with Energex. All costs associated with ensuring zero export and grid connection costs with Energex have been included in the delivered cost.
- Variation risks. The suppliers visited all sites, and recommended appropriately sized solar systems for each site. This has been included in the lump sum price.
- The performance of the solar systems is sub-optimal exposing the Council to on-going electricity costs from the consumption of grid supplies electricity. This risk has been mitigated as the supplier has offered a performance guarantee on output of 90% for 3 years.
- The stated warranties for the equipment and installation are not supported. This risk is minimal as ERM is responsible for all warranties under the contract.

### *Time risks*

- This project is not time critical, however significant delays will maintain the Council's reliance for the supply of 100% of its electricity from the grid, thereby delaying the expected savings from generating its renewable energy.
- Wet weather delays. The installation program has been developed based on the previous experience of the supplier and has included contingency for weather.
- Delays from unexpected site conditions such as roof or electrical deficiencies. This risk has been minimised by suppliers visiting and inspecting each of the sites. A full structural assessment will be undertaken on award of the contract.

*Safety risks*

- ERM will be appointed as the Principal Contractor and responsible for Workplace Health & Safety (WHS) of the installation sites. Prior to the commencement of the installation of the solar systems, WHS, pedestrian and traffic management plans will be required to be submitted to Council for approval. Council will take regular audits on compliance with these approved plans. The recommended supplier is accredited to AS4801.
- Specific plans will be developed in conjunction with each site for the required shut down for the connection to the grid.

*Scope and Quality*

- Tier 1 equipment will be utilised with market-leading warranties. The proposed invertors, SolarEdge, are more efficient, safe to operate and provide monitoring down to the panel level to ensure the system is operating effectively.

*Resourcing*

- The recommended supplier has the resources, capability and proven track record for the installation of large commercial solar systems. Council will engage ERM Power as the principal contractor to mitigate any risk.

**Consultation**

**External Consultation - Community & Stakeholder**

Nil

**Internal Consultation**

Departments/Sections Consulted:

<input type="checkbox"/> <b>Chief Executive Officer</b> Executive Officer Executive Support	<input type="checkbox"/> <b>Community Services</b> Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input checked="" type="checkbox"/> <b>Corporate Services</b> Financial Services ICT Procurement & Fleet Property Revenue Services
<input checked="" type="checkbox"/> <b>Executive Services</b> Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b> Building & Plumbing Services Development Assessment Economic Development Environmental Services Strategic Land Use Planning	<input checked="" type="checkbox"/> <b>Infrastructure Services</b> Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

**10 FINANCIAL PERFORMANCE REPORT - DECEMBER 2017**

**Author**                 **Manager Financial Services, Trent Grauf**  
                                   **Corporate Services Department**

**Index**                 **ECM/ Subject/ 22.09 – Monthly Financial Performance Report**

- Attachments**     **1. Statement of Comprehensive Income**  
                                   **2. Statement of Financial Position**  
                                   **3. Statement of Cash Flows**

