



MINUTES

Special Meeting

Wednesday 5 June 2019

11.00am

Council Chambers, 9 Pelican Street, Tewantin

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

“Noosa Shire – different by nature”

PURPOSE OF MEETING

The purpose of the Special Meeting was to consider:

1. MCU18/0204 Development Application for a Material Change Of Use for Entertainment and Dining Business Type 1- Food and Beverage and Retail Business Type 2 Shop and Salon at 6 Heron Street, Peregrin Beach
 2. Planning & Environment Court Appeal 4066 of 2017 – 215 David Low Way, Peregrin Beach – Proposed Settlement Conditions
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1 ATTENDANCE & APOLOGIES**COUNCILLORS**

Councillor T Wellington, Mayor
Councillor J Glasgow
Councillor J Jurisevic
Councillor F Pardon

EXECUTIVE

M Shave, Acting Chief Executive Officer
K Rawlings, Director Environment and Sustainable Development

APOLOGIES

Councillor I Jackson
Councillor B Stockwell
Councillor F Wilkie, Deputy Mayor

The meeting commenced at 11.00am.

2 REPORTS

1. **MCU18/0204 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS TYPE 1- FOOD AND BEVERAGE AND RETAIL BUSINESS TYPE 2 SHOP AND SALON AT 6 HERON STREET PEREGRIN BEACH**

Council Resolution

Moved: Cr Pardon
Seconded: Cr Glasgow

That Council note the report by the Coordinator Planning to the Special Meeting dated 5 June 2019 regarding application MCU18/0204 for a Development Permit for Material Change of Use Entertainment & Dining Business - Type 1 Food & Beverage, Retail Business - Type 2 Shop & Salon and Commercial Business Type 1 - Office, situated at 6 Heron Street Peregrin 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 as the development is not compatible with the preferred built form outcomes as:

- i. The proposed building height exceeds 8.0 metres and 2 storeys and is not consistent with structures on adjoining and surrounding land nor responsive to the informal beachside character of the locality;
 - ii. The development presents as a 3 story building and does not contribute to an informal village-like atmosphere that engenders a 'sense of space' and public focus for local community interaction and activity;
 - iii. The proposed development will visually dominate the street, adjacent properties, surrounding spaces and the existing skyline;
 - iv. The proposed development exceeds the allowable plot ratio and results in a building which presents an appearance of excessive bulk to adjacent properties, roads and other areas in vicinity of the site.
 - v. The proposed development does not present subtle changes in colours, textures and materials to break up the building facades.
2. The development is contrary to the Driveways and Carparking Code as the proposal does not provide any car parking on site and the car parking demand is likely to exceed the car parking demand generated by the previous use of the site for a grocery store.
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
Carried.

2 PLANNING & ENVIRONMENT COURT APPEAL 4066 OF 2017 – 215 DAVID LOW WAY, PEREGIAN BEACH – PROPOSED SETTLEMENT CONDITIONS

Council Resolution

Moved: Cr Glasgow

Seconded: Cr Jurisevic

That Council note the report by the Manager, Development Assessment to the Special Council Meeting dated 5 June 2019 regarding Planning & Environment Court appeal 4066 of 2017 and agree to settle the appeal generally 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 with prior to the use commencing, 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:

Plan No.	Rev.	Plan / Document Name	Date
16003 SD-02	4	18082 Location/Site Plan prepared by Red Door Architecture	16 April 2019
16003 SD-03	4	18082 Site/Rufous Street Overlay prepared by Red Door Architecture	16 April 2019
16003 SD-04	4	18082 Site/Floor Plan prepared by Red Door Architecture	16 April 2019
16003 SD-05	4	18082 Site/First Floor Plan prepared by Red Door Architecture	16 April 2019
16003 SD-06	4	18082 Site/Roof Plan prepared by Red Door Architecture	16 April 2019