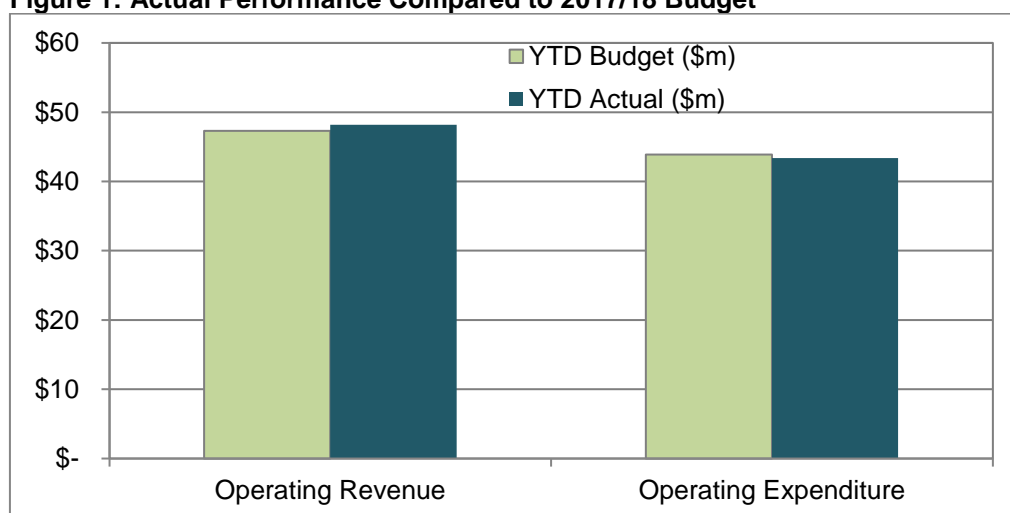
**EXECUTIVE SUMMARY**

Overall year to date financial performance to December 2017 delivers a positive result, with operating revenue continuing to track slightly above budget and operating expenditure also slightly below budget.

YTD Financial Performance Summary to December 2017					
	Budget \$m	Actual \$m	Variance \$m	Variance %	Status
Recurrent Revenue	\$47.3	\$48.2	\$0.9	1.9%	On Track
Recurrent Expense	\$43.9	\$43.4	\$0.5	1.2%	On Track
Operating Position	\$3.4	\$4.8	\$1.4	42.3%	
Capital Revenue	\$1.4	\$1.1	(\$0.3)	(20.6%)	On Track
Capital Expenditure	\$12.9	\$12.1	(\$0.8)	(6.2%)	Watch

Financial statements including Statement of Comprehensive Income (profit & loss), Statement of Financial Position (balance sheet), and Statement of Cash Flows are included as attachments for information of Council.

**Figure 1: Actual Performance Compared to 2017/18 Budget**



**RECOMMENDATION**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 15 January 2018 outlining the December year to date financial performance against budget.

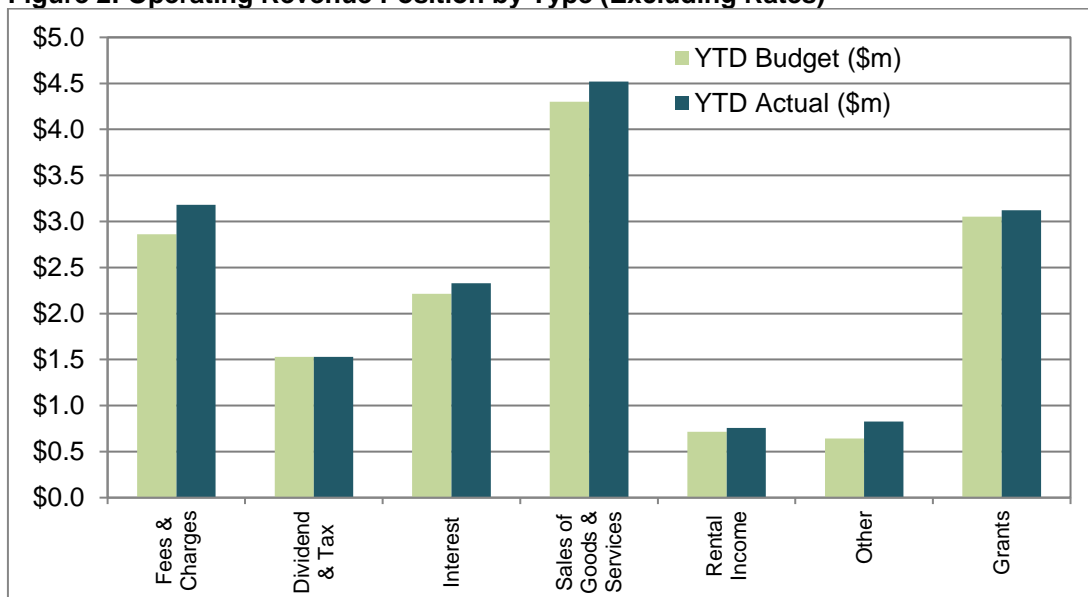
**REPORT**

**Operating Revenue (YTD Benchmark 50.0%)**

Council has received 51.8% (\$48.2 million) of its operating revenue budget (\$92.9 million). Commentary on each revenue category is provided below:

- **Rates and Levies** – \$31.9 million (49.9%) of the annual budget of \$63.8m has been earned. Commercial waste collection charges are slightly below YTD budget (\$45k).
- **Fees and Charges** – \$3.2 million (62.5%) of the \$5.1 million annual budget has been earned. A range of areas are above YTD budget including development related fees (\$202k), property transfer related fees (\$56k), community land use applications and permits (\$43k), building and pool compliance fees (\$30k), public health licences and infringements (\$25k), and animal control fees (\$19k). Plumbing fees (\$44k) and cemetery fees (\$22k) are currently below YTD budget.
- **Sale of Goods and Services** - \$4.5 million (53.8%) of the \$8.4 million budget has been received. with Noosa Aquatic Centre (\$113k), Holiday parks (\$41k), landfill disposal sales (\$33k) and community facilities income (\$19k) all above YTD budget.
- **Interest Received** – \$2.3 million (52.8%) of the \$4.4 million annual budget has been earned with investment revenue (\$71k) and interest on overdue rates and charges (\$40k) both above YTD budget.
- **Dividend and Tax** – Unitywater distributions are in line with budget.
- **Other Revenue** – \$1.6 million (64.2%) of the \$2.5 million budget has been earned. Rental income (\$42k), The J (\$31k), disaster insurance claims (\$21k) as well as internal recoveries from the quarry (\$90k), civil operations (\$72k) and waste management landfill charges (\$38k) are all above YTD budget.
- **Operating Grants, Subsidies and Contributions** – Operational grants of \$3.1 million (55.7%) are tracking above YTD budget. This includes grants for operational programs not originally budgeted for including RADF (\$21k), Get Active Teenagers (\$17k), Come and Tri Adventure Racing (\$15k), Commonwealth Sports Day (\$14k) and Engaging Science (\$2k). Noosa Community Support funding is also tracking \$29k ahead of budget.

**Figure 2: Operating Revenue Position by Type (Excluding Rates)**

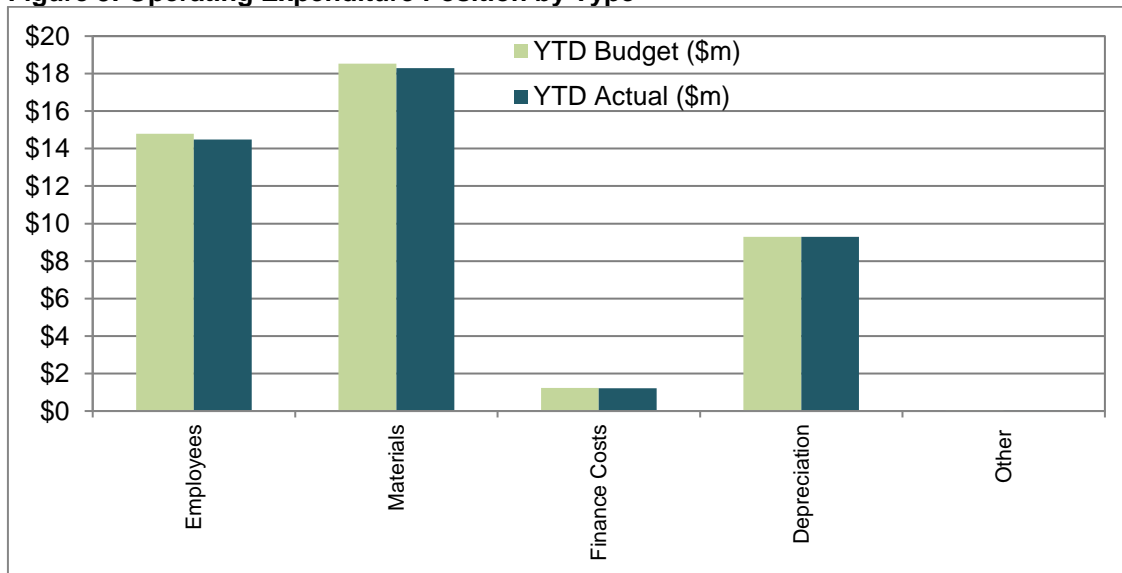


**Operating Expenditure (YTD Benchmark 50.0%)**

Actual operating expenditure is currently 46.7% (\$43.4 million) of full year budget (\$92.9 million). Detailed commentary for each expenditure category is provided below:

- **Employee Costs** – \$14.5 million (47.6%) of the annual budget of \$30.4 million has been expended. Underspend in Salaries and wages (\$697k) is offset by spend above budget on overtime (\$109k) as well as casual staff and external labour hire (\$514k). Training and study assistance (\$133k) is also below YTD budget.
- **Materials and Services** – \$18.3 million (44.4%) of the \$41.2 million annual budget has been expended. Contract services are below YTD budget (\$551k) within a range of areas including Waste Management (\$109k), Public Transport Levy (\$44k), Heritage Levy (\$30k) and Environment Levy (\$36k), Bushland Reserves (\$35k), Library and Gallery programs (\$29k) Economic Development (\$62k) and Community Development (\$25k). This is partially offset by budget in Civil Operations above budget due to arborist and other contractual costs (\$247k) and also a public interest disclosure review (\$37k unbudgeted).
- **Finance Costs** – in accordance with YTD budget.
- **Depreciation Expense** – in accordance with YTD budget.
- **Other Expenses** – in accordance with YTD budget.

**Figure 3: Operating Expenditure Position by Type**

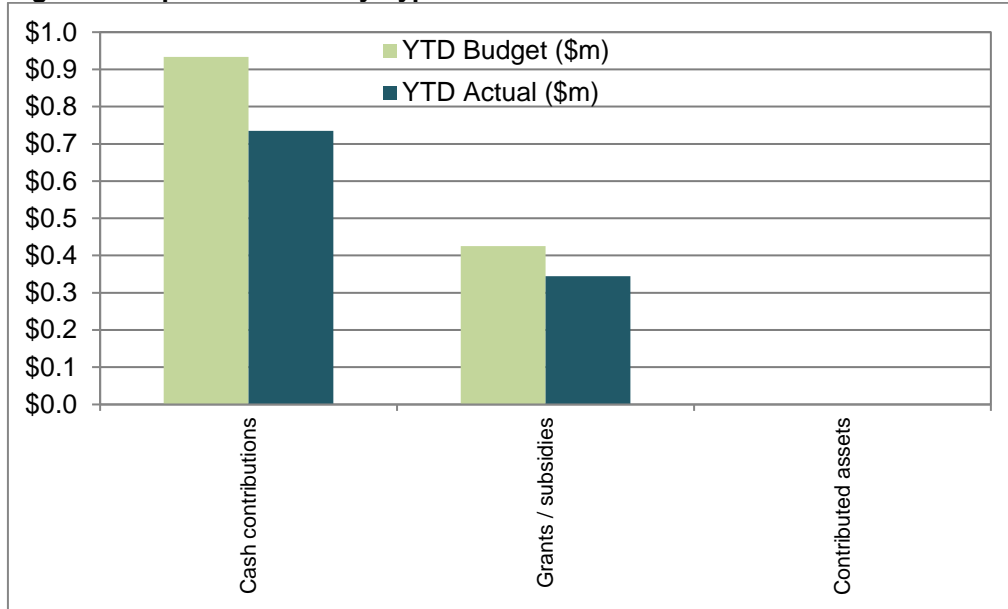




**Capital Revenue**

YTD capital revenue of \$1.1 million received comprises cash contributions from developers (\$735k) and capital grants (\$344k). Note that the timing of capital grant receipts are generally dependent on the timing of associated capital expenditure, and that the timing of the receipt of developer contributions (both cash and contributed) is unpredictable.

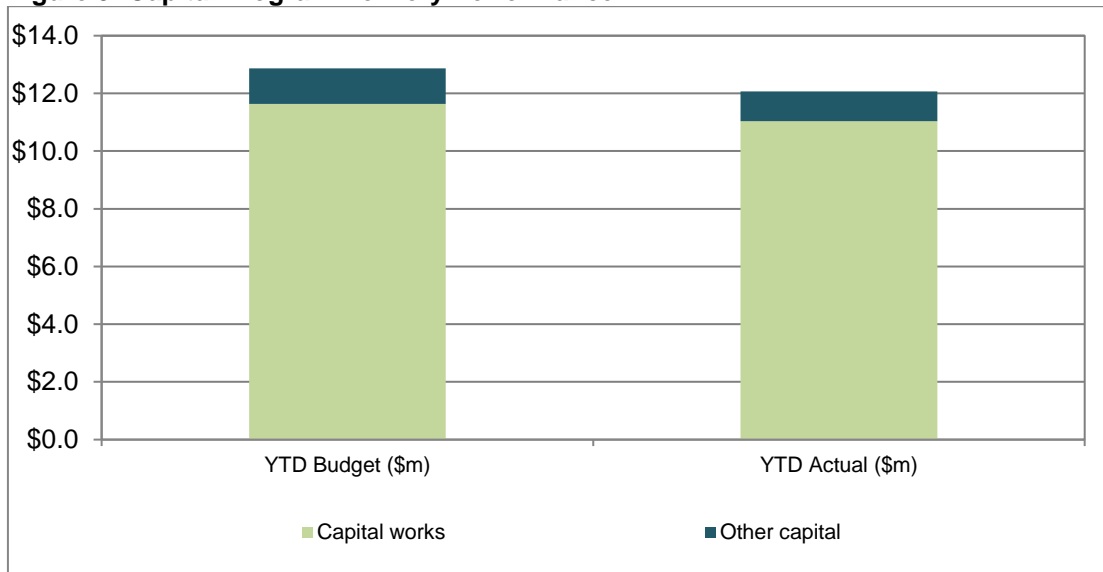
**Figure 4: Capital Revenue by Type**



**Capital Program**

Actual capital expenditure (excluding commitments) is \$12.1 million (YTD budget \$12.8 million). Detailed discussion of progress in the delivery of the capital works program is provided through a separate report by the Asset Planning Manager.

**Figure 5: Capital Program Delivery Performance**

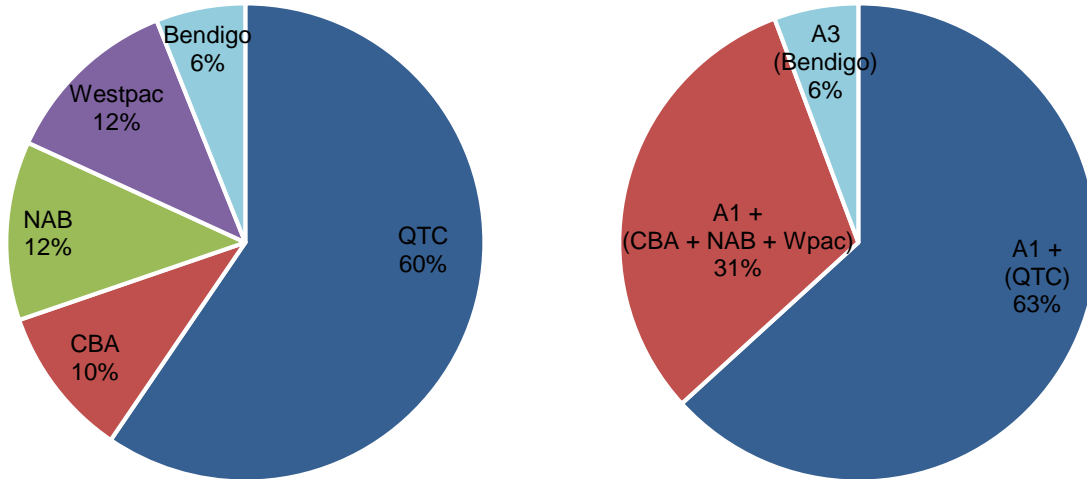


**Cash Management and Investment Performance**

Total cash on hand at the end of December was \$66.1 million. Included in this balance are funds held in trust and for restricted purposes (e.g. unexpended levy and grant funds) and monies committed for funding capital projects during the year.

The pie charts on the following page present the mix of cash held at December 2017 by agency (graph on the left) and by credit risk rating (graph on the right).