Plan No.	Rev.	Plan / Document Name	Date
16003 SD-07	4G	18082 Site/Unit Building Roof Plan prepared by Red Door Architecture	16 April 2019
16003 SD-08	G	Kamala Plans prepared by Sprout Architects	24 May 2018
16003 SD-09	G	Kamala Elevations prepared by Sprout Architects	24 May 2018
16003 SD-10	G	Marram Plans prepared by Sprout Architects	24 May 2018
16003 SD-11	G	Marram Elevations prepared by Sprout Architects	24 May 2018
16003 SD-12	G	Saltbush House Plans prepared by Sprout Architects	24 May 2018
16003 SD-13	G	Saltbush House Plans prepared by Sprout Architects	24 May 2018
16003 SD-14	G	Saltbush House Elevations prepared by Sprout Architects	24 May 2018
16003 SD-15	G	Saltbush House Elevations prepared by Sprout Architects	24 May 2018
16003 SD-16	G	Lily House Plans prepared by Sprout Architects	24 May 2018
16003 SD-17	G	Lily House Plans prepared by Sprout Architects	24 May 2018
16003 SD-18	G	Lily House Elevations prepared by Sprout Architects	24 May 2018
16003 SD-19	G	Wallum House Plans prepared by Sprout Architects	24 May 2018
16003 SD-20	G	Wallum House Elevations prepared by Sprout Architects	24 May 2018
16003 SD-21	5	18082 Floor Plans prepared by Red Door Architecture	16 April 2019
16003 SD-22	5	18082 Floor Plans prepared by Red Door Architecture	16 April 2019
16003 SD-23	5	18082 Elevations prepared by Red Door Architecture	16 April 2019
16003 SD-29	4	18082 Staging Plan prepared by Red Door Architecture	16 April 2019
1108-155C-01-02	C	Simmonds & Bristow Drawing Figure SW-1	13 January 2012

The approved plans may be further amended by the conditions herein.

Staging of Development

The development may be staged in accordance with the approved staging plan. The first stage must include the following:

- a. All required bushfire management measures
- b. All required acoustic fencing and screening
- c. A 2m wide concrete pedestrian pathway between the motel building and the adjacent IGA shopping centre

Nature and Extent of Approved Use

3. The approval is for 19 x 3+ bedrooms Visitor accommodation Type 4 dwelling units, 1 x manager's unit and a Visitor accommodation Type 4 motel building which contains 10 x 2 bedrooms dwelling units and 22 x 1 bedroom accommodation units.
4. The manager's unit is for permanent occupation by the manager of the approved Visitor accommodation Type 4 dwelling units.
5. The approved units must be used for short term visitors only. The approved units must not be occupied by persons for continuous occupation in excess of 90 days for each calendar year. A register of occupation must be kept by the body corporate and made available to Council upon request. The requirements of this condition must be included

in the Community Management Statement for anybody corporate for the subject site. If the development is to be staged the motel must be built in the first stage.

6. Non-residential uses on the premises must not operate outside the hours of:
 - a. 7am to 10pm Monday to Thursday
 - b. 7am to 11pm Friday and Saturday
 - c. 9am to 10pm Sunday or any public holiday

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

7. Service vehicle movements associated with non-residential uses on the premises (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Building Height

8. The maximum height of the 19 Visitor accommodation Type 4 dwelling units and the managers unit must not exceed 8 metres above the finished ground level and the natural ground level, other than in respect of dwelling units 1, 8 and 9 which have a maximum height as follows:
 - 8.1. Dwelling Unit 1: 9.056m above natural ground level
 - 8.2. Dwelling Unit 8: 8.602m above natural ground level
 - 8.3. Dwelling Unit 9: 9,106m above natural ground level
9. The height of the Visitor accommodation Type 4 motel building must be in accordance with the approved plans.
10. Certification must be submitted to Council from a Licensed Surveyor which certifies that the buildings do not exceed the maximum height requirement of this Decision Notice.

Building Appearance

11. All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.
12. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.
13. All buildings shall be finished in natural, muted tones and include a mix of materials as depicted on the Approved Plans.
14. Any advertising sign or device is to comply with Council's policies on advertising.

Access and Driveways

15. A sealed access must be provided from Sandpiper Court 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. improvements to the existing access to Sandpiper Court. The improvements must be sufficient to cater for the existing commercial use and the additional traffic and vehicle types (passenger, service, refuse and emergency services) generated by the proposed development
 - b. internal access roads that are generally in accordance with the approved plans

- c. driveways to each residence that are in accordance with Council's Standard Drawings RS-049, RS-050 and any associated addendums
 - d. a driveway to the multi-unit building that is in accordance with Council's Standard Drawing RS-051 and any associated addendums
 - e. suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance safety. Warning signage must be provided near the exit from the development site to warn motorists of pedestrian movements and other vehicles at the Sandpiper Court entrance
 - f. clearly visible signage must be erected at the threshold of the internal road, which clearly indicates to motorists and pedestrians that they are entering a private road system
16. If the development is to be staged a temporary sealed turnaround facility must be constructed at the end of each road left temporarily incomplete as a result of the development staging. The temporary turnaround facility must be in accordance with an Operational Works approval and must be of sufficient size to accommodate the 3-point turn manoeuvre of a refuse collection vehicle.

Car Parking

17. Car parking spaces must be provided in accordance with the approved plans and marked on the site and made available and accessible at all times while the use is operating. The works must be undertaken in accordance with an Operational Works approval.

Service Vehicles

18. Service vehicle parking, manoeuvring and standing spaces must be provided for the Visitor accommodation Type 4 motel building on the site in accordance with the approved plans. The works must be undertaken in accordance with an Operational Works approval.

Pedestrian Facilities

19. Pedestrian facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- a. the internal pathway network generally in accordance with the approved plans;
 - b. a 2m wide pathway connection to the existing pathway network located in the reserve to the north of the site;
 - c. a 2m wide pathway connection to the existing commercial development in the southern part of the subject site.

Stormwater Drainage

20. 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.
21. A Stormwater Management Plan must be submitted for approval as part of an Operational Works application. The plan must address the management of stormwater quantity and quality and must be generally in accordance with the Stormwater Management Plan (SLR, 23 March 2018) being exhibit 64 in appeal 4066 of 2017 with the following specific modifications.
- a. The development shall include a 3kL tank to be provided to collect and reuse roof runoff from each unit, and a 200kL tank must be provided to collect and reuse runoff from the motel.

- b. The detention tanks must be sized to ensure no increase in peak discharge from the site for all events from 63%AEP to 1% AEP inclusive.
- c. The first application for Operational works for the development must include a Music Model prepared in accordance with the Water by Design Music Modelling Guidelines, and which demonstrates that the development layout proposed in the Operational Works application will achieve the State Planning Policy Water Quality Objectives of 80% Reduction in Total Suspended Solids, 60% Reduction in total Phosphorous, and 45% reduction in Total Nitrogen. The results of the MUSIC modelling must also demonstrate that the developed site will discharge less annual loads of Total Nitrogen, Phosphorous and Total Suspended Soils respectively compared to the pre-development scenario.
- d. The pervious percentage of the development must be consistent with the pervious percentage derived from attached Simmonds & Bristow Drawing 1108-155C-01-02 Rev C (13 January 2012). RPEQ certification must be submitted to Council that states the pervious percentage of the final development is consistent with that derived from the Simmonds & Bristow Drawing.
- e. The configuration of the stormwater quantity and quality components of the stormwater management system must be generally in accordance with Figure SW-1 (attached) unless otherwise agreed by Council.
- f. The bioretention system must be formed with batters and not walls and include a minimum width of 5 metres.
- g. Unless directed otherwise by Council, the detention tank will be covered.
- h. The plan shall include detailed information in relation to the following aspects of the design of the bio-retention system:
 - i. calculations of underdrainage requirements for the bio-retention system;
 - ii. filter media composition requirements;
 - iii. a schedule which details how the construction, establishment, certification and various inspections associated with each treatment measure relate to other civil works;
 - iv. Where bioretention basins are used for stormwater quality treatment, the design must be consistent with all aspects of the Water by Design (2014) Bioretention Technical Design Guidelines Version 1.1) Healthy Waterways Ltd Brisbane, including for free draining outlets to and from the bioretention basins, and include completed copies of the design check and summary contained within that document to confirm free draining outlets, within reasonable construction tolerance capabilities are achieved; and
 - v. presentation of groundwater testing results which demonstrate that all parts of the treatment measures are located above seasonal high groundwater levels.

A copy of the detailed civil drawings for the bio-retention system must be included as an appendix to the plan.

- i. The plan must include a comprehensive Maintenance Plan for the detention tank and the bioretention system including the frequency of cleanout, methods of cleanout, and general maintenance. The plan will include the requirement for regular inspections and the keeping of records (to be maintained and made available to Council upon request). The plan is also to stipulate that all necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s. The detention tank is to be capped and trafficable.