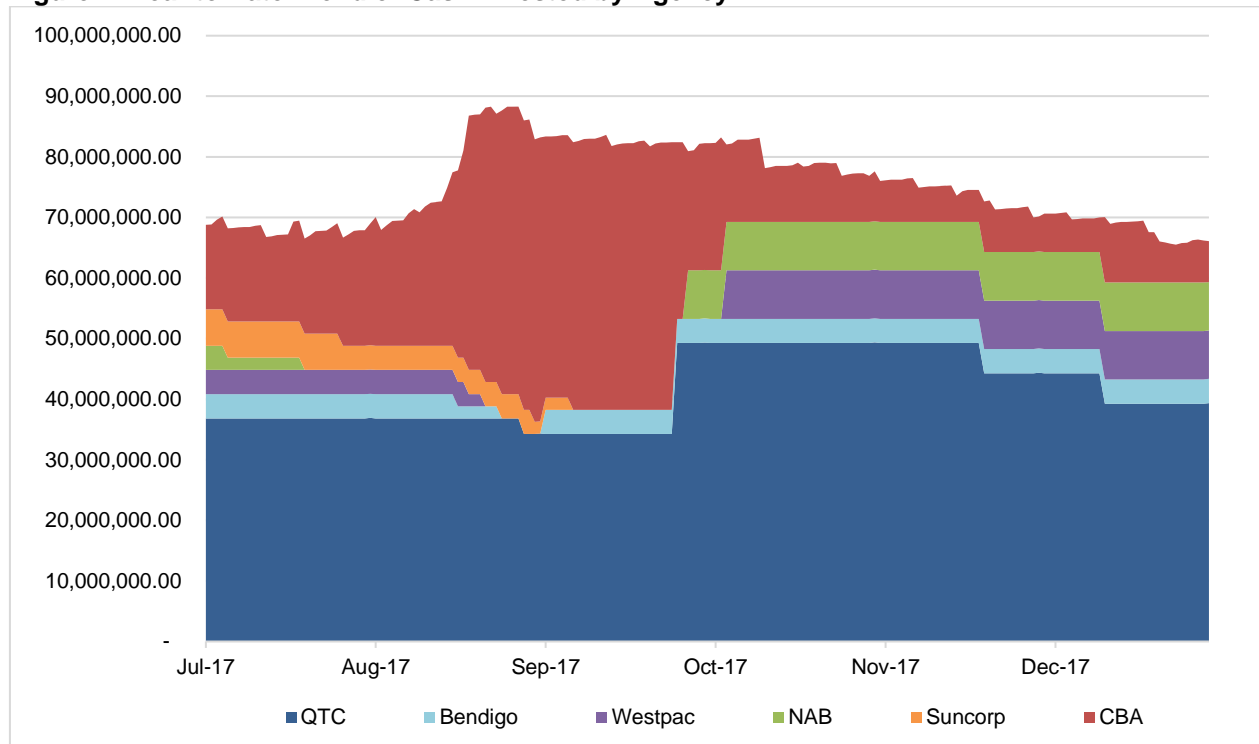
**Figure 6: Closing Cash Held by Agency and Credit Rating**



The following chart monitors the year-to-date trend on total cash and the agencies invested. During December, the total cash balance continued to decrease as Council utilised monies set aside from the July rates run to cover wages and supplier payments. A further \$5 million was transferred out of QTC investments during December to ensure a sufficient working cash balance was maintained within the CBA operating accounts to pay suppliers and wages.

Looking ahead, monies from the January 2018 rate run will be received during February and March. This will supplement cash balances to fund Council’s operations during the second half of the financial year.

Figure 7: Year to Date Trend of Cash Invested by Agency



Actual interest revenue for December was \$133k with a weighted average yield of 2.3%, which reflects a positive return compared to the industry benchmark (Bloomberg AusBond Bank Bill Index) of 1.71%.

**Previous Council Consideration**

Nil.

**Finance**

As above.

**Risks & Opportunities**

Council’s risk register includes a number of risks that could impact on ongoing financial sustainability. Effective budget management and reporting is an important risk mitigation tool.