- j. The plan shall include details the costs of maintenance (including periodic replacement of filter media) over the life of the asset.
22. The Maintenance Plan (including costing) must be included in any Community Management Statement for the site.
23. The Body Corporate for the site must enter into a contract with a suitably qualified contractor(s) for the maintenance of the stormwater quantity and quality devices and provide evidence of both the contract and execution of the contract upon request by Council.
24. Prior to the commencement of use, certification is to be submitted to Council from a suitably qualified stormwater quality specialist to verify that the bioretention works have been constructed generally in accordance with the approved civil works plans, conditions of approval and relevant sections of the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership). Council approval of the constructed stormwater management system is required prior to commencement of use.
25. Certification is required to include all relevant items noted in Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) including completed and signed forms.

Acid Sulfate Soils

26. The application for operation works must include an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a suitably qualified person and in accordance with relevant State Government Policy and Guidance material to prevent any impact to the receiving environment as a result of development within actual or potential acid sulfate soils, and associated groundwater impacts. Detail design plans provided with the application for operation works approval must demonstrate how the bedding surrounding underground pipework will be managed to prevent continual dewatering of groundwaters along it to the receiving environment, and how any impacts to groundwater from proposed filling on potential or actual acid sulfate soils will be managed.

Easements

27. 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.
28. All easements for public or third party infrastructure must be 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.
29. All works must be kept clear of any existing or proposed easements for public or third party infrastructure on the subject land, unless agreed otherwise in writing by the Grantee.

Earthworks and Retaining Walls

30. All earthworks and associated retaining structures/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.
31. Earthworks carried out on site must not affect the structural integrity of any of the existing buildings and/or services and/or structures and/or lands that border the development site.

Damage to Services and Assets

32. 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:
- where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - 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.

Outdoor Lighting

33. Any outdoor lighting with the potential to affect surrounding residential premises shall be designed, installed, operated and maintained in accordance with AS4282 "The Control of the Obtrusive effects of Outdoor Lighting".

Fencing and Walls

34. Any street fencing to David Low way or Sandpiper Court must be set back an average of 1 metre from the front property boundary. Any fencing on the front boundary must either:
- not exceed a maximum height of 1.2m
 - be of open construction.

Street Identification

35. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

Clothes Drying Areas

36. Each dwelling unit in Stage 2 must be provided with access to an outdoor clothes line which is screened from public view.

Performance Bond

37. Security in the form of a cash bond or trading bank guarantee to the sum of **\$50,000 for stage 1 and \$50,000 for stage 2** 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.

Community Management Statement

38. Any proposed Community Management Statement required for the development pursuant to the Body Corporate and Community Management Act 1997 must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.

Sunset Clause for Completion of Approved Development

39. Pursuant to s88(1) of the *Planning Act 2016*, the aspects of this development approval which have not been completed within 8 years of the date the development approval takes effect, lapse.

Fauna Management

40. Vegetation must only be removed or disturbed in accordance with a Fauna Management Plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval and include the following items:

40.1. The Fauna Management Plan must address and demonstrate compliance with the requirements of Schedule 11 Part 2 Section 7 of the Planning Regulation 2017.

40.2. Identify all koala habitat trees on plan

Landscaping Works

41. The development site must be landscaped in accordance with a Council endorsed landscape package prepared by a qualified person*. The works must be undertaken in accordance with an Operational Works approval, Planning Scheme Policy 3 *Landscape Plants and Guidelines* and must include in particular:

41.1. Clear integration of the Bushfire requirements for the site, including landscaping treatment to the western 20m building setback area using low threat vegetation.

41.2. Landscaping adjacent to the northern boundary of the subject land within the Rufus Street reserve and Rufous laneway to provide a visual buffer to the development.

41.3. 3m wide landscaping in the northern building setback area from Rufous Street and Rufous Lane to the dwelling units such landscaping to comprise a combination of lawn and vegetation to facilitate a usable "backyard" space.

41.4. Landscaping to the Rufous Street pedestrian link between dwelling units 13 and 14.

41.5. Landscaping to the eastern boundary adjacent the adjoining hotel boundary

41.6. Landscaping to the Visitor accommodation Type 4 motel building and all other Visitor accommodation Type 4 dwelling units.