**Consultation**

**External Consultation - Community & Stakeholder**

Nil.

**Internal Consultation**

All areas of Council are consulted as part of the regular monitoring of budget performance.

Departments/Sections Consulted:

**Chief Executive Officer**  
Executive Officer  
Executive Support

**Community Services**  
Community Development  
Community Facilities  
Libraries & Galleries  
Local Laws  
Waste & Environmental Health

**Corporate Services**  
Financial Services  
ICT  
Procurement & Fleet  
Property  
Revenue Services

**Executive Services**  
Community Engagement  
Customer Service  
Governance  
People and Culture

**Environment & Sustainable Development**  
Building & Plumbing Services  
Development Assessment  
Economic Development  
Environmental Services  
Strategic Land Use Planning

**Infrastructure Services**  
Asset Management  
Buildings and Facilities  
Civil Operations  
Disaster Management  
Infrastructure Planning,  
Design and Delivery

# Noosa Council

## Statement of Comprehensive Income

For the Year Ended 30 June 2018

As at 31 December 2017

	Current Budget 2018 (\$'000)	Current Budget YTD (\$'000)	Actual YTD (\$'000)	Variance YTD (\$'000)	Annual Budget %
<b>Revenue</b>					
<b>Recurrent Revenue</b>					
Rates, levies and charges	63,898	31,974	31,915	(59)	50%
Fees and charges	5,089	2,860	3,182	322	63%
Dividend income	1,860	925	925	-	50%
Interest received	4,408	2,216	2,328	112	53%
Tax equivalents	1,200	603	603	-	50%
Sale of Goods and major services	8,391	4,301	4,510	209	54%
Sale of contract and recoverable works	16	1	12	11	74%
Rental & lease income	1,322	716	758	42	57%
Other income	1,144	643	827	183	72%
Grants, subsidies, contributions and donations	5,605	3,053	3,121	68	56%
	<b>92,932</b>	<b>47,292</b>	<b>48,179</b>	<b>888</b>	<b>52%</b>
<b>Expenses</b>					
<b>Recurrent Expenses</b>					
Employee benefits	30,445	14,786	14,492	(294)	48%
Materials and services	41,248	18,529	18,298	(231)	44%
Finance costs	2,464	1,233	1,213	(19)	49%
Depreciation and amortisation	18,577	9,288	9,289	0	50%
Other expenses	136	68	69	1	51%
	<b>92,870</b>	<b>43,905</b>	<b>43,361</b>	<b>(544)</b>	<b>47%</b>
<b>Operating Result</b>	<b>63</b>	<b>3,387</b>	<b>4,818</b>	<b>1,432</b>	
<b>Capital Revenue</b>					
Capital contributions and donations	3,867	934	735	(199)	19%
Grants, subsidies, contributions and donations	4,709	425	345	(81)	7%
Other capital revenue	-	-	36	36	
<b>Total Capital Revenue</b>	<b>8,577</b>	<b>1,359</b>	<b>1,115</b>	<b>(244)</b>	