41.7. Landscaping to the park areas in the north east and north west portions of the site.

41.8. Details of water quality treatment device plantings.

41.9. Details of the landscaping treatment to the western portion of the site between the road and the reserve.

41.10. Details of any fencing and gates, including acoustic fencing, the fencing to the shopping centre and the Rufous Street and Rufous Lane and any fencing to the western reserve.

41.11. Details of protection methods to be engaged to protect trees located on the northern and southern boundaries.

41.12. the western boundary of the IGA supermarket development, within that development site.

41.13. Native trees of a minimum bag size of 100L to replace existing trees to be removed from the site, at the rate of 1 replacement tree for every tree removed that has a diameter greater than 200mm measured at 1.2 metres from ground surface level.

42. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

43. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

Bushfire

44. All works must be carried out in accordance with a Bushfire Management Plan

prepared by a qualified person* and endorsed through an Operational Works approval which includes:

- 44.1. Details in accordance with the Final Negotiated Agreement for Bushfire, dated 18 October 2018, for Appeal 4066 of 2017 including:
 - i. Amended drawings demonstrating functional bitumen or concrete one-way 4.0 metre wide access for motor vehicles between the western boundary of the IGA site and the eastern landscape edge of the Visitor accommodation Type 4 motel building to Sandpiper Court generally in accordance with Annexure A to the agreement.
 - ii. Motel Emergency and Evacuation Plan including a Bushfire Preparedness Manual prepared for the annual use of the Body Corporate. This manual must include an evacuation plan that has a training schedule when any fire season reaches "extreme" and a requirement that in the event of a bushfire the motel carpark will be locked preventing guests evacuating by vehicle.
 - iii. Landholder Information Kit for residential dwellings, which detail landscape treatments, safe egress routes and general bushfire safety
- 44.2. Pedestrian emergency access out to the north.
- 44.3. Provision of 4 Fire hydrants will be provided along the western access edge. These must have both urban and rural fittings suitable for Fire Brigades.
- 44.4. Provision of information regarding the functionality of the Bushfire Management Plan, if the development is staged.
45. A copy of the Bushfire Management Plan for the development must be provided to the nearest fire authority.
46. Certification must be submitted to Council from a qualified person* prior to commencement of the use which certifies that the development has been constructed in accordance with the bushfire management conditions of this Decision Notice.

*(Refer to Advisory Note)

Environmental Management Plan

47. An Environmental Management Plan (EMP) for the Site shall be prepared and implemented by persons holding appropriate environmental qualifications and proven expertise in the preparation and implementation of EMPs, to ensure that the impact on the environment of the construction and operation of the Development is minimised, the Environmental Values of the Site are protected and enhanced and the Development is ecologically sustainable.
48. The EMP shall be cognisant of the following:-
 - 48.1. The EMP shall demonstrate a high level of environmental care and responsibility and be consistent with best practice for developments of this type in similar environments.
 - 48.2. The EMP shall detail the Developer's environmental policy and the proposed environmental management system for the Site.
 - 48.3. The EMP shall specify:
 - i. the performance targets, including those derived from the Conditions and other requirements arising from legislation and other approvals;
 - ii. how the performance targets are to be achieved;
 - iii. who is responsible;
 - iv. when the performance targets will be satisfied;
 - v. how performance will be monitored;

- vi. corrective actions and contingency measures;
 - vii. reporting arrangements;
 - viii. auditing arrangements;
 - ix. how the requirements are to be incorporated into construction and works contracts;
 - x. how the Developer's employees, contractors and the contractor's employees will be informed and trained with respect to the environmental protection requirements; and
 - xi. enforcement and penalties for non-compliance.
- 48.4. In particular, but without limitation, the EMP shall address the following issues in relation to the construction phase:
- i. legislative compliance;
 - ii. soil erosion and sediment control;
 - iii. vegetation protection;
 - iv. fauna and fauna habitat protection;
 - v. weed and pest control;
 - vi. water quality protection;
 - vii. ground water protection;
 - viii. air quality protection;
 - ix. storage and handling of hazardous substances;
 - x. noise and vibration management;
 - xi. waste management;
 - xii. cultural heritage management;
 - xiii. visual amenity protection;
- 48.5. In particular, but without limitation, the EMP shall address the following issues in relation to the operational phase:
- i. legislative compliance;
 - ii. water conservation;
 - iii. water quality protection;
 - iv. maintenance of Stormwater Quality Improvement Devices
 - v. vegetation protection;
 - vi. fauna protection;
 - vii. bushfire control;
 - viii. weed and pest control;
 - ix. biting insects management
 - x. waste management.
49. The EMP shall be submitted to Council prior to or in conjunction with the lodgement of any development applications for Operational Works for the Site. Operational Works approval shall not be granted until the EMP is approved by the Manager Development Assessment. The Developer shall comply with the requirements of the EMP.
- Building Demolition/Removal/Relocation**
50. Where the development involves the removal, relocation or demolition of a building, a Waste Management Plan (construction and demolition) shall be submitted and approved by Council's Environmental Health Officer prior to issue of a development permit for operational works for demolition, removal or relocation of any building other than a shed.

The purpose of the Waste Management Plan is to facilitate the segregation of waste for the effective reuse and recycling of such materials. Segregated wastes attract significantly reduced disposal fees at the landfill with some items free. Higher gate fees are charged for mixed waste.

Waste Management Plans (construction and demolition) are required to be submitted in accordance with *Planning Scheme Policy 11, Waste Management Plans*.

Waste storage areas are to provide for adequate separation of all reusable, recyclable and waste materials. These shall be located so that they are convenient and safe to use.

The Plan shall contain the following information:

- a. The site area for the storage and separation of waste is to be shown on the plan drawings accompanying the application
- b. A waste management table as indicated below is to be completed showing how waste material is to be segregated - recycled – reused or disposed.
- c. Table – Waste Management Table

MATERIALS ON-SITE		DESTINATION		
		Re-use and Recycling		Disposal
Expected waste materials	Estimated volume(m ³)	On-site *specify proposed re-use or on-site recycling methods	Off-site *specify contractor and recycling outlet	*specify contractor and landfill site or other disposal site
Excavation material				
Green waste				
Bricks				
Concrete				
Timber-please specify				
Plasterboard				
Metals - please specify				
Asbestos				
Other - please specify				

Note * If a demolition contractor is undertaking works, then the Waste Management table is to be completed by the demolition contractor.

Waste Storage

- 51. The developer must provide waste storage and disposal facilities in accordance with *Planning Scheme Policy 9, Waste Management*, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
- 52. A bin wash area is required 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 0.7m²). Alternatively, the waste area can be roofed, or any other appropriate design approved by Council.

Noise

- 53. Upgraded building envelope constructions and the provision of mechanical ventilation/air conditioning which achieves the ventilation requirements of the Building Code of Australia, in accordance with the Second Joint Report of Experts in Noise (30 May 2018) for Planning and Environment Court Appeal 4066 of 2017, including:

- i. the facades of the Visitor accommodation Type 4 motel building facing towards the IGA building and IGA carparking area;
 - ii. the facades of the Visitor accommodation Type 4 dwelling units facing towards the IGA building; and
 - iii. the facades of the Visitor accommodation Type 4 dwelling units facing towards the hotel building, drive-through access road and drive-through bottleshop, and carparking areas.
54. Prior to the commencement of use written certification is required from a suitably qualified person confirming that upgrades to the building facades and provision of mechanical ventilation/air conditioning comply with the recommendations of the Second Joint Report of Experts in Noise (30 May 2018) for Planning and Environment Court Appeal 4066 of 2017.
55. Prior to the commencement of any use or sealing of Plan of Survey, whichever occurs first, an acoustic screen must be constructed around the IGA rooftop mechanical plant to a height of 3.0 metres above the roof level plant deck, as shown on Figure 4 and described in Section 4.6 of the Second Joint Report of Experts in Noise (30 May 2018) for Planning and Environment Court Appeal 4066 of 2017.
56. Prior to the commencement of use of the Visitor accommodation Type 4 dwelling units an acoustic barrier along the common boundary of the development site with the Peregrin Beach Hotel must be constructed. The barrier shall be constructed of materials to achieve a minimum surface density 12.5 kg/m² and a height 2.5 metres above the hotel pavement level along the boundary of the site and adjacent to the hotel drive-through lane and carparking areas, as shown on Figure 4 and described in Section 4.8 of the Second Joint Report of Experts in Noise (30 May 2018) for Planning and Environment Court Appeal 4066 of 2017.
57. Written certification is required from a suitably qualified person confirming that sound pressure levels from all mechanical plant and equipment within the development site comply with the following when measured at the façade of any habitable room or formal outdoor area of the Visitor accommodation Type 4 motel building or the Visitor accommodation Type 4 dwelling units. Noise levels to be measured as LAeq adj 15min where adjustments refer to tonality or impulsivity, in accordance with the most recent edition of the Queensland Noise Measurement Manual:
- a. Air-conditioning and Refrigeration
 - i. 7am to 10pm: Maximum level allowable = background + 5dB(A)
 - ii. 10pm to 7am: Maximum level allowable = background + 3dB(A)
 - b. Pumps
 - i. 7am to 7pm: Maximum level allowable = background + 5dB(A)
 - ii. 7pm to 10pm: Maximum level allowable = background + 3dB(A)
 - iii. 10pm to 7am: No audible noise.