# Noosa Council

## Statement of Financial Position

For the Year Ended 30 June 2018

As at 31 December 2017

	Current Budget 2018 (\$'000)	Actual YTD 2018 (\$'000)	Actual Full Year 2017 (\$'000)
<b>Current Assets</b>			
Cash and cash equivalents	48,418	62,571	65,463
Trade and other receivables	8,381	5,757	7,101
Inventories	156	337	330
Other current assets	468	2,716	2,796
	<u>57,424</u>	<u>71,382</u>	<u>75,690</u>
Non Current Assets held for sale	-	-	-
<b>Total Current Assets</b>	<b><u>57,424</u></b>	<b><u>71,382</u></b>	<b><u>75,690</u></b>
<b>Non Current Assets</b>			
Trade and other receivables	49,218	49,218	49,218
Other non current Assets	-	-	-
Investments	69,141	60,978	60,978
Investment property	4,150	4,405	4,405
Property, plant and equipment	935,214	924,255	913,152
Intangible assets	3,837	4,341	3,497
	<u>1,061,560</u>	<u>1,043,197</u>	<u>1,031,249</u>
<b>Total Non Current Assets</b>	<b><u>1,061,560</u></b>	<b><u>1,043,197</u></b>	<b><u>1,031,249</u></b>
<b>Total Assets</b>	<b><u>1,118,984</u></b>	<b><u>1,114,578</u></b>	<b><u>1,106,939</u></b>
<b>Current Liabilities</b>			
Trade and other payables	4,501	18,602	11,819
Borrowings	3,040	2,256	3,745
Provisions	4,394	689	4,076
Other	548	463	645
	<u>12,483</u>	<u>22,009</u>	<u>20,285</u>
<b>Total Current Liabilities</b>	<b><u>12,483</u></b>	<b><u>22,009</u></b>	<b><u>20,285</u></b>
<b>Non Current Liabilities</b>			
Trade and other payables	-	-	-
Borrowings	35,005	34,291	34,291
Provisions	9,305	9,879	9,843
	<u>44,310</u>	<u>44,169</u>	<u>44,133</u>
<b>Total Non Current Liabilities</b>	<b><u>44,310</u></b>	<b><u>44,169</u></b>	<b><u>44,133</u></b>
<b>Total Liabilities</b>	<b><u>56,793</u></b>	<b><u>66,179</u></b>	<b><u>64,418</u></b>
<b>Net Community Assets</b>	<b><u>1,062,191</u></b>	<b><u>1,048,399</u></b>	<b><u>1,042,521</u></b>
<b>Community Equity</b>			
Asset Revaluation Surplus	46,961	26,892	26,892
Retained Surplus / (Deficiency)	-	-	-
Shire Capital	1,015,230	1,015,629	1,000,677
Current Year Net Earnings	-	5,878	14,951
	<u>1,062,191</u>	<u>1,048,399</u>	<u>1,042,521</u>
<b>Total Community Equity</b>	<b><u>1,062,191</u></b>	<b><u>1,048,399</u></b>	<b><u>1,042,521</u></b>

# Noosa Council

## Statement of Cash Flows

For the Year Ended 30 June 2018

As at 31 December 2017

	Actual YTD 2018 (\$'000)	Actual Full Year 2017 (\$'000)
<b>Cash flows from operating activities</b>		
<b>Cash Flows from Operating Activities</b>		
Receipts from Customers	42,063	81,498
Payments to Suppliers and Employees	(38,722)	(67,789)
	3,341	13,709
<b>Receipts:</b>		
Investment and Interest Revenue Received	2,328	4,831
Rental Income	758	1,337
Non Capital Grants and Contributions	3,121	6,287
Income Tax Equivalent Received	603	1,456
Income from Equity Investments	925	1,568
<b>Payments:</b>		
Borrowing Costs	-	-
Interest Expense	(133)	(122)
<b>Net Cash Inflow/(Outflow) from Operating Activities</b>	<b>10,942</b>	<b>29,066</b>
<b>Cash Flows from Investing Activities</b>		
<b>Receipts:</b>		
Proceeds of Sale of Property, Plant and Equipment	-	259
Grants, Subsidies, Contributions and Donations	1,080	6,314
<b>Payments:</b>		
Payments of Property, Plant and Equipment	(11,103)	(19,317)
Payments for Intangible Assets	(1,081)	(1,176)
<b>Net Cash Inflow/(Outflow) from Investing Activities</b>	<b>(11,105)</b>	<b>(13,920)</b>
<b>Cash Flows from Financing Activities</b>		
<b>Receipts:</b>		
Proceeds from Borrowings	-	2,697
<b>Payments:</b>		
Repayment of Borrowings	(2,569)	(4,966)
<b>Net Cash Inflow/(Outflow) from Financing Activities</b>	<b>(2,569)</b>	<b>(2,269)</b>
<b>Net Increase/(Decrease) in Cash and Cash Equivalents held</b>	<b>(2,731)</b>	<b>12,877</b>
Cash and Cash Equivalents at the beginning of the reporting period	68,835	55,958
<b>Cash and Cash Equivalents at the end of the reporting period</b>	<b>66,103</b>	<b>68,835</b>