The certification must be submitted to Council prior to commencement of the use, which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.

58. Written certification is required from a suitably qualified person confirming that sound pressure levels from all mechanical plant and equipment from the existing IGA shopping centre comply with the following when measured at the boundary of the newly created lot. Noise levels to be measured as LAeq adj 15min where adjustments refer to tonality or impulsivity, in accordance with the most recent edition of the Queensland Noise Measurement Manual:

- a. Air-conditioning and Refrigeration
 - i. 7am to 10pm: Maximum level allowable = background + 5dB(A)
 - ii. 10pm to 7am: Maximum level allowable = background + 3dB(A)
- b. Pumps
 - i. 7am to 7pm: Maximum level allowable = background + 5dB(A)
 - ii. 7pm to 10pm: Maximum level allowable = background + 3dB(A)
 - iii. 10pm to 7am: No audible noise.

The certification must be submitted to Council, which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice. The certification must be provided prior to sealing of the plan of survey or commencement of use of the Visitor accommodation Type 4 motel building, whichever occurs first.

59. When requested by Noosa Council, a Noise Impact Assessment Report (NIAR) showing monitoring and recording of noise levels must be undertaken to investigate any non-vexatious complaint caused by noise emissions from operations at the premises. Such monitoring must be undertaken and completed within a reasonable and practicable timeframe as nominated by council and be performed by a suitably qualified and experienced person.
60. The NIAR is to be submitted to Council detailing the results of such monitoring and recommendations for any measures to achieve compliance with noise emission limits set out in Conditions 57 and 58

RECONFIGURATION OF A LOT

Approved Plans

61. Development undertaken in accordance with this approval must generally comply with the approved plan listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
7254 prop sub	C	Proposed Subdivision Plan	28 February 2019

62. An underground connection to reticulated water and sewerage must be provided to each lot in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
63. A Certificate of Completion from the Northern SEQ Distributor–Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage has been provided to each lot.
64. Prior to sealing of the plan of survey the following works must be completed to the reasonable satisfaction of Council:
 - a. The required noise attenuation works to the existing IGA building.
 - b. All driveway accesses to each lot.
 - c. All pedestrian pathways.
65. Any future subdivision of the Visitor accommodation – Type 4 development within Stage 2 on the approved plans must be a community title scheme building format plan with:
 - a. the twenty (20) separate lots in the format plan being defined by the footprint of each dwelling unit building;
 - b. the balance area of that part of the subject land being included in relevant common property; and

- c. the curtilage of each of the particular dwelling units being allocated to that dwelling unit as exclusive use area.

Easements

66. Easement for the purposes of:
 - i. All stormwater quality treatment devices;
 - ii. Bushfire access;
 - iii. Pedestrian access from the motel (lot 2) to connect to the IGA Shopping Centre through lot 3; and
 - iv. Driveway vehicle access to each lot,must be registered against the titles of the properties in favour of the relevant authority and/or property over the land area on the subject site .
67. 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.
68. 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.

Electricity and Telecommunication Services

69. Reticulated electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
70. 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.
71. 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.

3 MEETING CLOSURE

The meeting closed at 11.21am.